

Congress of the United States
Washington, DC 20515

December 12, 2018

The Honorable Paul Ryan
Speaker of the House
H-232 The Capitol
Washington D.C. 20515

The Honorable Nancy Pelosi
Democratic Leader
H-204, US Capitol
Washington, DC 20515

Dear Speaker Ryan and Leader Pelosi:

With renewed potential for Congress to consider and pass a criminal justice reform measure before the end of this year, we urge you to help us rebuild integrity in our criminal justice system and restore faith in the operation of that system by ensuring any final measure includes a ban on the use of private prisons.

As authors of legislation banning the federal use of private prisons, we are dismayed that this common-sense step to prevent the natural conflict created by an industry that profits from more prisoners and longer sentences has thus far been left off the table as we debate comprehensive changes to our criminal justice system. The use of private prisons erodes the public's faith in the integrity of American sentencing policy, leaving them to wonder if the impetus for lengthy mandatory minimums, or forcibly detaining immigrant children, is an evidence-based solution, or just submission to the will of private companies profiting from those incidences of imprisonment.

In 2014, common sense changes in sentencing policy led to a modest reduction in the overall federal prison population, which led President Barack Obama's Justice Department to phase out the federal use of for-profit prisons. Unfortunately, just days following President Trump's inauguration in 2017, Attorney General Jeff Sessions announced a reversal of this policy, urging the Bureau of Prisons to continue to rely on private companies to carry out justice.

Despite varying definitions of criminal justice reform, bipartisan Congressional support and overwhelming public support for reducing mass incarceration and improving the process of criminal justice has grown in recent years. These calls seek a system that administers justice fairly, that focuses on removing dangerous individuals without placing endless hurdles for those who've simply made mistakes, and that ensures those who've served time have the ability to return to us as productive members of society. Each of these fundamental aims are blatantly inconsistent with a system that creates a profit-based motive for incarceration.

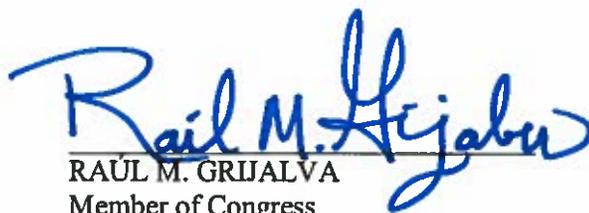
You can't incentivize reform if you incentivize an industry that is counter-productive to reform and by extension necessitates the continued use of mandatory minimums and other harsh sentencing policy.

Private prison companies and their executives readily admit that their business model depends on locking up more and more people. In its Annual report, Corrections Corporation of America wrote, "our growth is generally dependent upon our ability to obtain new contracts to develop and manage new correctional and detention facilities. This possible growth depends on a number of factors we cannot control, including crime rates and sentencing patterns in various jurisdictions and acceptance of privatization. The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws."

If this body is to consider a criminal justice reform bill, it must focus on ensuring sentences are fair. It must seek to remove bias. It must find ways to better rehabilitate prisoners and prepare them for society – keeping them closer to their families and training them for jobs when they've finished their sentences. It must find ways to remove the stigma and bias that follow the formerly incarcerated after they have served their time. We ask you to ensure that we vote on a criminal justice reform bill that truly delivers on the promise of reform — and for it to do that and all of the above, it must ban for-profit prisons.

Sincerely,


BONNIE WATSON COLEMAN
Member of Congress


RAÚL M. GRIJALVA
Member of Congress