



# THRIVE

**A Blueprint for Policy and Public Officials  
for Self-Reliant Rural Communities  
Without Immigration Prisons**

June 2023

INNOVATION   
**LAW LAB**

# ABOUT

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June 2023

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Innovation Law Lab (Law Lab) is a 501(c)(3) nonprofit organization that leverages technology, law, and organizing to fight for immigrant and refugee justice. Law Lab's Anticarceral Legal Organizing project (AcLO) builds interconnected coalitions to work toward abolition of immigration prisons while supporting and advocating for detained individuals. AcLO combines strategic casework, data analysis, community organizing, and movement-rooted litigation to counter the racist carceral violence of DHS and its partners.

For inquiries related to this report, please contact Innovation Law Lab at <https://innovationlawlab.org/>.

Recommended citation: Allison Crennen-Dunlap, Alizeh Sheikh & Tess Hellgren, *Thrive: A Blueprint for Policy and Public Officials for Self-Reliant Rural Communities Without Immigration Prisons*, Innovation Law Lab (2023).

**Acknowledgements:** This report would not have been possible without the expertise, experience, and input of AcLO Co-Director Ariel Prado and the many other individuals and organizations, including members of the Dignity Not Detention New Mexico movement and the Shut Down FIPC Steering Committee, who have offered their time and skills to a world beyond prisons. The authors would particularly like to thank Rosa Felibert, Hayley Schultz, and Joven Hundal for their valuable contributions and support.

Cover Image: Ariel Prado

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*Content Warning: This report contains disturbing content, including references to self-harm and suicide.*

# TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	1
I. Immigration Detention is Unnecessary and Harmful .....	3
II. Immigration Detention Does Not Benefit Local Communities or Economies.....	9
A. Prisons harm local economies by sending resources to large, outside companies at the expense of local businesses and community members. ....	10
1. The presence of a prison in a rural community is associated with reduced economic development.....	11
2. The financial benefits of private prisons go to private prison companies, not local communities.....	12
B. Prisons in rural communities do not meaningfully improve job prospects for local community members and may inhibit job creation.....	13
C. Local jobs that prisons do create are harmful to staff.....	15
III. Recommendations to Replace Immigration Prisons and Empower Communities.....	18
1. Re-imagine thriving communities with people-led decision-making. ....	18
2. Repurpose existing immigration prisons.....	20
3. Take advantage of existing resources. ....	21
4. Create new laws to help communities divest from existing immigration prisons .....	22
5. Support prison staff transitions. ....	24
6. Advocate for the release of detained individuals when detention centers shut down.....	24
IV. Conclusion.....	26
APPENDIX A: Selected Federal Funding Opportunities for Just Transitions in Rural Communities.....	27

## EXECUTIVE SUMMARY

As part of a rural prison boom in the 1980s and 1990s, the United States saw a steep increase in the use of immigration prisons—carceral facilities where U.S. immigration agencies would detain migrants while they determined their immigration status and decided whether they would be deported. This trend has been fomented by prison proponents, including private prison companies, who have promised that prisons will revitalize communities and bring new jobs, higher wages, and economic development to rural areas. Unfortunately for rural communities, these promises have proven empty.

**This report is a resource for rural communities and lawmakers who wish to understand the true impact of immigration prisons.** It begins with a brief overview of immigration detention, a practice that is neither historically inevitable nor legally necessary, and the many harms it causes – both inside and beyond prison walls. The report then reviews research on the community and economic impacts of prisons in rural areas. While prison proponents frequently claim that prisons strengthen rural economies, empirical research has debunked that myth. In reality:

- **Prisons benefit rural economies less than other industries because they stigmatize communities and send resources to large, outside companies.** With a prison comes the stigma of being a “prison town.” This stigma discourages other economic activity and fosters a precarious overreliance on the prison to support the local economy. Compared to prison towns, non-prison towns have higher rates of growth in the number of new businesses, non-agricultural employment, average household wages, retail sales, median value of owner occupied housing, and total number of new housing units. Overall, the presence of a prison in a rural community does not increase, and may even decrease, per capita income. Prison towns are also vulnerable to financial shock in the wake of unanticipated and unplanned prison closures, while the profits of private prisons are funneled to company executives and shareholders, rather than invested locally.
- **Prisons do not meaningfully improve job prospects for rural community members, who would benefit more from employment in other industries.** Prisons produce fewer jobs than would other industries, as they rely on incarcerated people to perform largely unpaid labor instead of hiring from the local community. Remaining prison jobs go primarily to people who live outside the community that houses the prison, and the jobs that do go to local community members are comparatively lower paying. Overall, prisons do not significantly improve unemployment rates, and they may inhibit job creation.
- **Prison jobs are inherently harmful to staff members’ emotional and physical health.** 31 percent of corrections officers report serious psychological stress – twice the rate of the general population. 27 percent of corrections officers experience PTSD symptoms, exceeding the rate among combat veterans. Suicide rates among corrections officers are 39 percent higher than others in the general working-age population. Because prison jobs are undesirable, staffing shortages regularly occur.

This situation, however, is hardly inevitable. Rural communities need not be dependent on immigration detention for economic activity, but rather can build thriving, inclusive, and resilient communities. This report offers recommendations to rural communities and lawmakers to help them move beyond immigration prisons and toward thriving, people-driven communities:

- **To build a thriving community, lawmakers should support rural communities and prioritize people-led decision-making.** Local residents are best positioned to understand what type of economic development their community needs, explain what sorts of jobs they want, and envision what kind of community they wish to live in. Any rural development initiative should be grounded in democratic decision-making and the visions of local community members.
- **Rural communities can look to and learn from other rural communities that have repurposed immigration prisons.** Existing immigration prisons should be repurposed as non-carceral facilities to support local communities without causing harm. Carceral facilities can become, for instance, museums, libraries, educational centers, affordable housing, events centers, or shopping centers.
- **Rural communities should investigate and take advantage of existing development opportunities.** Numerous grant and loan programs—ranging from small business loans to large investments in major community projects—are already available to many rural and low-income communities. Rural communities should investigate and pursue available funding that most aligns with community members' needs and vision for the future.
- **State and local lawmakers should establish new programs to help communities divest from existing prisons.** Lawmakers should enact laws to support communities transitioning away from immigration prisons, including by providing tax incentives for businesses that relocate to the area where an immigration prison has shut down; by providing funding to re-purpose existing prisons and improve infrastructure to attract new industries; and by creating grant or loan programs to support the growth of projects and industries prioritized by the local community. Lawmakers should support municipal and county governments to assure that public services such as emergency medical services, fire protection, and waste management services remain funded throughout the period of economic transition.
- **Lawmakers should support prison staff and local communities as they transition away from prison employment.** Lawmakers should provide financial assistance and job training to former prison staff to assure that their livelihoods are not harmed when a prison shuts down. Lawmakers should also provide incentives to businesses that hire former prison workers and require that a certain percentage of publicly-funded jobs go to former prison workers.
- **Communities that are closing immigration prisons should advocate for the release of detained individuals.** When immigration prisons shut down, the Department of Homeland Security (DHS) can opt to release those detained rather than transfer them to a different prison. Communities and lawmakers should advocate for this option because it allows families and loved ones to stay together, thus mitigating the harm to detained individuals, their families, and communities.

# I. Immigration Detention is Unnecessary and Harmful

In the United States today, immigration prisons mistakenly appear as if they are a natural, inevitable part of the landscape. U.S. Immigration and Customs Enforcement (“ICE”)—an agency within the Department of Homeland Security (“DHS”)—relies on roughly 200 immigration detention centers, particularly throughout rural America, to detain tens of thousands of people on any given day.<sup>1</sup> Immigration detention has become big business, with the federal government—and private companies acting on its behalf—detaining hundreds of thousands of people annually.

Yet history shows that there is nothing necessary or inevitable about immigration detention; indeed, for most of U.S. history, immigration detention either did not exist or was rarely used.<sup>2</sup>

Moreover, no empirical research or convincing legal reasoning suggests that the United States requires immigration detention. Immigration detention exists as part of a broader apparatus to enforce civil immigration law—in the eyes of the law, individuals are held in immigration detention not as punishment for a crime but to allow government officials to process migrants through a civil system.<sup>3</sup> The justifications for this civil detention system, however, do not withstand scrutiny, and DHS has broad, discretionary authority to release detained individuals at any time.<sup>4</sup>

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<sup>1</sup> U.S. Immigr. & Customs Enf’t, *ERO Custody Management Division: Authorized Dedicated Facility List*, <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ice.gov%2Fdoclib%2FfacilityInspections%2FdedicatedNonDedicatedFacilityList.xlsx&wdOrigin=BROWSELINK> (last visited June 22, 2023) [hereinafter *Authorized Dedicated Facility List*]; U.S. Immigr. & Customs Enf’t, *ERO FY2020 Achievements*, <https://www.ice.gov/features/ERO-2020> (last visited June 22, 2023) (explaining that ICE’s Enforcement and Removal Operations generally detains around 45,000 people daily, but that number fell to approximately 20,000 during the end of fiscal year 2020 in light of the pandemic); TRAC Immigration, *Immigration Detention Quick Facts*, <https://trac.syr.edu/immigration/quickfacts/> (last visited June 22, 2023) (reporting that there were 29,914 people detained by ICE on June 4, 2023).

<sup>2</sup> See César Cuauhtémoc García Hernández, *MIGRATING TO PRISON: AMERICA’S OBSESSION WITH LOCKING UP IMMIGRANTS* 10–11, 46–47 (2019) [hereinafter *MIGRATING TO PRISON*].

<sup>3</sup> See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“The proceedings at issue here are civil, not criminal, and we assume that they are nonpunitive in purpose and effect.”). The idea that immigration detention is not punitive is a fiction. Detained migrants are clearly held in punitive conditions—they wear the same jumpsuits assigned to those held in criminal confinement, live in the same cells behind the same razor wire, and survive the same limitations on their freedom. See René Lima-Marín & Danielle C. Jefferis, *It’s Just Like Prison: Is A Civil (Nonpunitive) System of Immigration Detention Theoretically Possible?*, 96 *DENV. L. REV.*, 955, 963–64 (2019).

<sup>4</sup> See 8 U.S.C. §§ 1182(d)(5), 1226(a).



