



March 1, 2012

SENT VIA FAX AND EMAIL

Governor Robert Bentley
State Capitol N-104
600 Dexter Avenue
Montgomery, AL 36130-2751

Dear Governor Bentley:

As the leadership of the Presbyterian Health, Education and Welfare Association (PHEWA), a ministry of the Presbyterian Church (U.S.A.), as well as PHEWA's Criminal Justice Network, we write in reference to a letter recently sent to your office by the Corrections Corporation of America (CCA), the nation's largest for-profit prison firm, in which CCA introduced its "corrections investment initiative."

As part of this initiative, CCA indicated it has made \$250 million available to purchase and then operate state-owned correctional facilities under minimum 20-year contracts with a guarantee of 90% occupancy, among other requirements.

We are contacting you to express our opposition to both this initiative and to the more general concept of contracting with private companies for the purpose of incarcerating people as a means of generating corporate profit.

We initially want to address prison privatization from a moral and faith-based perspective. In 2003, the General Assembly of the Presbyterian Church (U.S.A.) approved a resolution calling for the abolishment of private prisons. Specifically, that resolution found:

Since the goal of for-profit private prisons is earning a profit for their shareholders, there is a basic and fundamental conflict with the concept of rehabilitation as the ultimate goal of the prison system. We believe that this is a glaring and significant flaw in our justice system and that for-profit private prisons should be abolished.

The question of whether human beings should be incarcerated, of how they should be treated while in prison, of when they will be released, can not be answered by whether or not these steps will create profit for a corporation. In a humane society, in a democratic society, there are some things that can never be for sale, even and especially when they involve 'one of the least of these followers of mine.'

PAA PACT PAN PADVN PARO PASPM PCAN PDC PHN PSMIN

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CCA and other private prison companies generate income through contracts that are based on per diem rates. That is, the more people they incarcerate for longer periods of time, the greater their revenue. This creates a disincentive for private prison companies to support criminal justice reform efforts, as more sensible sentencing policies and alternatives to incarceration reduce the number of people who are incarcerated and thus pose a threat to their corporate profit margins.

In fact, CCA has explicitly acknowledged this:

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. – CCA Annual Report, 2010

Our criminal justice system embodies several important principles that mirror the teachings of our faith communities: mercy, forgiveness, redemption and reconciliation. Such principles are largely absent from the private prison industry, which has a single overriding goal: generating profit. In short, we believe that privatizing prisons – and thus privatizing and commodifying people in prison – is morally wrong from a faith perspective. There is no place in a society that values justice and believes in personal redemption for private companies that profit by keeping people behind bars. We believe that privatized prisons are inherently wrong, a violation of the social compact and contrary to the fundamental moral framework of our faith communities.

The Presbyterian Church (U.S.A.) is not alone in this assessment. Other denominations that have considered this issue have come to similar conclusions and have issued resolutions or statements against prison privatization, including the United Methodist Church, the Catholic Bishops and the Southern Catholic Bishops, and the Episcopal Diocese of Newark.

We realize, however, that not everyone will agree that incarcerating people for corporate profit is immoral or wrong. Thus, we will briefly address some applicable public policy issues.

Incarceration of people who have committed crimes is an essential public safety function of our government, and the deprivation of freedom through incarceration is reserved to the government, not to private citizens. We submit that incarceration should not be delegated to private, for-profit companies, just as policing is not contracted out to the private sector. Private prison companies are accountable to their shareholders whereas public prisons are accountable to the public.

In its letter to your office, CCA touted its recent purchase of the Lake Erie Correctional Facility in Ohio – the first time a state prison has been sold to a private prison company. That acquisition by CCA was finalized in January 2012. However, rather than waiting to evaluate the long-term consequences of selling a state prison to the private sector, CCA immediately sent letters to your office and 47 other governors, asking them to participate in its “investment initiative” when the long-term results of same are unknown and unproven. The fact that CCA is requesting 20-year contracts with minimum 90% occupancy is troubling, as it would lock states into such contracts even if their prison populations decline and privately-run prisons are no longer needed.

CCA further cited “estimated” cost savings at Lake Erie, but since that prison was only recently acquired by the company, such savings (if any) have not been shown. In fact, a 2010 report by the State Auditor in Arizona concluded that private prisons actually cost more to operate in that state when all relevant factors were taken into consideration.

Regardless, as noted in the General Assembly’s 2003 resolution, “Even if for-profit private prisons could achieve significant cost savings to the taxpayer, which in fact they have not been able to do, they would still be morally unacceptable.” Something that is immoral is still wrong even if it saves money – which includes CCA’s offer of 250 million pieces of silver.

Based upon the forgoing we urge you to repudiate CCA’s offer to participate in its “corrections investment initiative,” and to reject prison privatization in your state. Thank you for your time and attention in this regard, and please feel free to contact us for additional information.

Respectfully,

PHEWA Executive Committee:

Rev. Dr. Bebb Wheeler Stone, President
Rev. John Scotland, Vice President
Rev. Robert Schminkey, Secretary
Rev. Douglas Mitchell, Treasurer
Rev. Dr. Robert L. Brashear, At Large

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