



THE CORRECTIONS CORPORATION OF AMERICA

**HOW CCA ABUSES PRISONERS, MANIPULATES
THE PUBLIC AND DESTROYS COMMUNITIES**

Corazón de Tucson | January 2012



We are families and community members organized to defend our civil and human rights to create equality and justice in our communities. We have the vision of living in a just world, free from all forms of discrimination and oppression.

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INTRODUCTION

THE PRISON INDUSTRY

The United States maintains the largest prison system in the world, far outpacing its closest international competitors in both prison population and incarceration rates.¹ For the first time in 2008, more than 1 in 100 adults in the U.S. were incarcerated in county, state or federal correctional facilities.² When probation and parole are included in the equation, approximately 7.2 million people were under some form of correctional supervision by 2009.³ This represents 1 in 31 adults in the U.S., including 1 in 18 men, 1 in 27 Latinos/as and 1 in 11 African Americans.⁴ As a result of the unprecedented scope of the prison system, federal and state corrections combined now cost taxpayers approximately \$68 billion per year.⁵

The alarming scale of incarceration in the U.S. today is the result of nearly three decades of rapid expansion. Since 1980, the country has witnessed a 377 percent increase in total prison population.⁶ Beginning in the late 1970s with the push to “get tough on crime,” the enormous growth of the prison population has been driven in part by aggressive pursuit of criminal charges against non-violent drug offenders as part of the “War on Drugs” and harsh state and federal sentencing guidelines that have limited judicial discretion.⁷

Another important driving factor in the expansion of the prison population is the move toward wholesale privatization of the prison system. While the overall prison population grew by 17 percent between 1999 and 2010, the number of inmates held in private facilities increased by 80 percent.⁸ In 2010, 128,195 individuals were incarcerated in private facilities, representing eight percent of the total state and federal prison population.⁹ Federal custodial agencies have pursued privatization most aggressively over the past decade, resulting in a 784 percent increase in the number of federal prisoners held in private facilities since 1999.¹⁰

The explosion of the private prison industry over the past decade has powerfully incentivized the patterns of mass incarceration and harsh sentencing which define criminal justice in the U.S. Today, private prisons constitute a \$5 billion industry that exhausts millions of dollars each year attempting to influence public policy through lobbying and campaign contributions.¹¹ With the government as their only customer, private prison companies have developed a refined political strategy for generating revenue by manipulating public policy to provide for expanded criminalization, longer sentences and increased reliance on private prisons. This disturbing political calculation, coupled with

private prisons' abysmal record of human rights abuses, exposes the danger that prison privatization poses to the public and prisoners incarcerated in private facilities.

ISRAELI SUPREME COURT: PRIVATE PRISONS INHERENTLY FLAWED

While the prison industry has succeeded in convincing political leaders in the U.S. to ignore a skeptical public and endorse the soundness of private prisons, other nations have proved decidedly less friendly. In fact, Israel's High Court of Justice established an "international legal precedent" with a 2009 ruling that private prisons are unconstitutional. The issue of prison privatization came to the fore following a 2004 law passed by the Israeli legislature permitting the construction and operation of private prisons. In 2005, the first contract for a privately-constructed and managed prison was granted, with operations slated to start in 2009.

Following years of deliberation, the Israeli Supreme Court ruled by an overwhelming eight-to-one margin in November 2009 that private prisons were unconstitutional due to the human rights violations the court considered inherent to housing prisoners in private facilities. The petitioners in the case successfully argued that while imprisonment necessarily entails the deprivation of liberty, trusting this use of coercive force to a private entity would unnecessarily compound prisoners' suffering. Additionally, the justices agreed that private prison operators' push for efficiency and profit would inevitably lead to severe violations of prisoners' most fundamental rights. The Israeli court's ruling that human rights violations are endemic to private prisons should strike a resounding blow against the logic underlying the privatization of prisons throughout the world.

Sources: Zarchin, Tomer, "International Legal Precedent: No Private Prisons in Israel," *Haaretz*, 20 November 2009. <http://www.haaretz.com/print-edition/news/international-legal-precedent-no-private-prisons-in-israel-1.3774>; Preminger, Yonatan, "Incarceration for Profit," *Challenge Magazine*, Issue 110, July/August 2008. http://www.challenge-mag.com/en/article_223/incarceration_for_profit

THE CORRECTIONS CORPORATION OF AMERICA

While there are some 50 private prison companies doing business in the U.S., the industry is largely dominated by a few heavy hitters, chief among them the Corrections Corporation of America (CCA).¹² CCA is the nation's oldest and largest private jailer with an annual revenue of \$1.7 billion.¹³ Founded in 1983, CCA now operates 80,000 beds at 66 correctional and detention facilities in 19 states and the District of Columbia.¹⁴ In 2010,

one half of CCA's revenue came from state contracts and another 43 percent from contracts with three federal custodial agencies: the Bureau of Prisons, U.S. Marshall Service and Immigration and Customs Enforcement.¹⁵

In a 2003 report, Grassroots Leadership described CCA as "the leading participant in, and in many ways the embodiment of...the incarceration of people for profit."¹⁶ Indeed, CCA has been the pioneer and trendsetter in the private prison industry, winning the first public contract to manage a county jail from Hamilton County, Tennessee in 1984.¹⁷ CCA was awarded its first state contracts in 1987 for two minimum-security facilities in Texas and the nation's first privately built and managed juvenile detention facility in Tennessee.¹⁸ From that point, CCA expanded rapidly, generating an annual revenue of \$55 million in 1990, which ballooned to \$120 million by 1994.¹⁹

The proceeding decade proved a tough one for CCA as a number of high-profile scandals tarnished the reputation of private prisons. On the brink of bankruptcy in 2000, CCA was salvaged by the Federal Bureau of Prisons, which awarded the company two contracts worth \$760 million over ten years to house "criminal aliens."²⁰ From that point forward, CCA came to rely heavily upon federal contracts for detaining and imprisoning non-citizens to generate new revenue. Today, CCA has 14,556 beds in 14 facilities under contract from Immigration and Customs Enforcement, incarcerating an average of 6,199 non-citizen detainees on any given day.²¹ In 2009, nearly 20 percent of individuals in federal immigration detention were housed in a CCA facility.²²

At its immigration facilities as well as its penal facilities, CCA has been plagued for decades by reports of inhumane conditions, inadequate supervision, substandard medical care, high turnover among employees, abuse of prisoners by guards, failure to control violence in its prisons and the deaths of prisoners at its facilities. In 2000, CCA undertook an effort to remake the company's image, restructuring, replacing its chief executive and even removing the portraits of the company's founders from the corporate headquarters.²³ As this report finds, these changes were purely cosmetic and CCA remains as shameless as ever in its unconscionable treatment of prisoners.

SUMMARY OF FINDINGS

This report is based on an examination of public records regarding CCA and focuses in particular on the company's activities in Arizona. CCA represents itself as a responsible public partner, concerned with prisoners' well-being and public safety, engaged in educating political leaders on best incarceration practices and committed to improving local communities by promoting economic growth. These public claims are facile and

opportunistic lies. The disturbing truth, as this report finds, is that CCA is an unrepentant profiteer, operating at the expense of prisoners, their families, local communities and the public. Specifically, this report finds the following:

- **CCA perpetrates brutal and systematic abuses of prisoners' rights.**

The abuse of prisoners and violation of fundamental standards of human dignity is a pervasive and systemic problem throughout CCA's network of facilities. This report examines four categories of prisoner abuse and neglect: (1) physical abuse, (2) sexual violence, (3) medical negligence and (4) poor conditions and overcrowding. The mistreatment encompassed by these four categories includes shocking degrees of cruelty and negligence, which cause extensive and unnecessary suffering and far too often have resulted in the death of inmates at CCA facilities. The conditions at CCA facilities amount to a "culture of brutality" that affects thousands of inmates at dozens of facilities nationwide.

