



P.O. Box 521
125 N 2nd Street, Ste. 110
Phoenix, AZ 85004

March 7, 2023

Via Hand-Delivery

Governor Katie Hobbs
State Capitol
1700 W. Washington Street
Phoenix, AZ 85007

Re: Executive Order To Discontinue and Cease Renewal Of Private Prison Contracts

Dear Governor Hobbs,

We, the advocates and faith-based organizations of Arizona listed below, jointly request that you, Governor Hobbs, take immediate executive action to discontinue Arizona's use of private for-profit prisons.

In President Biden's first week in office, he issued an executive order directing the U.S. Attorney General not to renew any federal contracts with private prisons. We urge you to do the same for Arizona's private prisons, where approximately 30% of Arizona's prison population is incarcerated (~7,500 people daily). Arizona has 12 private prisons, 6 of which contract with the State of Arizona. The three major private prison corporations, CoreCivic, GEO Group and MTC, have prisons in Arizona. The private prison industry spends political capital to get their friends elected and to influence public policy, including Arizona's notorious SB 1070.

The status of the jailer matters. Profit will always be the first priority of prison corporations. Private prison corporations thrive on mass incarceration, more criminalization, longer sentencing and high rates of recidivism – all of which are contrary to the public interest and fall most heavily on people facing poverty, people of color, immigrants, and people with mental illnesses. One company currently under contract with Arizona even states in its public SEC filings that one of its "key performance indicators" is a "compensated man-day"—the amount of money generated by each incarcerated person per day.¹ That same corporation touted the nation's "high recidivism" rates as a reason to invest, and described criminal justice reform as a risk to its shareholders.

As President Biden's Executive Order states: "To decrease incarceration levels, we must reduce profit-based incentives to incarcerate by phasing out the Federal Government's reliance on privately operated criminal detention facilities. We must ensure that our Nation's incarceration and correctional systems are prioritizing rehabilitation and redemption." Executive Order 14006, 76 Fed. Reg. 7483 (Jan 26, 2021).²

Because of the financial incentives to cut costs, private prisons fare worse in terms of safety and security. President Biden's Executive Order addressed this issue as well. It explained, based on the findings of a 2016 Department of Justice report, that "privately operated criminal detention facilities do not maintain the same levels of safety and security for people in the Federal criminal justice system or for correctional staff."

While those who support private prisons often point to supposed cost-savings for the state, private prisons in fact cost the state more money. For example, the state entered into a 2022 contract paying more per incarcerated person than the cost of housing a person in a state-run facility.³ Worse, these contracts generally guarantee paying at 90-100% occupancy levels. So Arizona paid for 675 prison beds at one prison even though only approximately 450 men were actually incarcerated there.⁴ Former ADCRR director David Shinn even testified before the Joint Legislative Budget Committee that it "doesn't necessarily serve the department in the best interest to have these places open."⁵ In its only study that reported the comparative costs of public

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vs. private prisons, the Arizona Auditor General concluded that private prisons cost the State of Arizona more.⁶

Private prisons are a blight on society which confer no benefit. The reason they continue to exist: record high campaign contributions and lobbying. In 2021, the legislature passed a \$43 million budget increase for private prisons on a party-line vote after private prison corporations significantly increased their spending on campaign contributions, meals, and special events for Arizona lawmakers.⁷

Half the states currently do not use private prisons, and states are increasingly banning them—including California, New York, Illinois, Iowa, Nevada, and Washington. Arizona, by contrast, is among the top 5 states in terms of our incarceration rate and the percentage of people incarcerated in private prisons. In 2020, Arizona had the highest percentage increase in private prison incarceration of any state in the nation (a 402% increase).⁸

As organizations and individuals committed to abolishing private prisons, we ask that you help reverse this trend and discontinue private prison contracts in the state.

Sincerely,



John R. Dacey *

Robert E. Craig

Attorneys at Law

602-737-0600/602-568-3103 (c)

johndacey@abolishprivateprisons.org

Abolish Private Prisons * (as coordinator and not as counsel for all listed below)

Activate48

American Civil Liberties Union of Arizona

Arizona Center For Disability Law

Arizona Center for Law in the Public Interest

Arizona Faith Network

Arizona Jews For Justice

Arizona State Conference of the NAACP

Bishop Carlo A. Rapanut, Resident Bishop, Desert Southwest Conference, Phoenix Episcopal Area, The
United Methodist Church

Chicanos Por La Causa

Death Penalty Alternatives of Arizona

Dr. Warren Stewart, Senior Pastor, First Institutional Baptist Church

Dream.org

Japanese American Citizens League (Arizona)

Jesuits West Province

Jewish Community Relations Council

Just Communities Arizona

LatinoJustice PRLDEF

League of Women Voters

National Council of Jewish Women Arizona

Neighborhood Ministries

Rabbi John A. Linder (Temple Solel)

Southwest Conference United Church of Christ

Tucson Jews For Justice

William E. Morris Institute for Justice
Worth Rises

cc to:

Sambo (Bo) Dul, General Counsel to Governor Hobbs (*via* bdul@az.gov)

Allie Bones, Chief of Staff to Governor Hobbs (*via* abones@az.gov)

¹ <https://ir.corecivic.com/static-files/d3f1752e-87b8-4256-99ed-f3803c5817f8#page=73>

² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>

³ <https://www.azcentral.com/story/opinion/op-ed/laurieroberts/2022/01/10/corecivic-private-prisons-score-big-while-arizona-schools-starve/9159890002/>

⁴ <https://www.azcentral.com/story/news/local/arizona/2022/07/14/arizona-cities-would-collapse-without-prison-labor/10062910002/>

⁵ <https://www.azcentral.com/story/news/local/arizona/2022/07/14/arizona-cities-would-collapse-without-prison-labor/10062910002/>

⁶ https://www.azauditor.gov/sites/default/files/10-08_0.pdf at 20-21.

⁷ <https://www.azcentral.com/story/news/politics/arizona/2021/07/30/az-private-prison-budgets-spike-following-record-campaign-spending/5410211001/>

⁸ <https://www.sentencingproject.org/app/uploads/2022/10/Private-Prisons-in-the-United-States-2.pdf>