# LOCKED UP & SHIPPED AWAY:

Interstate Prisoner Transfers and the Private Prison Industry





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#### Winter 2016 Update

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Grassroots Leadership is an Austin, Texas-based national organization that works to end prison profiteering and reduce reliance on criminalization and detention through direct action, organizing, research, and public education.

In November 2013, Grassroots Leadership released *Locked Up and Shipped Away: Interstate Prisoner Transfers and the Private Prison Industry*, a groundbreaking report examining states' practice of transferring incarcerated people en masse from their home states to private, for-profit prisons across the United States. This brief is an update on the status of interstate state prisoner transfers to private prisons in the U.S. as of December 2015.



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#### BACKGROUND

n November 2013 there were approximately 10,500 prisoners from four states — Vermont, California, Idaho, and Hawaii — serving time across state lines in private prisons all operated by Corrections Corporation of America (CCA). In every case and with little public scrutiny, state officials pointed to prison overcrowding as justification for sending incarcerated people to out-of-state, for-profit prisons.

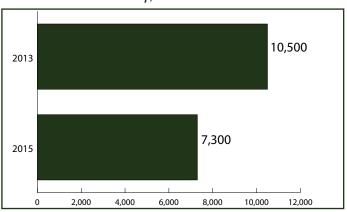
Locked Up and Shipped Away concludes that interstate transfer of prisoners is a regressive and harmful criminal justice policy that allows state leaders to ignore root causes of prison overcrowding and delay critical, long-lasting reform. Shipping prisoners far away severs crucial ties to family and community, which are proven to be instrumental to successful reentry upon release. It also places enormous emotional and financial burdens on the families and loved ones of those shipped away. And, by all accounts, the only group benefiting from these transfers is private prison corporation executives and their shareholders who profit from each bed they fill.

Since the 2013 release of *Locked Up and Shipped Away*, the same four states — Vermont, California, Idaho, and Hawaii — continue to house a portion of their prisoners in private prisons out of state. And, a fifth state, Arkansas has also opted to send prisoners to a private lockup across state lines.

In two years, Vermont and California saw the most significant declines in their out-of-state populations, with Vermont returning nearly half of the prisoners housed out of state and California returning more than 3,000 prisoners. Though Hawaii's out-of-state population declined 19% between November 2013 and December 2015, the director of the Hawaii Department of Public Safety has said the state will need to transfer 248 more prisoners to Arizona in 2016 to make room for facility upgrades. If that transfer occurs, the number of Hawaii prisoners housed in Arizona will return to nearly the same count as in 2013.

In addition to updates from the four states highlighted in the 2013 Locked Up and Shipped Away report, this brief

## Total Number of Prisoners Transferred to Out-of-State Private Prisons Nationally, 2013-2015



also includes new information on a fifth state, Arkansas, which has joined the list of states currently housing prisoners in a private facility across state lines. Three additional states — West Virginia, Washington, and North Dakota — either have considered or are potentially considering shipping prisoners to out-of-state, for-profit prisons.

#### STATE UPDATES

State	Approximate State Prisoner Population Housed in Private Prisons Out-Of-State		Percent Change	Current Private Prison Contractor
	November 2013	December 2015		
Vermont	475	241	-49%	GEO
California	8,267	5,226	-37%	CCA
Idaho	245	173	-15%	CCA
Hawaii	1,700	1,371	-19%	CCA
Arkansas	N/A	336	N/A	Bowie County, TX/ LaSalle Corrections*

Sources for Dec. 2015 out-of-state populations include e-mail communications with Public Information Officers (PIO) from VT, CA, ID, and HI and the CDCR online Weekly Population Report.

<sup>\*</sup> The contract to house AR prisoners at the Bowie County Correctional Facility is an agreement between Bowie County, TX and the Arkansas Department of Corrections. However, the private prison company, LaSalle Corrections, operates the facility.

## VERMONT

Jince the 2013 release of *Locked Up and Shipped Away*, Grassroots Leadership has supported on-the-ground efforts of Vermonters for Criminal Justice Reform (VCJR) to reduce the prison population in order to cut ties with private prisons and bring prisoners home. Today, the statewide petition has over 880 signatures and 37 Vermont groups and organizations have signed on to the campaign.<sup>iv</sup>

In December 2014, Grassroots Leadership released a second, Vermont-focused report, *Locked Up and Shipped Away: Paying the Price for Vermont's Response to Prison Overcrowding*, which examines not only the state's controversial history of sending prisoners out of state, but also notable characteristics of Vermont's prison population, highlighting potential causes of prison overcrowding. It also includes a discussion of the "cost-savings" argument for contracting with a private prison company — in this case, Corrections Corporation of America, and why it is misleading. The report sheds light on both the financial and emotional costs to families of sending Vermonters out of state, including testimony from family members. Additionally, the report includes a section dedicated entirely to the written experiences of men who have previously or are currently serving time in private prisons outside of Vermont, in their own words. Finally, the report highlights the current work to bring prisoners back to Vermont and recommendations for continuing to move forward with progressive criminal justice reform.

