



PRIVATE PRISONS

Social Criteria Investment Screen

AUTHORITY

The Evangelical Lutheran Church in America (ELCA) affirms that “an effective system of criminal justice is an essential part of any functioning civil government.”¹ In the same statement, this church also declares, “One area stands far above others and deserves immediate attention: this society must find ways to end the overuse of incarceration”² and calls for an end to prison privatization.³ This church has committed to addressing how race and ethnicity figure into political decisions on crime.⁴

WORDING OF SCREEN

The ELCA recommends no investment in private, for-profit prisons, including firms involved in for-profit privatization of detention and incarceration in the criminal justice system.

DEFINITION OF PROBLEM

The concerns of this church about privatizing prisons are theological, moral and economic. Theologically speaking, the ELCA holds that it is the role of government, not the market, to restrain evil. Morally speaking, it holds that when individuals depend utterly on a system, the state may not abdicate its responsibility for custodial control to an entity guided primarily by profit or production.

Economically speaking, the church holds that privatizing the criminal justice system creates an economic incentive for for-profit corporations to expand incarceration and detention, treating humans as a commodity to be sold rather than children of God who are never beyond restoration. This incentive may also manifest itself in practices that can become serious human rights abuses such as attempts to keep costs down through inadequate medical and mental health care, insufficient basic

Corporate Social Responsibility in the ELCA uses the tools of screening of investments, shareholder advocacy and community investing to work with corporations, calling them to ensure that people are treated fairly and with dignity and to create sustainable communities.

More at [ELCA.org/CSR](https://www.elca.org/CSR).

1 *The Church and Criminal Justice: Hearing the Cries* (ELCA social statement, 2013), p. 7, https://download.elca.org/ELCA%20Resource%20Repository/Criminal_JusticeSS.pdf

2 *The Church and Criminal Justice*, p. 36.

3 *The Church and Criminal Justice*, p. 44.

4 *Freed in Christ: Race, Ethnicity, and Culture* (ELCA social statement, 1993), p. 6, <https://download.elca.org/ELCA%20Resource%20Repository/RaceSS.pdf>

hygiene, and inadequate staffing.

The ELCA urges governments at every level to maintain governmental responsibility and eliminate reliance on the use of private, for-profit detention and incarceration in the criminal justice system. This matter is particularly urgent for communities of color because of the inequitable impact the U.S. criminal justice system has on citizens. It is also urgent for this church to fulfill its commitments to racial justice.

Recognizing that various investors will implement these criteria along a continuum, the ELCA includes in this screen investments that could be made in private, for-profit prison corporations and also those that could be made in companies involved in the marketing of, supplying of key components for, or for-profit provision of services (such as food service or health care services) to private, for-profit prison corporations.

SOCIAL POLICY AND STUDIES

[*The Church and Criminal Justice: Hearing the Cries*](#) (ELCA social statement, 2013)

[“Community Violence”](#) (ELCA social message, 1994)

[*Freed in Christ: Race, Ethnicity and Culture*](#) (ELCA social statement, 1993)

[“Government and Civic Engagement in the United States: Discipleship in a Democracy”](#) (ELCA social message, 2020)

[“Human Rights”](#) (ELCA social message, 2017)

APPROVED by the
ELCA Church Council
– November 2014
[CC14.11.18]

APPROVED by the
ELCA Church Council
– November 2021
[CC21.11.25]