Private Prisons: Criminalizing and Caging Communities of Color

Prisons do not disappear problems, they disappear human beings. And the practice of disappearing vast numbers of people from poor, immigrant, and racially marginalized communities has literally become big business.

– Angela Y. Davis, "Masked Racism" (1998)

Fed by the drug war, the war on terror, and immigration enforcement, America’s prison state has ballooned to “disappear” 2.5 million problem peoples into cages. While the criminalization and incarceration of communities of color is built upon legacies of genocide and colonialism, it is also lobbied for by a newer class of profiteers. For-profit prison companies GEO Group (GEO) and Corrections Corporation of America (CCA) are successfully lobbying for policies that cage Black, Brown and Asian bodies behind bars. With the financial assistance of their major investors, CCA and GEO will continue to lobby for policies that fuel mass incarceration of people of color and the mass detention of immigrants.

Fueling the Drug War & Longer Sentences

In the 1990s, the private prison industry and its major investors successfully lobbied for policies that resulted in the mass incarceration of people of color. As participants in the Public Safety and Elections Task Force of the American Legislative Exchange Council (ALEC), CCA and GEO (formerly Wackenhut Corrections Corporation) advanced laws that increased the time served for drug convictions and other non-violent crimes: mandatory minimum sentencing, three-strikes laws, and truth-in-sentencing laws. These sentencing laws have been disproportionately applied to people of color. While CCA and GEO have been pushed out of ALEC and the Task Force has been disbanded, the two-decades reign of mandatory sentencing is largely responsible for creating the current crisis where 160,000 people—or one out of every nine prisoners—are serving life sentences. Thirty-seven percent of three-strikes prosecutions are African-Americans and 33 percent are Latinos. These policies mean that there are now more Black people under correctional control — in prison or jail, on probation or parole — than were enslaved in 1850.

ALEC was behind the state Voter ID laws which disenfranchised thousands of voters of color and immigrant voters and the stand your ground laws that let Trayvon Martin’s murderer go free but criminalized Black domestic violence survivor Marissa Alexander. The powerful corporate influence on politicians to create disenfranchised, murdered, and enslaved communities of color allows private prisons to grow to capture and cage new criminalized peoples.

3 Erwin Chemerinsky, John Jay College of Criminal Justice’s Center on Media, Crime and Justice Symposium, 2011.
Caging Immigrants
Immigration enforcement has been a centerpiece of CCA and GEO’s business and lobbying efforts since the creation of the Department of Homeland Security in 2002. Since 2002, prison companies have spent over $34 million on lobbying the federal government, and $14 million on campaign contributions.\(^5\) Their investments have paid off. The U.S. now has a detention capacity of 34,000 beds—20,000 of which are privately operated—and a legislated mandate that those beds be filled each night.\(^6\) U.S. detention policy has its roots in the anti-Asian racism of the 1882 Chinese Exclusion Act, and is now steered by CCA and GEO.

ICE now spends $2 billion a year detaining over 400,000 immigrants a year in more than 250 jails and detention centers, and uses GEO subsidiary BI Incorporated to electronically monitor immigrants. More than 40,000 immigrants were monitored by GEO electronic shackles in 2013.\(^7\) The majority of those detained and on GEO ankle bracelets are Latinos. Black immigrants are detained at rates disproportionate to their population size.

Creating Crimes: Criminal Prosecution of Immigrants
CCA and GEO have also promoted and immensely profited from the criminalization of immigrants. Today, half of the people sentenced to federal prison are Latino. Most of these Latino inmates are convicted of non-violent immigration-related crimes, such as illegal entry, a misdemeanor, and illegal re-entry, which is a felony punishable by up to ten years in federal prison. In 2011, illegal re-entry became the top criminal charge brought by federal prosecutors and accounted for a quarter of all criminal prosecutions filed. In the month of February 2015 alone, there were 5669 new immigration convictions. 96% of those convictions were for illegal entry or illegal re-entry.\(^8\)

Private Prison Divestment Campaign
Private prisons and their powerful lobbyists and investors threaten our democratic process, promote and profit off the disproportionate incarceration and detention of people of color, and soak up tax dollars that might otherwise go towards socially beneficial programs. The GEO Group, the second largest private prison company in America, is not the reason for all of society’s ills, but targeting them allows us to deepen our financial, political and social analysis of the criminalization of immigrants and communities of color. Divestment allows us the space to break open and reimagine the narrative around criminalization that—though it targets communities differently, creates a common pain and trauma—and to collectively demand reinvestment and reparations for communities of color and immigrants. To build a new and just system, we must be unified, organized, and work together to destroy all cages. Divestment and reinvestment provide us the frame to dismiss false solutions. We can shift power to impacted people.

\(^5\) Associated Press, Private prison companies making big bucks on locking up undocumented immigrants, Aug. 2012; Center for Responsive Politics data.

\(^6\) Grassroots Leadership, Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota, April 2015.

\(^7\) Intensive Supervision Appearance Program II: Contract Year 2013 Annual Report (BI Incorp. 2013).

\(^8\) TRAC Immigration Convictions for February 2015, http://trac.syr.edu/tracreports/bulletins/immigration/monthlyfeb15/gui/