## *A Historical Perspective on Immigration Prisons*

For much of its history, the U.S. federal government largely avoided involvement in immigration.<sup>5</sup> It was not until the last half of the nineteenth century that Congress created immigration detention alongside laws, spurred on by racism and xenophobia, expressly aimed at excluding Chinese migrants.<sup>6</sup> Over the following decades, federal officials used immigration detention to hold migrants while deciding whether they would be allowed to enter the U.S., but the number of individuals detained, compared to today, was quite low.<sup>7</sup> By the middle of the 20th century, the Eisenhower Administration had largely abolished immigration detention, declaring that moving away from immigration detention meant establishing a more humane immigration system.<sup>8</sup>

Today's reliance on immigration detention was prefaced by a surge in incarceration beginning in the 1970s, when harsh criminal penalties began placing increasing numbers of people of color behind bars.<sup>9</sup> During this time, private companies began operating prisons and jails on behalf of the government, resulting in significant profits for their officers and shareholders and in the expansion of carceral centers.<sup>10</sup> The growth of incarceration generally quickly expanded to an increased reliance on immigration detention, as racism toward arriving Haitians, Cubans, and others could easily be fanned to justify incarceration – and its attendant profits.<sup>11</sup> The federal government passed a series of new laws to ensure that more and more migrants would end up detained, racism continued placing grossly disproportionate numbers of people of color behind bars, and the U.S. government's reliance on immigration detention exploded.<sup>12</sup>

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<sup>5</sup> MIGRATING TO PRISON, *supra* note 2, at 21–23.

<sup>6</sup> See, e.g., Erika Lee & Judy Yung, ANGEL ISLAND: IMMIGRANT GATEWAY TO AMERICA 69–75 (2012).

<sup>7</sup> See Aaron Korthuis, *Detention and Deterrence: Insights from the Early Years of Immigration Detention at the Border*, 129 YALE L.J. FORUM, 238, 248 (2019); Ctr. for Migration Studies, *Immigration Detention: Recent Trends and Scholarship* (Mar. 26, 2018), [https://cmsny.org/publications/virtualbrief-detention/#\\_ftnref46](https://cmsny.org/publications/virtualbrief-detention/#_ftnref46) [hereinafter *Immigration Detention: Recent Trends*].

<sup>8</sup> MIGRATING TO PRISON, *supra* note 2, at 46–47.

<sup>9</sup> Michelle Alexander, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 40–46 (2010); see also Kevin R. Johnson, *It's the Economy, Stupid: The Hijacking of the Debate Over Immigration Reform by Monsters, Ghosts, and Goblins (or the War on Drugs, War on Terror, Narcoterrorists, Etc.)*, 13 CHAP. L. REV., 583, 590–91 (2010) (explaining that law enforcement officers target young African-American and Latino men, resulting in higher rates of incarceration among these populations, although these populations do not commit crimes at higher rates).

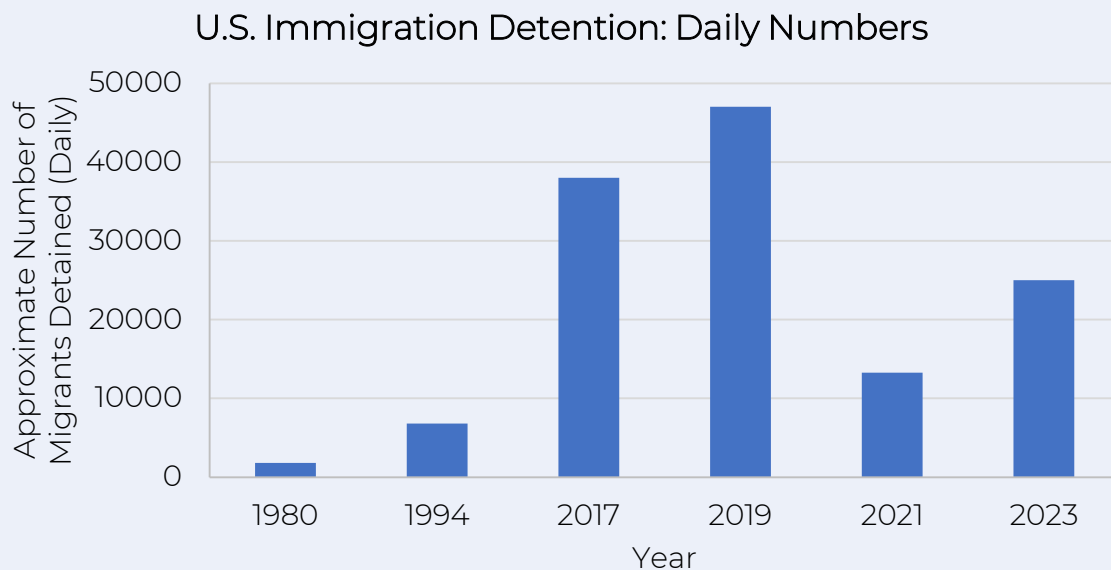
<sup>10</sup> Mariela Olivares, *Intersectionality at the Intersection of Profiteering & Immigration Detention*, 94 NEB. L. REV., 963, 984–990 (2016).

<sup>11</sup> MIGRATING TO PRISON, *supra* note 2, at 61–62.

<sup>12</sup> *Immigration Detention: Recent Trends*, *supra* note 7; César Cuauhtémoc García Hernández, *Deconstructing Crimmigration*, 52 U.C. DAVIS L. REV., 197, 201–08 (2018); Alexander, *supra* note 9, at 40–46; Olivares, *supra* note 10, at 984–990.

## The Rise of Immigration Detention

In 1980, immigration officials could detain about 1,800 migrants daily.<sup>13</sup> In 1994, they detained about 6,785 people daily.<sup>14</sup> By 2017, they detained roughly 38,000 people daily, and for fiscal year 2019, DHS set a target to detain 47,000 people every day.<sup>15</sup> Detention numbers dipped during the COVID-19 pandemic, but by early 2023 ICE was again detaining around 25,000 people daily.<sup>16</sup>



Immigration law allows for detention when an adjudicator deems a migrant either a “flight risk” or a “danger to the community.”<sup>17</sup> Because the majority of detained migrants have no criminal record or pending criminal charges,<sup>18</sup> the government justifies their detention by deeming them a “flight risk,” contending that detention is necessary to ensure their presence at immigration hearings. But research has shown that detention is unnecessary to achieve this purpose, as the vast majority of non-detained migrants appear for their hearings.<sup>19</sup>

<sup>13</sup> Patrisia Macías-Rojas, *Immigration and the War on Crime: Law and Order Politics and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 6 J. MIGRATION & HUM. SEC., 1, 4 (2018).

<sup>14</sup> *Immigration Detention: Recent Trends*, *supra* note 7.

<sup>15</sup> *Id.*

<sup>16</sup> See TRAC Immigration, *ICE Detainees*, [https://trac.syr.edu/immigration/detentionstats/pop\\_agen\\_table.html](https://trac.syr.edu/immigration/detentionstats/pop_agen_table.html) (last visited Jun. 21, 2023) [hereinafter *ICE Detainees*].

<sup>17</sup> See 8 C.F.R. § 1236.1(c)(8); *Matter of Guerra*, 24 I&N Dec., 37, 38 (BIA 2006).

<sup>18</sup> See *ICE Detainees*, *supra* note 16.

<sup>19</sup> See, e.g., Ingrid Eagly & Steven Shafer, MEASURING IN ABSENTIA REMOVAL IN IMMIGRATION COURT 7–9 (2021), <https://www.americanimmigrationcouncil.org/research/measuring-absentia-removal-immigration-court>; Nina Siulc & Noelle Smart, EVIDENCE SHOWS THAT MOST IMMIGRANTS APPEAR FOR IMMIGRATION COURT HEARINGS 1 (2020), <https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf>.



***While history and research show that immigration detention is entirely unnecessary, the explosion of migrant incarceration in the U.S. continues to exert harms across the country***

Indeed, attendance rates at immigration hearings reach near-perfect levels when migrants have legal representation and/or access to other community support,<sup>20</sup> with at least one program reporting a 98 percent hearing attendance rate.<sup>21</sup> These results are unsurprising, given that migrants have an incentive to appear at their immigration hearings: such proceedings may result in the grant of lawful status, including a green card or, in some

instances, even a finding that the migrant is already a U.S. citizen.

Where adjudicators justify detention by deeming a migrant “dangerous,” their decision frequently involves bias. Research has shown that judges often deem individuals “dangerous” by relying on criminal history, rather than examining all relevant evidence including subsequent rehabilitation.<sup>22</sup> Criminal history, in turn, is a suspect source for any decisionmaking, as significant research has shown that authorities disproportionately police, arrest, prosecute, convict, and sentence people of color.<sup>23</sup> Immigration courts also make detention decisions based heavily on the content of police reports, which have been shown to constitute an inherently biased source of evidence.<sup>24</sup> And more generally, justifying the detention of migrants based on allegations that they are “dangerous” is a practice tied to racist constructions of migrants as dangerous “others” rather than the ordinary human beings that they are.<sup>25</sup> In short, “dangerousness” findings are deeply unreliable for several reasons, and neither these findings nor allegations that a migrant is a flight risk justify detention.

While history and research thus show that immigration detention is entirely unnecessary, the explosion of migrant incarceration in the U.S. continues to exert harms across the country – not only on individuals detained and their families, but also

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<sup>20</sup> Eagly, *supra* note 19, at 13–14; *see also* American Immigration Counsel & Women’s Refugee Commission, COMMUNITY SUPPORTS FOR MIGRANTS NAVIGATING THE U.S. IMMIGRATION SYSTEM 2 (Feb. 2021), [https://www.americanimmigrationcouncil.org/sites/default/files/research/community\\_support\\_for\\_migrants\\_navigating\\_the\\_us\\_immigration\\_system\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/community_support_for_migrants_navigating_the_us_immigration_system_0.pdf) (discussing national capacity to provide community-based supports for migrants in removal proceedings).

<sup>21</sup> Siulc, *supra* note 19, at 1.

<sup>22</sup> Emily Ryo, *Detained: A Study of Immigration Bond Hearings*, 50 *Law & Soc’y Rev.*, 120, 146–48 (Mar. 2016) (raising the possibility that judges’ “mental shortcuts” may lead to errors in judgment).

<sup>23</sup> *See, e.g.*, Darren Lenard Hutchinson, “*With All the Majesty of the Law*”: *Systemic Racism, Punitive Sentiment, and Equal Protection*, 110 *CAL. L. REV.*, 371, 396–97 (2022).

<sup>24</sup> *See Nat’l Immigrant Justice Ctr.*, PREJUDICIAL AND UNRELIABLE: THE ROLE OF POLICE REPORTS IN U.S. IMMIGRATION DETENTION & DEPORTATION DECISIONS 1 (2022), [https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2022-07/Prejudicial-and-Unreliable-policy-brief-FINAL\\_July-2022.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2022-07/Prejudicial-and-Unreliable-policy-brief-FINAL_July-2022.pdf).

