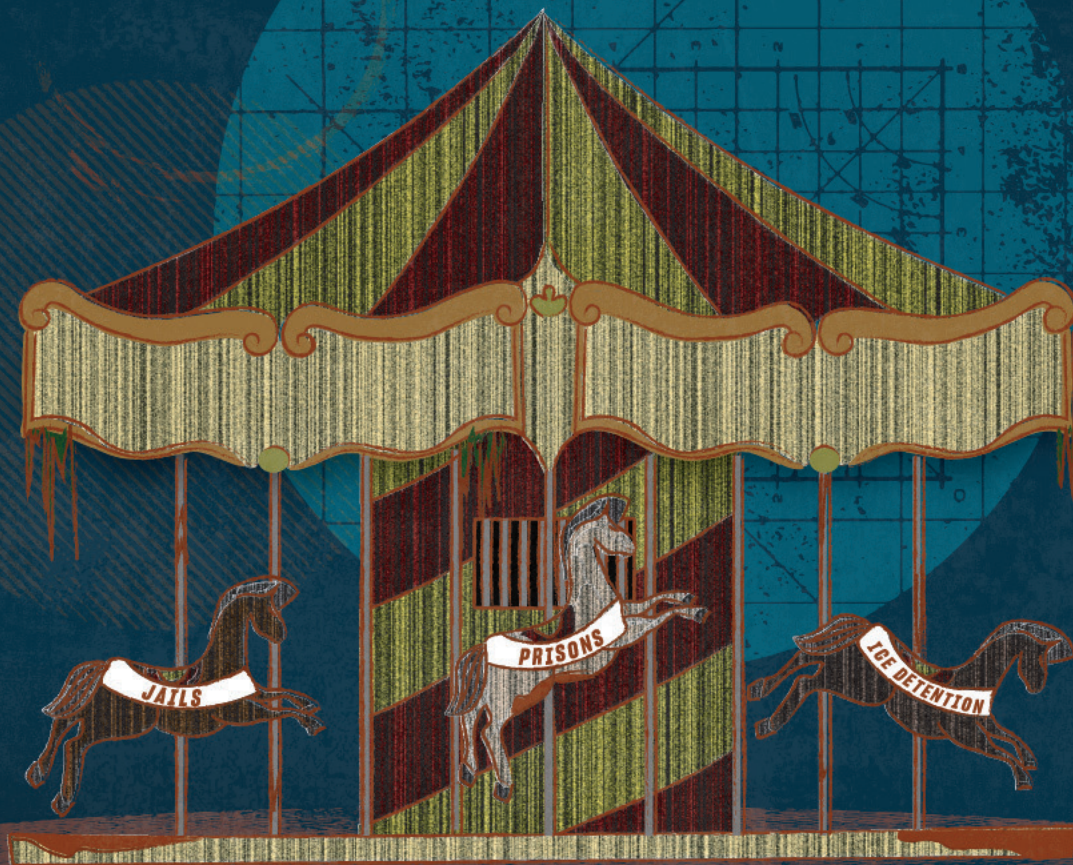


# CARCERAL CAROUSEL



DETENTION  
WATCH NETWORK

## ACKNOWLEDGEMENTS

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# I. INTRODUCTION

Only six days after his inauguration, President Biden issued an executive order to end the use of private prisons by the Federal Bureau of Prisons.<sup>1</sup> While advocates across both criminal and immigration justice movements welcomed this important step, the order fell short in at least one crucial respect. It excluded the largest share of privately operated detention facilities in the federal system: immigration detention centers. This omission paved the way for Immigration and Customs Enforcement (ICE) to take over the Bureau of Prisons (BOP) Moshannon Valley Correctional Center in Pennsylvania. Without skipping a beat, the GEO Group, the private prison company that runs Moshannon Valley prison, made immediate plans to begin marketing the prison to ICE. By September of that year, ICE began transferring people to the facility.

The prison industrial complex is a highly adaptive organism that

is constantly shifting to sustain itself. In recent years, the movement against mass incarceration has gained traction in reducing penal incarceration in the United States. Since peaking in 2009, jail and prison incarceration rates have decreased throughout the United States, largely due to the transformative and unrelenting advocacy from impacted communities and organizers.<sup>2</sup> Even so, these gains are modest in the face of the rapid, adaptive growth of mass incarceration in past decades.

