

# Justice Is Not For Sale Act

Senator Bernard Sanders (I-VT) and Congressman Raúl M. Grijalva (D-AZ)

The United States relies on prisons too much to address crime. According to the International Centre for Prison Studies, the U.S. [incarcerates](#) nearly 800 of every 100,000 people, whereas most countries around the world incarcerate fewer than 150 of every 100,000 people. Perverse profit incentives are now paving the way for a harmful pro-incarceration agenda.

The U.S. incarcerated more than [2.2 million](#) adults in 2013. Of that number, nearly 1.6 million were in federal and state prisons, with the rest in local jails. The 1.6 million prisoners [included](#) nearly 1.4 million state prisoners and 215,866 federal prisoners. Additionally, Immigration and Customs Enforcement (ICE) is mandated to detain a minimum of 34,000 individuals every day and the U.S. Marshal Service (USMS) maintained a daily average of [55,330](#) detainees in 2014.

Our reliance on mass incarceration has several causes, including draconian criminal laws, politically powerful corporations profiting from incarceration, immigration enforcement policies and strict policies regarding parole and release of prisoners. This legislation aims to address some of these factors in order to reduce the inmate population in federal, state and local facilities.

Of the nearly 1.6 million people in federal and state prisons in 2013, [133,044 \(8.4 percent\)](#) were in private prisons. That includes over 41,159 federal prisoners in private facilities (19.1 percent of total federal prisoners) and 91,885 state prisoners in private facilities (6.8 percent of total state prisoners). The U.S. Marshal Service (USMS) held [20 percent](#) of its detainees in private facilities in 2014 and ICE holds [62 percent](#) of its detainees in private facilities.

The handful of corporations that provide correctional services profit tremendously from mass incarceration, and have [lobbied](#), through the American Legislative Exchange Council (ALEC) for more draconian criminal laws that have the effect of increasing the incarcerated population. The private prison industry has joined the ranks of most aggressive lobbyists, and the two largest companies have spent [\\$25 million](#) on their efforts. A rise in lobbying and direct campaign contributions has correlated with dramatic growth in private prison population, greater overall spending on corrections and a sharp increase in private company profits. The stock of the top two private prison companies together is worth over \$5.5 billion.

A 2001 [report](#) from the Department of Justice found that any cost savings governments achieve by contracting with these companies are modest and result from reducing staff and cutting other corners. The same report found 65 percent more inmate-on-inmate assaults and 49 percent more inmate-on-staff assaults than at comparable public prisons. Other studies have found higher rates of [recidivism](#) for inmates in for-profit corrections facilities and that corrections officers at for-profit prisons receive [less training](#).

For-profit prisons fail in carrying out their basic public safety function. On July 30, 2010, three inmates [escaped](#) from a private corrections facility in Arizona and murdered an elderly couple vacationing in New Mexico. A [riot](#) at the same for-profit prison this summer seems to have stemmed from brutal treatment by the privately-employed prison guards. An Idaho [lawsuit](#) was settled in September 2011 over a private prison that was so violent it was dubbed the “Gladiator School.”

The Justice Is Not for Sale Act addresses these problems by making the following reforms:

**Sec. 3. Bar the federal government from contracting with private entities to provide and/or operate prisons and detention facilities within 2 years.**

Starting two years after enactment, all adults in the custody of a federal agency will be held in facilities owned by the federal government and operated by federal employees. The Attorney General can provide a one-year extension if agencies cannot reasonably comply without such an extension.

**Sec. 4. Bar state and local governments from contracting with private entities to provide and/or operate prisons and detention centers within 2 years.**

Starting two years after enactment, state and local governments will be barred from contracting with private companies to provide and/or operate incarceration or detention facilities for adults. The Attorney General can provide a one-year extension to a state or local government that cannot reasonably comply without such an extension.

**Sec. 5. Reinstate the federal parole system.**

The federal parole system was abolished in 1984, for all crimes committed after 1987. Currently, prisoners are required to serve at least 85 percent of their sentence. Combined with mandatory minimums and the federalization of many crimes, this has increased the federal prison population to almost nine times its 1980 level, and federal prisons are 36 percent over capacity. Reinstating the federal parole system will allow individualized, risk-based determinations regarding each prisoner and restore fairness in the system.

**Sec. 6 and 7. Increase oversight to prevent companies from overcharging inmates and their families for services like banking and telephone calls.**

The Consumer Financial Protection Bureau and the Federal Communications Commission would prevent companies from engaging in unfair practices and charging unreasonable fees for banking and telecommunications services.

**Sec. 8. End the requirement that ICE detain 34,000 immigrants.**

The detention quota imposed on ICE is an aberration in law enforcement. No other federal or local law enforcement agency detains individuals based upon a daily quota. The federal government would save \$1.4 billion dollars annually by eliminating the daily bed quota and giving ICE the discretion to utilize more humane and effective Alternatives to Detention (ATDs) for immigrants identified as low risk.

**Sec. 9. Require ICE to improve the monitoring of detention facilities.**

To ensure humane treatment of detainees, facilities would be inspected by the Secretary of Homeland Security at least annually and by an independent, third party auditor at least biannually. The Secretary would conduct additional routine inspections, including unannounced inspections. Information obtained from these inspections will be made public.

**Sec. 10. End immigrant family detention.**

In 2014 the Obama Administration increased the detention of immigrant families apprehended at the border. Consequently, there was an expansion of family detention facilities. These detention facilities are located in Texas and Pennsylvania, two of which are owned and operated by private prison companies. This legislation will direct the Secretary of DHS to end the use of family detention immediately and provide ICE the discretion to utilize ATDs for immigrant families.