- **CCA unscrupulously manipulates public policy to maximize its profit.**

Prison privatization creates perverse incentives for prison operators to intervene in the political process, throwing their weight behind any legislative proposal which sends more people to prison for longer terms. CCA is the undisputed industry leader when it comes to securing new contracts and promoting favorable legislation by exerting its influence within federal and state governments. CCA has employed a three-pronged strategy to achieve its political aims: (1) lobbying, (2) campaign contributions and (3) membership in the American Legislative Exchange Council. Unconcerned with the broad social, economic or political consequences of the legislation it supports, CCA has shamelessly manipulated public policy to increase its revenue with no regard for the impact on communities, families and inmates.

- **CCA's prisons and political efforts severely damage the health of the communities in which it does business.**

Communities across Arizona have suffered as a result of CCA's presence in the state. The Eloy Detention Center in Eloy, Arizona exemplifies the negative impact that CCA facilities have on families and communities. The Eloy Detention Center has accumulated an embarrassing human rights record, exacted a heavy toll on the families affected by detention and done little to improve the local community that surrounds the facility. At the state level, CCA played a crucial role in winning passage of SB 1070, state legislation that would sweep immigrants into federal custody and eventually into CCA's immigration detention centers. Even though not fully implemented, SB 1070 has displaced tens of thousands of people, severely disrupted communities across the state and nearly triggered an economic crisis in Arizona.

FINDINGS

CCA'S 'CULTURE OF BRUTALITY'

The prisons and detention facilities owned and operated by CCA are profoundly dangerous places. Since its founding, CCA has faced persistent accusations of abusing inmates and housing them in severely substandard conditions which threaten their health and safety. These accusations have been substantiated consistently and repeatedly over a period of decades by inmates former and present, investigative reporting, human rights and civil liberties organizations and the very custodial agencies which place inmates in CCA facilities.

In nearly every case, the neglect, abuse and substandard conditions to which inmates are subjected by CCA can be traced directly to the imperative to minimize costs and maximize profit which defines for-profit prisons and lies at the heart of CCA's practice and policies. Without fail, when it comes to providing for the welfare of the inmates in its facilities or cutting corners to maximize profit, CCA has elected to jeopardize its inmates in favor of its shareholders. The prisoners forced to endure CCA's indifference to their health and safety have experienced sexual harassment, abuse and assault; deliberate humiliation and degradation; brutal beatings; denial of food, water, toilets and medical care; unsafe and unsanitary conditions; and the use of inmate-on-inmate violence as a management tool. Because of their scope, severity and persistence through time, these forms of violence are most accurately considered components of what the ACLU has called a "deeply entrenched culture of brutality" within CCA facilities.²⁴ Rather than being aberrant exceptions to the rule, the problems at CCA facilities are systematic, affecting tens of thousands of inmates at dozens of facilities.

The section that follows discusses the 'culture of brutality' in CCA facilities, focusing in particular on four areas: (1) physical abuse, (2) sexual violence, (3) medical negligence and (4) poor conditions and overcrowding. For each of these categories, a summary of the relevant findings is presented and is followed by substantiating examples from CCA-run facilities.

PHYSICAL ABUSE

While CCA entices local communities to support prison building with promises of a steady supply of well-paying jobs at its facilities, the correctional officers it employs are commonly

paid far below the prevailing standard in public facilities, denied retirement benefits and prevented from joining unions.²⁵ While this practice of depressing wages and denying benefits allows CCA to operate its facilities profitably, it also results in extraordinary employee turnover, routinely exceeding an annual rate of 60 percent and occasionally running over 100 percent.²⁶ Consequently, CCA facilities are commonly understaffed by inexperienced and often poorly-trained employees, resulting in a lack of discipline among guards and a dangerously inadequate level of inmate supervision.

In the absence of a committed, experienced and well-trained staff, CCA has watched passively as violence has spiraled out of control at its facilities nationwide. The use of excessive force by guards to control inmates is commonplace at CCA facilities and extreme forms of physical abuse have been administered as punishment.²⁷ Inmate-on-inmate violence has been tolerated and, in some cases, condoned and arranged by guards in order to control inmates.²⁸ Other forms of abuse that have been reported include the use of illegal shackling techniques, the unnecessary use of chemical irritants and the denial of access to water, food, toilet facilities and medical care.²⁹ CCA has proved unable or unwilling to protect inmates from these forms of violence or to challenge the 'culture of brutality' that permits these egregious abuses of human rights to occur with startling frequency at its facilities.

Columbia Training Center – Richland, South Carolina (1996)

CCA opened the Columbia Training Center (CTC) in July 1996 to house youth prisoners under contract with the state of South Carolina. While CTC was extremely profitable, bringing CCA \$8.6 million a year, the facility was almost immediately found to be severely violating the rights of its young inmates.³⁰ A January 1997 investigation by the Governor's office found that guards routinely used excessive force against inmates.³¹ In one instance, a 14-year-old prisoner was hogtied, maced and beaten by guards, eventually requiring him to be admitted for psychiatric care due to long-term mental illness he suffered as a direct result of his treatment at the facility. The boy later won a lawsuit which included \$3 million in punitive damages against CCA.³² Eleven other boys also filed lawsuits against CCA alleging they had experienced similar forms of abuse including beatings and denial of food, water and toilet facilities.³³ Following these allegations, a number of inmate escapes and a series of state reports detailing the substandard conditions at CTC, then-South Carolina Governor David Beasley cancelled the state's contract with CCA to house youth prisoners at CTC during just its second year of operation.

Metro-Davidson County Detention Facility – Nashville, Tennessee (2004)

Estelle Richardson, a 34-year-old mother of two, was sentenced to CCA's Metro-Davidson County Detention Facility for food stamp fraud and probation violation. Richardson was segregated from other inmates due to being listed in prison records as "mentally deficient and psychologically impaired."³⁴ Shortly thereafter, Richardson requested medical treatment for injuries sustained during an incident of "excessive force" at the hands of four CCA employees. A few days later, Richardson was assaulted by a guard who caused a head injury resulting in bleeding. Several days later, Richardson was found unresponsive in her cell following another altercation with several CCA employees.³⁵ The autopsy report revealed that her death was the result of being "slammed into an object, perhaps a wall, with such force that it fractured her skull, broke four ribs, and damaged her liver."³⁶ The Medical Examiner, as well as the Nashville Police ruled her death a homicide.³⁷ The charges against the CCA employees who beat Richardson the day before her death were dismissed because the date of her fatal injury could not be determined.

Idaho Correctional Center – Boise, Idaho (2010)

In March 2010 the American Civil Liberties Union (ACLU) filed a lawsuit over the conditions at the state-owned and CCA-run Idaho Correctional Center (ICC), alleging that the prison staff and management "not only condone prisoner violence, the entrenched culture of ICC promotes, facilitates, and encourages it."³⁸ The result of this culture was a prison known by inmates and guards as the "Gladiator School" in which higher levels of violence existed than at Idaho's eight other prisons combined.³⁹ Guards at the facility routinely exposed inmates to beatings from other inmates and guards as a disciplinary strategy and then denied medical care to those injured in the attacks. In one chilling incident captured on surveillance cameras in November 2010, Hanni Elabad was brutally beaten by another inmate while guards stood watch, failing to intervene even as the attacker rested in the middle of the attack.⁴⁰

According to the ACLU, the "epidemic of violence" at ICC was the direct result of actions by CCA, including its refusal to adequately staff the facility, failure to properly train and oversee its employees, promotion of a culture of degradation and humiliation of prisoners and unwillingness to investigate incidents of violence or hold its staff accountable for arranging or perpetrating them.⁴¹ CCA was eventually forced to settle the lawsuit, agreeing to remedy conditions at ICC by hiring more guards and investigating all reports of violence against prisoners.