When we survey broadscale decarceration wins, the landscape is littered with stolen, marginalized victories and half-told stories. Victories of jail "closures" are cut short when those jails do not actually shutter their doors but pivot to incarcerate a different population. For example, a county jail may end an immigration contract only to be repurposed for criminal custody, or a state prison may close only to reopen as a federal facility. Even when

contracts are terminated because people have documented outrageous abuse and abysmal conditions, as exists to varying degrees in all these cages, those concerns evaporate when a new agency takes over that same jail space.<sup>3</sup>

*The prison industrial complex is a highly adaptive organism that is constantly shifting to sustain itself.*

This recycling of jails and prisons is particularly stark in the immigration context, where federal agencies rely heavily on contract facilities, renting space from local jails or private prison companies. ICE only operates five of its own facilities, with the remainder of its approximately 200+ facilities composed of contracted jails, prisons, or private facilities. The private prison industry, which jails about 80% of people in immigration detention<sup>4</sup>, is especially pernicious

in its recycling of cages, because its business model relies on imprisoning people for profit.

In this report, we detail select case examples of jails and prisons that closed for one purpose, only to cage a different group of people. The case studies demonstrate how sustained pressure and community organizing can lead to transformative wins that can help free people. Yet in order for us to truly shrink the size and the reach of the overall system of mass incarceration, the immigrant justice and decarceration movements must strengthen strategic alliances to ensure that jail capacity is reduced and eliminated for good. Because immigration detention is just one piece of the larger web of mass incarceration, and because the systemic criminalization of Black and brown communities is compounded in these overlapping systems, our ultimate success in achieving justice is inextricably linked.

**This resource builds on our previous report:**

[If You Build It, ICE Will Fill it: The Link Between Detention Capacity and ICE Arrests, Detention Watch Network, Immigrant Legal Resource Center, Ceres Policy Research \(September 2022\).](#)

# II. CASE STUDIES

## RECYCLING CRIMINAL SYSTEM FACILITIES FOR IMMIGRATION DETENTION USE

As support for criminal justice reforms and reducing mass incarceration has gained some momentum, states have sought to reduce prison populations and close some jails. However, those closures have rarely, if ever, meant that the prison facilities would no longer operate as cages. Rather, these closures have paved the way for new expansions of ICE detention.

### LOUISIANA

The state of Louisiana provides a clear example of recycling prisons and jails between local criminal custody and ICE custody. In June 2017, due to a successful push by a diverse, grassroots coalition in the state, Louisiana Governor John Bel Edwards signed into law the Louisiana Justice Reinvestment Package - a bipartisan set of ten criminal system reform bills. Like so many penal institutions, Louisiana facilities had been fraught with abuse, violence, and

discrimination since their formation. Lawmakers made clear the goal of the package was to reduce the



number of people in criminal custody and shed the title Louisiana had held for over two decades as the state with the highest rate of imprisonment in the country - and even the world.<sup>5</sup> Among other reforms, the legislation reduced certain mandatory minimum sentences and expanded probation and parole eligibility, leading to early releases from prison in the

mix of old state prisons and local jails - were all operated by private prison companies, including six by LaSalle Corrections - a private prison company that runs 18 jails in Georgia, Texas, and Louisiana. The use of these facilities has continued to shift but today, ICE incarcerates immigrants in at least nine detention facilities in Louisiana.<sup>9</sup>

*Just as it was losing its title as "prison capital", Louisiana became the state with the second most immigrants detained by ICE, behind Texas.*

fall of 2017. By June 2018, Louisiana passed the title of the world's "prison capital" to Oklahoma.<sup>6</sup> Louisiana's incarcerated population had dropped significantly, from 39,129 people in 2014 to 32,046 people in 2019. By the end of 2021, it had dropped to 26,956 people.<sup>7</sup>

As populations in criminal custody in Louisiana decreased, however, ICE saw a prime opportunity to expand into the vacant cages.<sup>8</sup> In 2019, ICE either started or expanded immigration detention at eight for-profit jails in Louisiana, adding to the five ICE detention centers already in operation in Louisiana. These new detention centers - a

Despite tremendous wins in reducing Louisiana's population in criminal custody, Louisiana ultimately swapped one incarceration title for another. At the start of the Trump administration in 2017, ICE detained an average of about 1,900 immigrants daily in Louisiana. By October 2019, that number had more than quadrupled. More than 8,000 of the 51,000 immigrants ICE incarcerated that year were detained in Louisiana. Just as it was losing its title as "prison capital," Louisiana became the state with the second most immigrants detained by ICE, behind Texas. It has kept that designation into the current fiscal year.

