

Congress of the United States
Washington, DC 20515

October 6, 2016

The Honorable Jeh C. Johnson
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

We write today to commend the Department of Homeland Security (DHS) for following the Department of Justice's (DOJ) lead in reassessing its contracts with private prison operators and to ask that if your conclusions mirror DOJ's, then DHS should cease contracting with private prison operators. On August 18, 2016, Deputy Attorney General Sally Yates issued a memorandum to the Acting Director of the Federal Bureau of Prisons (BOP) titled, "Reducing our Use of Private Prisons." In it, Deputy AG Yates briefly explained the explosion of BOP's prison population from 1980-2013 and how the Bureau coped by contracting with private prison operators. At its peak, BOP housed fifteen percent of its inmate population – roughly 30,000 people – in privately operated prisons. Notably, Yates concluded, "[Private prisons] simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs; and as noted in a recent report by the Department's Office of Inspector General, they do not maintain the same level of safety and security."

As of December 2015, BOP had approximately 200,000 inmates in custody. DHS's immigration detention program has nearly twice that number in custody each year. As you are likely aware, immigration detention has seen exponential growth over the last twenty years, with Immigration and Customs Enforcement (ICE) facilities mandated by federal law to maintain 34,000 beds spread among its more than 250 facilities nationwide. Sixty-two percent of DHS's immigration detention beds are in privately operated facilities. By comparison, only 8.4 percent of federal and state prisoners were incarcerated in private prisons as of 2014.

The largest private prison operator in the country, the Corrections Corporation of America (CCA), benefits tremendously from its contracts with DHS. In fiscal year 2014, thirteen percent of CCA's total revenues – \$221 million – came from its ICE contracts alone. Yet, the company's management record is troubling. This summer the *New York Times* reported on a measles outbreak at a CCA immigration detention facility in Eloy, Arizona. There, CCA's failure to ensure its entire staff was properly vaccinated potentially led the illness to spread to at least 22 staff members and detainees. Between October 2003 and May 2015, 14 detainees died while in CCA's custody at the same Eloy detention facility. These are not isolated situations. In a 2015 report, the U.S. Commission on Civil Rights concluded that as compared to government run facilities, for-profit facilities consistently fail to adhere to detention standards in the areas of

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health care, protecting LGBT people from abuse, providing nutritious food in sufficient quantities, and access to legal services.

We appreciate your beginning DHS's review process regarding private prisons and look forward to the Homeland Security Advisory Council's report this fall.

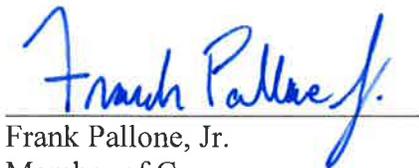
Sincerely,



Donald M. Payne, Jr.
Member of Congress



Charles B. Rangel
Member of Congress



Frank Pallone, Jr.
Member of Congress



José E. Serrano
Member of Congress



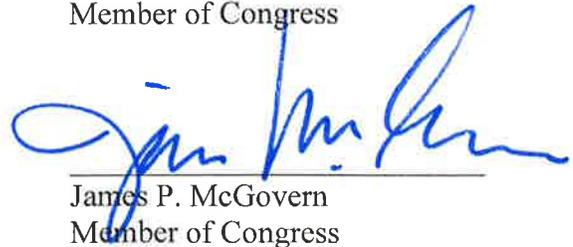
Eddie Bernice Johnson
Member of Congress



Lloyd Doggett
Member of Congress



Sheila Jackson Lee
Member of Congress



James P. McGovern
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Ted W. Lieu
Member of Congress



Bonnie Watson Coleman
Member of Congress

cc: Sarah R. Saldaña, Director, Immigration & Customs Enforcement
The Hon. William H. Webster, Chairman, Homeland Security Advisory Council