SEXUAL VIOLENCE

A 2007 survey conducted by the Bureau of Justice Statistics (BJS) found that CCA's Torrance County Detention Facility (TCDF) had the highest rate of sexual violence in the nation.⁴² The study estimated 13.4 percent of inmates at TCDF experienced sexual violence, compared to 3.2 percent of inmates in local jails. Most of these instances of sexual violence were perpetrated by CCA staff members: 7 percent of TCDF inmates reported being sexually abused or assaulted by prison staff, a rate 3.5 times the national average.⁴³ Following the publication of the study's findings, CCA officers were called to testify before the Department of Justice's Review Panel on Prison Rape to attempt to account for the appallingly high rate of sexual violence at TCDF.⁴⁴

Although the BJS study revealed CCA's utter failure to protect its inmates from one another and from its own employees, the company has done little to address the problem of sexual violence in its facilities and CCA inmates remain at risk. In the years since the BJS report, CCA has repeatedly faced lawsuits concerning sexual violence in its facilities and its employees have repeatedly faced prosecution for sexually assaulting inmates. In one case, a team of CCA guards handcuffed and stripped an inmate before sexually assaulting him with a shampoo bottle and shocking him with a stun gun.⁴⁵ In another, a CCA employee sexually abused an inmate in her cell while her infant son slept nearby in a crib.⁴⁶ Undoubtedly, many other cases of sexual violence at CCA facilities have gone unreported and unchallenged. As the data from Torrance County Detention Facility illustrate, these are not isolated instances but a systemic problem stemming from CCA's failure to take seriously the safety of inmates and take meaningful action against employees who perpetrate sexual violence.

Otter Creek Correctional Center – Wheelwright, Kentucky (2005-2010)

CCA housed about 400 female inmates at the Otter Creek Correctional Center from 2005 until January 2010. Disturbingly, 81 percent of the staff at the women's facility were male.⁴⁷ The preponderance of male staff, lack of accountability for CCA employees and absence of meaningful state oversight resulted in a pattern of systematic sexual abuse of female inmates by guards. The number of sexual assaults reported at Otter Creek in 2007 was four times higher than the number reported at the comparable state-run women's correctional facility.⁴⁸

A Department of Corrections investigation concluded in 2009 found that prison management had failed to take action in seven separate cases of sexual abuse of inmates over the preceding two years.⁴⁹ Overall, the Department of Corrections investigated 23

separate instances of sexual assault that occurred between 2006 and 2009.⁵⁰ Among the CCA employees eventually charged with sexually assaulting inmates was the prison chaplain.⁵¹ The health consequences of the pervasive culture of sexual violence in the prison were compounded by “chronically unacceptable conditions” which caused a number of healthcare workers to quit.⁵² In August 2009, the state of Hawaii withdrew 168 inmates from the prison in response to the reports of sexual assault and in January 2010 the state of Kentucky transferred the remaining prisoners to a state-run facility. While CCA still owns the facility, it now holds only male inmates.

Eloy Detention Center – Eloy, Arizona (2009-2010)

Tanya Guzman-Martinez, a transgender woman seeking asylum in the U.S., was sexually abused by a guard and a male detainee while detained for eight months at CCA’s Eloy Detention Center (EDC) in Eloy, AZ.⁵³ Despite the knowledge that transgender inmates often seek protective custody to avoid being housed with inmates of a gender with which they do not identify, CCA officials at EDC placed Guzman-Martinez in the facility’s Secure Housing Unit where she regularly came into contact with male detainees.⁵⁴

Guzman-Martinez faced repeated sexual harassment from male detainees and CCA employees. In December 2009 she was assaulted by a male guard who threatened to deport her if she refused to comply with his demands. Guzman-Martinez reported the assault to the Eloy police and her assailant was later convicted on charges related to the incident. Nonetheless, the CCA staff displayed flagrant disregard for Guzman-Martinez’s safety, returning her to the same all-male housing unit where she was previously assaulted. In 2010, just weeks before her release, Guzman-Martinez was again sexually assaulted, this time by a male detainee.⁵⁵ The ACLU filed suit against CCA in response to Guzman-Martinez’s testimony. The ACLU complaint includes the repulsive allegation that in one instance, “a detention officer told other detainees that they could ‘have her’ if they gave him three soup packets.”⁵⁶ Guzman-Martinez’s experience is not an isolated incident; government documents obtained by the ACLU indicate that eight other instances of sexual violence have been reported at EDC since 2007.⁵⁷

T. Don Hutto Residential Center – Taylor, Texas (2010)

An employee at the T. Don Hutto Residential Center, a CCA-run immigration detention center in Texas, was arrested after being accused of sexually abusing a number of female inmates and soliciting sex from another.⁵⁸ The guard, who was in a supervisory position, eventually pled guilty to several charges after admitting to groping female detainees while

transporting them to the airport after they had been released on bond.⁵⁹ While CCA policy required that two guards be present when women were transported from the detention facility, lack of oversight allowed the man to be alone with the female detainees on numerous occasions over his year of employment at the facility.⁶⁰

MEDICAL NEGLIGENCE

CCA's record with regard to providing medical care to the inmates in its facilities is atrocious. Although constitutionally obligated to provide adequate medical care to every prisoner in its facilities, CCA has consistently abdicated this responsibility. Medical care is a major expense of operating a prison and CCA appears to have concluded that prisoners can do without quality care in order to ensure that its facilities remain profitable.⁶¹ The human cost of this practice aside, even the financial soundness of this formulation is placed in doubt by the heavy cost of legal fees and punitive damages CCA has incurred following two decades of frequent lawsuits against the company for failure to provide adequate medical care at its facilities.⁶²

CCA limits the costs associated with providing medical care to inmates in part by refusing to provide its staff with sufficient medical training.⁶³ In one instance, a grand jury in Florida concluded that CCA personnel "failed to demonstrate adequate health training," contributing to the death of an inmate in 2001.⁶⁴ While CCA guards and other staff members commonly lack the training to recognize and respond appropriately to medical emergencies, CCA medical staff themselves have often proved to be no more capable of providing high-quality medical care to inmates. When a guard called the medical staff at CCA's Eloy Detention Center for assistance dealing with a medical emergency in 2006, the vocational nurse on duty responded, but confessed: "I'm not qualified. To be honest, I'm just a pill-pusher."⁶⁵ Even when qualified, CCA medical staff may be unwilling to provide quality care, denying inmates medication, treatment and outside evaluation in order to save money and appease their supervisors. Cutting corners and reducing costs at every step of the way, CCA has gambled recklessly with the health of its prisoners.

Kit Carson Correctional Center – Burlington, Colorado (2001)

In May 2001, Jeffrey A. Buller died one day short of his release from CCA's Kit Carson Correctional Center (KCCC) after being denied life-saving medication by CCA medical staff.⁶⁶ Buller suffered from a serious and potentially deadly chronic condition called hereditary angioedema which causes swelling in various parts of the body including the

airway. CCA medical staff were aware of the seriousness of Buller's condition and administered him the medication Winstrol on a daily basis. Several weeks before his released date of May 2, Buller's supply of Winstrol ran out. Despite his daily requests and eventual pleas for his medication, CCA medical staff refused to refill his prescription. Winstrol was available only in 30-day lots and the medical staff were unwilling to spend \$35 for a month's supply when Buller would be released within two weeks.⁶⁷

Buller saw the CCA medical staff days before his release, complaining of swelling in his throat, but was again denied medication and never assessed or referred for outside evaluation. On May 1, as he packed in his cell for his release the next day, Buller's breathing became labored. The medical staff responded belatedly to his frantic calls for help. By the time emergency medical personnel arrived at the prison, Buller was no longer breathing. He died shortly thereafter. The CCA staff member in charge of medical administration at KCCC was named employee of the month for his cost-cutting efforts in the medical department in April, the month before Buller died for want of \$35 of medication.⁶⁸

Eloy Detention Facility – Eloy, Arizona (2006)

CCA's failure to provide adequate medical care at its Eloy Detention Facility (EDC) has repeatedly resulted in tragic outcomes over the past half-decade. In 2006, there were at least three detainees who died while imprisoned at EDC. The first was a 36-year-old Guatemalan man, Jose Lopez-Gregario, who committed suicide in September after his requests for care were ignored by CCA medical staff for a week. A resulting ICE investigation found that "Medical care in this facility does not meet ICE standards."⁶⁹

