

2020 Legislative Proposal
Prohibiting Private Prison Operation and Use
SB 6442 / HB 2576
Senator Saldaña / Representative Ortiz-Self

Problem Addressed

- Incarceration is an inherently governmental function that cannot be outsourced because of the public interest in humane treatment and transparency.
- Private prisons fail the public and harm individuals, both inmates and staff.

Solution

- Phase out the use of private prisons by prohibiting any new contracts and any extensions of existing private contracts to provide prison or detention services.
- Limit the authority of State and local governments to use out-of-state private prison facilities.
- Clarify that the prohibition on private prisons does not apply to facilities for involuntary placement for mental health, drug rehabilitation, juvenile rehabilitation, and other similar services.
- Recognize that Tribal governments own and operate jails, and allow other governments to contract with them.

Experience in other States:

- Illinois and California banned private prison and immigration detention in 2019
- Maryland, Minnesota and Colorado have pending legislation.

Fiscal Impact

- This bill should have no fiscal impact on the State of Washington.
- Private prisons provide poor quality services that are harmful to individuals and violate the public trust. They waste taxpayer dollars. The best public policy is to make sure this is never an option.
- Currently neither the State of Washington nor any municipality uses private prisons. The State Department of Corrections had a contract with GEO Group that expired in 2018.

Effective Date

- The legislation will have an emergency clause and will be retroactive to January 1, 2020. Any delay in enactment and implementation extends the neglect and mistreatment. Delay provides existing private operators the opportunity to extend their contracts and circumvent the prohibition.
- Existing contract rights will not be impaired.

Issues to Address

- Emergency needs of the State and local governments
 - Washington's Department of Corrections and local jails routinely plan for disaster contingencies and overflow. Experience indicates that government entities are able to contract with each other to provide emergency housing of inmates.
- Transition of those detained at existing facilities.
 - Currently the only private prison facility in Washington State is the Northwest Detention Center, an immigration detention facility in Tacoma. The existing contract for this facility terminates in 2025, which allows time to address the release and placement of all detained there. Most can be released to the community on bonds and personal recognizance.
- Family visits are used to defend the value of keeping Washington's sole private prison operation open. However, it is not true that moving detainees will negatively impact the access to families.
 - A majority of those held at the only private detention facility in Washington were transferred from outside our region. Families are regularly frustrated in any attempts to visit. Shutting down this facility and prohibiting others is the real solution.

Who Supports this Proposal:

- Faith Action Network
- Latino Civic Alliance
- La Resistencia
- ACLU
- Northwest Immigrant Rights Project
- Columbia Legal Services
- OneAmerica
- Disability Rights Washington
- Washington Immigrant Solidarity Network
- Centro Latino
- Washington State Labor Council

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