

## Resolution on Private Prisons – Q and A

### What was the impetus for this resolution?

Beginning in the 1980s and continuing through today, some states and the federal government have turned increasingly to private prisons to house inmates. At the end of 2017, 8% of 1.49 million Americans incarcerated in state and federal jurisdictions were held in private facilities, totaling nearly 120,000 people.<sup>1</sup> This expansion in the private prison industry raises questions and concerns about the impact of the profit motive on criminal justice policy as well as the safety of inmates, which multiple studies have found inadequate.

### What is the Jewish basis for this resolution?

The Torah and the Jewish tradition that emerges from it insist time and again on justice in the halls of judgment: *b'tzedek tisphot*, “You shall judge with justice” (Leviticus 19:15). The Book of Exodus also teaches, “When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless help raise it” (23:5). Rabbinic authorities understand this verse as instructing human beings to treat one another with respect, even when costly or the person of interest is an “enemy.” The pursuit of justice should not be intertwined with the pursuit of financial gain.

### What are some of the concerns about private prisons?

The U.S. has the world’s highest incarceration rate: though only about 5% of the world’s population, the U.S. houses nearly 25% of the world’s incarcerated.<sup>2</sup> Private prisons are motivated by the profit motive, with profits generally rising when more prisons cells are filled. This can lead to overcrowding and corresponding unsafe conditions for inmates and staff. Studies also indicate that private prison corporations influence criminal justice policies, through lobbying and campaign contributions. These companies typically advocate for policies that lead to higher incarceration rates. This phenomenon raises serious concerns about whether the justice system is operating in a way that promotes justice or is catering to influential corporations seeking to improve their financial bottom line.

### Why are private prisons popular with some policy makers?

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<sup>1</sup> [“Prisoners in 2018.” US Department of Justice, April 2019.](#)

<sup>2</sup> [Yes, U.S. Locks People Up at a Higher Rate Than Any Other Country. The Washington Post, July 7, 2015.](#)

Advocates [argue](#) that private prisons achieve comparable safety and care to public facilities, at a lower cost. At a time when budgets are tight, they contend, private prisons can save taxpayer dollars. Advocates have also held that studies revealing safety concerns do not hold up and that even private facilities face challenges. [Even in areas where private prisons have shown shortcomings, the problems are fixable, supporters maintain.](#)

### **What have past URJ resolutions said about relevant issues?**

- [Resolution on Crime \(1968\)](#)
- [Resolution on Race and the US Criminal Justice System \(1999\)](#)
- [Resolution on Protecting Individuals at Risk of Deportation from the United States \(2017\)](#)
- [Support of Comprehensive Immigration Reform in the United States \(2007\)](#)

### **Additional Resources**

- [GEO Group Runs Out of Banks as 100% of Banking Partners Say 'No' to the Private Prison Sector.](#) Forbes. September 30, 2019.
- [California Just Banned Private Prisons, Including ICE Detention Facilities.](#) Vice. September 12, 2019.
- [Private Prisons and the Profit Motive.](#) MSNBC, April 12, 2013.
- [Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons.](#) The Sentencing Project.
- [Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies.](#) Justice Policy Institute. June 2011.