CCA failed to respond to the results of the ICE investigation and in December a 27-year-old Colombian man suffered a seizure that left him brain dead after medical staff proved incompetent and unwilling to seek outside evaluation of the patient. Again, ICE investigated and found that CCA had "failed on multiple levels to perform basic supervision and provide for the safety and welfare of ICE detainees."⁷⁰

Despite a second indictment of the quality of medical care it provided detainees at EDC, CCA took no action. Just a few weeks later, a 36-year-old Ecuadoran man named Felix Franklin Rodriguez-Torres died of testicular cancer after seeing the CCA medical staff many times and complaining of the illness. It was not until he had about a week to live that CCA allowed him to be admitted to the hospital, and even then the company refused to reveal the man's whereabouts or condition to his family. Given multiple opportunities to improve the supervision and medical care of its inmates, CCA ignored repeated warnings,

compounding the tragedy and causing three deaths over the course of just four months. CCA remains unmoved: in 2008, at least two more detainees died at EDC.⁷¹

Stewart Detention Center – Lumpkin, Georgia (2009)

A 2008 humanitarian visit to CCA's Stewart Detention Center (SDC), revealed that CCA was providing severely substandard medical care to the facility's inmates.⁷² Representatives of Georgia Detention Watch found that numerous detainees were denied medication or other forms of medical care, despite in some cases repeated requests of the medical staff. In addition, a number of inmates reported rashes and lesions that they had developed as a result of parasites or insects in their bedding for which they had received no medical care.⁷³

The inadequate medical care at SDC has resulted in at least one death, that of Roberto Martinez Medina in March 2009.⁷⁴ While there are many unanswered questions regarding his death, it is known that Martinez Medina died of a treatable heart infection after seeking medical treatment for symptoms at least three days prior to being rushed to the hospital. The results of an investigation of Martinez Medina's death by ICE are unclear and an onsite review of the facility by ICE was scheduled but apparently never conducted. It can only be assumed that the potentially lethal inadequacy of the medical care provided by CCA at SDC remains unaddressed.⁷⁵

POOR CONDITIONS AND OVERCROWDING

CCA has frequently been criticized for housing prisoners in inhuman conditions. Unwilling to invest the resources necessary to meet minimum standards of safety and comfort, CCA has exposed inmates to unsafe, unsanitary, overcrowded and otherwise unacceptable conditions. Once again, prisoners' well-being takes a backseat to the ethos of cost-cutting and CCA has proved unwilling "to curtail profit considerations in order to operate prisons and ensure conditions that accord with constitutional standards."⁷⁶ Inmates at CCA facilities have reported being subjected to severe overcrowding, poor-quality food, poor sanitation, inadequate infection prevention and insufficient provision for exercise and recreation.⁷⁷

In many instances, prisoners at CCA facilities have responded to unacceptable conditions by rioting or otherwise protesting. At least four significant protests or uprisings by prisoners at CCA facilities occurred over a three-year period beginning in September 2000.⁷⁸ This included a non-violent protest in April 2001 by hundreds of prisoners at the

Cibola County Correctional Center in New Mexico to protest poor food quality and complaints regarding the prison commissary. A few months later, hundreds of inmates rioted for nine hours at the Otter Creek Correctional Facility in Kentucky in response to the conditions created by the introduction of medium security prisoners into the facility without additional precautions by CCA staff. In other cases, prisoners have used lawsuits to seek reprieve from the unlivable conditions in which they are housed. While CCA has been forced to make certain concessions in response to prison riots and lawsuits, the drive to reduce operating expenses continues to imperil anyone held at facilities owned and managed by the company.

Crowley County Correctional Facility – Pueblo, Colorado (2004)

Several hundred prisoners at CCA's Crowley County Correctional Facility revolted against substandard conditions in 2004, destroying cells, breaking windows, furniture and equipment and setting numerous fires during the six-hour riot. In the aftermath of the rebellion, it was exposed that prison administrators had consistently ignored inmate complaints about conditions at the facility.⁷⁹ The Colorado Department of Corrections conducted an investigation of the riot and its antecedents, finding that poor quality food, unaddressed inmate grievances, unacceptable conditions of confinement, inadequate provision of medical care and physical abuse were commonplace prior to the riot.⁸⁰ In addition, CCA was faulted for severely understaffing the facility: only 33 guards were supervising 1,122 inmates at the time of the inmate uprising.⁸¹ Despite clear evidence that CCA's negligence and inhumane treatment of prisoners provoked the riot, CCA retained its contract to hold inmates at the Crowley County Facility.

San Diego Correctional Facility – San Diego, California (2005-2008)

The ACLU joined a lawsuit against CCA and ICE in 2007 over reports of overcrowding and inhumane conditions at the San Diego Correctional Facility. At the time of the lawsuit, the CCA-run facility housed about 1,000 detainees awaiting civil immigration proceedings while in ICE custody. Chronic overcrowding at the facility had resulted in some 650 inmates living three-to-a-cell in rooms designed for just two people.⁸² Some prisoners were forced to sleep on plastic slabs on the floor while others slept in bunk beds in the recreation area.⁸³ Beyond insufficient sleeping space, the policy of triple-celling also resulted in "increased violence, tension, discomfort, stress, mental suffering, psychiatric problems, and exposure to respiratory and other infections; diminished access to medical, mental health and dental services; diminished access to exercise and dayroom space and

other facility services; poor sanitation and decreased ability to maintain personal hygiene; overburdened and unsanitary shower and toilet facilities.”⁸⁴ The lawsuit was eventually settled, with ICE agreeing to transfer about 100 detainees from the facility. CCA was forced to end the practice of triple-celling and submit to court-ordered inspection to ensure the facility was no longer housing inmates beyond its capacity.⁸⁵

T. Don Hutto Detention Center – Taylor, Texas (2006-2007)

The T. Don Hutto Detention Center was converted from a failed medium-security prison run by CCA to a detention facility for non-citizen families in ICE custody in 2006. As an immigration detention center, the facility held approximately 200 children in 2007, the majority of whom were awaiting asylum hearings with their families.⁸⁶ In March 2007, the ACLU filed suit against ICE for the prison-like conditions in which children were held at the CCA facility. The lawsuit documented conditions which violated the minimum standards for the detention of children in federal immigration custody established by the 1997 court settlement in *Flore v. Meese*. Children detained at the facility were required to wear prison garb, prevented from going outside for up to a month at a time, kept in their cells as much as 12 hours a day and denied access to medical and psychiatric care and educational opportunities. Guards routinely punished children by threatening to separate them from their parents.⁸⁷ The ACLU lawsuit was eventually settled with ICE and CCA agreeing to meet minimum standards for detaining non-citizen children. However, the fundamental problem of detaining children in a private medium-security prison while awaiting civil immigration proceedings remains unaddressed.

CCA AND THE MANIPULATION OF PUBLIC POLICY

CCA, like all corporations, generates revenue by marketing a product to a set of consumers. However, because governments – county, state and federal – are CCA’s only customers, there is a direct financial incentive for the company to manipulate the “demand” for its services by intervening directly in the political process. While CCA may claim that it is simply meeting a “demand” for prison beds determined by “market forces,” the company is in fact actively creating that very demand by promoting policies which expand the scope of incarceration. Simply put, the more people sentenced to prison or held in immigration detention and the longer their sentences, the more money CCA stands to make. In this perverse equation, any legislation which increases incarceration benefits CCA, regardless of its effect on public safety and community health, strain on public resources or impact on those sentenced to prison.

