

PRESS RELEASE

Human Rights Defense Center
For Immediate Release



March 19, 2014

Texas Court Holds Private Prison Company is Considered Governmental Body for Purposes of State's Public Information Act

AUSTIN, TX – Today, a Travis County District Court held that Corrections Corporation of America (CCA), the nation's largest for-profit prison company, is a "governmental body" for purposes of the Texas Public Information Act and therefore subject to the "Act's obligations to disclose public information."

The court entered its ruling on a motion for summary judgment filed by *Prison Legal News* (PLN), a monthly publication that reports on criminal justice-related issues and a project of the non-profit Human Rights Defense Center.

PLN had filed suit against CCA on May 1, 2013 after the company refused to disclose records related to the now-closed Dawson State Jail in Dallas, including reports, investigations and audits regarding CCA's operation of the facility – records that would have unquestionably been made public had the jail been operated by a government agency.

"This is one of the many failings of private prisons," said PLN managing editor Alex Friedmann. "By contracting with private companies, corrections officials interfere with the public's right to know what is happening in prisons and jails, even though the contracts are funded with taxpayer money. This lack of transparency contributes to abuses and misconduct by for-profit companies like CCA, which prefer secrecy over public accountability."

CCA currently operates nine facilities in Texas, including four that house state prisoners.

"The conditions of Texas prisons have been the focus of intense public scrutiny for nearly 40 years," said Brian McGiverin, an attorney with the Texas Civil Rights Project. "Today's ruling is a victory for transparency and responsible government. Texans have a right to know what their government is doing, even when a private company is hired to do it."

In its summary judgment motion, PLN argued that CCA meets the definition of a "governmental body" under the Texas Public Information Act, Section 552.003 of the Texas Government Code, because, among other factors, the company "shares a common purpose and objective to that of the government" and performs services "traditionally performed by governmental bodies."

In the latter regard, PLN noted that "Incarceration is inherently a power of government. By using public money to perform a public function, CCA is a governmental body for purposes" of the Texas Public Information Act. CCA's argument to the contrary – that it is not a governmental body and does not have to comply with public records requests – was rejected by the court.

CCA had also argued that the taxpayer funds received from the State of Texas “are not necessarily used specifically for operating Texas facilities,” and that such payments “are used generally to support CCA’s corporate allocations throughout the United States.”

PLN previously prevailed in a similar public records lawsuit filed against CCA in Tennessee, where the firm is headquartered; another records suit is pending against CCA in Vermont. The company has vigorously opposed lawsuits requiring it to comply with public records laws.

“CCA and other private prison companies should not be able to hide behind closed corporate doors when they contract with government agencies to perform public services using taxpayer money,” said PLN editor Paul Wright.

PLN was ably represented by attorneys Cindy Saiter Connolly with Scott, Douglass & McConnico, LLP and Brian McGiverin with the Texas Civil Rights Project. The case is *Prison Legal News v. CCA*, Travis County District Court, 353rd Judicial District, Cause No. D-1-GN-13-001445.

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a not-for-profit organization dedicated to protecting the human rights of people held in U.S. detention facilities. HRDC publishes *Prison Legal News* (www.prisonlegalnews.org), a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners’ rights and criminal justice issues.

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