# MCFARLAND CITY & ADELANTO CITY, CALIFORNIA

At the start of 2019, GEO Group (GEO), one of the largest private prison companies in the nation, held contracts with the California Department of Corrections and Rehabilitation (CDCR) to detain people in state criminal custody at three facilities: Golden State Community Correctional Facility (McFarland city), Central Valley Community Correctional Facility (McFarland city), and Desert View Facility (Adelanto city). In January 2020, all three contracts ended and CDCR officially ended the use of out-of-state and contract facilities. However, GEO had already mobilized to seek contracts with ICE to use these same prisons to hold people in ICE custody. The move added capacity for ICE to imprison an additional 2,000 people in immigration detention, just before a new state private prison ban took effect.<sup>10</sup>

GEO's efforts to reassign these facilities to ICE use was long in the making, and was manipulated by GEO to specifically avoid California state efforts to legislate against private

detention.<sup>11</sup> Earlier in 2019, ICE had posted a "Request for Information" (RFI), the first of many steps in the federal procurement process which the federal government must follow before entering a contract directly with a private actor.<sup>12</sup> This RFI publicly signaled ICE's desire to enter into multiple, long-term contracts for detention capacity of over 5,000 people in various parts of California. Around the same time, the California state legislature introduced Assembly Bill 32 (AB 32), a bill to ban all private incarceration in the state, for criminal and immigration purposes. In October 2019, five days after AB 32 was signed into law, ICE issued new RFIs for four "turnkey ready" facilities, making it clear that ICE wanted to have them open before AB 32 took effect.<sup>13</sup> These new RFIs





required facilities that were ready and operable, and GEO happened to have three such facilities at the ready – the very same facilities that CDCR was set to empty.<sup>14</sup> While it is fairly certain that ICE and GEO preordained these contracts via

corrupt, closed-door conversations, this would not have been possible had GEO not had a fleet of jails ready to pivot to another carceral use.

## III. CASE STUDIES

### RECYCLING IMMIGRATION DETENTION FACILITIES FOR CRIMINAL SYSTEM USE

Shifting jails from criminal to immigration custody is not the only direction prison recycling goes. The reverse happens too: facilities flip from jailing people in ICE custody to jailing people in state or local criminal custody. When an immigration detention facility closes entirely, or in part, there is a good chance that any space previously used to detain people in immigration custody will be filled by people incarcerated for some other purpose. This frequently happens when local jails have Intergovernmental Service Agreements (IGSAs)<sup>15</sup> to rent some or all of their space to ICE. Local jails often sustain their budgets with funds from a blend of both their local governments (to hold people in criminal custody) and from ICE (to hold people in immigration custody).

# ORANGE COUNTY, CALIFORNIA

Orange County is one example of a jail cutting an ICE contract only to engage in a massive jail expansion. In March 2019, after years of advocacy, the Orange County Sheriff Department announced that they were ending their immigration detention contract with ICE. At the time, the county had a contract to hold up to 958 people in immigration custody in two county jails - the James Musick and Theo Lacy facilities. The ICE contract accounted for approximately 11% of the county's incarcerated population and provided the county an estimated \$42 million per year in revenue. The sheriff, however, had no plans to divest from incarceration. In the same announcement about ending the ICE contracts, Orange County announced plans to add jail capacity to incarcerate an additional 500 people with mental health conditions. A little over a year after the county

ended the ICE contract, it approved \$261 million to build capacity for an additional 900 people at the Musick Facility. This came under harsh critique from decarceration advocates and health experts alike, who stated that the \$261 million funneled into expanding imprisonment should have been invested in mental health solutions with proven efficacy, like community health programs - not jails.<sup>16</sup>

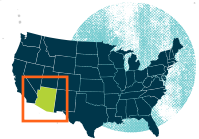


# LA PALMA, ARIZONA

Similarly, in Arizona, the private prison company CoreCivic opened the enormous La Palma detention facility in Eloy in 2008, with capacity for 3,000 people. La Palma would become a revolving door of for-hire incarceration. It opened originally to hold people under California state criminal custody because at the time, California was imprisoning so many people that the state rented additional space from prisons in Arizona and Mississippi.<sup>17</sup> In 2018, however, CoreCivic also contracted with ICE to detain up to 1,000 immigrants at La Palma, along with

*La Palma would become a revolving door of for-hire incarceration.*

space for 2,500 people in California state custody. In June 2019, the California Department of Corrections announced that it would move its population out of La Palma to a newly contracted facility in California. To ensure that La Palma remained in business, CoreCivic quickly contracted with ICE for the entire facility. When ICE ended that contract in 2021, CoreCivic immediately contracted with the Arizona Department of Corrections.<sup>18</sup>



