



**TESTIMONY OF
PAMELA IRWIN, COMMUNITY ORGANIZER
AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
SUBMITTED TO
HOUSE JUDICIARY COMMITTEE
HEARING ON HOUSE BILL 1469
WAYNESBURG
OCTOBER 1, 2008**

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Good morning, Chairman Caltagirone and members of the committee. Thank you for inviting the American Civil Liberties Union of Pennsylvania to participate in today's hearing. My name is Pamela Irwin. I am a community organizer for the ACLU of PA., and I work in our Pittsburgh office. Founded in 1920, the ACLU is one of America's oldest civil rights organizations and has a nationwide membership of nearly 600,000 people. I am here today on behalf of the 18,000 members of the ACLU of Pennsylvania.

The ACLU supports House Bill 1469 and opposes the privatization of prisons. HB 1469 states that there will be no private prisons in Pennsylvania. The exceptions are those private prisons that were operating in 1985 and those that are operating when this bill goes into effect.

The decision to incarcerate a person is a critical and serious public policy decision. The statement our government makes when incarcerating a person is that the person's actions were so grave that his or her liberty must be taken. This is a responsibility that requires oversight and accountability.

Today there are 46,000 people incarcerated in state prisons in Pennsylvania. The commonwealth's prison population is four times larger now than it was just 30 years ago.

As a result, Pennsylvania must build three new state prisons by 2012, and the Department of Corrections estimates that, if current trends continue, the department will be back at full capacity five years after the new prisons open.

Facing this budgetary increase, it can be tempting for public officials to hand over corrections responsibilities to private companies. However, corporate entities have an obligation to their stock holders to pursue profits while the government has an obligation to the people to pursue sound public policies that keep our communities safe and healthy.

The top priorities of a prison should be:

- Maintaining a safe and secure facility
- Protecting the surrounding community
- Encouraging rehabilitation
- Establishing productive instructional programming

Cost-conscious private industry has little financial incentive to meet constitutional standards.

Legislation in Congress that the ACLU supports is indicative of the lack of accountability in private prisons. The Private Prison Information Act, H.R. 1889, would require private companies that run federal prisons to release information about their operations in accordance with the Freedom of Information Act. Any federal agency operating a facility is required to follow FOIA, but under law, the corporations that run facilities with federal prisoners do not have the same obligations to be open and transparent. The low bar of openness for private prisons creates an atmosphere where anything goes and no one knows about it.

There are multiple examples of private prisons run amok. GEO Group Inc. built and operated the Delaware County Prison. GEO's work at Delaware County Prison has included the settlement of wrongful death lawsuits, releasing the wrong inmate three times, and firing employees involved in criminal activity.

In May, a television news report revealed that GEO guards at an immigration detention facility in Texas sexually assaulted female detainees and threatened to deport them if they did not accept the guards' advances. GEO's records of this situation do not have to be revealed publicly, and a GEO spokesperson denied knowledge of the incident when questioned by the reporter.

In San Diego, the Corrections Corporation of America, Inc., (CCA) ran an immigration detention center in which detainees lived for years in dangerously overcrowded conditions. Some detainees slept on plastic slabs on the floor by the toilet.

CCA's prison in Youngstown, Ohio, was so poorly run that the company had to settle inmate lawsuits at a cost of \$1.65 million. A report from the Department of Justice found that CCA's staff was inexperienced and poorly trained. As a result, the staff used excessive force against inmates. After two stabbing deaths, several escapes, and medically-related deaths, the company settled the inmates' lawsuits.

If Pennsylvania hires corporations to manage prisons, they will undoubtedly try to influence the deliberations of this committee. Every session, the Judiciary Committee considers legislation to expand sentencing and create new crimes. While we expect the legislature to enact laws that are fair and reasonable, private corrections companies have a

profit motive for increasing the number of inmates. These companies could very well lobby you to expand Pennsylvania's sentencing statutes for their own financial gain.

House Bill 1469 ensures that the commonwealth places a cap on the expansion of private prisons in Pennsylvania. The ACLU supports HB 1469 and opposes private prisons due to the profit-driven motives of corporations, the lack of accountability and transparency of these companies, and the private sector's poor track record of prisoner abuse around the country. We urge you to vote in favor of HB 1469. Thank you for the opportunity to testify today.