<sup>25</sup> *See generally* Kevin R. Johnson, *The Intersection of Race and Class in U.S. Immigration Law and Enforcement*, *LAW & CONTEMP. PROBS.*, 1, 4–8 (discussing the distribution of immigration harms along race and class lines).

on prison staff and facilities' surrounding communities.<sup>26</sup> Detained individuals frequently live in inhumane conditions; receive inadequate food and water; endure physical, verbal, and psychological abuse; receive inadequate medical and mental health care, sometimes resulting in death; experience isolation from emotional support networks; lack access to fair legal proceedings; withstand the harms of solitary confinement; and face retaliation for speaking out against the harms they experience while detained.<sup>27</sup> Taken together, these many harms also take an emotional toll, making immigration detention itself a traumatic experience.<sup>28</sup>

The harms of immigration prisons also extend beyond detention center walls, reaching the families, loved ones, and communities of detained individuals. Detention of a family member frequently causes financial stress, health problems, emotional upheaval, and disruption to children's education and wellbeing.<sup>29</sup> These harms extend to communities, who lose valuable members and share the struggles of families, resulting in negative impacts on the health, education, and economic wellbeing at the community level.<sup>30</sup>

As described further below, immigration detention also harms staff, who are overworked, underpaid, and expected to address stressful situations on a daily basis. Research has shown that working conditions take a serious toll on prison staff, who have high stress and burnout levels and increased rates of physical illness, mental illness, and suicide. And the effects of working conditions on prison staff may be long-term, as they are linked to depression, memory impairment, obesity, higher rates of substance abuse, and personality changes over time.

Although immigration prisons are demonstrably unnecessary and harmful, DHS continues to rely heavily on detention, in part, based on the promise that prisons benefit local economies. Yet research on the actual impact of such prisons reveals that this promise is a myth.

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<sup>26</sup> See, e.g., Eunice Hyunhye Cho et al., JUSTICE-FREE ZONES: U.S. IMMIGRATION DETENTION UNDER THE TRUMP ADMINISTRATION 4–9 (2020), <https://www.courthousenews.com/wp-content/uploads/2020/04/immigrant-detention-report.pdf>; Saneta deVuono-powell, Chris Schweidler, Alicia Walters & Asadeh Zohrabi, WHO PAYS? THE TRUE COST OF INCARCERATION ON FAMILIES 7–9 (2015).

<sup>27</sup> See, e.g., Mizue Aizeki et al., CRUEL BY DESIGN: VOICES OF RESISTANCE FROM IMMIGRATION DETENTION 21-37 (2022), <https://www.immigrantdefenseproject.org/wp-content/uploads/Cruel-By-Design-IDP-CCR-Feb-2022.pdf>; Nathan Craig et al., PROCESS BY TORMENT: IMMIGRATION EXPERIENCES OF PERSONS DETAINED AT THE OTERO COUNTY PROCESSING CENTER 23–24, 48 (2021), <https://avid.chihuahuan.org/2021/01/02/process-by-torment/>; Aaron J. Fischer et al., THERE IS NO SAFETY HERE 27 (2019), [https://www.disabilityrightsca.org/system/files/file-attachments/DRC\\_REPORT\\_ADELANTO-IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf); Human Rights Watch, CODE RED: THE FATAL CONSEQUENCES OF DANGEROUSLY SUBSTANDARD MEDICAL CARE IN IMMIGRATION DETENTION (2018), <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>.

<sup>28</sup> M. von Werthern et al., *The Impact of Immigration Detention on Mental Health: A Systematic Review*, 18 BMC PSYCHIATRY, 1, 14 (2018).

<sup>29</sup> See Robert R. Weidner & Jennifer Schultz, *Examining the Relationship Between U.S. Incarceration Rates and Population Health at the County Level*, SSM – POPULATION HEALTH, 2 (Dec. 2019), <https://www.sciencedirect.com/science/article/pii/S2352827319300874>.

<sup>30</sup> *Id.*

## *Trauma at the Torrance County Detention Facility*

In April 2022, a young Brazilian man named Kesley Vial came to the United States seeking protection.<sup>31</sup> Authorities arrested Kesley, moved him through a sham process called expedited removal, and informed him that he would be deported.<sup>32</sup> While awaiting deportation, Kesley was detained at the Torrance County Detention Facility (Torrance) in Estancia, New Mexico—an immigration prison operated by a for-profit company called CoreCivic.

Like all immigration prisons, Torrance causes significant harm to individuals who find themselves detained there. Torrance has repeatedly failed government inspections for reasons such as squalid conditions, inedible food, dangerous understaffing, and inadequate medical care.<sup>33</sup> Particularly egregious is the mental health care at Torrance. People detained at Torrance consistently report that CoreCivic responds to thoughts of self-harm by forcibly placing individuals in solitary confinement, where they spend 24 hours a day alone in small, cold, windowless rooms.<sup>34</sup> This practice, as with other mental health care practices at Torrance, “stand[s] in stark contradiction to evidence-based recommendations by mental health experts while contributing to the emotional suffering and deteriorating mental health of detainees.”<sup>35</sup>

After months enduring these conditions, Kesley tied a sheet around his neck, attached it to a shelf in his cell, and hung himself.<sup>36</sup> When his friends found him, he was still alive. But he died of his injuries one week later.<sup>37</sup>

Since Kesley’s death in August 2023, advocates have learned of at least six other individuals who have attempted suicide at Torrance.<sup>38</sup>

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<sup>31</sup> Eduardo Campos Lima, *Brazilian Man’s Suicide Sends Shockwaves through ‘Inhumane’ Ice Detention Center*, THE APPEAL (Oct. 13, 2022), <https://theappeal.org/torrance-detention-center-kesley-vial-brazil/>.

<sup>32</sup> See *Detainee Death Report: Kesley Vial*, U.S. IMMIGR. & CUSTOMS ENF’T OFF. OF PRO. RESP., 2–3 (Dec. 8, 2022), [https://www.ice.gov/doclib/foia/reports/ddrKesleyVial\\_opr.pdf](https://www.ice.gov/doclib/foia/reports/ddrKesleyVial_opr.pdf).

<sup>33</sup> María Inés Taracena, *The Dark Truth of Biden’s Immigration Policy*, THE NEW REPUBLIC (Apr. 12, 2023), <https://newrepublic.com/article/171665/biden-immigration-policy-dark-truth>.

<sup>34</sup> See Innovation Law Lab et al., *SLEEP DEPRIVATION, TORTURE ROOMS, A RIGGED DEPORTATION PROCESS, AND ATTEMPTED SUICIDE AT THE TORRANCE COUNTY DETENTION FACILITY IN ESTANCIA, NEW MEXICO* 7 (Feb. 15, 2023), <https://innovationlawlab.org/media/2023.02.15-Torrance-Report.pdf>.

<sup>35</sup> Jenifer Wolf-Williams & Judy Iwens Eidelson, *MENTAL HEALTH PRACTICES IN TORRANCE COUNTY DETENTION FACILITY AS REPORTED BY DETAINEES TO HUMANITARIAN OUTREACH FOR MIGRANT EMOTIONAL HEALTH* 5 (Nov. 22, 2022), [https://innovationlawlab.org/media/TCDF\\_Second-Letter-and-Reports\\_03.20.23.pdf](https://innovationlawlab.org/media/TCDF_Second-Letter-and-Reports_03.20.23.pdf).

<sup>36</sup> Taracena, *supra* note 33.

<sup>37</sup> *Id.*

<sup>38</sup> See Rafael Bernal, *Suicide Attempts Highlight Mental Health Concerns in Immigrant Detention*, THE HILL (Mar. 3, 2023), <https://thehill.com/latino/3881755-suicide-attempts-highlight-mental-health-concerns-in-immigrant-detention>; Innovation Law Lab et al., *Request for Thematic Hearing During the 187th Period of Sessions of the Inter-American Commission on Human Rights Addressing Solitary Confinement in the United States* 19 (Apr. 17, 2023), <https://innovationlawlab.org/media/Solitary-Confinement-IACHR-Thematic-Hearing-Request-April-2023-.pdf>.

## II. Immigration Detention Does Not Benefit Local Communities or Economies

Many immigration prisons are built with the promise that they will bring new jobs, higher wages, and economic development to struggling areas.<sup>39</sup> But empirical research on rural economies demonstrates that there are no meaningful economic differences between rural communities where prisons are present and those without prisons – and the presence of a prison may even harm rural economic development.<sup>40</sup>

For decades, rural communities have struggled with growing income inequality, job loss, lack of upward mobility, and depopulation.<sup>41</sup> Starting in the 1980s, lawmakers turned to prison-building to solve these economic woes.<sup>42</sup> Prison construction gained speed as rural communities hoped that jobs and new industries would bring badly-needed revitalization<sup>43</sup>—in the 1990s alone, a new prison opened roughly every fifteen days with sixty percent of those prisons popping up in rural areas.<sup>44</sup>

Despite hope that prisons would spur rural development, in reality, prisons brought reduced economic activity as rural communities became stigmatized as “prison towns.”<sup>45</sup> Private prisons focused on cutting costs and maximizing profits for executives and shareholders rather than investing in local communities, and prison jobs frequently went to individuals who did not live in the local community.<sup>46</sup> When local residents did secure prison jobs, many experienced significant harms to their mental and emotional health, causing ripple effects on their families and communities.<sup>47</sup>

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<sup>39</sup> Sarah Lopez, *From Penal to “Civil”: A Legacy of Private Prison Policy in a Landscape of Migrant Detention*, 71 AM. Q. 105, 122 (2019) (“Prison prospectors promised counties suffering from declining agriculture and oil industries that prisons would provide economic benefits, without seasonal changes, from incoming jobs and handsome profits.”).

<sup>40</sup> See Terry L. Besser & Margaret M. Hanson, *Development of Last Resort: The Impact of New State Prisons on Small Town Economies in the United States*, 35 J. CMTY. DEV. SOC’Y, no. 2, 2004, at 13–14; Ryan S. King, Marc Mauer & Tracy Huling, *BIG PRISONS, SMALL TOWNS: PRISON ECONOMICS IN RURAL AMERICA* 19 (Feb. 2003) [hereinafter *BIG PRISONS, SMALL TOWNS*] <https://www.opensocietyfoundations.org/uploads/b09ed69b-3073-41db-bfeb-8352c9b49342/bigprisons.pdf>.

<sup>41</sup> See Tracy Huling, *Building a Prison Economy in Rural America*, in *INVISIBLE PUNISHMENT: THE COLLATERAL CONSEQUENCES OF MASS IMPRISONMENT* 198 (Marc Mauer & Meda Chesney-Lind eds., 2002) (hereinafter *Building a Prison Economy in Rural America*); Olugbenga Ajilore & Caius Z. Willingham, *THE PATH TO RURAL RESILIENCE IN AMERICA* 4 (2020), <https://www.americanprogress.org/wp-content/uploads/sites/2/2021/08/RuralRenaissance-report1.pdf>.