# NEW JERSEY

New Jersey encompasses examples of both types of jail recycling. In 2017, in a major victory for community advocates, New Jersey implemented its bail reform law, which reduced the number of people incarcerated in county jails throughout the state by almost 19% between December 2016 and December 2017.<sup>19</sup> At the same time, under the Trump administration, the number of people in ICE detention nationally grew to 55,000, leading to the overall growth of the detention system and increased use of existing detention centers. ICE and local officials took advantage of the newly available space in NJ's county jails by increasing use of existing ICE detention contracts—Bergen, Essex, and Hudson County Jails.<sup>20</sup> While the bail reform helped prevent people from being incarcerated in the first place, and freed others from criminal custody, the available jail capacity was now reallocated to detain people in ICE custody.

In 2021, due to the Trump Administration's pandemic era border restrictions and due to local and state sanctuary policies that limited interior enforcement, the number of people in detention reached a historic low. As a result, ICE detention contracts for local

counties no longer generated the same level of revenue. In addition, local New Jersey organizations successfully passed state legislation in the summer of 2021 that would prohibit new detention contracts and renewals. New Jersey counties eventually announced they would no longer detain people in ICE custody.

Advocates lauded the reduction of four ICE detention centers in the state to just one.<sup>21</sup> Unfortunately, counties pivoted back to criminal custody to attempt to make up for the revenue loss. Essex County entered into a contract with a neighboring county to incarcerate people in criminal custody.<sup>22</sup> Hudson County expanded its substance use program inside the jail.<sup>23</sup> Bergen County extended its contract with US Marshals Service (USMS) to detain people in federal pretrial custody.<sup>24</sup> In other words, all three phased out ICE detention contracts soon pivoted to criminal custody use.



# IV. CASE STUDIES

## RECYCLING WITHIN THE FEDERAL SYSTEM

The federal prison system is made up of facilities under the jurisdiction of the Department of Justice (DOJ), under which the Bureau of Prisons (BOP) operates federal prisons and the U.S. Marshals Service (USMS) contracts for detention of federal defendants who are awaiting trial. The Department of Homeland Security (DHS) oversees ICE and CBP detention. Within the federal system, prison facilities and contracts are regularly recycled between incarcerating people in ICE custody and incarcerating people in federal criminal custody. Many of these individuals are migrants charged with the federal criminal offense of entry and re-entry violations, which means that when a prison flips from federal custody to immigration detention, it is likely to detain some of the very same people, only now in ICE uniforms instead of BOP or USMS uniforms. This highlights the insidious nature of our carceral system and the layers of punishment heaped upon migrants. Several case examples demonstrate why efforts to shut down ICE facilities and federal penal facilities should be bridged.

*When a prison flips from federal custody to immigration detention, it is likely to detain some of the very same people, only now in ICE uniforms instead of BOP or USMS uniforms.*

# WILLACY COUNTY, TEXAS

Willacy County Correctional Center ("Willacy") in Raymondville, Texas serves as an example of how the federal government continually recycles prisons among its various agencies. Willacy, built and operated by the private prison company Management Training Corporation (MTC), opened in 2006 as the largest ICE detention center at the time. The facility was nicknamed "Ritmo" after the extralegal detention center in Guantanamo and notably consisted of ten large kevlar tents and a few additional buildings to detain immigrants. From the start, Willacy was the site of horrific psychological, physical, and sexual abuse, leading ICE, in a rare move, to end its contract with MTC in 2011. Almost immediately after this announcement, BOP entered into a new contract with



MTC for the facility, to incarcerate people serving federal criminal sentences (largely immigrants held under charges of unauthorized entry and re-entry).

Unsurprisingly, conditions remained abysmal, and people detained at the facility organized and engaged in protests over the next several years, culminating in a massive uprising and fire in 2015 that destroyed parts of the structure and forced BOP and MTC to shutter operations.<sup>25</sup> Yet these events were still not the end of Willacy, which later reopened as an ICE detention center once again, albeit with a new façade and name, El Valle Processing Center.

# CIBOLA COUNTY, NEW MEXICO

Cibola County Correctional Center in New Mexico serves as another example of prison cycling between federal agencies - often to detain migrants for federal criminal prosecution - which increased exponentially since the early 2000s. After the closure of Willacy (when it was a BOP prison) and multiple other uprisings inside private BOP prisons due to conditions and extreme sentences, the Obama administration announced it would end their use. At the time, Cibola, operated by Corrections Corporation of America (CCA), was both a BOP and

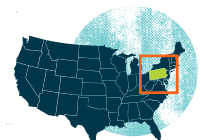
USMS contract facility with a documented history of abuse and neglect. Days after President Obama's announcement, which ended the use of private prisons for BOP but not DHS, CCA announced that Cibola would remain open as an ICE facility. Adams County Correctional Center in Mississippi, a former BOP prison, similarly reopened as an ICE facility.