The claims which originally bolstered the private prison industry have been largely delegitimized over the past several decades. In particular, CCA and others have won contracts on the premise that substituting private prisons for public ones reduces the cost of incarceration. While prison companies have found ways to cut costs – largely through artificially suppressing the cost of labor by mistreating and underpaying their employees – the public also winds up footing the bill for the profit that becomes part of the equation when private contractors are employed.⁸⁸ Consequently, despite the claims of the prison industry, there is no clear evidence that private prisons consistently provide cost savings to the public when compared to public facilities.⁸⁹ The series of high-profile scandals and controversies that beset the prison industry beginning in the mid-1990s revealed that problems such as the abuse of inmates, the mistreatment of employees and deteriorating community health due to high rates of incarceration surely offset any hypothetical cost savings related to prison privatization.⁹⁰

With their claims to superiority over public prisons invalidated, CCA and its competitors have been forced to resort to heavy involvement in the political process at the state and federal level to ensure a steady stream of prisoners to bolster their bottom line. While prison companies large and small have made their political footprint, CCA has done so most aggressively, vastly outpacing its rivals in lobbying expenditures and campaign contributions.⁹¹ CCA now spends hundreds of thousands of dollars each year promoting legislation which promotes incarceration and supporting candidates for public office in hopes of being awarded future contracts.⁹² CCA has generally exploited three main avenues for influencing public policy and currying favor with public officials: (1) lobbying, (2) campaign contributions and (3) membership in the American Legislative Exchange Council.⁹³ The section that follows discusses CCA's use of these three political strategies to quietly manipulate public policy to tip the scales in its favor and remain profitable at the expense of the public and the prisoners caught up in its fervor for ever-greater incarceration.

LOBBYING

Like other industries, private prison companies lobby elected officials in order to advance their business interests at the state and federal levels. Lobbying is loosely regulated and corporations are permitted to hire lobbyists directly with no spending limitations. Additionally, there are few reporting requirements, particularly at the state level, and lobbyists are never required to specify whether they advocate for or against a specific piece of legislation. Consequently, information regarding prison companies' lobbying expenditures is often sparse and the precise goal of particular lobbying efforts can be

unclear. Nonetheless, because lobbying is intended to advance an industry's business interests, it can be safely assumed that the lobbying efforts of CCA and other prison companies are geared toward generating greater revenue by securing public contracts at the expense of their competitors and advocating for legislation which promotes greater incarceration, longer sentences, increased criminalization and expanded prison privatization.

Since 2003, CCA has spent upwards of \$900,000 each year lobbying federal officials, including as much as \$3.38 million in 2005.⁹⁴ In addition to members of Congress, CCA directs its lobbying efforts toward representatives of the three federal agencies from which it secures all of its federal contracts: the Bureau of Prisons, U.S. Marshall Service and Immigration and Customs Enforcement. In 2011 CCA spent \$880,000 lobbying federal officials, including U.S. senators and representatives as well as officials at the Bureau of Prisons and U.S. Marshall Service. Of the forty-five lobbying reports CCA filed in 2011 specifying the issue around which they were lobbying, one-third named "law enforcement and crime" as the target issue and nine named "homeland security."⁹⁵ Currently, CCA employs 35 lobbyists on Capitol Hill, 30 of whom have previously worked for members of Congress or federal agencies.⁹⁶ CCA's extensive lobbying efforts have paid handsome dividends: while spending about \$17.8 million dollars lobbying federal officials since 2000, CCA has been awarded \$3.84 billion in federal contracts over the same time period, a nearly \$216 return for every dollar spent.⁹⁷

State-level lobbying can be even more difficult to track than federal lobbying, in part because reporting requirements vary by state. At a minimum, state records reveal that CCA has employed 263 lobbyists in 32 states over the past eight years.⁹⁸ CCA's lobbyists have been found in many cases to maintain disturbingly cozy relationships with the state officials who are to be "convinced" of CCA's agenda. In one instance, CCA's chief lobbyist in its home state of Tennessee was married to the speaker of the House.⁹⁹ While little can be said with any certainty regarding the specifics of CCA's recent state-level lobbying efforts, the importance with which CCA regards lobbying state officials is readily apparent. In Montana, a state containing just 1.5 percent of state prisoners held in private facilities, CCA still devoted \$36,666 to lobbying in the off-year of a biennial legislative cycle.¹⁰⁰ CCA has found lobbying – at both the state and federal level – to be an effective and efficient method of expanding its business and generating new streams of revenue.

CAMPAIGN CONTRIBUTIONS

While lobbying is central to CCA's political strategy, it has proved most effective when coupled with campaign contributions to state and federal candidates for office. While

campaign contributions are regulated more strictly than lobbying expenditures, corporations like CCA are able to contribute to political parties and candidates via Political Action Committees (PAC) and through personal contributions from their executives and board members. Campaign contributions allow CCA to establish connections and garner influence with the public officials who are charged with determining the fate of legislation relevant to corrections and awarding contracts to prison companies.

CCA has typically devoted significantly greater financial resources to state candidates than federal candidates, perhaps because state officials are more likely to be directly involved in awarding prison contracts than federal elected officials.¹⁰¹ Since 2003, CCA's PAC and its employees have made a total of \$1.75 million in contributions to state-level political candidates and ballot measures.¹⁰² These contributions have been overwhelmingly concentrated in two states: California and Florida. California boasts the nation's largest prison population and is under a U.S. Supreme Court order to reduce the number of inmates held in its public prisons. Meanwhile, Florida has the nation's second-largest prison population and is under budgetary mandates to privatize certain public prison beds.¹⁰³ Seeing the opportunity represented by overcrowded state prisons and requirements to downsize or outsource, CCA has attempted to capitalize, devoting 28.7 percent of its state-level political contributions over the past eight years to California and another 25 percent to Florida.¹⁰⁴ In addition to supporting candidates for state office, CCA has contributed to state ballot initiatives including efforts to facilitate prosecutions, increase prison sentences, and deny bail to undocumented individuals charged with certain offenses.¹⁰⁵

While CCA has historically focused primarily on state campaign contributions, the company has still made its impact felt at the federal level. Since 2004, CCA has used its PAC to give an average of approximately \$130,000 to federal candidates and their PACs each election cycle.¹⁰⁶ CCA's contributions to candidates for federal office through its PAC peaked at \$323,592 during the 2006 election cycle. Most recently, CCA gave a total of \$266,800 to candidates for federal office in 2010.¹⁰⁷

Several interesting patterns emerge from CCA's campaign contributions at both the state and federal levels. While CCA shows a preference for contributing to the Republican Party and its candidates, this trend is hardly overwhelming. Over the past eight years, CCA has given 62.2 percent of its state-level campaign contributions to Republican candidates and another 28.9 percent to Democratic candidates.¹⁰⁸ During the 2010 election cycle, CCA's PAC divided its campaign contributions at the federal level nearly evenly, giving 56 percent to Republicans and 44 percent to Democrats.¹⁰⁹ What proves to be the greatest predictor of support from CCA is not political affiliation, but incumbency status and election outcome. From 2003 to 2011, CCA made 82.3 percent of its state-level contributions to incumbent

candidates and 78.7 percent to eventual election winners.¹¹⁰ What this demonstrates is that CCA is not primarily concerned with supporting the platform of a particular political party. Instead, CCA uses campaign contributions to gain friends in high places and thereby establish the influence and access to power necessary to promote incarceration and prison privatization.

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Not satisfied with promoting incarceration through lobbying and campaign contributions, CCA has also taken a more direct role in writing legislation, at least at the state level, by its membership in the American Legislative Exchange Council (ALEC). Composed of nearly 2,000 legislators – approximately 1/3 of all state lawmakers – as well as over 200 corporate and special interest private sector members, ALEC describes itself as “the nation's largest, non-partisan, individual public-private membership association of state legislators.”¹¹¹ In essence, ALEC provides a forum for corporate representatives to meet with state legislators to develop strategy for advancing specific industry objectives. ALEC derives over 80 percent of its funding from its corporate members, and its anti-regulatory, anti-union, pro-free-trade agenda clearly reflects the organization’s funding sources.¹¹² While legally barred by its 501(c)(3) status from lobbying on behalf of legislation, ALEC has taken a more direct route: drafting “model legislation” to be carried back to legislators’ home states and enacted into law.

