

2 American Medical Student Association

3 House of Delegates 2022

4 Resolution:

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13 **Subject:** Principles Regarding Healthcare in the Criminal Justice System

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15 **Type:** Addition to Principles

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18 WHEREAS the US Department of Justice has concluded through multiple studies that there is no  
19 clear advantage of the utilization of private prisons over publicly operated prisons. [1]

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21 WHEREAS 81% of the over 40,000 people held in immigration detention facilities are placed in  
22 privately-run facilities and subject to state legislation, such as the Alabama Taxpayer and Citizen  
23 Protection Act, that criminalizes undocumented immigrants by making it illegal for them to seek  
24 employment, enter into business with the state, purchase electricity, or seek a drivers license [2]

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26 WHEREAS private companies using prison labor violate international labor laws and perpetuate  
27 the prison-industrial complex. [3]

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29 WHEREAS those in private prisons are more likely to be black (71%), single (67%), young (avg.  
30 28 years), and less educated (56% high school dropouts) [4]

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32 WHEREAS private prisons are implicated to be morally and legally unconstitutional. [5]

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34 WHEREAS technologies of imprisonment have become increasingly repressive in private  
35 prisons and practices of isolation become increasingly routine, mentally ill women are often

placed in solitary confinement, over-medicated with psychotropic drugs or do not seek treatment, lack access to medical information, and suffer from medical neglect [6]

**THEREFORE BE IT RESOLVED** that the Principles Regarding Healthcare in the Criminal Justice System (pg 158) be **AMENDED BY ADDITION** to state:

The American Medical Student Association

1. **RECOGNIZES** that incarceration in private prisons has not been shown to reduce rates of crime or be more cost-effective compared to public prisons and therefore **DISCOURAGES** the privatization of the criminal justice system
2. **CONDEMNS** the use of privately run immigration facility centers which oversee the detention and deportation of immigrants as well as contribute to human rights abuses, inadequate medical care for detainees, and the criminalization of immigration
3. **DISCOURAGES** the use of inmates in private-prisons as a source of forced labor that generates profit for private owners violating standard labor rights and promoting economic insecurity
4. **ENCOURAGES** advocacy against the disproportionate captivity of black populations in private prisons and the overcrowding of prisoner confinement conditions
5. **UPHOLDS** the eighth amendment's prohibition on "cruel and unusual punishment" giving private inmates the constitutional right to adequate housing, food, medical, psychiatric care, and other basic necessities

Fiscal Note: None

Citations:

1. Pratt, Travis C., and Jeff Maahs. "Are private prisons more cost-effective than public prisons? A meta-analysis of evaluation research studies." *Crime & Delinquency* 45.3 (1999): 358-371.
2. Ackerman, Alissa R., and Rich Furman. "The criminalization of immigration and the privatization of the immigration detention: implications for justice." *Contemporary Justice Review* 16.2 (2013): 251-263.

3. Kang, Susan. "Forcing prison labor: international labor Standards, human rights and the privatization of prison labor in the contemporary United States." *New Political Science* 31.2 (2009): 137-161.
4. Mukherjee, A. (2015). Do private prisons distort justice? Evidence on time served and recidivism. *Social Sciences Research Network*, 15.
5. Dunham, Douglas W. "Inmates' Rights and the Privatization of Prisons." *Columbia Law Review* 86.7 (1986): 1475-1504.
6. Davis, A. Y., & Shaylor, C. (2001). Race, gender, and the prison industrial complex: California and beyond. *Meridians*, 2(1), 1-25.