<sup>42</sup> *Building a Prison Economy in Rural America*, *supra* note 41, at 198–99; Randall Shelden, *OUR PUNITIVE SOCIETY: RACE, CLASS, GENDER AND PUNISHMENT IN AMERICA* 41–42 (2010).

<sup>43</sup> *Building a Prison Economy in Rural America*, *supra* note 41, at 198–201.

<sup>44</sup> Shelden, *supra* note 42, at 42.

<sup>45</sup> See *BIG PRISONS, SMALL TOWNS*, *supra* note 40, at 19.

<sup>46</sup> *Id.* at 15–17; Ernest J. Yanarella & Susan Blankenship, *Big House on the Rural Landscape: Prison Recruitment as a Policy Tool of Local Economic Development*, 12 J. APPALACHIAN STUD., no. 2, Fall 2006, at 113.

<sup>47</sup> Tomer Einat & Nina Suliman, *Prison Changed Me—and I Just Work There: Personality Changes Among Prison Officers*, *PRISON J.* 5–6 (2021).

## A. Prisons harm local economies by sending resources to large, outside companies at the expense of local businesses and community members.

“For every dollar that you’re spending on corrections, you’re not spending that on primary and secondary education, you’re not spending it on the colleges [or] tourism. It’s just money down a rat hole, basically.”

- Duane DeKrey, North Dakota legislator<sup>48</sup>

Many economists believe that any injection of capital into an economy will have some level of multiplier effect—spilling over into economic activities that are adjacent to the original investment. In the context of prisons, however, the multiplier effect on local economies is minimal, with capital staying largely within the prison and going to outside vendors that have no connection to the local economy.<sup>49</sup>

When it comes to building and operating a prison, prison owners typically seek to do business with the lowest bidder.<sup>50</sup> Generally, this means that local businesses cannot compete with large, state-wide or national businesses. Thus, when prisons are constructed, the main beneficiaries are large, national construction companies that typically employ their own engineering, design, and construction personnel rather than turning to the local workforce.<sup>51</sup> Likewise, prisons usually send capital outside of local economies to procure linens, food, medicine, maintenance supplies, heavy equipment, and other items necessary to the running of a prison.<sup>52</sup>

In fact, rather than supporting local business, prison construction is associated with local businesses shutting down while big box stores open.<sup>53</sup> In Tehachapi, California—a town of roughly 12,000 residents that housed two state prisons during the 1990s—741 local businesses failed over the course of a decade, while retail and fast-food chains took over the local market.<sup>54</sup> Because chain stores generally do not reinvest profits in local communities as do local businesses, economic transitions such as these harm local communities.<sup>55</sup>

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<sup>48</sup> Douglas Clement, *Busted?: The Boom in Prison Growth Is Slowing as Crime Rates Decline, Budgets Tighten and Policymakers Consider Alternatives*, FED. RESRV. BANK MINNEAPOLIS (Jan. 1, 2002), <https://www.minneapolisfed.org/article/2002/busted> (last visited Jun. 22, 2023).

<sup>49</sup> BIG PRISONS, SMALL TOWNS *supra* note 40, at 17–18; *see also* *Communities Not Cages: A Just Transition from Immigration Detention Economies*, DETENTION WATCH NETWORK 14 (2021), [https://www.detentionwatchnetwork.org/sites/default/files/reports/Communities%20Not%20Cages-A%20Just%20Transition%20from%20Immigration%20Detention%20Economies\\_DWN%202021.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/Communities%20Not%20Cages-A%20Just%20Transition%20from%20Immigration%20Detention%20Economies_DWN%202021.pdf) (“Ample research over the course of over 20 years shows that prisons broadly do not foster economic growth.”).

<sup>50</sup> BIG PRISONS, SMALL TOWNS *supra* note 40, at 17.

<sup>51</sup> Yanarella & Blankenship, *supra* note 46, at 112–13.

<sup>52</sup> BIG PRISONS, SMALL TOWNS, *supra* note 40, at 17; Yanarella & Blankenship, *supra* note 46, at 113.

<sup>53</sup> Shelden, *supra* note 42, at 46.

<sup>54</sup> *Building a Prison Economy*, *supra* note 41, at 202.

<sup>55</sup> *Id.*

Because prisons send resources outside of local communities while harming local businesses, their construction does not provide the same benefit that investment of the same amount of money in a different project would. As two researchers of socio-economic development in Appalachia explain, “[t]he massive capital outlays allocated to prison development” might provide greater economic benefits to communities if invested instead in “other industries, infrastructure improvements, or education funding.”<sup>56</sup>

### **1. The presence of a prison in a rural community is associated with reduced economic development.**

A national study of prisons built in small towns during the 1990s demonstrates that, in many ways, small towns with prisons end up in a worse position than those without prisons.<sup>57</sup> Examining several economic indicators in small towns with and without new prisons, the study concluded that, although public sector employment rates were higher in prison towns and poverty rates were lower, prison towns performed worse than non-prison towns on all other economic indicators.<sup>58</sup> Compared to prison towns, non-prison towns had a greater rate of growth in the number of new businesses, non-agricultural employment, average household wages, retail sales, median value of owner occupied housing, and total number of new housing units.<sup>59</sup>

Although researchers have not definitively concluded exactly why prison towns perform worse economically than non-prison towns, one possible explanation is that the presence of a prison stigmatizes the community.<sup>60</sup> Once a community is labeled a “prison town,” potential investors from non-prison industries may direct their investments to an area deemed more desirable.<sup>61</sup> Some community members may relocate, particularly if they feel their only option for employment is to work in a prison, and prospective new community members may decide to avoid the prison town entirely and instead move to a non-prison town, seeing the prison town as an undesirable location to live, work, or raise a family.

Per capita income in local communities also does not meaningfully increase because of a prison; in fact, prisons may cause per capita income to decrease. One study that examined twenty-five years’ worth of data concluded that there was “virtually no difference between the per capita income of rural counties hosting a prison and those without a facility.”<sup>62</sup> To the contrary, “rural counties without prisons actually raised their per capita income at a slightly faster rate than counties hosting prisons.”<sup>63</sup> Another study assessing Appalachian counties that built prisons between 1989 and 2013 found

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<sup>56</sup> Robert T. Perdue & Kenneth Sanchagrín, *Imprisoning Appalachia: The Socio-Economic Impacts of Prison Development*, 22 J. APPALACHIAN STUD. 210, 220 (2016).

<sup>57</sup> See Besser & Hanson, *supra* note 40, at 12.

<sup>58</sup> See *id.*; BIG PRISONS, SMALL TOWNS *supra* note 40, at 14.

<sup>59</sup> Besser & Hanson, *supra* note 40, at 12.

<sup>60</sup> See *id.* at 14; BIG PRISONS, SMALL TOWNS *supra* note 40, at 18–19.

<sup>61</sup> See *Building a Prison Economy in Rural America*, *supra* note 41, at 205.

<sup>62</sup> BIG PRISONS, SMALL TOWNS *supra* note 40, at 10.

<sup>63</sup> *Id.*



that, even when controlling for unemployment, the average per capita income was approximately \$900 less in prison towns than in non-prison towns.<sup>64</sup> Moreover, although that study found that prison-building reduced unemployment rates in the short term, it also concluded that prison towns have higher poverty rates than non-prison towns.<sup>65</sup>

## **2. The financial benefits of private prisons go to private prison companies, not local communities.**

Although the economic benefits to communities that house prisons are far less than promised by prison proponents, private prison companies have reaped substantial profits by incarcerating migrants and others. The United States' two largest private prison companies—CoreCivic and GEO Group—both report annual revenues in the billions. In 2021, CoreCivic reported annual revenue of \$1.86 billion,<sup>66</sup> and GEO group reported annual revenue of \$2.26 billion.<sup>67</sup>

In this billion-dollar industry, profits funnel to the executives and shareholders of private prison companies rather than to employees in local detention centers or their communities. For instance, in 2017 GEO Group CEO George Zoley made \$9.6 million, while the median employee income at GEO Group was \$35,630—a ratio of 271:1.<sup>68</sup> And by one estimate, after accounting for the number of detained people GEO Group employs at \$1/day, this wage ratio gap rises to 32,000:1.<sup>69</sup> Similarly, CoreCivic CEO Damon Hininger made \$2.37 million, while the median company employee income was \$38,236—a ratio of 62:1.<sup>70</sup> Although the large wage ratio gaps at private prison companies are part of a broader trend whereby the executives of large companies earn salaries many times greater than do rank-and-file employees, the wage ratio gap at GEO Group is uniquely stunning – it is nearly double the median wage ratio gap found at 356 other public companies.<sup>71</sup>

To ensure maximum profits, private prison companies cut costs as much as possible. This means they understaff facilities, underpay workers, compensate detained people for their labor with slave wages, and deny detained people sufficient medical care, food, and safe facilities—all acts contributing to the harms of immigration prisons.<sup>72</sup> Indeed,

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<sup>64</sup> Perdue & Sanchagrin, *supra* note 56, at 217.

<sup>65</sup> *Id.* at 218–19.

<sup>66</sup> 2021 Annual Report, CORECIVIC, at 2, F-42 (2021), <https://ir.corecivic.com/static-files/d3f1752e-87b8-4256-99ed-f3803c5817f8>.

<sup>67</sup> *The GEO Group Reports Fourth Quarter and Full Year 2021 Results*, BUS. WIRE (Feb 17, 2022, 6:00 AM), <https://www.businesswire.com/news/home/20220216006284/en/The-GEO-Group-Reports-Fourth-Quarter-and-Full-Year-2021-Results>.

<sup>68</sup> Steve Horn, *Major Wage Ratio Gap Between Executives, Employees at Private Prisons*, PRISON LEGAL NEWS (May 8, 2018), <https://www.prisonlegalnews.org/news/2018/may/8/major-wage-ratio-gap-between-executives-employees-private-prisons/>.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> Olivares, *supra* note 10, at 983–84 (2016); see Maunica Sthanki, *Deconstructing Detention: Structural Impunity and the Need for an Intervention*, 65 RUTGERS L. REV. 447, 481–86 (2013); Philip L. Torrey,

employees at private prisons typically earn \$5,000 less than employees at public prisons, and they receive fifty-eight fewer hours of training.<sup>73</sup> At the Houston Processing Center run by CCA—CoreCivic’s predecessor—the warden, assistant warden, program director, and chief of staff all received year-end bonuses if they could minimize overtime pay to wage-earning staff.<sup>74</sup> And a nurse at the facility reported that CCA cut corners in medical care simply to maximize profits—detained adults with hepatitis B were given pediatric doses of medication, dental problems were corrected with tooth removal rather than less invasive treatments, and one patient with a seizure disorder was accused of faking it so CCA could justify denying him treatment.<sup>75</sup> In short, private prison companies maximize profits to shareholders by minimizing employee compensation and denying detained people the most basic necessities.