CCA has been a member of ALEC for at least a decade and currently sits on ALEC’s Public Safety and Elections Task Force, which is responsible for drafting legislation related to corrections and reentry, sentencing, bail, homeland security and immigration policy.¹¹³ With at least a dozen members that conduct prison business, ALEC has played a largely unexamined yet crucial role in passing legislation designed to promote incarceration and expand the prison system.¹¹⁴ In the early 1990s, ALEC went to bat for the prison industry, encouraging states to enact truth-in-sentencing, three-strikes (or habitual offender), and mandatory minimum sentencing laws, all of which required longer sentences for those convicted of crimes. The result of these pieces of legislation is predictable and well documented: during the 1990s, prison construction boomed, the incarceration rate increased by 60 percent driven by a prison population expansion of one-half million people and CCA and its competitors secured lucrative new contracts to house thousands of inmates from overcrowded public facilities.¹¹⁵

More recently, as CCA has turned toward federal contracts from immigration authorities to secure new revenue, ALEC has responded by advancing legislation which compounds the criminalization of immigrant communities. In particular, CCA has worked closely with

ALEC over the past two years to draft and advance legislation which would deputize local police to enforce immigration law, thereby creating a dragnet to funnel immigrants into its detention centers and prisons.¹¹⁶ As the next section describes in detail, Arizona has been made the nation's testing ground for new anti-immigrant legislation and CCA has been key to securing its success.

CCA IN ARIZONA

Historically, CCA has intervened most heavily in the politics of states with the largest populations behind bars, namely California, Florida and to a lesser extent, Georgia. Over the past several years, however, Arizona has suddenly become a priority for CCA. CCA's increasing focus on Arizona is revealed by an examination of its political giving and lobbying efforts. Campaign contributions by CCA over the past decade have targeted Arizona Governor Jan Brewer, House Speaker Andy Tobin, former Senate President Russell Pearce and former House Speaker Kirk Adams, but amounted to an average of only \$3,500 per year.¹¹⁷ However, during the 2010 election cycle CCA pumped a total of \$10,000 dollars in campaign donations into the state political process.¹¹⁸ During the same period, the lobbying firms retained by CCA in Arizona contributed an additional \$35,000 to state politicians.¹¹⁹

CCA's sudden interest in Arizona politics beginning in 2010 is anything but happenstance. Instead, CCA's stepped-up political efforts in Arizona are directly related to the company's ever-increasing reliance on generating revenue from the detention of non-citizens under contract with Immigration and Customs Enforcement (ICE). While immigration detention has been important to CCA for some time, it is only over the past several years that ICE has appeared to become CCA's primary target for generating new streams of revenue. Writing in 2009, CCA publicly acknowledged that it expected to derive "a significant portion of [its] revenues" from ICE in the coming years.¹²⁰ Between January 2008 and April 2011, CCA spent \$4.4 million lobbying federal officials and filed 43 lobbying disclosure reports, all but five of which stated its intention to monitor or influence immigration policy or attempt to secure contracts from ICE or the Department of Homeland Security.¹²¹ The centrality of Arizona to CCA's pursuit of immigrant detainees is clear: three of CCA's six prisons and detention centers in Arizona contract with ICE and over 14 percent of CCA's federal revenue since 2000 has been generated by its Arizona facilities.¹²²

The section that follows provides two case studies which examine CCA's involvement in detaining non-citizens in ICE custody and illuminate the company's impact on communities in Arizona. The first case study focuses on CCA's Eloy Detention Center and details the

facility's impact on detainees, families and local Arizona communities. The second case study provides a chronology of Arizona's SB 1070, exposing CCA's crucial involvement in securing passage of the viciously anti-immigrant legislation and exploring the law's impact on communities across Arizona.

CASE STUDY: ELOY DETENTION CENTER

CCA has maintained a presence in Arizona since the opening of the Eloy Detention Center (EDC) in 1994. Today, EDC holds non-citizen detainees awaiting immigration court proceedings and, with a total of 1,596 beds, is one of the largest immigration detention centers in the country.¹²³ EDC is also among the most notorious private correctional facilities in the country. As this report has already documented, EDC has been faulted for failing to protect detainees from sexual violence (see page 10) and for gross medical negligence resulting in numerous detainee deaths (see page 12). This section discusses EDC and its impact on detainees, their families and Arizona communities. In many cases, these groups are overlapping, with detainees originating from communities across the state and entire families being detained together, or separated by detention. Nonetheless, each of these groups has been impacted, directly or indirectly, by immigration detention at EDC. While an exhaustive review of the multitude of ways EDC has negatively impacted Arizona is not possible here, the pages that follow highlight EDC's impact on the local community of Eloy, its lack of accountability, its role in separating families and its substandard medical care.

Economic impact

As in other communities, CCA has ingratiated itself to Eloy residents by promising to be an engine of economic growth and opportunity. In a typical claim, a CCA "independent study" asserts that building a new CCA prison in Arizona would provide "hundreds of permanent career opportunities in a fairly recession-proof industry."¹²⁴ However, the permanency of the existing positions at CCA facilities was brought under suspicion in January 2006 when the Bureau of Prisons announced its intention not to renew its contract with EDC, threatening the facility with closure and hundreds of employees with termination. Although EDC eventually remained open under a new contract to house non-citizen detainees in ICE custody, a number of positions were eliminated and some employees were forced to accept pay cuts as high as 25 percent to keep their jobs.¹²⁵

While CCA touts its role in promoting job growth in Eloy, there is little evidence that the company's presence has sustainably improved the local economy. Because CCA refuses to publicly release wage and salary data, it is impossible to directly measure the company's affect on the economy. Undeniably, CCA has brought jobs to Eloy. With the opening of the Red Rock Correctional Center in 2006, CCA became Eloy's largest private employer, suggesting the company has significant power to influence wage and employment trends in the area.¹²⁶ Nonetheless, a report by the Arizona Department of Commerce in 2008 found that the employment rate in Eloy remained 49 to 55 percent below national and Arizona averages, in part because close to ten percent of the city's population is incarcerated in CCA facilities. With regard to wages, average non-farm private-sector payroll per employee was only \$23,900 – 26 percent less than the Arizona average and 30 percent less than the regional average.¹²⁷ Observing aggregate economic data in Eloy provides no evidence that CCA has deviated from its usual pattern of paying poverty level wages and providing a bare minimum of jobs.

Accountability

For detainees at EDC, holding CCA accountable for conditions at the facility and the treatment of inmates is nearly impossible. Inmate grievances are frequently ignored or denied by CCA officials and prisoners have no recourse when their concerns go unaddressed. Between 2005 and 2009, inmates at EDC filed 389 formal grievances over conditions at the facility. Only 44 of these grievances, barely one in ten, were acted upon by CCA; the rest were denied or never resolved.¹²⁸ As one woman detained at EDC for over a year explained to the ACLU: "ICE needs to take some responsibility here. We cannot complain to CCA because they tell us to contact ICE, and ICE tells us to talk to CCA. Here we do not have rights."¹²⁹ CCA's refusal to accept responsibility for conditions at EDC, a facility which it owns and manages, clearly deprives detainees of their rights and perpetuates their mistreatment.

Family separation

Inmates at EDC often arrive at the facility after being transferred hundreds or thousands of miles from where they were originally apprehended and entered into ICE custody. Between 1998 and 2008, EDC received 27,674 detainee transfers from other facilities, making it the third most popular receiving facility in the nation.¹³⁰ ICE commonly transfers individuals in its custody, abruptly and with little justification, between facilities without informing the detainee's family or attorney. The emotional toll placed on detainees and

their families by cross-country transfers can be devastating. When ICE transfers an inmate to a facility thousands of miles away, the cost of visiting a detained family member may become simply insurmountable. Even the cost of communicating by phone can be prohibitive. Detainees at EDC may not receive phone calls and CCA has been reported to charge inmates up to \$5 per minute to make phone calls.¹³¹ In light of these restrictions, one immigration lawyer commented that the consequences of detainee transfers can be “devastating financially and emotionally. So many family members have told me that it’s like their [detained] relative is dead.”¹³²

Transfers also impede detainees’ ability and will to fight their cases in court. Detainees who have hired legal counsel may be transferred far from their lawyers and compelled to either pay for their travel expenses or find new legal representation. Additionally, without the support of family and friends, detainees may be less likely to defend themselves against removal, regardless of the strength of their case. As one detainee at EDC said, “After a while, some guys just sign for their [voluntary] departure, because they don’t have a lawyer and don’t feel able to fight.” Being held at EDC, particularly for those detainees transferred from other facilities, separates inmates from their families and denies them access to legal counsel, causing severely damaging emotional and legal consequences.

