

Major players:

1. Private prison corporations

- More than 80% of private prison profits come from government contracts, which pay companies on average \$122/person/day; prison companies have profit-motive such that longer sentences + more inmates = more \$
- Immigrant detention has been the fastest growing sector for private correctional services over the past decade, with their share of immigrant detention centers rising from 49% in 2009 to 73% today
- The birth of the modern private prison industry was in 1983, when Corrections Corporation of America was co-founded by 3 people (Tom Beasley, T. Don Hutto, and Doctor Crants) According to Beasley, the company was founded on the principle that you could sell prisons “just like you were selling cars, or real estate, or hamburgers.”
- In 2015, the two largest private prison companies, CoreCivic (formerly Corrections Corp of America) and GEO Group (GEO) brought in a combined \$3.6 billion in revenue each year and together they control 150,000+ prison beds. The more bodies behind bars, the better their bottom lines
- Prison companies are diversifying their business, rapidly acquiring re-entry, mental health, and electronic monitoring corporations. Privatization in these areas has been called the “Treatment Industrial Complex”
- In 2013, GEO Group and CCA converted to Real Estate Investment Trust (REIT tax status), a tax loophole from Congress that saves them tens of millions in tax breaks
- Between 2013 to 2015, GEO and CCA spent \$5.3 million dollars on campaign contributions and lobbying the federal government. This does not account for their spending at the state and local level.
- Both corporations employ a revolving door strategy, hiring lobbyists that have previously worked for the federal government: in just 2013-2014, 11 out of GEO’s 14 federal lobbyists and 30 out of CCA’s 39 federal lobbyists were former government staffers.
- In many cases, the revolving door greases the wheels for prison corporations to win contracts on favorable terms. One well-documented example is the case of Harley Lappin, Bureau of Prisons Director who one month after retirement, became Chief Correctional Officer for CCA. Last year, Lappin took home over \$1.6 million in compensation

2. Obama & Federal Politicians

- Obama has deported more than 2.5+ million people during his administration.
- Now, we have Donald Trump who wants to:

- “end catch-and-release”
 - Enact deportation forces
 - End sanctuary cities
 - End executive actions (ie DACA)
- Congress will now be majority republican in both chambers
- Politicians and their corporate backers have pushed neoliberal economic policies, including the North American Free Trade Agreement (NAFTA), the Central American Free Trade Agreement (CAFTA), and supported Central American wars, political coups of progressive leaders, and expanded detention and militarization of immigration enforcement. Since the 1980s, politicians have waged the war on drugs, leading to mass incarceration of people of color, and a growth in drug cartels.
- Despite an enormous pro-immigrant movement, since 1986, we have not had a comprehensive immigration reform, in part because of the power of the private prison lobby. When proposals have been discussed, they have included more criminalization of communities of color, and militarization of the border, which ensures more profit for private prisons.
- In 2009 the chairman of the Appropriations Subcommittee on Homeland Security inserted the following language into the DHS Appropriations Act of 2010. Under the ICE budget: “FUNDING MADE AVAILABLE UNDER THIS HEADING SHALL MAINTAIN A LEVEL OF NOT LESS THAN 33,400 DETENTION BEDS”. ICE has interpreted this as a mandate to contract for and fill 34,400 detention beds on a daily basis. We know this as the Detention Bed Quota or Bed Mandate.
- No other law enforcement agency operates under a detention quota mandated by congress. So why is the happening? Because CCA and GEO have spent millions lobbying on immigration and specifically to the Appropriations Subcommittee that maintains this mandate. It is no coincidence that out of the 10 largest immigrant detention centers, CCA and GEO control 8 of them. It is not a coincidence that GEO and CCA control a combined 73% of all ICE detention beds in this country. Detention is up and so are their profits. It didn’t just happen. They played a very critical role.

3. Immigration and Customs Enforcement

- Contract with or are considered “customers” of GEO and CCA largely to lock up immigrants.
- 200+ facilities across the country
- Current #s of detention hovering about 41,000 and there’s an expected expansion. ICE is currently seeking more contracts with local jails and even old (BOP) facilities that had previously been shut down due to conditions.
- 165 deaths in ICE custody since October 2003

- Enforcement programs: PEP, CAP – data sharing between local police and ICE
- **Department of Homeland Security (DHS):** Created in 2001, consolidates immigration enforcement & national security as part of the “war on terror” in same branch; demonizes immigrants and criminalizes in national consciousness.
- When the Department of Homeland Security was created in 2003, CCA and GEO turned their attention to the new “market” of immigrants. With the formation of DHS, the Immigration and Naturalization Service became the Immigration and Customs Enforcement agency, and CCA and GEO immediately doubled the amount they spent on lobbying the federal government. From \$1.5 million in 2002, to over \$3 million the next year.