# MOSHANNON, PENNSYLVANIA

In 2017, President Trump reversed the Obama administration's policy ending the use of private prisons by BOP and also signed 40 new ICE detention contracts, over a dozen of those with private prison companies.<sup>26</sup> The number of people in ICE detention reached all-time highs.<sup>27</sup> In 2020, on the campaign trail, then-candidate Joe

Biden promised to end the federal government's reliance on private prisons and reduce reliance on



immigration detention. In January 2021, he partially kept these promises by issuing an executive order phasing out the use of private prisons by the DOJ. Like under Obama, Biden's order seemingly covered both BOP and USMS, but excluded ICE.

Biden's executive order did not end private contracts outright, but rather phased them out by banning renewals. Several contracts were phased out in the first year of the administration, but others received extensions to allow local governments and private companies to strategize ways they might keep the prisons operating, including shopping them around to ICE.

One such contract was the BOP contract for the Moshannon Valley Correctional Center in Pennsylvania, notorious for terrible conditions. In the months leading up to the end of GEO's contract with BOP in 2021, people jailed at Moshannon reported deteriorating conditions. Meanwhile, GEO worked with the local government and ICE to convert the facility to an ICE detention center through an intergovernmental service agreement and began detaining immigrants there later that same year. Today, ICE detains close to 900 people at Moshannon.<sup>28</sup>

Local governments, ICE, and private prison companies continue to

collaborate to gain control of former DOJ facilities that are being phased out under Biden's executive order. In 2022, local officials<sup>29</sup> in Georgia signed an agreement with GEO to expand Folkston ICE Processing Center by adding capacity to a former federal prison. This move would allow the facility to hold an additional 1,800 people, beyond the existing 1,100 capacity, potentially making it the largest ICE detention center in the country. ICE also continues conversations with private prison corporations about potential expansion in Kansas,<sup>30</sup> Texas,<sup>31</sup> and Tennessee.<sup>32</sup>



# V. THEMES IN PRISON RECYCLING PROFITS & CONDITIONS

In examining these case studies, two themes emerge.



## **FOLLOW THE MONEY**

Fighting to close cages requires an understanding of what keeps them open. The United States has long relied on punishment and incarceration in response to economic, social, and political unrest, and private prison companies have exploited and in the immigration context, driven this tendency. In the Louisiana example, aside from the opportunistic seizing of capacity after the state's criminal system reform, revenue was a major reason that Louisiana's towns and parishes welcomed ICE into its jails. As is the case in many jurisdictions, ICE pays private jail operators many times what the state of Louisiana does. In 2019, the state was paying parish sheriffs \$24 per day per person, a rate that had not increased for over a decade. ICE was willing to pay an average of \$65 per day per detained

immigrant.

Even when a local government isn't running the jail, they can still reap profits. In Louisiana, LaSalle Corrections agreed to pay the town of Richwood \$1.50 per day per person detained at the local detention center because the town operated as an intermediary with ICE. Similarly, GEO Group Inc. promised to pay the city of Adelanto \$50,000 annually, despite the city having no role in the operation of the facility nor being a party to the ICE contract.<sup>33</sup> These payments occur to make local governments ready partners in establishing and entrenching carceral economies. Indeed, many small towns and rural parishes become reliant on jails, prisons, and detention centers for jobs and revenue.

*The United States has long relied on punishment and incarceration in response to economic, social, and political unrest, and private prison companies have exploited and in the immigration context, driven this tendency*

While private prisons are only one of many players driving the constant rotation of jails and prisons from one use to another, they play a special role in reinforcing the financial incentives. Private prisons are quite literally in the business of incarcerating people, which means they are not going to let a cage be shut down without a fight. Private prisons utilize multiple strategies to keep the incarceration of people as a business alive. For example, in addition to paying local governments, private prison companies donate to elected officials at the local, state, and federal level, influencing key decisions around the growth of detention.<sup>34</sup> Private prison companies also frequently employ former local and federal government employees, deepening their relationships and business dealings.<sup>35</sup>