In May 2015, upon expiration of the state's contract with CCA in Kentucky, a new contract to house prisoners out of state at the controversial North Lake Correctional Facility in Baldwin, MI was awarded to the GEO Group. According to reports, the Michigan legislature passed a bill in May 2015 that allowed GEO to house maximum security level prisoners (giving GEO more flexibility to fill the Baldwin prison), however, opponents of the bill, abeled the move as risky profiteering and the first step in a hidden privatization agenda for Michigan's corrections facilities.

Owned and operated by GEO Group, "Baldwin" was at the center of several scandals and lawsuits, which left the facility unoccupied for several years. The move from Kentucky to Michigan resulted in a slew of complaints from the Vermont prisoners citing a chaotic transfer that resulted in loss of personal property, smaller cells, no windows, less recreation, significant increase in commissary prices, lack of jobs and programming, and unattended medical concerns.

Today, advocates in Vermont continue to keep this issue at the forefront of criminal justice reform in the state. The number of Vermont prisoners out of state has decreased by nearly 50% from 475 in November 2013 to 241 today. And, with U.S. Senator Bernie Sanders - VT loudly decrying the private, for-profit prison industry on the national stage, there is momentum to garner more support for passing reforms to decrease the state's incarcerated population and to mobilize opposition to the out-of-state program.



In November 2013, there were approximately 8,267 total California prisoners incarcerated in private prisons across state lines. As of midnight on December 30, 2015 that number decreased to 5,226 total California prisoners in CCA-operated private prisons in Arizona and Mississippi, representing a 37% drop in the out-of-state population in two years.<sup>xii</sup>

According to CA Governor Jerry Brown's proposed budget for 2015-16<sup>xiii</sup> and CCA's 2015 second quarter earnings call,<sup>xiv</sup> the state of California expects to reduce the number of out-of-state contract beds by approximately 4,000 by June 2016 and to vacate two of the four out-of-state facilities located in Mississippi and Oklahoma. As of December 2015, the state had already removed all California prisoners from the Oklahoma prison.

In November 2015, CCA stated on their 2015 third quarter earnings call that while the state continues to reduce its utilization of out-of-state beds, the California Department of Corrections and Rehabilitation (CDCR) did renew their out-of-state contract with CCA through June 30, 2019. According to CCA CEO Damon Hininger, "The contract renewal provides for just over 6,500 beds to be made available to California." Currently, the state is only utilizing 5,226.

Meanwhile, Benjamin Garcia, a graduate student in Social Documentation at the University of California at Santa Cruz, produced a short 20-minute documentary titled Out of Sight, Out of Mind, in which California prisoner Anthony Robinson Jr. takes great risks to tell his story from inside a for-profit prison in Mississippi. The film documents the expensive and traumatic practice of shipping state prisoners to out-of-state private prisons, while providing Robinson a platform to "dissect a system that has made him a commodity to be bought and sold." The film can be utilized as an organizing and educational tool to raise consciousness around the destructive impacts of incarceration and prison profiteering.



In May 2013, there were 245 Idaho prisoners housed across state lines at the CCA-run Kit Carson Correctional Center in Burlington, CO. As of the December 30, 2015, the out-of-state population housed at the Colorado CCA prison dipped to 173, representing a 15% decrease from 2013, though the contract allows the state to use up to 750 beds.<sup>xvii</sup>

The state continues to contract with CCA to house prisoners out of state despite a multi-year controversy over allegations of fraud and staffing discrepancies at the CCA-operated Idaho Correctional Center, dubbed the "Gladiator School" based on its history of violence inside.

According to an Idaho Statesman report, after an investigation by the Associated Press uncovered falsified staffing documents, an auditing firm hired by the state's DOC "determined the company left more than 26,000 hours of mandatory guard posts understaffed or inadequately covered during 2012, though CCA disputed those numbers as inflated." Before an official investigation could be completed, Idaho Governor Butch Otter reached a legal settlement with CCA in which the company paid the state \$1 million and Idaho forfeited its right to sue over staffing."

The state has since decided not to renew their contract with CCA at the Idaho Correctional Center and has taken over management of the facility, which has been renamed the Idaho State Correctional Center. However, the state maintains a partnership with the private prison company to house prisoners out of state at the Colorado prison.