## **B. Prisons in rural communities do not meaningfully improve job prospects for local community members and may inhibit job creation.**

Although prison proponents frequently contend that prisons create jobs, research demonstrates that prisons have little meaningful impact on unemployment rates, that any jobs created largely go to individuals who live outside the prison community, and that the few jobs that go to local community members are also the lowest paid.

Research shows that prisons in rural communities do not significantly improve unemployment rates. One study, which examined data from rural counties in New York collected over the course of twenty-five years, concluded that there was no significant difference between unemployment rates in rural counties that had prisons compared to those that did not.<sup>76</sup> A separate study concluded that, for counties with slow growth in the percentage of people who have bachelor’s degrees ( $\leq 9.6\%$  growth over a decade), new prisons were *inversely* related to total employment – while *public* employment may have increased as a result of a new prison, *private* employment decreased so much as to offset any public sector gains.<sup>77</sup> Moreover, where the prison involved is privately run, such a prison creates even fewer jobs<sup>78</sup>—an unsurprising result, given that private prisons aim to maximize their profits and thus operate with fewer staff.

Although prisons create some jobs, this effect is muted by the nature of prison employment as compared to employment in other industries. In prisons, many of the jobs related to maintaining the facility are filled by prisoners themselves, who are

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*Rethinking Immigration’s Mandatory Detention Regime: Politics, Profit, and the Meaning of “Custody,”* 48 MICH. J. L. REFORM 101, 120 (2015).

<sup>73</sup> Cody Mason, TOO GOOD TO BE TRUE: PRIVATE PRISONS IN AMERICA 10 (Jan. 2012), [https://www.criminallegalnews.org/media/publications/sentencing\\_project\\_too\\_good\\_to\\_be\\_true\\_private\\_prisons\\_in\\_america\\_2012.pdf](https://www.criminallegalnews.org/media/publications/sentencing_project_too_good_to_be_true_private_prisons_in_america_2012.pdf).

<sup>74</sup> Mark Dow, AMERICAN GULAG: INSIDE U.S. IMMIGRATION PRISONS 104 (2005).

<sup>75</sup> *Id.* at 103–04.

<sup>76</sup> BIG PRISONS, SMALL TOWNS, *supra* note 40, at 8–9.

<sup>77</sup> Gregory Hooks et al., *Revisiting the Impact of Prison Building on Job Growth: Education, Incarceration, and County-Level Employment, 1976–2004*, 91 Soc. Sci. Q. 228, 238–39 (2010).

<sup>78</sup> Shaun Genter, Gregory Hooks & Clayton Mosher, *Prisons, Jobs and Privatization: The Impact of Prisons on Employment Growth in Rural US Counties, 1997–2004*, 42 Soc. Sci. Rsch. 596, 600 (2013).

frequently forced to work inside immigration prisons for little to no pay.<sup>79</sup> For instance, at the Otay Mesa Detention Center in San Diego, California, CoreCivic pays detained noncitizens \$0.75 to \$1 per day to clean living spaces and common areas, empty trash, prepare food, perform basic maintenance, staff the commissary, and carry out other duties necessary to the running of the facility.<sup>80</sup> Unlike a manufacturing facility or agricultural project—which would have to pay all its employees at least minimum wage—because Otay Mesa Detention Center is a carceral center, CoreCivic claims it need not abide by state labor laws with respect to detained people, including those laws related to pay. Thus, in prisons, underpaid detained people fill many jobs that in another industry would go to local community members.

Additionally, prison jobs in rural communities frequently go to people who live outside the community, often in nearby urban centers, rather than to community members themselves, as employment policies and training requirements may render local residents ineligible for prison jobs.<sup>81</sup> In one rural California community, 60 percent of prison jobs went to individuals living outside the host community.<sup>82</sup> In a rural Missouri county, that figure was 68 percent.<sup>83</sup> And in one rural Kentucky community building a new prison, 176 prison jobs were projected to go to employees brought in from elsewhere, while only 74 would likely go to the local workforce.<sup>84</sup> As Blain Phillips, a judge-executive in McCreary County, Kentucky put it, “Of the 300 and something employees that work at the prison, I don’t think we have over 25 or 30 local people that are working there. And the others . . . they don’t choose to live here.”<sup>85</sup> Because prison employees frequently live outside the community that houses the prison, their income and related economic benefits—such as local spending and tax revenue—do not provide substantial benefit to the prison community.<sup>86</sup>

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<sup>79</sup> See Victoria Law, *End Forced Labor in Immigrant Detention*, N.Y. TIMES (Jan. 29, 2019), <https://www.nytimes.com/2019/01/29/opinion/forced-labor-immigrants.html> (explaining that detained people would be punished if they did not work, including by losing access to basic necessities, such as soap).

<sup>80</sup> *Owino v. CoreCivic, Inc.*, No. 3:17-CV-01112-JLS-NLS (S.D. Cal. Jul. 11, 2019) (class action complaint describing labor conditions at Otay Mesa Detention Center). Individuals held at other detention facilities have sometimes reported that they were never fully paid for their work, even at the rate of \$1/day.

<sup>81</sup> BIG PRISONS, SMALL TOWNS, *supra* note 40, at 15; Shelden, *supra* note 42, at 45–46.

<sup>82</sup> BIG PRISONS, SMALL TOWNS, *supra* note 40, at 14.

<sup>83</sup> *Id.*

<sup>84</sup> Yanarella & Blankenship, *supra* note 46, at 110–39.

<sup>85</sup> Sylvia Ryerson, *Speak Your Piece: Prison Progress?*, Daily Yonder (Feb. 20, 2013), <http://www.dailyyonder.com/speak-your-piece-prison-progress/2013/02/20/5651/>

<sup>86</sup> See Besser, T. & Hanson, M. *The Development of Last Resort: The Impact of New State Prisons on Small Town Economies* 8 (Rural Sociological Society Meeting, 2003); see also Randall G. Shelden, OUR PUNITIVE SOCIETY: RACE, CLASS, GENDER AND PUNISHMENT IN AMERICA 46 (2010).

Even where prison jobs do go to local community members, those jobs typically pay significantly lower wages than do prison jobs filled by individuals living elsewhere, particularly when the prison is privately run.<sup>87</sup> Frequently, this is because the best-paying jobs require experience and training that most local community members do not have.<sup>88</sup>

### C. Local jobs that prisons do create are harmful to staff.

“I wish I could have had a job that didn't hurt my soul so much.”

– Staff Member at Irwin County Detention Center, approaching retirement

It is difficult to overstate the emotional toll involved in prison work. Immigration detention staff work inside prisons—large, concrete buildings surrounded by razor wire, divided into cells and barracks, and largely devoid of natural light. They are expected to exert control over large numbers of people; discipline detained individuals, even if they feel internal conflict about that fact; respond to emergency situations; and, frequently, work double-shifts.<sup>89</sup>

Unsurprisingly, people working under such circumstances experience serious adverse effects. Studies of prison workers consistently demonstrate that such workers have high stress and burnout levels.<sup>90</sup> The reasons prison workers experience such high stress are varied, but include heavy workloads, job ambiguity and conflict, emotional dissonance (which refers to the difference between how workers actually feel about what they experience at work and how they are expected to behave), lack of independence, feelings of belonging to a low social class, and workplace risks, among other causes.<sup>91</sup>

Studies have also found that, compared to workers in other settings, prison workers experience increased levels of physical and mental illness as well as health-endangering behavior.<sup>92</sup> Indeed, 31 percent of corrections officers report serious psychological stress—twice the rate of the general population—and 27 percent experience PTSD symptoms, surpassing rates among combat veterans.<sup>93</sup> Even more

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<sup>87</sup> Tracey L. Farrigan and Amy K. Glasmeier, *The Economic Impacts of the Prison Development Boom on Persistently Poor Rural Places* 1–2 (Earth and Mineral Sciences Environmental Institute at The Pennsylvania State University) [https://www.prisonpolicy.org/scans/prison\\_development.pdf](https://www.prisonpolicy.org/scans/prison_development.pdf); see also Tracy Huling, *Building a Prison Economy in Rural America*, in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* 3 (2002), [https://www.prisonpolicy.org/scans/huling\\_chapter.pdf](https://www.prisonpolicy.org/scans/huling_chapter.pdf).

<sup>88</sup> Ruth Wilson Gilmore. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* 161 (1st ed. 2007).

<sup>89</sup> Joseph Neff and Alysia Santo, *Corporate Confession: Gangs Ran This Private Prison, The Marshall Project*, (Aug. 6, 2019 at 6:00am), <https://www.themarshallproject.org/2019/06/26/corporate-confession-gangs-ran-this-private-prison>.

<sup>90</sup> Tomer Einat and Nina Suliman, *Prison Changed Me—and I Just Work There: Personality Changes Among Prison Officers*, 101 *THE PRISON JOURNAL* 166, 170–71 (2021).

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* at 177.

<sup>93</sup> Frank Valentino Ferdik and Hayden P. Smith, *Correctional Officer Safety and Wellness Literature Synthesis*, 14 (Paper prepared with the support of the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, 2017), <https://www.ojp.gov/pdffiles1/nij/250484.pdf>.

concerningly, suicide rates among corrections officers are at least 39 percent higher than those in the general working-age population.<sup>94</sup> In one instance, a staff member at the Otter Creek Correctional Center in Wheelright, Kentucky, died by suicide inside the prison itself.<sup>95</sup>

The harmful effects of working in a prison may be long-term: PTSD symptoms are linked to depression, memory impairment, obesity, and a higher prevalence of substance abuse,<sup>96</sup> and prison work can result in personality changes over time, including by causing decreased conscientiousness and agreeableness.<sup>97</sup> Working in a prison may even take years off one's life—one study found that Florida prison guards and law enforcement officials died twelve years earlier than the general population, with job-related stress identified as a possible cause.<sup>98</sup> Unsurprisingly, the harm that working inside a prison causes frequently spills over to family life, with research indicating that correctional officers are 20 percent more likely to get a divorce than the general population.<sup>99</sup>

As a result of working conditions, many prisons struggle to find staffing.<sup>100</sup> Understaffing creates a difficult cycle where prison workers must take on more responsibilities, handle difficult situations without support, and work long hours—indeed, an audit of the Wilkinson County Correctional Facility in Woodville, Mississippi, found that, due to staffing shortages, some guards had worked ninety-five hours of overtime in just two weeks.<sup>101</sup> At the Torrance County Detention Facility in Estancia, New Mexico, consistent staffing shortages

***31% of corrections officers report serious psychological stress—twice the rate of the general population—and 27% experience PTSD symptoms, surpassing rates among combat veterans***

<sup>94</sup> *Id.*

<sup>95</sup> LaDonna H. Thompson, Commissioner, Dept. of Corrections, *Renewal and Per Diem Adjustment for Otter Creek Correctional Center 2* (July 24, 2009) [http://www.privateci.org/private\\_pics/KY%20DOC%20letter%20to%20CCA.pdf](http://www.privateci.org/private_pics/KY%20DOC%20letter%20to%20CCA.pdf).