Given these political ties and financial motivations, a critical component of the fight to shut down jails for good is incorporating a just transition framework into both closure campaigns and state and federal advocacy to provide local governments with opportunities to sustain their economies in alternative ways that do not involve cages.<sup>36</sup>



## THE PITFALLS OF JAIL CONDITION FIGHTS

Jails and prisons across the country hold people in abysmal conditions, but some are particularly notorious for abuse and mistreatment. Complaints and investigations and public outcry about the treatment of people inside these facilities can lead to the end of contracts or temporary closure – but the facility remains an available cage. Even in facilities where appalling conditions have driven the closure of a facility for one purpose, those concerns seem to melt away when a new agency wants the space. This selective amnesia highlights why a focus on jail conditions alone is insufficient to achieve lasting change. It also exemplifies how recycling cages is a tactic used by jail operators to try to erase conditions abuses from

public memory simply by hanging a new shingle.

For example, consider the immigration detention facilities in Louisiana which have been fraught with abuse, violence, and discrimination since their formation. In 2016, investigative reporters exposed outrageous violence and sexual abuse by guards, retaliation, and other appalling conditions at Winn Correctional Center, a privately-run state prison at the time.<sup>37</sup> Also in 2016, former guards at the Richwood Correctional Center were sentenced to federal prison after pepper spraying incarcerated people who were handcuffed and kneeling. Only a few years later, ICE started sending asylum seekers to both facilities. Unsurprisingly, the conditions had

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not significantly changed, and instances of abuse continued.<sup>38</sup>

In 2021 the DHS Office of Inspector General investigated egregious physical abuse, lack of COVID-19 protections and other medical neglect reported by people detained at La Palma Correctional Facility in Arizona,<sup>39</sup> finding among other things that guards responded with pepper spray and solitary confinement when detained people protested for adequate personal protective equipment.<sup>40</sup> DHS began moving people out of the facility, and by FY2023 ICE was no longer using it.<sup>41</sup> However, CoreCivic had already made plans to move in another population, signing a contract with Arizona to incarcerate 2,700 people for the Arizona Department of Corrections, serving as the largest private prison contract by any state in over a decade.<sup>42</sup>

Similarly, in 2023 after ICE ended its contract with the Irwin County Detention Center in Georgia (operated by LaSalle Corrections) in the wake of revelations about horrific medical abuse of women, including forced gynecological procedures without informed consent. The facility continued to detain people in USMS custody.<sup>43</sup>

These are just a few examples that demonstrate why it is critical for advocates and organizers from different movements to proactively coordinate to ensure the same inhumane facilities are not simply rebranded to allow for the continued caging of our communities.



# VI. KEEPING CAGES CLOSED FOR GOOD

## WHAT'S NEXT?

This report offers some lessons learned and resources that we hope will be useful as our communities continue to lead site fights to shut down cages of all forms. We hope that these examples will inspire creative thinking and visioning across movements.

For our immigration advocacy partners, we must understand that fewer than 4% of the nearly two million people incarcerated in the United States are targeted for immigration related issues.<sup>44</sup> If we are committed to combating mass detention, we must recognize that incarceration exists in many different forms, and we must reject campaigns that are narrow and marginalize other communities. For example, when fighting to end an ICE contract with

*If we are committed to combating mass detention, we must recognize that incarceration exists in many different forms, and we must reject campaigns that are narrow and marginalize other communities.*

a local county jail, we must coordinate with those fighting to reduce the jail population and close the criminal jail in its entirety. We have seen our people's power lead to victory, but we cannot tolerate the substitution of one group of caged people for another.

## **INTERSECTIONALITY AND CROSS-MOVEMENT WORK**

We must also engage in the work intersectionally and across movements.

The United States is the largest incarcerator in the world - incarcerating nearly two million people - primarily because of the number of people we incarcerate in the criminal system. It is thus crucial that we partner with those fighting to tear down cages in the criminal system. Together we can craft joint, overlapping, or otherwise coordinated campaigns to ensure that we organize together, learn from each other, and fight together to close facilities for good and transition away from carceral economies.<sup>45</sup> Other allies crucial to this fight include environmental justice partners<sup>46</sup> and public health advocates, among many others. Together, we can tackle closures while jointly creating an affirmative vision for what should replace them.

