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URJ BIENNIAL 2019
Resolution on Private Prisons
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16 **Background**

17 The Torah and the Jewish tradition that emerges from it insist time and again on justice in the halls of
18 judgment: *b'tzedek tisphot*, "You shall judge with justice" (Leviticus 19:15). The Book of Exodus also
19 teaches, "When you see the ass of your enemy lying under its burden and would refrain from raising it,
20 you must nevertheless help raise it" (23:5). Rabbinic authorities understand this verse as instructing
21 human beings to treat one another with respect, even when costly or the person of interest is an
22 "enemy." The pursuit of justice should not be intertwined with the pursuit of financial gain. In this spirit,
23 more than fifty years ago, the URJ first [committed](#) to support measures "to modernize and humanize
24 correctional procedures and institutions, with particular emphasis on alternatives to imprisonment."¹
25 Other URJ resolutions have advocated for prison reforms that address injustices levied on account of
26 [race](#) (1999), [mental illness](#) (2001), and [citizenship status](#) (2003). With these resolutions as our guide, for
27 decades the Reform Movement has worked to address disparities and injustices in America's criminal
28 justice system, recognizing that the overcriminalization of Americans, particularly Americans of color,
29 has harmed the fabric of our society and has failed to achieve its rehabilitative goals. As we stated in

¹ [URJ Resolution. Crime. 1968.](#)

30 our [1999 resolution](#) “aberrations that undercut fairness and justice harm the credibility and efforts of
31 those agencies and personnel even as they erode respect for law and justice in America more generally.”

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33 Today, although public and private prisons both experience challenges that must be addressed to ensure
34 the just administration of justice, the growing use of private prison facilities raises particular concerns.

35 Private prison facilities are used both in the criminal justice and the immigration justice systems, with
36 resulting and related challenges. We have spoken in other resolutions about the importance of a just

37 immigration system, including noting that enforcement of federal immigration law is the exclusive

38 province of the appropriate federal legal authorities.² Our Movement actively works to free immigrants

39 from both for-profit and government run detention facilities. This resolution focuses on the privatization

40 of the U.S. criminal justice system, which has experienced a dramatic growth since the 1980s. Between

41 2000 and 2016 alone, The Sentencing Project found that the American private prison population

42 increased five times faster than the total prison population.³ At the end of 2017, 8% of 1.49 million

43 Americans incarcerated in state and federal jurisdictions were held in private facilities, totaling nearly

44 120,000 people.⁴

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46 The number of Americans held in private prisons has boomed despite decades of studies that show no

47 cost savings as compared to government-run facilities and increased concerns about the quality and

48 safety of private facilities.⁵ Poor medical care, unsanitary conditions, and generally unsafe living

49 conditions are well documented.⁶ A 2016 federal Bureau of Prisons (BOP) report found “in a majority of

² [URJ Resolution on Protecting Individuals at Risk of Deportation from the U.S. 2017](#); [URJ Resolution in Support of Comprehensive Immigration Reform in the U.S. 2007](#).

³ [Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons. The Sentencing Project](#).

⁴ [“Prisoners in 2018.” US Department of Justice, April 2019](#).

⁵ Op. Cit. The Sentencing Project.

⁶ [Investigation Into Private Prisons Reveals Crowding, Under-Staffing And Inmate Deaths. NPR. August 25, 2016](#).

50 the categories we examined, contract prisons incurred more safety and security incidents per capita
51 than comparable BOP institutions.” Problems included higher rates of inmate-on-inmate and inmate-on-
52 staff assaults.⁷

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54 In August 2016, the United States Department of Justice began to eliminate federal contracts with
55 private prisons.⁸ However, in February 2017, the Department of Justice altered course, instructing the
56 Bureau of Prisons to “return to its previous approach.”⁹ Nonetheless, states including California, Illinois,
57 Iowa, and New York have begun barring the use of private prisons.

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59 The private prison industry also holds significant influence over criminal justice policy. As reported by
60 the Justice Policy Institute, “Through campaign contributions, lobbying and building relationships and
61 associations, private prison companies engage in an aggressive political strategy to influence criminal
62 justice policies in ways that lead to more people in prison and more money in their pockets.”¹⁰

63
64 As compared to public facilities, private prisons are motivated largely if not exclusively by profit. The
65 more inmates held in their facilities, the better the company’s bottom line. A 2010 annual report from
66 the Corrections Corporation of America stated: “We believe we have been successful in increasing the
67 number of residents in our care and continue to pursue a number of initiatives intended to further
68 increase our occupancy and revenue.”¹¹ The company’s pursuit of more incarcerated individuals calls

⁷ [Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons. Office of the Inspector General. U.S. Department of Justice. August 2016.](#)

⁸ [“Memorandum for the Acting Director, Federal Bureau of Prisons. Subject: Reducing our Use of Private Prisons.” Deputy Attorney General Sally Q. Yates, August 18, 2016.](#)

⁹ [“Memorandum for the Acting Director, Federal Bureau of Prisons. Subject: Rescission of Memorandum on Use of Private Prisons.” Attorney General Jefferson B. Sessions, III, February 21, 2017.](#)

¹⁰ [“Gaming the System: How the Political Strategies of Private Prison Companies Promote Ineffective Incarceration Policies.” June 2011.](#)

¹¹ [Private Prisons and the Profit Motive. MSNBC, April 12, 2013.](#)

69 into question the ways in which the profit motive contributes to the United States' status as the nation
70 with the world's highest incarceration rate: though only about 5% of the world's population, the U.S.
71 houses nearly 25% of the world's incarcerated.¹²

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73 **Therefore, the Union for Reform Judaism resolves to:**

- 74 1. Call for federal and state governments to phase out any current contracts with private prisons
75 and detention centers;
- 76 2. Support legislation banning construction or implementation of new private prisons and
77 detention centers;
- 78 3. Encourage congregations and congregants to participate in local, state, and federal efforts to
79 close private prisons; and
- 80 4. Continue to work toward a more just criminal justice system overall.

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¹² [Yes, U.S. Locks People Up at a Higher Rate Than Any Other Country. The Washington Post. July 7, 2015.](#)

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.¹ 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.² 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?

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

² [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.