



November 25, 2019

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Barr:

We write to you on behalf of the Board of Directors of the Day 1 Alliance, a 501(c)(6) trade association representing private sector contractors working in corrections and detention in the United States. As you know, for more than 35 years, our members have worked with local, state, and federal government agencies led by members of both political parties to provide professional, humane, and respectful treatment to incarcerated and detained individuals. The Day 1 Alliance is dedicated to educating and informing Americans on the small but valued role the private sector plays in addressing corrections and detention challenges in the United States.

Part of our work involves combating misinformation and false narratives advanced by opponents of the services our member companies have provided for over 30 years. In that respect, we write today to set the record straight on claims made in a letter sent to you recently by Senators Chris Van Hollen (D-MD) and Cory Booker (D-NJ) calling on the federal government to “terminate its use of private prisons.”

First, the letter asserts that the decline in the federal prison population in recent years represents an opportunity for the Bureau of Prisons “to reduce, and ultimately eliminate, its use of private prisons.” However, this broad characterization of the situation fails to provide any actual facts or context about the valued but limited role that contractors have with the Bureau of Prisons.

In fact, federal contractor-operated facilities are reserved almost exclusively for criminal aliens who will be deported upon completion of their sentences. These facilities are part of the Criminal Alien Requirement (CAR) Program, created by the U.S. Congress in the 1990s as a result of government studies which determined a material weakness in the federal government's ability to identify and remove criminal aliens from the federal prison system. The CAR Program was created to address this issue and implement a more cost-effective and

efficient system to ensure all criminal aliens serving sentences for federal crimes were identified and deported upon completion of their sentences.

Overall, there are presently 10 contractor-operated CAR facilities in the U.S. with a total capacity of approximately 16,000 beds. Thus contractor-operated facilities house just 9 percent of the approximate 177,000 individuals in the current federal prison population – and nearly all of them are criminal aliens who will face immigration removal proceedings upon completion of their criminal sentences. In addition, only approximately 700 U.S. citizens are housed in contractor-operated federal facilities – just 0.4 percent of the total federal prison population.

Over the last several years, Congress has provided funding to the Bureau of Prisons for the CAR program to contract with both public and private entities to provide secure environments for housing low-security criminal aliens. These contractor-operated facilities have invested in developing the space and technology needed for immigration judges and staff to ensure an efficient process for immigration and removal proceedings.

For several reasons, including security and safety concerns, the federal government has intentionally chosen to house this criminal alien population in dedicated facilities separate from those housing U.S. citizen populations who will ultimately be returning to their communities in the U.S. upon their release. Federal data indicates that criminal alien inmate populations are very homogenous in nature, with a significant portion coming from the same geographic areas and with a large proportion of gang affiliation.

In their letter, Senators Van Hollen and Booker cite a 2016 report issued by the Department of Justice, Office of Inspector General, stating that the Inspector General concluded, “in most key areas, contract prisons incurred more safety and security incidents per capita than comparable [Bureau of Prisons] institutions.” This is a misrepresentation of the data in the Inspector General’s report. In fact, data collected by the Inspector General actually demonstrated that contractor-operated facilities are at least as equally safe, secure, and humane as Bureau of Prisons-operated institutions and experienced lower rates of inmate deaths; lower rates of guilty findings of inmate-on-inmate sexual assault; lower rates of allegations of staff-against-inmate sexual assault; lower rates of positive drug tests; and lower rates of overall inmate grievances.

Further, as acknowledged by the report’s authors, the Inspector General did not conduct a thorough review to account for the differences in inmate populations housed in contractor-operated facilities, which almost exclusively house homogeneous criminal alien populations with a large proportion of gang affiliation, versus Bureau of Prisons-operated institutions housing predominately U.S. citizens. The Inspector General in fact issued a series of recommendations in the report, which included the creation of a working group comprised of subject matter experts to further evaluate the factors underlying the report’s safety and security data.

Unfortunately, a working group of subject matter experts was never established, and the underlying data was not further evaluated. We believe the Department of Justice should revisit the Inspector General's report and evaluate its data and underlying factors.

Additionally, Senators Van Hollen and Booker charge that "private prisons offer little savings for taxpayers." Again, the facts demonstrate otherwise. According to federal data for fiscal year 2018 released by the Bureau of Prisons, the average daily cost to house an inmate in a low-security Bureau of Prisons facility is \$92.46, while the average cost in the CAR program in a privately-operated facility is \$66.63 – a difference of approximately 28 percent, or \$25.83 per inmate per day. Thus the American taxpayer saves approximately \$413,000 per day, or \$150 million per year, by housing the 16,000 incarcerated criminal aliens in contractor-operated facilities rather than those operated by the Bureau of Prisons. This represents real savings to the taxpayer, while delivering safe, humane, respectful treatment to incarcerated men and women.

These facts demonstrate the highly tailored, valuable, yet limited role played by private sector contractors in the federal system. They are nowhere to be found in the letter sent by Senators Van Hollen and Booker. We are very proud of this industry's work and partnership with the Department of Justice, just as we were when we did the same exact work under the previous administration of President Barack Obama.

Thank you for your consideration of these matters.

Sincerely,



Celeste McDonald



Steve Owen



Pablo E. Paez