## **REPURPOSING FACILITIES**

Beyond these partnerships, the building blocks to closing cages for all carceral purposes are constantly being built and tested, but we have some promising strategies to point to. One successful prison closure strategy has been to repurpose

jails and prisons for another non-carceral use entirely, because a cage remains a cage until it isn't. In their report, *Repurposing Correctional Facilities to Strengthen Communities*, The Sentencing Project details several examples of closed prisons across the United States that were repurposed for community or commercial use, such as a whisky distillery, and a movie and television studio.<sup>47</sup>

## **JUST TRANSITIONS**

Another crucial piece of the decarceration puzzle is transitioning economies reliant on jails and prisons toward sustainable, well-paying industries that will provide meaningful work for communities and are rooted in climate justice. This strategy is sometimes referred to as "Just Transition." According to the Climate Justice Alliance, "Just Transition" is a term coined by labor unions and environmental justice activists who "saw the need to phase out the industries that were harming workers, community health and the planet; and at the same time provide just pathways for workers

to transition to other jobs.<sup>148</sup> With detention economies, there is a similar need to divest from harmful detention centers and prisons while providing a pathway for sustainable economic development in these communities.

Advocates are developing, trying, and testing a slew of multi pronged strategies here. For example, advocates have been exploring existing state funds or programs that will create local jobs and ensure that local communities have access to those resources when a jail or prison is set to close. In their Prison Closure Roadmap, Californians United for a Responsible Budget (CURB) poses a comprehensive, two tier Just Transitions model to support the closure of California prisons, including an Economic Transformation Pilot Program

based off a New York program that awarded funds to communities facing prison closure, tax credits to businesses creating jobs, and fast track access to existing state economic investments for impacted communities.<sup>49</sup> The California Dignity not Detention Coalition is exploring similar strategies in the immigration detention space. An example of Just Transition at the federal level might include advocating that the federal government develop a Just Transition Development Fund, allocating federal dollars to aid communities through multi-year grants to communities where detention centers are closing.<sup>50</sup> These are just a few examples, as these models are currently being developed and tested nationwide. However, because the needs of local communities and economies are unique and central to any Just Transition strategy, it is always

*“Just Transition” is a term coined by labor unions and environmental justice activists who “saw the need to phase out the industries that were harming workers, community health and the planet; and at the same time provide just pathways for workers to transition to other jobs”*

necessary to work closely with local, impacted communities.

While this report focuses on the closing and repurposing of cages, we would be remiss if we failed to mention that any closure campaign should center the voices and advocacy of those incarcerated and should include a plan to support incarcerated people when a closure is happening. This plan should

include, for example, coordinating legal support, advocating for releases not transfers, and coordinating bond funds, among other strategies. For more, see Just Closures from the California Dignity Not Detention Coalition, linked under the "Resources" section of this report.

## VII. CONCLUSION

We must be conscious of the fact that the carceral industry will perpetually shapeshift to survive, and at a deep cost to our communities. We must also see that our fight to close even one cage is a piece of the broader framework of mass incarceration. Because of this, our advocacy movements cannot work in silos. As demonstrated by the various case studies in this report, the struggles and victories of any advocate fighting to close a cage are linked.

As we lead campaigns to shut down cages in different contexts, we must coordinate long term strategy so that facilities are not recycled, including by providing alternative visions – jobs, community-based health services, affordable housing, public parks and so many other community needs. We hope that this report will serve as a jumping off point to continue the visioning our communities need to thrive.



# VIII.

# ADDITIONAL RESOURCES

- a. [Nicole D. Porter, \*Repurposing Correctional Facilities to Strengthen Communities\*, The Sentencing Project \(August 11, 2022\)](#)
- b. [\*Communities Not Cages: A Just Transition from Immigration Detention Economies\*, Detention Watch Network \(May 2021\)](#)
- c. [\*Prison Closure Roadmap\*, Californians United for a Responsible Budget \(March 2023\)](#)
- d. [\*Just Closures\*, Dignity Not Detention Coalition \(June 2021\)](#)
- e. [\*Broken Promises: Limits of Biden's Executive Order on Private Prisons\*, Detention Watch Network \(November 2021\)](#)
- f. [\*If You Build It, ICE Will Fill It: The Link Between Detention Capacity and ICE Arrests\*, Detention Watch Network, the Immigrant Legal Resource Center, Ceres Policy Research \(September 2022\)](#)