4. Local governments/elected officials

- Guaranteed minimums require ICE to pay contractors for a minimum number of detention beds regardless of how many people are detained. This means that contractors receive a set payment for a minimum number of detention beds even if some of the detention beds are empty. Because ICE does not want to appear wasteful or inefficient with the number of beds it must pay for, these contractual provisions create an incentive to detain as many people as possible in facilities with guaranteed minimums. These guaranteed minimums essentially function as a local lockup quota.
- When Banking on Detention was initially published in 2015, available information indicated that local lockup quotas existed exclusively in contracts with private entities that either operated detention facilities or provided detention-related services. **New information reveals that there are a small number of guaranteed minimums in public contracts as well.**
- 9 contracts with guaranteed minimums are Intergovernmental Service Agreements (IGSAs). This could become a more common trend, especially with expansion of detention numbers.
- Local elected officials use jobs as pretext to support detention centers in their areas.
- There is also often collusion between local governments and federal. For example, in 2010, ICE planned to close the Etowah County Detention Center (ECDC) in Gadsden, Alabama, because of the facility’s poor conditions and because its remote location made it difficult for detained immigrants to obtain legal counsel or stay connected with their families and communities. However, arguing that the facility was an important part of the local economy, Representative Robert Aderholt (R-AL), Senator Richard Shelby (R-AL), and other members of Congress pressured ICE into keeping the facility open by threatening DHS’s budget.

5. Expanding Police State

- Law enforcement collaboration with ICE through programs like 287g agreements, Secure Communities, PEP, and ICE holds have deputized local police and sheriffs' departments as the front lines enforcers of immigration policy.
- Even where formal agreements are not in place, or where we have beat them back, entrenched racial profiling and a "law and order" attitude related to immigrants means that local law enforcement are most often the entry point to the immigration system
- Communities of color and immigrant communities increasingly mistrust and are afraid of law enforcement, leading to restriction in daily activities, and often lack of protection when we do need help
- There has been increased awareness of police brutality and abuse of power, murders of people of color by police
- Police are increasingly experienced as an occupying force in communities of color, but there is a lack of alternatives to the police
- Growing privatization and militarization of local police technology, access to tanks, body armor, grenades, and other decommissioned military equipment.
- Privatization of local jails and jail services (healthcare, commissary, food, visiting)

6. Courts/criminal justice legal system

- Operation Streamline: People crossing the border used to be handled in civil immigration courts, but now, every day in federal criminal courts along the Southwest border, hundreds of mostly destitute Latino and indigenous Latin American migrants are shackled, charged, convicted and sentenced en masse under "Operation Streamline."
- Before 1994, just over 5% of federal prosecutions were related to immigration; now, immigration prosecutions are one of the top two prosecuted offenses, with illegal re-entry garnering a possible 20-year prison sentence. Grassroots Leadership and Justice Strategies found that since 2005, "nearly three quarters of a million people, have been prosecuted in our federal courts for the crime of improper migration: 412,240 for improper entry and 317,916 for re-entry.
- Streamline funnels tens of thousands of immigrants into federal prisons controlled by private prison companies every year. "Criminal Alien Requirement" prisons, which incarcerate immigrants doing time for criminal convictions (often immigration-related convictions) are entirely privatized. (These CAR prisons are the primary facilities the BOP pledged to close in August)
- People in immigration proceedings are not guaranteed access to an attorney. A legal team of pro-bono attorneys who descended upon the now-shuttered family detention facility in Artesia, NM found that people who had access to an attorney saw their chance of obtaining political asylum go from x% to x%

- CCA and GEO participated in the Public Safety and Elections Task Force of the American Legislative Exchange Council (ALEC), which advanced laws throughout the 1990s that increased the time served for drug convictions and other crimes: mandatory minimum sentencing, three strikes laws, and truth in sentencing laws. These sentencing laws have been disproportionately applied to people of color and is largely responsible for creating the current crisis where 160,000 people—or one out of every nine prisoners—are serving life sentences.

7. International Financial Institutions

- 29 major Wall Street banks and Financial Institutions own nearly all of CCA and GEO group, which are both publicly traded.
- As major investors in private prisons, financial institutions and their clients benefit when incarceration grows, and stand to lose lots of money when laws are reformed to reduce the number of people in prison and immigrant detention
- Major banks lend billions of dollars to prison corporations, which allows them to lobby politicians, build new prisons and detention facilities, acquire new companies, and expand into new areas of state control (ankle monitoring, residential re-entry, family detention). GEO Group relied on loans to finance the acquisition of eight of the nine companies purchased since 2005. Since 2013, CCA has acquired three companies, with two of the acquisitions being financed with debt.
- **Bank of America, JPMorgan Chase, PNB Paribas, SunTrust, U.S. Bancorp, and Wells Fargo** stand out as playing especially large roles in CCA's and GEO Group's debts. These six banks have extended larger lines of credit, given larger term loans, and underwritten more bonds than did other banks.
- Bank of America, JP Morgan Chase, and Wells Fargo are both lenders and institutional investors. When prison corporations are successful at securing government contracts, these banks reap rewards as both lenders and investors.
- Divestment from these financial services companies because they support CCA and GEO will force these companies to change their investment and lending practices if they want to continue making a profit. With enough public pressure, these 29 major investors will divest or create portfolio screens shielding their investments from making their way to CCA and GEO, and will stop their lending to prison expansion. Once deprived of the financial support of their investors, CCA and GEO will lose capital and with it, their ability to lobby for stricter punishments, anti-immigration laws, and more contracts.