<sup>96</sup> Ferdik and Smith, *supra* note 93, at 14.

<sup>97</sup> Einat and Suliman, *supra* note 47, at 1, 10, 12.

<sup>98</sup> Shane Bauer, *My Four Months as a Private Prison Guard*, Mother Jones (2016), <https://www.motherjones.com/politics/2016/06/cca-private-prisons-corrections-corporation-inmates-investigation-bauer/>.

<sup>99</sup> Gary S. Aumiller, *Divorce in Cops and Corrections*, Police Psych. (Oct. 4, 2016), <http://policepsychologyblog.com/?p=4245>.

<sup>100</sup> Jen Fifield, *Many States Face Dire Shortages of Prison Guards*, Stateline (Mar. 1, 2016 at 12:00am), <https://stateline.org/2016/03/01/many-states-face-dire-shortage-of-prison-guards/>; see also Alysia Santo and Joseph Neff, *No-Show Prison Workers Cost Mississippi Taxpayers Millions: Prisoners, Guards Face Danger from Chronic Understaffing by MTC*, The Marshall Project (Dec. 9, 2020, at 6:00am), <https://www.themarshallproject.org/2020/12/09/no-show-prison-workers-cost-mississippi-taxpayers-millions>.

<sup>101</sup> Joseph Neff and Alysia Santo, *Corporate Confession: Gangs Ran This Private Prison*, The Marshall Project, (Aug. 6, 2019 at 6:00am), <https://www.themarshallproject.org/2019/06/26/corporate-confession-gangs-ran-this-private-prison>.

have caused a number of problems.<sup>102</sup> Some prison staff have been forced to come to work when sick, while others endure stressful conditions as they attempt to work multiple people's jobs. As one officer at Torrance explained, "I'm slammed because they keep piling on work, but there's no new staff coming in."

In short, immigration prisons can cause both immediate and long-term harm to staff, while offering meager, if any, long-term economic benefits.

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<sup>102</sup> *Management Alert - Immediate Removal of All Detainees from the Torrance County Detention Facility*, Off. of Inspector Gen., Dep't of Homeland Sec., OIG-22-31, 2 (March 16, 2022) ("Torrance is critically understaffed, which has prevented the facility from meeting contractual requirements that ensure detainees reside in a safe, secure, and humane environment. We recommend the immediate relocation of all detainees from the facility unless and until the facility ensures adequate staffing and appropriate living conditions."), <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>.



### III. Recommendations to Replace Immigration Prisons and Empower Communities

As explained above, the billions of dollars invested in prisons hardly reach local communities, local businesses, or prison employees—who are overworked and underpaid in jobs that are inherently harmful. Rather, the profits of immigration detention flow to the executives of private prison companies, the shareholders of those companies, and to national corporations contracted to service and supply prisons—all while harming the people detained, their families, and communities. In other words, while significant taxpayer dollars are theoretically directed to rural communities that house prisons, those communities do not actually reap the benefits of those funds.

This situation, however, is hardly inevitable. Rural communities that house immigration prisons can build thriving economies without prisons, and communities considering prison construction can pursue alternatives that, rather than harming the community, will make it thrive. The recommendations here will help rural communities forge a path toward an inclusive, thriving future beyond immigration prisons.

#### 1. Re-imagine thriving communities with people-led decision-making.

When immigration prisons are built, the decisionmakers involved are frequently executives at private prison companies, DHS officials, and certain local officials. Rarely, however, are the people who live near the proposed prison meaningfully consulted or heard. But these community members, who may both work at the prison and find themselves detained there, should be able to decide for themselves what kind of community they wish to build and what economic opportunities they should have. In other words, rural development should be led by the people who will be most affected by that development—grounded not in the profit interests of private prison corporations but in the wishes of the people. Any rural development initiative, therefore, should begin with door-knocking, canvassing, surveys, interviews, town halls, and other outreach to find out what the community itself wishes to develop. Meaningful democratic processes should drive development decisions every step of the way.

## ***Charlton County Residents Want Healthcare, Grocery Stores, a Community Center, and Jobs***

The Folkston Immigrant Processing Center (Folkston) is an immigration prison located in Charlton County, Georgia, an area with a population of just under 13,000, a 24% poverty rate, and a median household income of \$45,494, compared to the Georgia median of \$65,030.<sup>103</sup> Folkston is owned and operated by the GEO Group and can hold roughly 780 people.<sup>104</sup> Under a new contract, Folkston could be used to incarcerate 3,018 people at any given time, rivaling the size of the town in which it is situated, which has a population of about 4,400.<sup>105</sup>

Although the facility employs 130 staff, it is far from clear that working at Folkston has been a panacea for those employees. As one Folkston employee explained, “I had two options for where I could work — as a guard at the detention center, or in the paper plate factory. But workers in the paper plate factory, plenty of them lose their fingers. So this is what I was left with.”

To better understand what sort of community the people of Charlton County wish to build, a group of advocates has begun an outreach campaign. So far, the group has knocked on 100 doors, had 40 conversations, and collected 20 people’s contact information for further follow-up. Advocates asked community members three questions:

- What do you love about Charlton County?
- What is hard about living in Charlton County?
- What would you change about Charlton County?

The consensus among those interviewed so far reveals that Charlton County is a place much beloved by community members, who enjoy the peace and quiet it provides as well as the area’s great natural beauty, including the Okefenokee Swamp, a national park in Folkston’s backyard. When asked about changes they would like to see, community members report that Charlton County needs better health care, particularly mental health and drug addiction care. Community members would like to see a hospital constructed in the county, which would allow more professionals to live locally and improve community member access to complex health services. And community members would like a community center, more after-school enrichment options for kids, better options for grocery stores, and more jobs generally.

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<sup>103</sup> United States Census Bureau, *Quick Facts: Charleton County, Georgia*, Census.gov, <https://www.census.gov/quickfacts/fact/table/charltoncountygeorgia>; United States Census Bureau, *Quick Facts: Georgia*, Census.gov, <https://www.census.gov/quickfacts/fact/table/GA/INC110221>.

<sup>104</sup> Jeremy Redmon and Lautaro Grinspan, *Exclusive: Ga. Immigration Facility to Become One of Nation’s Largest*, THE ATLANTA JOURNAL-CONSTITUTION (Feb. 4, 2022), <https://www.ajc.com/news/exclusive-south-georgia-immigration-detention-complex-aims-to-expand/QN5G2BFOPREQHEBDOPPAX2PSVI/>.

<sup>105</sup> *Id.*

## 2. Repurpose existing immigration prisons.

Recognizing that successful economic development efforts in rural areas are diverse and locally tailored, several communities have repurposed carceral facilities to better serve the local community.<sup>106</sup> Such repurposing of facilities is especially important to avoid continuing the cycle of incarceration in other forms and perpetuating the negative impacts of prisons on the local community.<sup>107</sup> Repurposing a carceral facility can mean providing an important community service—such as a museum, library, educational center, or affordable housing—or establishing new economic activity—via, for instance, creation of a tourist destination, farm incubator, or special events center.<sup>108</sup>

At least twenty-one states have closed or partially closed carceral facilities, and many have creatively repurposed those facilities into, for example, a business park, TV and movie studio, nonprofit office, community space, or housing and retail space.<sup>109</sup> Rural communities seeking to build a thriving community should similarly consider options for repurposing any existing carceral facilities.

### *Tennessee Prison Turned Distillery and Tourist Attraction*

Morgan County, Tennessee, once the site of the Brushy Mountain State Penitentiary, is now home to the nation's first former prison turned distillery. After the penitentiary closed, state officials and community members had many conversations about next steps for Morgan County. After a series of town hall meetings and other outreach, the local community voted in a 2:1 referendum to allow distilling in a previously dry county, leading a public/private partnership to begin converting the former prison into a whiskey distillery.<sup>110</sup> That distillery is now a renowned tourist attraction featuring a restaurant, museum, gift shop, concerts, and event space.<sup>111</sup> Projections for the distillery's economic impact include 82 new direct jobs, 122 new indirect jobs, and creation of \$5.4 million in annual wages.<sup>112</sup>

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<sup>106</sup> Fed. Reserve Bank of St. Louis and the Bd. of Governors of the Fed. Reserve Sys., *Investing in Rural Prosperity* 156 (2021), <https://www.stlouisfed.org/-/media/project/frbst/stlouisfed/files/pdfs/community-development/investing-rural/investinginruralprosperity-book.pdf>; see generally Nicole D. Porter, REPURPOSING CORRECTIONAL FACILITIES TO STRENGTHEN COMMUNITIES (2022), <https://www.sentencingproject.org/reports/repurposing-correctional-facilities-to-strengthen-communities/>.

<sup>107</sup> See Lauren L. Martin, *Carceral Economies of Migration Control*, 45 PROGRESS IN HUMAN GEOGRAPHY 740, 748-49 (2021), <https://journals.sagepub.com/doi/pdf/10.1177/0309132520940006>.

<sup>108</sup> See, e.g., Nicole D. Porter, REPURPOSING: NEW BEGINNINGS FOR CLOSED PRISONS 2-4 (2016), <https://www.sentencingproject.org/reports/repurposing-new-beginnings-for-closed-prisons/>; see also *Growing Change*, <https://www.growingchange.org/>, (last accessed June 23, 2023).

<sup>109</sup> Porter, *supra* note 106.

<sup>110</sup> Tenn. State Gov., *Brushy Mountain Development: Morgan County*, <https://www.tn.gov/rural/resources/best-practices/asset-based-planning/brushy-mountain-development.html> (accessed June 23, 2023); Brushy Mtn Distillery LLC, *Brushy Mtn. Distillery: The World's First (Legal) Prison Distillery* (2022), <https://www.brushymtndistillery.com/the-distillery>.

<sup>111</sup> Brushy Mtn Group, *Historic Brushy Mtn. Distillery: Welcome to the End of the Line* (2023), <https://tourbrushy.com/>.