# ENDNOTES

- 1 President Joseph Biden, Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities, January 26, 2021.
- 2 See, e.g., Nazgol Ghandnoosh, *Ending 50 Years of Mass Incarceration: Urgent Reform Needed to Protect Future Generations*, The Sentencing Project (February 8, 2023). Despite the overall decrease in jail and prison incarceration, the United States still far outpaces any other country in the world in terms of incarceration.
- 3 For additional discussion around conditions abuses, see *the pitfalls of Jail Condition Fights*, at section V of this report.
- 4 *Justice-Free Zones, U.S. Immigration Detention Under the Trump Administration*, ACLU, Human Rights Watch, National Immigrant Justice Center, (2020).
- 5 NPR staff, *How Louisiana Became the World's Prison Capital*, NPR (June 5, 2012).
- 6 See Oklahoma Profile, Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/OK.html>
- 7 Louisiana Department of Safety & Corrections website, Interactive Admission and Release Dashboards, Population Trends Section, accessed April 2023.
- 8 In February 2019, Congress passed a spending package for Fiscal Year 2019 instructing ICE to reduce its detained population from nearly 49,000 to 40,000 by September of that year. Yet ICE continued to contract with private prisons and increased its detention population to record highs by the end of 2019.
- 9 Unsurprisingly, the terrible conditions which always plagued these facilities remained, regardless of who was being caged. People in ICE custody reported toilets frequently backing up, racist comments from guards, a constant stench in the common areas, unhealthy food, and alarming concerns around physical and mental health treatment. Bryn Stole, *Special Report: In north Louisiana, sheriff and private prisons operator trade prisoners for ICE detainees*, NOLA (Oct. 21, 2019).
- 10 Governor Newsom Signs AB 32 to Halt Private, For-Profit Prisons and Immigration Detention Facilities in California, Oct 11, 2019. <https://www.gov.ca.gov/2019/10/11/governor-newsom-signs-ab-32-to-halt-private-for-profit-prisons-and-immigration-detention-facilities-in-california/>
- 11 Rebecca Plevin, *How a private prison giant has continued to thrive in a state that wants it out*, Palm Springs Desert Sun (April 22, 2020).
- 12 To learn more about the federal procurement process, see *Government Contracts, Using the Procurement Process to Buy Immigration Detention Services- Competitive v. Sole Source Awards*, Immigrant Legal Resource Center.
- 13 Rebecca Plevin, *California lawmakers slam ICE over bidding process for private immigration detention centers*, Desert Sun (Nov. 14, 2019).
- 14 Civil rights advocates and elected officials alike called out the suspect timeline of the solicitation, which appeared to intentionally award these detention contracts to GEO and other private prison companies, in violation of the full and open competition required by federal procurement law. To learn more, see Rebecca Plevin, *California lawmakers slam ICE over bidding process for private immigration detention centers*, Desert Sun (Nov. 14, 2019).
- 15 IGSAs are detention contracts between ICE and a local government like a city or county, who sometimes then sub-contracts to a private prison company. To learn more about IGSAs and other types of ICE detention contracts, see *Policy Brief: Cut the Contracts: It's Time to End ICE's Corrupt Detention Management System*, National Immigrant Justice Center (March 2021).
- 16 Terry Kupers, *Orange County should prioritize mental health over more jail space*, The Orange County Register (August 26, 2020).

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22 Monsy Alvarado, *Essex County will end contract to house ICE detainees at Newark Jail*, NorthJersey (Apr 29, 2021).

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26 *Justice-Free Zones, U.S. Immigration Detention Under the Trump Administration*, ACLU, Human Rights Watch, National Immigrant Justice Center, (2020).

27 *Id.*

28 ICE Detention Management Statistics: <https://www.ice.gov/detain/detention-management>.

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to the city. There are similar arrangements in other private detention contracts, such as in Moshannon Valley, discussed in the previous paragraph. These arrangements occur because of federal procurement laws, which make it more challenging and more transparent to set up contracts directly between private prison companies and ICE. For more on the Charlton contract, see Jeremy Redmon, Lautaro Grinspan, *Exclusive: Ga. immigration facility to become one of the nation's largest*, The Atlanta Journal-Constitution (Feb. 4, 2022).

30 Carrie Johnson, *Biden Ended Contracts with Private Prisons. So One May Turn to House Immigrants*, NPR, (September 15, 2021).

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32 Maria Sacchetti, *ICE holds growing numbers of immigrants at private facilities despite Biden campaign promise to end practice*, The Washington Post, (December 1, 2021).

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34 For example, in 2019, LaSalle Parish Sheriff Scott Franklin received \$5,000 in campaign donations from LaSalle Corrections and Catahoula Parish Sheriff Toney Edwards received \$2,500. Both of these donations made up a quarter of each of the candidates' fundraising during that period, and both parishes started detaining for ICE that same year. Monsy Alvarado, *'These people are profitable': Under Trump, private prisons are cashing in on ICE detainees*, USA Today (Dec. 19, 2019).

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