

January 7, 2014

We, the undersigned community, faith, civil rights, criminal justice reform, and labor organizations, write you to express our opposition to shipping West Virginia prisoners across state lines into for-profit private prisons. We believe there are cost effective, common-sense alternatives to this proposal that will keep West Virginians safe, represent a better use of taxpayer money, and avoid making things even more difficult for incarcerated West Virginians and their families.

As a national report released last month demonstrated, shipping prisoners across state lines impedes prisoner rehabilitation by diminishing prisoners' ties to family and community.ⁱ Proponents of this plan have characterized it as a temporary arrangement, but the experience of other states shows that these arrangements generally become permanent. The four states currently shipping prisoners out-of-state have been doing so for between seven and 18 years.

Furthermore, the West Virginia state constitution prohibits the involuntary shipment of prisoners across state lines. Because of this, the current proposal would require that prisoners waive this state constitutional right in exchange for receiving rehabilitative services that they are entitled to under West Virginia law, and without which they must remain incarcerated for longer periods of time. We stand firmly against requiring prisoners to waive their right against banishment in order to receive basic rehabilitative services that will enable them to rejoin their communities as productive citizens after they are released.

There is also much evidence that contracting with for-profit prisons will prove costly for West Virginia taxpayers. Corrections Corporation of America (CCA), which is the sole bidder on this contract, has a record littered with high-profile accounts of abuse, misconduct, and neglect, subjecting it to numerous protracted lawsuits and state sanctions. In 2012 and 2013 alone, deadly riots broke out in a facility run by CCA under contract with the Mississippi Department of Corrections and in another facility run under contract with the federal Bureau of Prisons.ⁱⁱ CCA was assessed hundreds of thousands of dollars in financial penalties from state auditors in Ohio for violations that included inadequate staffing, delays in medical treatment, and unacceptable living conditions inside the prison while placing financial strain on the community after the facility became increasingly more dangerous requiring the local police department to dispatch more police officers to the area around the prison.ⁱⁱⁱ CCA was also found in contempt of a federal court for persistently understaffing an Idaho prison and then lying about it meaning that taxpayers were charged for hundreds of hours of staff time that CCA simply never delivered.^{iv}

Indeed, the reason why CCA has so many beds available in Kentucky, where it intends to place prisoners coming from West Virginia, is that after years of contracting with private prisons, the State of Kentucky finally balked at the extraordinary financial and human costs of incarcerating prisoners in poorly run facilities and has cancelled the last of its contracts with CCA.^v

West Virginia has other options at its disposal that will better serve the needs of the state. John Lopez, chief of operations for the state Regional Jail Authority (RJA), testified in December before Legislative Oversight Committee on Regional Jails and Corrections that the Regional Jail Authority could address its most urgent problem – parole applications being held up due to

prisoners being unable to access necessary programming – by expanding programming in the jails to allow prisoners to become more quickly eligible for parole by hiring one or two counselors at each of the state’s 10 regional jails.^{vi} The cost of this expansion is estimated at \$700,000 a year. In the longer term, practical, fiscally responsible proposals exist for criminal justice reform that would result in fewer people being incarcerated in West Virginia. Senate Bill SB 342 from 2012, which passed with overwhelming support in the Senate but did not come to a vote in the House, contained several provisions that experts in the state agree would help reduce its overcrowding problem that has brought us to this point.

In short, West Virginia should look to other alternatives before resorting to the costly and shortsighted plan of shipping prisoners across state lines to for-profit private prisons.

Signed,

WEST VIRGINIA GROUPS

ACLU (American Civil Liberties Union) of West Virginia
AdvoCare, Inc.
AFSC (American Friends Service Committee) – West Virginia Economic Justice Project
AFSCME (American Federation of State, County, & Municipal Employees) Council 77
Catholic Committee of Appalachia
Concord University Upward Bound
CURE (Citizens United for Rehabilitation of Errants) – West Virginia
CWA (Communications Workers of America) – West Virginia
Southern Appalachian Labor School
West Virginia AFL-CIO
West Virginia Center on Budget and Policy
West Virginia Healthy Kids and Families Coalition

NATIONAL GROUPS

ACLU (American Civil Liberties Union)
AFSCME (American Federation of State, County, & Municipal Employees)
Brave New Films – Beyond Bars Campaign
CURE (Citizens United for Rehabilitation of Errants)
Ella Baker Center for Human Rights
Enlace
Grassroots Leadership
Human Rights Defense Center
In the Public Interest
Justice Policy Institute
Justice Strategies
Private Corrections Institute
Private Corrections Working Group
United Methodist Church, General Board of Church and Society
Working Narratives

YouthBuild USA, Inc.

GROUPS FROM STATES WITH TRANSFERRED PRISONERS

ACLU (American Civil Liberties Union) of Idaho
Community Alliance on Prisons | Hawaii
Vermonters for Criminal Justice Reform

ⁱ Grassroots Leadership, *Locked Up and Shipped Away: Interstate Prisoner Transfers and the Private Prison Industry*, November 2013, <http://grassrootsleadership.org/locked-up-and-shipped-away>

ⁱⁱ Ruth Ingram, "Inmate at Wilkinson County prison stabbed to death, autopsy shows," *Jackson Clarion-Ledger*, Apr. 25, 2013, < http://www.clarionledger.com/article/20130425/NEWS/304250002/Inmate-Wilkinson-County-prison-stabbed-death-autopsy-shows?nclick_check=1 >;

Jacob Fuller, "Riot Rocks Another CCA Prison," *Jackson Free Press*, June 22, 2012, < <http://www.jacksonfreepress.com/news/2012/jun/22/riot-rocks-another-cca-prison/> >;

Associated Press, "Adams County prison riot kills one guard, hostages held," *WJLA.com*, May 21, 2012, < <http://wjla.com/MaGRnc> >

ⁱⁱⁱ Chris Kirkham, "Lake Erie Correctional Institution, Ohio Private Prison, Faces Concerns About 'Unacceptable' Conditions," *HuffingtonPost.com*, Feb. 2, 2013, < http://www.huffingtonpost.com/2013/02/02/lake-erie-correctional-institution_n_2599428.html >

^{iv} Rebecca Boone, "Judge: CCA in contempt for prison understaffing," Associated Press, Sept. 16, 2013, < <http://bigstory.ap.org/article/judge-cca-contempt-prison-understaffing> >

^v Associated Press, "Kentucky to walk away from last private prison, contract with CCA," June 25, 2013, < <http://nashvillecitypaper.com/content/city-business/kentucky-walk-away-last-private-prison-contract-cca> >

^{vi} "Editorial: Adding counselors preferable to sending inmates out if state," *Herald-Dispatch*, December 16, 2013, < <http://www.herald-dispatch.com/opinions/x780151093/Adding-counselors-preferable-to-sending-inmates-out-of-state> >