

# United States Senate

May 31, 2019

James A. Gondles Jr.  
Executive Director  
American Correctional Association  
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Suite 200  
Alexandria, VA 22314

Dear Mr. Gondles:

I write seeking information about the American Correctional Association's (ACA) accreditation system, which is used to hold private prisons and other private detention facilities accountable for the safety and wellbeing of prisoners. I have significant concerns about whether this system is working.

The ACA is a trade association and accrediting body for the corrections industry. Accreditation by your organization is requirement for private prison operators seeking contracts with federal agencies.<sup>1</sup> The Bureau of Prisons (BOP) currently contracts with 11 facilities operated by private corporations to house federal inmates.<sup>2</sup> As of 2016, those 11 BOP contract prisons held over 22,000 inmates, approximately 12% of the BOP population.<sup>3</sup> Three private corporations run all of these facilities – GEO Group (GEO), Management and Training Corporation (MTC), and CoreCivic.<sup>4</sup> In addition to the 11 BOP prisons, these companies run over 200 federal, state, and local corrections and detention facilities, including immigration detention facilities.<sup>5</sup>

The Department of Homeland Security (DHS) detained approximately 40,000 immigrants in 211 detention facilities across the United States as of last summer—a number that grew to nearly 49,000 earlier this year.<sup>6</sup> According to DHS, as of September 2016, 65% of those detainees were

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<sup>1</sup> U.S. Federal Bureau of Prisons, "Contract Prisons," [https://www.bop.gov/about/facilities/contract\\_facilities.jsp](https://www.bop.gov/about/facilities/contract_facilities.jsp).

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Department of Justice, Office of the Inspector General, "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons," August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> The GEO Group, Inc., "Our Locations," <https://www.geogroup.com/locations>; CoreCivic, "Find a Facility," <http://www.corecivic.com/facilities>; Management and Training Corporation, "U.S. Locations," <https://www.mtctrains.com/corrections/>.

<sup>6</sup> U.S. Department of Homeland Security, Office of the Inspector General, "ICE's inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements," June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; The Washington Post, "Shutdown looms as border talks break down over immigration enforcement," Erica Werner, Damian Paletta and Seung Min Kim, February 10, 2019, [https://www.washingtonpost.com/business/economy/border-talks-at-impasse-as-shutdown-looms-friday-officials-say/2019/02/10/aa8ef08c-2d36-11e9-813a-0ab2f17e305b\\_story.html?utm\\_term=.49f59999ccad](https://www.washingtonpost.com/business/economy/border-talks-at-impasse-as-shutdown-looms-friday-officials-say/2019/02/10/aa8ef08c-2d36-11e9-813a-0ab2f17e305b_story.html?utm_term=.49f59999ccad).

held in private, for-profit companies.<sup>7</sup> Nine of the ten largest Immigrations and Customs Enforcement (ICE) detention centers are run by private corporations.<sup>8</sup> A recent study showed that ICE paid over \$800 million in fiscal year 2018 to at least 19 privately operated detention facilities.<sup>9</sup> GEO Group (GEO) and CoreCivic together detain approximately 15,000 people in immigration detention per day, while the Management and Training Corporation (MTC) holds close to 2,000.<sup>10</sup> Under the Trump Administration, these companies are taking a larger role in our immigration detention system, and when I sought answers to serious questions regarding health and safety risks at GEO and CoreCivic last fall, GEO responded by asserting that their ACA accreditation was evidence of their compliance with federal standards.

These private prison companies use accreditation by your organization as a stamp of legitimacy to assure BOP, DHS, and other government agencies they are up to par. As the body tasked with accrediting these facilities, your organization has a unique responsibility to ensure they are protecting the health, safety, and wellbeing of the individuals in their custody. I have concerns that these standards are not being met, that the accreditation process is insufficient, and that the structure of your organization creates clear conflicts of interest that jeopardize the integrity of the accreditation process.

Private prisons have a questionable record of protecting the health, safety, and security of their inmates. A 2016 report from the Department of Justice (DOJ) Office of the Inspector General (OIG) found that “in a majority of the categories we examined, contract prisons incurred more safety and security incidents per capita than comparable BOP institutions.”<sup>11</sup> These included higher rates of incident reports, contraband discovery, lockdowns, inmate discipline, assault rates, and other selected grievances.<sup>12</sup> OIG found “a failure to initiate discipline in over 50 percent of incidents” over a 6-month period,<sup>13</sup> and concluded that BOP “must improve its oversight of contract prisons to ensure that federal inmates’ rights and needs are not placed at risk.”<sup>14</sup>

Private prisons are required to comply with all local, state, and federal laws, and the facilities “are required to adhere to some BOP policies such as, inmate discipline, use of force, sentence computation, and inmate classification.”<sup>15</sup> However, according to OIG, BOP conducts insufficient direct oversight of these facilities.<sup>16</sup> BOP relies in large part on accreditation to

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<sup>7</sup> U.S. Department of Homeland Security, Homeland Security Advisory Council, “Report of the Subcommittee on Privatized Immigration Detention Facilities,” December 1, 2016,