“Francisco spent 14 months in ICE custody at the Eloy Detention Center on a minor drug possession offense for which he spent 10 days in county jail. Francisco has lived in Phoenix since he was a young child, where he also attended grade school and high school. His mother and stepfather are legal residents and his two young sisters are U.S. citizens. He also has a 4-year-old U.S. citizen daughter. Francisco’s stepfather filed a family petition on his behalf when he was a minor, which was pending at the time of Francisco’s arrest. Current immigration laws require mandatory detention, even of people who have very old or minor convictions like Francisco. In these cases, immigration judges are not allowed to consider family, work or community ties to decide whether one should be released on bail to continue his case outside of detention. Separated from his family for more than a year and faced with the possibility of deportation to a place where he has no family or support, Francisco and his family endured uncertainty and significant hardships. His case was eventually granted by the immigration judge and today he is a legal resident.”

Source: ACLU of Arizona, *In Their Own Words: Enduring Abuse in Arizona Immigration Detention Centers* (Phoenix, AZ: ACLU of Arizona, June 2011), p. 19.

Medical care

A congressional report presented in 2010 found that more inmate deaths had occurred at EDC than at any other immigration detention center in the country.¹³³ Of the many factors contributing to the high detainee death rate at EDC, the substandard medical care CCA provides inmates at the facility may be the most important. A visit to EDC by the Women's Refugee Commission in 2010 found troubling reports of medical care routinely delayed or denied. In one instance, a detainee with multiple sclerosis was denied her medication for over two months while she waited for her medical files to be transferred and pressured reluctant medical staff to schedule a consultation with a neurologist.¹³⁴ Similarly, an investigation by the ACLU found that detainees at EDC were forced to wait unreasonable periods to receive needed medical care, including a detainee diagnosed with bipolar disorder and depression who was eventually placed in isolation as punishment for "acting out" after waiting three weeks for his prescribed anti-psychotic medication.¹³⁵ The persistent medical negligence, indifference and incompetence displayed by CCA staff cause unnecessary and prolonged suffering for inmates at EDC.

EDC's impact in Arizona has been overwhelmingly negative. Families have been separated, detainees abused and denied medical care, Eloy residents have been sold exaggerated promises that never materialized and CCA refuses to be accountable for its impact on families and communities in the state. Nonetheless, EDC remains a valuable source of revenue for CCA and the rest, as far as CCA is concerned, is immaterial. In fact, CCA has begun to look for ways to make EDC and its other Arizona facilities more profitable still. Although CCA's 2009 Annual Report claimed that its "growth depends on a number of factors [it] cannot control" including "any changes with respect to drugs and controlled substances or illegal immigration," gaining some measure of control over these external factors has become a high political priority for CCA.¹³⁶ In the same report, CCA

“Helen was detained at Eloy Detention Center for one month. For almost the entire time she was detained, she experienced severe vaginal bleeding. She filed medical requests and told staff that this was not normal for her monthly period, but they still did not consider her situation a medical emergency. The bleeding became so severe that Helen experienced blurred vision, fainting, and could not walk. Helen continued to file requests to see a doctor. Ultimately, detention officers called a medical emergency and Helen was taken to a local hospital, where doctors performed a complete hysterectomy.”

Source: ACLU of Arizona, *In Their Own Words: Enduring Abuse in Arizona Immigration Detention Centers* (Phoenix, AZ: ACLU of Arizona, June 2011), p. 31.

acknowledged that its business “could be adversely affected by the relaxation of enforcement efforts.”¹³⁷ In recognition that the inverse is equally true, CCA has recently contributed to, and stands to benefit directly from, state-level legislative initiatives to target immigrants with aggressive new enforcement mechanisms.

In 2010, CCA helped make Arizona the testing ground for new legislation designed to further criminalize immigrant communities, radically expand enforcement of immigration law and funnel more people into private prisons and immigration detention centers. CCA’s well-honed political strategy of supporting ALEC model legislation with powerful lobbying and well-timed campaign donations proved an effective method of helping CCA gain control over one of the “external factors” over which it had fretted in 2009: the enforcement of immigration law.

CASE STUDY: SB 1070’S PATH TO LAW

On April 24, 2010, Arizona Governor Jan Brewer signed into law the “Support Our Law Enforcement and Safe Neighborhoods Act,” also known as SB 1070. The law requires that state and municipal law enforcement officers investigate the immigration status of anyone they stop, detain or arrest who they suspect lacks federal authorization to be present in the U.S. The stated goal of the legislation was “attrition through enforcement,” or making life so unbearable for undocumented populations that they would leave the state all together.¹³⁸ The bill virtually breezed through the Arizona State Legislature, becoming law a mere three months after being introduced in January by Senate President Russell Pearce.

Pearce, the Arizona Senator perhaps best known for racialized rhetorical attacks on immigrants and the slew of anti-immigrant legislation for which he was responsible, had attempted since 2003 to pass legislation similar in effect to SB 1070 without success. Pearce has publicly taken credit for finally winning the passage of SB 1070 in 2010, downplaying the involvement of other parties in drafting and promoting the legislation.¹³⁹ However, a number of reports which surfaced after SB 1070 became law pointed to the heavy influence of the private prison industry in helping to advance the legislation.¹⁴⁰ What lubricated the gears for SB 1070 to pass seamlessly through the legislative and executive branches of the Arizona state government, it seems, was a well-coordinated effort by the prison industry, led by CCA, to inject its money and influence into the political process.

CCA and Senator Pearce are both members of the American Legislative Exchange Council (ALEC) (see page 19) and sit together on the organization’s Public Safety and Elections Task Force.¹⁴¹ It was to this task force, at ALEC’s annual States and Nation Policy Summit in

Washington D.C., that Pearce brought an early draft of SB 1070 in December 2009. According to Pearce, the draft legislation was approved unanimously by the 50 or so attending task force members, which included several CCA representatives.¹⁴² After the formality of approval from ALEC's board of directors, Pearce's "No Sanctuary Cities for Illegal Immigrants Act" became official ALEC model legislation.¹⁴³

Following the ALEC summit, Pearce returned to Arizona and introduced the ALEC model bill in the State Senate in mid-January. Almost immediately, the signs of a coordinated and well-funded effort to ensure the bill's passage became apparent. The bill garnered 36 co-sponsoring legislators – a show of support rarely realized in the state legislature – two-thirds of whom were ALEC members.¹⁴⁴ On January 22, just nine days after SB 1070 was introduced, CCA hired a new lobbyist, Highground Public Affairs Consultants, to work the capitol.¹⁴⁵ In addition to convincing legislators of the value of the proposed legislation, CCA's lobbyists provided the company with powerful contacts in the executive branch. The president of Highground, Chuck Coughlin, was also serving as a Senior Political Adviser to Governor Brewer and had acted as her campaign manager.¹⁴⁶ In addition, Brewer's Deputy Chief of Staff, Paul Senseman, had previously worked as a lobbyist with the Policy Development Group under contract from CCA.¹⁴⁷ CCA retains Policy Development Group to this day in Arizona and Senseman's wife continues to lobby for the firm.¹⁴⁸

Over the course of the next six months, including the period during which SB 1070 was debated and voted on, 30 of the 36 co-sponsors of Pearce's bill received campaign donations from private prison companies or their lobbyists, including CCA and several of its competitors.¹⁴⁹ This money's influence became clear when SB 1070 passed the House of Representatives on April 13 by a vote of 35 to 21 and the Senate on April 19 by a 17 to 11 vote. Governor Brewer's signature made the bill law four days later. On April 29, the legislature approved and Brewer signed another law, HB2162, which made several modifications to SB 1070, most notably a specification that race and national origin could not be used as factors in implementation of the law. Despite these changes, described by various lawmakers as "cosmetic", the final version of the law remained remarkably similar to the model legislation approved by ALEC in December.¹⁵⁰

While four core components of SB 1070 currently remain under a U.S. Circuit Court injunction pending a ruling by the U.S. Supreme Court, CCA stands to benefit handsomely if the law is fully implemented. If SB 1070 succeeds in effectively converting every state and municipal law enforcement officer in Arizona into an immigration agent, the number of individuals placed in ICE custody for violation of immigration law will undoubtedly increase. In 2011, nearly 400,000 people passed through ICE custody and the agency maintained a total capacity of 33,400 immigration beds.¹⁵¹ With an expansion of

enforcement as dramatic as that portended by SB 1070, ICE may have to boost its detention capacity, possibly resulting in new contracts for prison operators like CCA.

