

**Honorable Tim Holden (PA-17)**  
**Testimony before the Subcommittee on Crime, Terrorism, and**  
**Homeland Security of the House Committee on the Judiciary**  
**June 26, 2008**

Chairman Scott, Ranking Member Gohmert and members of the Subcommittee, I want to thank you for the opportunity to testify before you today in support of H.R. 1889, the Private Prison Information Act.

As we established in part one of this hearing in November 2007, H.R. 1889 simply seeks to require private prisons and other correctional facilities holding federal prisoners under contract with the federal government to make available the same information public institutions are required to by law under the Freedom of Information Act (FOIA).

In recent weeks, opposition to this bill has mobilized. Although I cannot testify on their behalf, I can reiterate my concern that opposition to this bill is opposition to reporting transparency, to the public's safety, and the safety of corrections officers working in these federally contracted facilities. As you will hear, repeated attempts to ascertain information from these institutions have been rejected, if not ignored completely.

As the federal government increases its use of private, for-profit facilities for incarceration of federal prisoners, it is imperative that we ensure information about their operations is readily available. Roughly 25,000 federal criminal prisoners are jailed in private facilities at any given time. Yet private prisons are not required to publicly disclose information about their facilities' daily operations. The veil of secrecy surrounding private facilities must be lifted and H.R. 1889 will hold these institutions accountable to the American public.

We seek simply transparency in the private prison industry with this bill. Without strong federal FOIA requirements, we cannot assure whistleblowers are able to come forth and gather evidence they need to support any claims; we cannot assure public safety is paramount if the information provided is not on-par with the information provided from our public state and federal institutions.

Several recent media reports have cited specific examples of facilities neglecting to report information, misrepresenting numbers of incidents (examples as dangerous as the number of crimes committed by inmates, and the number of escapes), and even keeping two sets of accounting books. Statistics of this type are treated as privileged information by private prison companies. I believe both sides can agree this is not the same standard to which Public Federal prison facilities are being held. For-profit facilities receiving federal dollars should be subject to the same reporting requirements public facilities are subject to; it is a matter of public safety.

Last year, an inmate at the Northeast Ohio Correctional Center (NOCC), a private federal prison in Youngstown, Ohio, escaped by overpowering a prison guard. The Ohio Correctional Institution Inspection Committee, comprised of members of the Ohio General Assembly, held a surprise inspection at the prison less than a year prior and reported that 44 inmate-on-inmate assaults were recorded between June 2005 and May 2006. Inspectors thought the number high, considering a total of 305 assaults were recorded in 2005 for all Ohio's 32 correctional facilities. Lack of additional information and accountability to lawmakers prevented any further action.

The facility did not respond to the media when asked if any of the assaults were severe, how they were handled, prosecuted, and how many assaults occurred from May 2006 to present. NOCC, like many other private federal facilities, do not submit reports to the federal government.

Mr. Chairman, the problem here is quite straightforward; there is a clear lack of accountability on behalf of private prisons. Without accountability we have no knowledge of how taxpayer money is being spent at the facility. We do not know how many correctional officers are employed, at what levels they are staffed, or how much training they have received. Most daunting of all, private prisons are not required to provide incident reports detailing healthcare oversight, rape, assault, weapons attacks, death, or escape at the facility.

Prior to being elected to Congress, I served seven years as Sheriff of Schuylkill County, Pennsylvania. In that capacity, I also served on the Schuylkill County Prison Board. Based on my experiences as both sheriff and member of the board, I strongly believe that running correctional facilities is inherently governmental, although that is not what I am hear to talk about today. I also strongly believe that H.R. 1889 will put private prisons on the same playing field with the rules and regulations by which public prisons must abide.

Mr. Chairman, if we do not address this critical situation, we risk the safety and security of not only the prison employees, but also that of family and friends who live in our communities. This legislation simply ensures the public's right to access information concerning the conditions within private prisons. I thank the Subcommittee for considering this bill and urge you to report it favorably.