

Resolution 17

PRISONS AND PROFITS—THE BIG BUSINESS BEHIND MASS INCARCERATION

IT IS NO COINCIDENCE that the total population in the United States' correctional system has exploded in the decades since the business of for-profit incarceration was born. Between 1980 and 2011 the number of people incarcerated grew from 500,000 to 2.2 million. The rise in the rate of incarceration has had a disproportionate impact on individuals and communities of color. According to a 2008 study from the Pew Center on the States, one out of every 106 white males ages 18 or older is incarcerated, one out of every 36 Hispanic males ages 18 or older is incarcerated and one in every 15 black males ages 18 or older is incarcerated. In many of the largest cities in the United States, more than half of young black men are either in the correctional population or released but now stigmatized with a criminal record.

For-profit prison companies benefit from rising rates of incarceration that stem in large part from changes in laws and procedures that require increased penalties for nonviolent and minor crimes, such as the possession of small amounts of drugs, and lengthy or lifetime incarceration as a result of "three strikes" sentencing laws.

The private prison industry has lobbied for such laws as well as stricter incarceration policies for undocumented immigrants. Their business model depends on growing the correctional system for the sake of profit without regard to justice. Private prison corporations even insist on "bed guarantees" in their contracts with states, demanding that 90 percent and even 100 percent of their beds be filled, sometimes for decades. The for-profit prison industry lobbies for privatizing all aspects of the criminal justice system, including juvenile detention, health care and other services for the incarcerated, the operation of all prisons and jails as well as probation and parole services. But the facts show that the privatization of correctional facilities and services leads to inhumane

conditions for the people who work in prisons and jails as well as those who are incarcerated. The need to maximize profits results in cutting corners on basic services—from medical care to clothing and food. In addition, privately run correctional facilities are not adequately staffed and the jobs they do provide come with low pay and little training, thus jeopardizing the staff themselves, the incarcerated, and those who live in the communities in which jails and prisons are located. Mass incarceration has also led to dangerous levels of inmate overcrowding in many of our jails and detention facilities, both public and private. Overcrowding results in increased prison violence that victimizes staff and inmates alike. In California, overcrowded conditions have led to a court-ordered release of over 9,000 inmates, including some who have been convicted of violent crimes.

The impact of mass incarceration can be felt on neighborhoods, families and individuals. The majority of people in the system live in a subset of neighborhoods in the major cities of each state. When people who have been in prison or jail, or on parole or probation, return to civil life, they return to these same neighborhoods. As a result of mass incarceration, these already impoverished neighborhoods have lost thousands of working-age men. For families, relationships are strained, income earners are lost and parents and children are separated. Those who have been released from the correctional system face institutionalized discrimination, unable to break free of the stigma. Various state and local laws and policies institutionalize unfairness, preventing those reintegrated into society from voting, serving on juries, obtaining student loans, and receiving public benefits and other services. Returning to neighborhoods long suffering from economic divestment, high unemployment, poor infrastructure and isolation, those re-entering civil society also have few opportunities for advanced education and good jobs.

Another factor in the historic high numbers of people in the correctional system is the “school-to-prison pipeline,” a phrase that describes the policies and practices that push young people, especially children of color, out of school and into the criminal justice system. Contributing to this path toward incarceration are overly harsh disciplinary policies, budget cuts that have left schools without resources to support students and families, zero-tolerance policies and increased school-based arrests. The NAACP Legal Defense Fund reports that black young people are more likely to be expelled, suspended or arrested than their white peers for similar conduct. The disproportionate effect of the school-to-prison pipeline on young people of color is demonstrated in these statistics: In 2000, African Americans represented 17% of public school enrollment, but 34% of all suspensions. Similarly, in 2003, African American young people made up 16% of the juvenile population but accounted for 45% of the juvenile arrests.

Of the discrimination faced by those coming out of the criminal justice system, the loss of the vote symbolizes our nation’s failure to provide former offenders with opportunities to participate in our democratic society. An estimated 5.85 million Americans are disenfranchised because of legal barriers to their voting rights. Among the disenfranchised, about 45%—2.6 million people—have completed their sentences. According to The Sentencing Project, 13 states disenfranchise inmates only. Five states disenfranchise inmates and parolees. Nineteen states disenfranchise inmates, parolees and probationers. Eleven states extend disenfranchisement to ex-felons. Only two states have no restrictions. Many states make the restitution of voting rights a complicated and cumbersome process, making the right to vote a fiction rather than a practice. The end result of this pattern of discrimination is that 7.7% of African American adults are disenfranchised, and in some states that level is much higher (Florida 23%, Kentucky 22% and Virginia 20%).

In short, our nation’s profit-driven justice system is producing a level of mass incarceration that is anything but just.

RESOLVED,

- The AFL-CIO believes that the operation of our criminal justice system is an inherently governmental function. The AFL-CIO will support legislation, policies and practices that end the privatization of correctional facilities or services.
- The AFL-CIO will support efforts to alleviate prison overcrowding by advocating for adequate staffing for correctional institutions and the conversion of privately operated prisons to public operation.
- The AFL-CIO will support criminal sentencing policies that ensure punishments are fair, commensurate with the crime and consistent with public safety requirements. The AFL-CIO will oppose legislation and policies that require inappropriately long mandatory sentences for nonviolent crimes.
- The AFL-CIO will support reforms—including adequate staffing of our criminal justice system—that accelerate the justice process and eliminate unnecessary pre-trial detention time.
- The AFL-CIO will support the effective use and full funding of training, education, probation and parole strategies that assist in reintegrating people who have served their time into our communities.
- The AFL-CIO will support a public policy focus on the treatment of users of illegal drugs and supports treating drug use as a public health issue.
- The AFL-CIO will support the restoration of full citizenship rights for those convicted of nonviolent offenses once they have completed their prison sentences, including the right to vote, the right to serve on a jury, and full access to government services such as financial aid for education, housing and employment assistance.
- The AFL-CIO will work with affiliates and allies to support legislation and policies that support schools and communities in developing and funding programs to reduce the number of young people who drop out of school or are suspended or expelled and will support programs, such as DARE, that work with law enforcement officers to educate rather than penalize youth.