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**NAACP Legal Defense Fund on Justice Department's Decision to Rescind Obama-Era Guidance
Reducing Federal Use of Private Prisons**

Today's announcement that the Justice Department will rescind an Obama-era guidance reducing federal use of private prisons is a disturbing step backward and sends a message that conflicts with the national consensus that we must end mass incarceration. The reliance on for-profit private prisons by the federal government is an embarrassing and degrading stain on our democracy. The maintenance and treatment of those who the state assigns to incarceration is the responsibility of the state, not private entities, and especially not those driven by a profit motive.

The incentive of our government's penal policies should always be to reduce the need for prisons. This involves the creation of robust programs and investments that support education, fight poverty, create good jobs and strengthen families and communities. For those who must be sentenced to incarceration in our nation's prisons, our ultimate goal should be to rehabilitate – to the extent possible – those who can become responsible citizens, and to humanely incapacitate those who cannot. To forego these goals and instead assign the task of incarceration to private entities whose incentive is financial profit is a profound abdication of public responsibility. Neither private entities nor the state should expect to profit from the individual and societal failures that mass incarceration represents.

To be clear, the majority of inmates in our country are held in state and federal prisons. Only 12% of inmates are held in private prisons. This is a reminder that we must continue to press for substantive reforms in our criminal justice system that will reduce mass incarceration in all prisons.

Nevertheless, today's action by the Attorney General reverses a meaningful and important step towards removing the perverse incentive of profit from our criminal justice system. It is, perhaps, no surprise that the Administration has chosen to scrap this guidance. Many noted that the share prices of private prisons jumped in the wake of the election. But this Administration has the obligation to work – not for corporations or shareholders – but for the people of this country and in the service of the democratic ideals that undergird our public institutions. We condemn this decision by the Attorney General.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.