The ACLU of Idaho continues to play an active role in pushing for reforms to criminal justice policy, including efforts to reduce prison overcrowding and eliminate the rationale to send Idahoans to for-profit prisons out of state.



In November 2013, approximately 1,700 Hawaii prisoners were housed thousands of miles away at the Saguaro Correctional Center, operated by Corrections Corporation of America, in Eloy, AZ. As of December 30, 2015, the out-of-state population dropped to 1,371, representing a 19% decline from 2013.xix However, according to a media report, the director of the Hawaii Department of Public Safety said the state would need to transfer 248 more prisoners to Arizona in 2016 in order to upgrade deteriorating Hawaii facilities.™ If that transfer occurs, the number of Hawaii prisoners housed in Arizona will be nearly the same as it was in 2013. The Legislature has set aside nearly \$6 million for the transfer.

Meanwhile, Hawaii Governor David Ige hopes to move forward with a plan to partner with a private prison company to build a new prison. The company, which he did not name, would pay for the construction of the prison, and then lease it back to the state. The plan would also allow for the construction of the prison without appropriated funds from the Legislature, however, the State Procurement Office would have to approve the arrangement in order for it to move forward. As of August 2015, the plan is "just an idea at this stage, without a private prison partner, a timetable or approvals."xxi

Kat Brady, coordinator of the Community Alliance on Prisons, remains a voice of opposition to prison expansion in Hawaii. According to Brady, "They're spending (the money) to build capacity — without thinking about who's in prison," she said. "What we have to do is reduce sentencing. We have people in prison who do not need to be there. An unintended consequence is that we're creating a criminal underclass."xxii



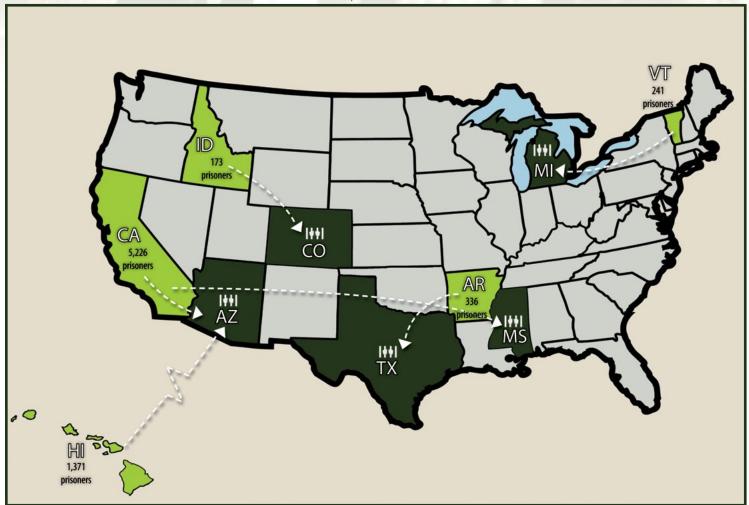
#### **ARKANSAS**

According to a media report from October 2014, the Arkansas Senate and House Committees of State Agencies and Governmental Affairs met to discuss possible solutions to prison overcrowding, including shipping prisoners to a for-profit prison in Louisiana.xiii LaSalle Corrections, a private jail operator, offered to house up to 500 Arkansas prisoners at a cost of \$28.50 per day. At the time, the state was relying on Arkansas county jails across the state to house over 2,300 overflow state prisoners. In response to the news, prison reform advocacy group, Arkansas CURE released a statement and petition to oppose the transfer, citing Grassroots Leadership's report Locked Up and Shipped Away.xxiv

In April 2015, media reported that Arkansas officials opted to enter a \$2.5 million contract with Bowie County Texas to house up to 288 Arkansas prisoners at the Bowie County Correctional Center in Texarkana, TX.xxv An amendment was later added to increase that number to 336 and extend the contract through June 30, 2016.xxvi While the contract to house AR prisoners at the Bowie County Correctional Facility is an agreement between Bowie County, TX and the Arkansas Department of Corrections, the private prison company, LaSalle Corrections, will also profit as the company that manages the jail. XXVIII

The state is reportedly looking for solutions to overcrowding, including Act 1206 of 2015, "which allows the governor to approve contracts with counties to house state prisoners in regional correctional facilities," citing a "guaranteed revenue stream" that counties would find appealing. While state officials "expect other, more innovative approaches to prison overcrowding to have a more long-term impact than shuttling inmates across state lines,"xxiii they should also avoid alternatives such as relying on county jails and Act 1206, which similarly do not address the underlying problems driving mass incarceration and prison overcrowding. Creating a financial incentive to counties for the state to incarcerate more people is not a solution.