The story of SB 1070's path to law is an excellent illustration of the three components of CCA's political strategy used in synthesis to achieve its political aims (see page 15). Through its membership in ALEC, CCA was able to offer feedback – prior to its introduction to the public or its political opponents – on proposed legislation that had the potential to affect the company's business. Given advance notice of the legislation, CCA was prepared to make a full-court press for the bill's passage, hiring a new lobbyist just days after the bill was made public. In addition to advocating for the legislation, CCA's well-connected lobbyists provided the company with additional leverage through their valuable connections to high-ranking members of the executive branch. Finally, CCA made or promised campaign contributions to legislators as they were considering the bill, surely contributing to SB 1070's relatively uncomplicated journey through the legislature. The significant expenditure of resources made by CCA in support of SB 1070 suggests that the company expects to be repaid many times over in the form of lucrative new contracts to house immigrants detained by ICE.

While CCA's cold political calculus pays dividends, it fails to take into account the destructive impact laws like SB 1070 have on the communities they affect. Although not solely responsible for SB 1070, CCA played a crucial role in securing its passage and stands to profit significantly from the law's implementation. Therefore it is reasonable to consider the impact of SB 1070 as attributable in part to CCA. Even though crucial provisions of SB 1070 have yet to take effect, the information available indicates that the law has already had a damaging effect on communities in Arizona.

Attrition

Shortly after the passage of SB 1070, the Mexican government began making preparations – opening shelters and initiating employment programs – for the wave of Mexican citizens officials expected to leave Arizona for fear of the new law.¹⁵² Mexican officials estimate that between June and September 2010, approximately 23,380 Mexican citizens left Arizona to return to their country of origin. However, many more thousands of people left Arizona in the wake of SB 1070 but elected to remain the U.S., moving instead to other states. By November 2010, almost five percent of Arizona's Latino/a population, approximately 100,000 people, had left the state.¹⁵³ In other words, SB 1070 caused nearly one in twenty Latinos/as to leave Arizona in less than a year. Inevitably, this hurried exodus resulted in uprooted and separated families, atomized communities and the disintegration of existing social and economic support networks.¹⁵⁴

Social disruption

The inevitable consequence of the mass attrition spurred by SB 1070 is a severely disrupted social fabric within the state. A recent report published by the University of Arizona, concluded that SB 1070 was “very damaging” for the immigrant population that remained in Arizona and the law had “undermined both the education and safety of Arizona’s youth.”¹⁵⁵ Based on interviews with youth, their parents and public school personnel, the report documented a variety of problems facing immigrant youth, citizen and undocumented alike, as a result of the law. The harsh consequences affecting Arizona youth include social and academic problems; family separation; stress-related health problems; decreased enrollment and destabilization of schools; altered and constricted daily routines; decreased civic engagement; and enduring mistrust and fear of social institutions, including schools and law enforcement. The study concluded that the “pervasive fear and uncertainty” created by SB 1070 had severely destructive consequences for communities in Arizona, with a particularly pernicious effect on the state’s youth population.¹⁵⁶

Economic impact

Had SB 1070 succeeded in forcing all undocumented immigrants to leave Arizona, the result would have been a \$48.8 billion contraction in the state’s economy, a loss of 581,000 jobs and a 10.1 percent reduction in state tax revenue.¹⁵⁷ Thankfully, the legislation has failed to achieve absolute attrition of the state’s undocumented population and thus economic catastrophe has been avoided for the time being. Nonetheless, public reaction to SB 1070, including a national boycott of the state, has levied severe economic consequences against Arizona. The decline in tourism attributable to the law has already resulted in the loss of 2,761 jobs, \$253 million in economic output and \$9.4 million in missing tax revenue.¹⁵⁸ Shortly after SB 1070’s passage, the city of Phoenix estimated that it stood to lose \$90 million in hotel and convention business over the ensuing five years, prompting Phoenix Mayor Phil Gordon to describe the law as a “near economic crisis.”¹⁵⁹ SB 1070 has dealt a significant, and potentially calamitous, blow to Arizona’s already struggling economy which has proved injurious to the entire state, citizen and undocumented alike.

The far-reaching damage wrought by SB 1070 glaringly highlights the question of who ultimately benefits from the legislation. Even Senator Pearce was ousted from the Senate during a recall election in 2011 due in part to his position as SB 1070’s greatest public proponent.¹⁶⁰ In the face of massive attrition; family separation; community upheaval; social, academic and health consequences for youth; public mistrust of social institutions;

and a narrowly-averted “economic crisis,” CCA and its competitors stand alone as the beneficiaries of SB 1070. CCA awaits the U.S. Supreme Court decision which will determine whether the law can take full effect and open a dragnet to sweep unprecedented numbers of people into ICE custody and eventually into CCA’s prisons and detention centers. Meanwhile, communities of every demographic across Arizona continue to suffer the consequences of the destructive legislation and CCA’s profiteering.

CONCLUSION

As recently as ten years ago, private prisons were besieged with criticism and the legitimacy of private incarceration appeared tenuous at best. Over the past decade, CCA has led a renaissance, transforming private corrections into a five billion dollar a year industry that now claims nearly one in twelve prison inmates in the U.S. With unprecedented political power and a rapidly expanding share of the U.S. prison population, the private prison industry has achieved enormous leverage to shape the face of criminal justice and corrections in the U.S.

As this report argues, the expanding influence of prison companies like CCA is, at best, highly troubling. Overwhelming evidence suggests that CCA is unable to responsibly balance the interests of its shareholders with those of the public and the inmates held in its facilities. Given the chance to lower costs or increase revenue, CCA will do so with reckless disregard for the impact on inmates, families and communities. This report has demonstrated that:

- CCA has exposed untold numbers of inmates to extreme and dangerous violations of their most basic rights. Prisoners routinely experience physical abuse, sexual violence, medical negligence and poor conditions and overcrowding.
- CCA expends hundreds of thousands of dollars annually to exert its political will through lobbying, campaign donations and partnering with the American Legislative Exchange Council. CCA’s political activities amount to shameless profiteering designed to secure new revenue for the company regardless of the cost to society.
- CCA has damaged the health of communities wherever it operates, with a particularly negative impact in Arizona. The Eloy Detention Center and SB 1070 are two examples of the profound ways in which CCA facilities and political interventions negatively impact community, family and individual health.

CCA's record of abuse should thoroughly discredit the company and fundamentally undermine the very logic of prison privatization. Given ample opportunity to correct for its inadequacies, CCA has failed to respond, ignoring demands to account for its actions and surging ahead to secure new contracts and expand its political influence. Measures such as expanded government oversight and monitoring, legally-binding universal standards of care for incarcerated populations and enforceable limits on corporate involvement in the political process may be important correctives to the most egregious excesses of CCA and its competitors. However, these measures fail to address the fundamental conflict of interest at the heart of private corrections: that between turning a profit and meeting minimum standards of care for inmates. Faced with balancing these competing interests, CCA has amply demonstrated a perverse disregard for the basic rights and dignity of human beings.

CCA has nothing to offer the public beyond a stark illustration of the inherent inhumanity and illogic of prison privatization. Given the case against CCA, it would be profoundly irresponsible to continue to trust the company with the wellbeing of even a single inmate.

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