<sup>112</sup> Tenn. State Gov., *supra* note 110; Brushy Mtn Distillery LLC, *Brushy Mtn. Distillery: The World's First (Legal) Prison Distillery* (2022), <https://www.brushymtndistillery.com/the-distillery>.

### 3. Take advantage of existing resources.

Rural communities seeking to build thriving communities without reliance on immigration prisons need not start from scratch. Rather, as they re-imagine what it means to build a thriving community, they can draw on existing grant and loan programs for support.

For example, businesses in low-income areas can secure loans through the **New Markets Tax Credit Program**, which supports a wide range of business sectors including food, retail, manufacturing, energy, technology, housing, health, education, and childcare.<sup>113</sup> Or rural communities might seek funding through the **Community Facilities Direct Loan & Grant Program**, which supports construction of and improvement to essential community facilities located in primarily rural areas, including health care facilities, child care centers, community centers, museums, libraries, community gardens, and greenhouses, among others.<sup>114</sup> This program, for example, supported the opening of a co-op's 10,000 square-foot food processing facility—a resource that allows small farmers throughout rural South Carolina to continue operating despite economic pressures that might otherwise run them out of business.<sup>115</sup>

Rural communities might also turn to the **Rural Cooperative Development Grant**, which helps individuals and businesses in rural areas establish and expand rural cooperatives and other mutually owned businesses.<sup>116</sup> This program has supported a wide range of cooperatives including, for example, the Cape Romain Oyster Cooperative, which helps new members and young people enter the commercial aquaculture business in McClellanville, South Carolina.<sup>117</sup>

Rural communities might also seek funding from the **Rural Economic Development Loan and Grant program**, which provides zero interest loans to local utilities, which then pass these loans to local businesses to help create and retain employment in rural areas.<sup>118</sup> This program has also supported a wide range of businesses, for example, by

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<sup>113</sup> Cmty Dev. Fin. Inst's. Fund, *Fact Sheet: New Market Tax Credit Program: Community Revitalization by Rewarding Private Investment*<sup>1</sup> (2022), [https://www.cdfifund.gov/sites/cdfi/files/2022-11/New\\_Markets\\_Tax\\_Credit\\_Program\\_FactSheet.pdf](https://www.cdfifund.gov/sites/cdfi/files/2022-11/New_Markets_Tax_Credit_Program_FactSheet.pdf).

<sup>114</sup> U.S. Dept. of Agriculture, *Community Facilities Direct Loan and Grant Program*, <https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program>, (accessed June 23, 2023).

<sup>115</sup> Jamie Mobley, *Gullah Co-op: Growing Food, Preserving Culture*, U.S. Dept. of Agriculture (June 27, 2022), <https://www.rd.usda.gov/newsroom/success-stories/gullah-co-op-growing-food-preserving-culture>.

<sup>116</sup> U.S. Dept. of Agriculture, *Rural Cooperative Development Grant Program*, <https://www.rd.usda.gov/programs-services/business-programs/rural-cooperative-development-grant-program>, (accessed June 23, 2023).

<sup>117</sup> Margaret Bau, *Preserving Seafood Heritage by Bringing in the Next Generation*, U.S. Dept. Of Agriculture (Sept. 9, 2022), <https://www.rd.usda.gov/newsroom/success-stories/preserving-seafood-heritage-bringing-next-generation>.

<sup>118</sup> U.S. Dept. of Agriculture, *Rural Econ. Dev. Loan and Grant Program*, <https://www.rd.usda.gov/programs-services/business-programs/rural-economic-development-loan-grant-program>, (accessed June 23, 2023).

supporting Norris Electric Cooperative and SKS USA, a home décor and bicycle product distributor that is essential to the economy of Olney, Illinois.<sup>119</sup>

These are just a few of the existing programs that can help rural communities pursue their people-led visions for a thriving economy. See [Appendix A](#) for information on additional grant and loan programs.

#### 4. Create new laws to help communities divest from existing immigration prisons.

Where communities wish to divest from existing immigration prisons, they need not do so unsupported. Rather, lawmakers have the power to support communities that are prepared to transition to thriving economies beyond carceral facilities.

In California, over 150 local organizations have formed a coalition called **Budget 2 Save Lives (B2SL)** to create their own vision for how the state budget can be used for positive spending.<sup>120</sup> The B2SL proposes prioritizing community needs, such as good jobs, health care, clean air and water, education, and housing, over harmful practices such as incarceration.<sup>121</sup> Lawmakers can use their power over state funds to support the priorities of groups such as these, who have identified important priorities as local communities divest from prisons.<sup>122</sup>

In New York, the **Economic Transformation and Facility Redevelopment Program** was established to support economic development in communities affected by the closure of correctional facilities.<sup>123</sup> The program provides tax incentives to businesses located within a certain radius of a closed correctional facility.<sup>124</sup> It has supported business such as a bakery and food manufacturing company, a hardwood lumber drying and processing facility, and a land reuse and redevelopment company with between \$421,000 and \$9 million in tax benefits over five years.<sup>125</sup> Further, where New York saved millions after shutting down certain correctional facilities, it directed savings to economic development for the communities where the prisons had been located.<sup>126</sup>

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<sup>119</sup> Christ Hart, *Norris Electric Cooperative and SKS USA Receive USDA Rural Economic Development Loan in Richland County*, U.S. Dept. Of Agriculture (Mar. 3, 2022), <https://www.rd.usda.gov/newsroom/success-stories/norris-electric-cooperative-and-sks-usa-receive-usda-rural-economic-development-loan-richland-county>.

<sup>120</sup> See Freedom for Immigrants, *A Budget to Save Lives*, FREEDOMFORIMMIGRANTS.ORG, <https://www.freedomforimmigrants.org/budget2savelives> (last visited June 15, 2023).

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> N.Y. TAX LAW, art 1 § 35\*2 (McKinney 2021); *Economic Transformation and Facility Redevelopment Program Quarterly Report*, EMPIRE STATE DEV. 1 (Mar. 31, 2019) <https://esd.ny.gov/sites/default/files/ECONOMIC-TRANSFORMATION-PROGRAM%20REPORT-2019-updated-012121.pdf>.

<sup>124</sup> *Id.*

<sup>125</sup> EMPIRE STATE DEV., *supra* note 123, at 2; see also *Instructions for Form CT-633: Economic Transformation and Facility Redevelopment Program Tax Credit*, NEW YORK STATE 1 (2021) [https://www.tax.ny.gov/pdf/current\\_forms/ct/ct633i.pdf](https://www.tax.ny.gov/pdf/current_forms/ct/ct633i.pdf).

<sup>126</sup> Sam McCann, *New York Closed Six Prison and Saved \$142 Million. Here's How that Money Should be Spent*, VERA (April 21, 2022), <https://www.vera.org/news/new-york-closed-six-prisons-and-saved-142-million-heres-how-that-money-should-be-spent>; N.Y. State, *Governor Hochul Announces Launch of Prison*

New York also recently launched a **Prison Redevelopment Commission**, which will reimagin[e] closed prisons for innovative redevelopment opportunities” by “developing an action plan to turn empty prisons, many of which were job centers in their rural communities, into opportunities for communities to thrive.”<sup>127</sup>

## ***New Markets Tax Credit Program Revitalizes Low-Income Communities***

The New Markets Tax Credit Program (NMTC), which incentivizes investment in low-income communities, has seen numerous successes.

In Jamestown, New York, an \$8 million loan through NMTC supported development of a 35,000 square foot comedy center located in a town of about 30,000 residents.<sup>128</sup> The center drew over 95,000 visitors within the first fifteen months of opening—88 percent of whom came from outside the county—and it “has triggered more than \$65.5 million in adjacent investment (3.28x the initial estimates), including two new hotels, one hotel renovation, multiple restaurants, and the renovation of the civic center, all expected to create 155 indirect jobs.”<sup>129</sup>

In Pueblo, Colorado, an NMTC loan supported construction of a 20,000 square-foot community facility in an area where the unemployment rate was over 1.5 times the national average.<sup>130</sup> The facility—which includes an aquatic center, library, computer lab, health center, gymnasium, and childcare center—created 65 construction jobs and over 140 permanent jobs.<sup>131</sup>

In Richmond, Indiana, an NMTC loan supported creation of a recycling plant, a project that itself created 100 full time jobs with health benefits, 401k, paid sick leave, paid time off, and advanced training and that attracted additional businesses to the area.<sup>132</sup>

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*Redevelopment Commission*, May 23, 2023, <https://www.governor.ny.gov/news/governor-hochul-announces-launch-prison-redevelopment-commission>.

<sup>127</sup> New York State, *Prison Redevelopment Commission*, <https://esd.ny.gov/prison-redevelopment-commission> (last accessed June 23, 2023).

<sup>128</sup> Brad Stanhope, *Boosters of National Comedy Center Love Lucy, NMTCs 8 J. TAX CREDITS 1, 5* (2017), <https://chwattys.com/public/documents/news/ncc-novogradac-tax-credit-journal-article.pdf>; Jesse McKinley, *Heard the One About Jamestown? State Bets Comedy Can Spark a Revival*, N.Y. TIMES (Sept. 5, 2017), <https://www.nytimes.com/2017/09/05/nyregion/national-comedy-center-jamestown.html>.

<sup>129</sup> Tru Fund Fin. Serv's., *New Market Tax Credit Success Stories*, <https://www.trufund.org/products-services/new-markets-tax-credits-empowerment-reinvest-fund-llc/new-markets-tax-credit-success-stories/> (accessed June 23, 2023).

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*; New Mkt's. Tax Credit Coal., *The New Markets Tax Credit: At Work in Rural Communities Across America 45* (2020), <https://nmtccoalition.org/2012/12/13/nmtc-at-work-in-communities-across-america/>.



Lawmakers at all levels should establish similar targeted assistance for communities seeking to transition away from immigration detention. Indeed, federal lawmakers, who send billions of dollars to immigration prisons every year, can direct that money instead to people-driven economic development projects in communities that currently house immigration prisons. Such efforts should include guaranteeing transitional state funding for critical public jobs, including emergency medical and fire services, that may have been paid through tax revenues generated from the local prison.

## 5. Support prison staff transitions.

Communities that wish to shut down an immigration prison should not leave prison staff jobless. Rather, they can provide financial support and training to prison staff to assure that they can seamlessly transition to new, less harmful, and more rewarding jobs.

One option for such communities is to pursue a grant through the **National Dislocated Worker Program**.<sup>133</sup> This program provides local workforce development boards, states, and other entities with resources to respond to “large, unexpected layoff events causing significant job losses.”<sup>134</sup> Among other scenarios, funding for employment and training assistance may be available through this program where there is a plant closure or mass layoff affecting fifty or more workers from one employer in the same area.<sup>135</sup> Where an immigration prison shuts down, communities may qualify for support through this program.