#### Interstate Prisoner Transfers to Private Prisons and Jails, December 2015



While five states currently utilize for-profit prison beds across state lines, the following section highlights three additional states that either have considered or are potentially considering shipping prisoners to out-of-state, for-profit prisons.



### **WEST VIRGINIA**

In the fall of 2013, at the time *Locked Up and Shipped Away* was released, West Virginia was considering a plan to ship up to 400 prisoners to a private prison in Kentucky. In fact, it was the same CCA-run prison where Vermont prisoners were housed at that time. Grassroots Leadership and advocates in West Virginia organized to stop the state from moving forward. In January, we delivered a sign-on letter to state officials signed by more than thirty national and state groups voicing opposition to the plan. And, in June, Grassroots Leadership wrote an open letter to West Virginia prisoners — raising awareness of their constitutional right as West Virginians to stay in their home state. In October 2014, news reports announced that the state decided to abandon that plan and the option is no longer on the table.



In the same month news broke that Vermont prisoners would be transferred from Kentucky to Michigan, GEO Group announced it had been awarded a contract to house up to 1,000 Washington state prisoners at the same prison it would house Vermonters — the North Lake Correctional Facility in Baldwin, Michigan. However, despite the contract award, the Washington DOC said in May 2015 that there was not an operational plan to utilize the GEO Group contract. Rather, sending prisoners out of state would be a "last resort" option. The prisoners of the contract would be a "last resort" option.

Opponents of the contract in Washington included the Washington ACLU, the Teamsters Local 117,xxx and WA state Senator Jeannie Darneille, who said the state has time to make sustainable policy changes that would alleviate prison overcrowding and keep the state from having to send any prisoners out of state.xxx in the contract in Washington included the Washington ACLU, the Teamsters Local 117,xxx and WA state Senator Jeannie Darneille, who said the state has time to make sustainable policy changes that would alleviate prison overcrowding and keep the state from having to send any prisoners out of state.

On November 18, 2015, seven Seattle City Council members, the Seattle Human Rights Commission, and over twenty-five community organizations sent a letter to WA DOC Secretary Dan Pacholke and Governor Jay Inslee expressing their concern over the state's contract with GEO Group. The letter stated concerns about GEO Group's history of prisoner mistreatment and human rights abuses, which disproportionately impact communities of color. Additionally, according to the report, "The letter calls on the DOC to address the root causes of the overcrowding problem in Washington State prisons. According to council members, doing so requires a focus on eliminating racial inequities in the criminal justice system."

As of the writing of this brief, the Washington State DOC has yet to send any Washington prisoners to the GEO Group facility in Michigan.



### NORTH DAKOTA

According to media reports from May and October 2015, North Dakota Department of Corrections and Rehabilitation director Leann Bertsch intends to join the ranks of other state officials who have resorted to out-of-state private prisons to alleviate prison overcrowding. The report states that Bertsch said "it's very likely" the state will reach an agreement with Corrections Corporation of America to send some North Dakota prisoners to a for-profit prison in Colorado, though she did not say the name of the facility."

This would not be the first time North Dakota has turned to private prisons across state lines. It once transferred prisoners to a for-profit prison in Minnesota, which Bertsch believes would be a better option than Colorado.

As of the writing of this brief, North Dakota did not have any prisoners housed out of state. XXXIX

## CONCLUSION

he practice of shipping incarcerated people to out-of-state, for-profit prisons as a tactic to alleviate prison overcrowding is shortsighted, costly, and harmful to families and communities. Relying on for-profit prisons across state lines allows state leaders to delay critical, long lasting reform needed to address the root causes of mass incarceration and prison overcrowding. The only group that stands to benefit is private prison corporation executives and their shareholders.

Though Vermont, California, Idaho, and Hawaii have decreased the number of prisoners shipped out of state since 2013, Arkansas has once again resorted to out-of-state beds and Washington and North Dakota may potentially follow suit.

While decreasing the number of prisoners sent to for-profit prisons across state lines is a step in the right direction, work remains to reduce incarceration and end the practice entirely. States should also avoid building new prisons, utilizing beds in local jails, or contracting with public facilities in other jurisdictions as strategies for addressing prison overcrowding. These strategies do not aim to reduce reliance on criminalization and incarceration and they perpetuate the mass incarceration crisis, which disproportionately harms the poor and communities of color. States across the country should prioritize policy changes that reduce incarceration, cut ties with prison profiteers, and support and strengthen families and communities.

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