

April 25, 2014

Organizations Submitting Testimony:

AFL-CIO
American Civil Liberties Union
American Gateways
American Immigration Lawyers Association
Americans for Immigrant Justice
Asian Americans Advancing Justice-Chicago
Asian Americans Advancing Justice-Los Angeles
Black Alliance for Just Immigration (BAJI)
Coalición de Derechos Humanos
Coalition for Humane Immigrant Rights of Los Angeles
Conference of Major Superiors of Men
Detention Watch Network
DRUM - South Asian Organizing Center
Enlace
Families for Freedom
Friends Committee on National Legislation
Georgia Detention Watch
Grassroots Leadership
Human Rights Defense Center
Illinois Coalition for Immigrant and Refugee Rights
In The Public Interest
International CURE
Justice Policy Institute
Justice Strategies
Maryknoll Office for Global Concerns
National Advocacy Center of the Sisters of the Good Shepherd
National African American Drug Policy Coalition, Inc.
National Center for Transgender Equality
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project of the NLG
New Sanctuary Coalition
Picture Projects/360degrees.org
Presbyterian Church (U.S.A.)
Private Corrections Institute
Private Corrections Working Group
Reformed Church of Highland Park (NJ)
Sisters of Mercy of the Americas - Institute Justice Team
Southern Center for Human Rights
Texas Civil Rights Project
The Sentencing Project
Transgender Law Center
United Methodist Church, General Board of Church and Society
Wilco Justice Alliance (Williamson County, TX)

Testimony Addressed to:

The Honorable Barbara Mikulski, Chair
The Honorable Patrick J. Leahy
The Honorable Dianne Feinstein
The Honorable Jack Reed
The Honorable Mark Pryor
The Honorable Mary L. Landrieu
The Honorable Jeanne Shaheen
The Honorable Jeff Merkley
The Honorable Chris Coons

The Honorable Richard C. Shelby, Ranking Member
The Honorable Mitch McConnell
The Honorable Lamar Alexander
The Honorable Susan Collins
The Honorable Lisa Murkowski
The Honorable Lindsey Graham
The Honorable Mark Kirk
The Honorable John Boozman

Subcommittee on Commerce, Justice
Science, and Related Agencies
Senate Committee on Appropriations
SD-142, Dirksen Senate Office Building
Washington, DC 20515

Re: Do not appropriate funds for additional private prison contract beds in the Bureau of Prisons budget

Dear Chairwoman Mikulski, Ranking Member Shelby, and Members of the Subcommittee:

We, the undersigned organizations working to ensure civil liberties and human rights in our communities, urge that you do not appropriate funding for any additional Bureau of Prison “Criminal Alien Requirement” (CAR) contract confinement beds beyond those that now exist.

CAR prisons use taxpayer funds to incarcerate non-violent, “low security” federal immigrant prisoners, primarily prosecuted for immigration violations through the highly controversial program, “Operation Streamline” and related prosecution programs. These facilities are substandard, privately-owned, privately-operated segregated immigrant prisons. For the reasons set forth below, we call upon you to redirect funding from the wasteful prosecution and incarceration of low-level immigration violations and focus resources instead on correctional programs that will better prepare federal prisoners for constructive lives when they are released from confinement.

The increasing incarceration of immigrants is the direct result of a prosecution program known as “Operation Streamline” and the sharp increase in felony prosecutions for border crossing. Nearly 90,000 people were convicted in federal courts during fiscal year 2013 for crossing the border.¹ Prior to “Operation Streamline,” which launched in 2005, the majority of immigrants apprehended after entering the United States without documentation were processed in the civil immigration system. Now, these migrants are charged with one of two federal crimes – 1) unlawful entry to the U.S. (8 U.S.C. § 1325), usually prosecuted as a misdemeanor with defendants facing a sentence of up to 180 days; or 2) unlawful re-entry after deportation (8 U.S.C. § 1326), a felony charge carrying a federal prison sentence of up to 20 years.

Once sentenced for § 1326 violations, immigrants are typically segregated from other federal prisoners and sent to CAR facilities, dedicated private prisons for non-citizen immigrants in BOP custody, to serve their time. Unlike federal prisons operated directly by the BOP, CAR prisons are operated under contract with multi-billion dollar for-profit prison companies, including Corrections Corporation of America (CCA) and the GEO Group. Also unlike BOP facilities, CAR facilities are governed by policies that BOP and its private prison contractors often withhold from the public as “trade secrets” instead of open and transparent to the public. CAR facilities are often located in remote parts of the country, where prisoners are far from lawyers, courts, advocates and family members. Finally, unlike the BOP, the corporations that operate CAR prisons have an incentive to ensure the immigrant prisoner population continues to increase, because every prison bed with a body in it means higher profits.ⁱⁱ

Both federal prosecutions for border crossing and CAR prisons are enormously expensive to maintain at a time when budgets are tight and federal dollars are sparse. The federal government spent an estimated \$5.5 billion incarcerating border-crossers in the federal prison system between 2005 and 2012, and the primary beneficiary of this massive cash flow is the private prison industry.ⁱⁱⁱ Even as the American economy has faltered and businesses across the country have been forced into bankruptcy, the private prison industry is booming. Three companies – GEO Group, Corrections Corporation of America (CCA), and the Management Training Corporation (MTC) – monopolize federal prison contracting. CAR contracts are very lucrative. The CAR contract issued to house up to 3,000 prisoners at the infamous Willacy County Processing Center, the “Tent City” located in Raymondville, Texas, was valued at \$532,318,723 over 10 years.^{iv} MTC won the contract.

The number of undocumented immigrants entering the United States without inspection has been steadily declining for the last several years, largely due to economic conditions in the US and countries of origin. Yet private prison corporations, motivated by their record profit margins, continue to benefit directly from the laws and policies that pull more and more immigrants into the federal prison system, and from federal contracts to build more prisons. Increasing funding for the unprecedented imprisonment of immigrants implicitly sanctions wasteful and abusive prosecution programs for border crossing that are driving the increase in the federal prison population in the first place. It is up to policy makers like you to put a stop to the suffering of immigrant families and wasteful spending which benefits no one except the private prison operators.

For all of the above reasons, we ask that you do not appropriate funding for any additional Bureau of Prison “Criminal Alien Requirement” (CAR) contract confinement beds beyond those that now exist.

Thank you for your attention to this urgent matter. If you have any questions, please contact Alexis Mazón, Researcher with Justice Strategies at alexismazon@justicestrategies.net, (510) 725-4136, or Bob Libal, Executive Director of Grassroots Leadership at blibal@grassrootsleadership.org, (512) 971-0487.

ⁱ Transactional Records Access Clearinghouse, Syracuse University, “Immigration Convictions for 2013,” available at <http://tracfed.syr.edu/>

ⁱⁱ Justice Strategies, “Privately Operated Federal Prisons for Immigrants: Expensive, Unsafe, Unnecessary,” September, 2012, available at <http://www.justicestrategies.org/publications/2012/privately-operated-federal-prisons-immigrants-expensive-unsafe-unnecessary>

ⁱⁱⁱ Grassroots Leadership, “Operation Streamline: Costs and Consequences,” September 2012, available at http://grassrootsleadership.org/sites/default/files/uploads/GRL_Sept2012_Report-final.pdf

^{iv} Jasen Asay, “Private Prison Company Lands Federal Contract,” STANDARD EXAMINER, June 8, 2011, available at <http://www.standard.net/topics/economy/2011/06/07/private-prison-company-lands-federal-contract>