Additionally, state and local lawmakers can establish new programs specifically designed to provide financial support and job transition training to former prison staff affected by a shutdown. For example, when certain prisons in New York shut down, the Empire State Development Corporation provided job placement services for impacted correctional staff.<sup>136</sup> When immigration prisons shut down, lawmakers should similarly support workers affected by the closure.

## 6. Advocate for the release of detained individuals when detention centers shut down.

When immigration prisons shut down, DHS can release those detained rather than transfer them to a different facility. Given the serious harms that detained individuals, their families, and communities have already experienced because of immigration detention, communities planning to close an immigration prison should advocate for detained people to be released rather than transferred, thus mitigating the harm that

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<sup>133</sup> U.S. Dept. of Labor, *Nat. Dislocated Worker Grants*, <https://www.dol.gov/agencies/eta/dislocated-workers>, (last accessed June 23, 2023).

<sup>134</sup> *Id.*

<sup>135</sup> U.S. Dept. of Labor, *Layoffs/Major Dislocations*, <https://www.dol.gov/agencies/eta/dislocated-workers/grants/layoff> (last accessed June 23, 2023).

<sup>136</sup> Nicole D. Porter & Ayanna Lyons, *REPURPOSING CORRECTIONAL FACILITIES TO STRENGTHEN COMMUNITIES 6* (2022), <https://www.sentencingproject.org/app/uploads/2022/10/Repurposing-Correctional-Facilities-to-Strengthen-Communities.pdf>.

has already been caused and preventing further harm. Indeed, transferring individuals to other facilities not only continues to cause emotional and physical damage, but it can also negatively affect people's immigration proceedings.<sup>137</sup>

When the Berks County Detention Center finally closed in early 2023, the community advocated for release and not transfer.<sup>138</sup> Though ICE initially planned to transfer women with pending cases to other prisons,<sup>139</sup> local organizations provided legal support, and formerly detained people were able to return to their families where they could participate in the economic growth of their community.<sup>140</sup> Advocates and community leaders are now in talks with elected officials to repurpose the space according to community needs.<sup>141</sup>

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<sup>137</sup> Gabriela Martinez, *Immigration Advocates Seek Release – Not Transfer – of Women Still in Berks Detention Center*, WESA: Pittsburgh's NPR News Station, Dec. 8, 2022 AT 1:00 pm EST, <https://www.wesa.fm/politics-government/2022-12-08/immigration-advocates-seek-release-not-transfer-of-women-still-in-berks-detention-center>.

<sup>138</sup> Alexandra Martinez, *Advocates Demand Berks County Detention Center Release All Women*, PRISM, Jan. 4, 2023, <https://prismreports.org/2023/01/04/advocates-demand-berks-detention-release-women/>.

<sup>139</sup> *Id.*

<sup>140</sup> Alexandra Martinez, *How the Shut Down Berks Coalition Fought to Close Berks County Detention Center*, PRISM, Feb. 8, 2023, <https://prismreports.org/2023/02/08/berks-county-detention-center-abolitionists-close/>; see also Gabriela Martinez, *supra* note 137.

<sup>141</sup> Alexandra Martinez, *supra* note 138.

## IV. Conclusion

Low-income, rural communities have been promised that immigration prisons would produce jobs and spur economic growth. These promises, however, have proven empty. Rather than providing an economic boon, research shows that there are no meaningful economic differences between rural communities where prisons are present and those without prisons. Indeed, because rural communities with prisons become stigmatized as “prison towns,” the presence of a prison frequently harms economic development. While immigration prisons provide no clear economic benefit to rural communities, they are very clearly harmful, hurting detained individuals, their families and communities, and prison staff. Not only are they harmful, but immigration prisons are also entirely unnecessary—the U.S. immigration system can function without detention and has done so in the past.

In other words, immigration prisons are hardly inevitable, and rural communities need not resort to these harmful facilities for economic survival. Rather, rural communities can thrive without immigration prisons. To achieve this vision, community members—not distant government officials or private prison executives—should lead the decisionmaking. They should think boldly and creatively—on behalf of all community members. They should repurpose existing prisons, take advantage of existing resources, establish new laws to support immigration prison divestment, and support both prison workers and detained individuals in their transitions toward a better life. Although private prison companies have long taken advantage of both migrants and rural communities, that harmful status quo need not last. Instead, community members working together can build a community without immigration prisons where everyone thrives.

## APPENDIX A: Selected Federal Funding Opportunities for Just Transitions in Rural Communities

Source of Funding	Funder	Program Description	Benefits	Eligibility
<b>FY 2023 Economic Development Administration (EDA) Public Works and Economic Adjustment Assistance Programs</b>	U.S. Dept. of Commerce, Economic Development Administration	Supports “bottom-up strategies that build on regional assets to spur economic growth and resiliency.” Encourages initiatives with creative approaches to advance economic prosperity in distressed communities and projects that incorporate goals of equity, workforce development, and climate change resiliency to maximize long-term benefits.	\$100,000–\$30,000,000 via Cooperative Agreement or Grant	<ul style="list-style-type: none"> <li>Local government entities (state/tribal/county/city), institutions of higher education, nonprofits</li> <li>More information at: <a href="https://www.grants.gov/web/grants/view-opportunity.html?oppld=346815">https://www.grants.gov/web/grants/view-opportunity.html?oppld=346815</a></li> </ul>
<b>Community Facilities Direct Loan &amp; Grant Program</b>	U.S. Dept. of Agriculture, Rural Development	Provides funding to rural areas to purchase, construct, and/or improve facilities that provide essential services to the local community.	Low-interest direct loans and/or grants	<ul style="list-style-type: none"> <li>Public bodies, community-based nonprofits, federally-recognized Tribes</li> <li>Does not include private, commercial or business undertakings</li> <li>More information at: <a href="https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/">https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/</a></li> </ul>
<b>Community Facilities Guaranteed Loan Program</b>	U.S. Dept. of Agriculture, Rural Development	Provides loan guarantees to fund the physical structure and resulting services provided by essential community facilities in rural areas.	Guaranteed loans up to \$100 million, with terms not to exceed 40 years	<ul style="list-style-type: none"> <li>Public bodies, federally-recognized Tribes, and non-profit organizations in rural areas with populations of 50,000 or less</li> <li>More information at: <a href="https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/">https://www.rd.usda.gov/programs-services/community-facilities/community-facilities-direct-loan-grant-program/</a></li> </ul>

Source of Funding	Funder	Program Description	Benefits	Eligibility
<b>Employment Recovery Dislocated Worker Grants (DWGs)</b>	U.S. Dept. of Labor	Provides resources to respond to events causing significant job losses, such as mass layoffs and facility closures. Aims to temporarily expand capacity to serve dislocated workers and to meet increased demand for employment and training services following a qualifying event.	Recent grant awards range from \$400,000–\$6,000,000	<ul style="list-style-type: none"> <li>• State government and entities determined as appropriate by Governor and/or Secretary of Labor</li> <li>• More information at: <a href="https://www.dol.gov/agencies/eta/dislocated-workers">https://www.dol.gov/agencies/eta/dislocated-workers</a></li> </ul>
<b>Rural Microentrepreneur Assistance Program</b>	U.S. Dept. of Agriculture, Rural Development	Provides loans and grants to Microenterprise Development Organizations (MDOs) to (1) help microenterprises startup and grow and (2) provide training and technical assistance to microloan borrowers and micro entrepreneurs.	Grants up to \$205,000 annually, loans of \$50,000–\$500,000	<ul style="list-style-type: none"> <li>• Nonprofits, federally-recognized Tribes, institutions of higher education in rural areas</li> <li>• More information at: <a href="https://www.rd.usda.gov/programs-services/business-programs/rural-microentrepreneur-assistance-program">https://www.rd.usda.gov/programs-services/business-programs/rural-microentrepreneur-assistance-program</a></li> </ul>
<b>Rural Economic Development Loan &amp; Grant Program</b>	U.S. Dept. of Agriculture, Rural Development	Provides zero-interest loans for local utilities to disburse to local businesses for projects that will create and retain employment in rural areas.	Grants up to \$300,000 for Revolving Loan Fund, loans up to \$2 million.	<ul style="list-style-type: none"> <li>• Rural Utilities Services (RUS) borrowers, non-profit utilities</li> <li>• More information at: <a href="https://www.rd.usda.gov/programs-services/business-programs/rural-economic-development-loan-grant-program">https://www.rd.usda.gov/programs-services/business-programs/rural-economic-development-loan-grant-program</a></li> </ul>
<b>Rural Cooperative Development Grant</b>	U.S. Dept. of Agriculture, Rural Development	Provides grant up to \$200,000 to fund 75% of a project that starts, expands, or improves rural cooperatives and other mutually owned businesses through Cooperative Development Centers in rural areas.	Grants up to \$200,000	<ul style="list-style-type: none"> <li>• Nonprofits and higher education institutions</li> <li>• More information at: <a href="https://www.rd.usda.gov/programs-services/business-programs/rural-cooperative-development-grant-program">https://www.rd.usda.gov/programs-services/business-programs/rural-cooperative-development-grant-program</a></li> </ul>

Source of Funding	Funder	Program Description	Benefits	Eligibility
<b>HUBZone Program</b>	U.S. Small Business Administration	Provides preferential consideration and set-aside funding for businesses located in historically underutilized business zones. Businesses qualified in the HUBZone program are eligible for set-aside programs and a 10% price evaluation preference in full and open contract competitions.	Federal contracting assistance and preferential consideration	<ul style="list-style-type: none"> <li>• Small businesses located in a HUBZone</li> <li>• More information at: <a href="https://www.sba.gov/federal-contracting/contracting-assistance-programs/hubzone-program">https://www.sba.gov/federal-contracting/contracting-assistance-programs/hubzone-program</a></li> </ul>
<b>New Markets Tax Credit Program</b>	U.S. Dept. Of Treasury, Community Development Financial Institutions Fund	Provides federal tax credit to investors who provide capital to community development entities (e.g., banks, local governments, developers), which then invest in low-income businesses in the community.	Investment funds provided to “qualified active low-income community businesses”	<ul style="list-style-type: none"> <li>• Recipient must be certified as a community development entity (CDE), have a primary mission of serving low-income communities, and maintain accountability to the residents of its targeted low-income communities</li> <li>• More information at: <a href="https://www.cdfifund.gov/programs-training/programs/new-markets-tax-credit">https://www.cdfifund.gov/programs-training/programs/new-markets-tax-credit</a></li> </ul>