<https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>

<sup>8</sup> KCET, “Immigration Detention is Profitable for Private Prisons,” Pilar Marrero, July 17, 2018,

<https://www.kcet.org/shows/socal-connected/immigration-detention-is-profitable-for-private-prisons>

<sup>9</sup> The Daily Beast, “\$800 Million in Taxpayer Money Went to Private Prisons Where Migrants Work for Pennies,” Spencer Ackerman and Adam Rawnsley, December 27, 2018, [https://www.thedailybeast.com/dollar800-million-in-taxpayer-money-went-to-private-prisons-where-migrants-work-for-pennies?ref=home&via=twitter\\_page](https://www.thedailybeast.com/dollar800-million-in-taxpayer-money-went-to-private-prisons-where-migrants-work-for-pennies?ref=home&via=twitter_page).

<sup>10</sup> Freedom for Immigrants, “Detention by the Numbers,” <https://www.freedomforimmigrants.org/detention-statistics>.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> U.S. Federal Bureau of Prisons, “Contract Prisons,” [https://www.bop.gov/about/facilities/contract\\_facilities.jsp](https://www.bop.gov/about/facilities/contract_facilities.jsp).

<sup>16</sup> U.S. Department of Justice, Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

ensure prison quality. All contracted private facilities “must obtain accreditation through the American Correctional Association (ACA)” within two years of receiving inmates.<sup>17</sup>

But I have concerns about relying on your organization, a trade group for the private prison industry, to accredit and inspect private detention facilities that have a sub-par health and safety record is a recipe for disaster. This is not unique to your organization, nor the industry within which you operate. In industry after industry, outsourcing accountability has allowed corporations to evade standards with little to no consequences. In this case, the accreditation system for private detention centers appears to have paired perverse incentives with a lack of oversight of private facilities. In many cases, the results have been fatal.

### **Concerns about ACA Accreditation is Rife with Problems**

The ACA serves as the accreditor for private prisons.<sup>18</sup> ACA accreditation is required for government contracts.<sup>19</sup> But it appears the ACA is a conflicted party with twisted incentives, a lack of transparency, and lax inspection policies that appear to have turned accreditation into a rubber-stamp process that does little to hold facilities accountable.

### Conflicts of Interest

My concerns with your organization begin with the perverse incentives arising from apparent conflicts of interest. The ACA is attempting to act as an objective accreditor while it simultaneously serves as the primary trade association on behalf of the corrections industry, including private prisons. The ACA has lobbied Congress on criminal justice, corrections, and detention-related issues.<sup>20</sup> CoreCivic, GEO Group, and MTC are all members of your organization; as the ACA provides accreditation for their facilities, it also receives member dues from these companies,<sup>21</sup> and advocates and lobbies on their behalf.

The three primary private facility corporations provide a significant amount of funding to your organization. ACA-accredited facilities pay you to conduct audits, creating an incentive for you to grant accreditation so you can continue to receive fees. As of 2014, those fees ranged from

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<sup>17</sup> *Id.*

<sup>18</sup> The Joint Commission on Accreditation of Healthcare Organizations also provides accreditation for the health facilities at private prisons and detention centers.

<sup>19</sup> U.S. Federal Bureau of Prisons, “Contract Prisons,” [https://www.bop.gov/about/facilities/contract\\_facilities.jsp](https://www.bop.gov/about/facilities/contract_facilities.jsp).

<sup>20</sup> U.S. Senate, “Query the Lobbying Disclosure Act Database,”

<https://soprweb.senate.gov/index.cfm?event=processSearchCriteria>; U.S. Senate, “Lobbying Report: American Correctional Association,” <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>; U.S. Senate, “Lobbying Report: American Correctional Association,”

<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=0F2DD26F-7C96-494E-822E-62DF6F9E4A6E&filingTypeID=3>; U.S. Senate, “Lobbying Report: American Correctional Association,”

<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=ABDC64B0-52CD-41CB-86B5-2450BABF0135&filingTypeID=11>; U.S. Senate, “Lobbying Report: American Correctional Association,”

<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=74C25B04-8F8E-4306-BF83-48F81ACF941A&filingTypeID=9>.

<sup>21</sup> American Correctional Association, “Gift Membership Application,” [http://www.aca.org/aca\\_prod\\_imis/Docs/GiftMembershipApplication\\_2014.pdf](http://www.aca.org/aca_prod_imis/Docs/GiftMembershipApplication_2014.pdf).

\$8,100 to \$19,500 per facility.<sup>22</sup> In 2013, the ACA earned over half of its \$9 million in revenue from accreditation contracts, much of this from GEO, MTC, and CoreCivic, that have hundreds of accredited facilities throughout the nation.<sup>23</sup> The big three private prison corporations also sponsor your organization's annual conferences. At your annual conference in 2018, for example, GEO and CoreCivic sponsored the ticket-only E.R. Cass Banquet, and MTC sponsored a giveaway that included two tablets and a new car.<sup>24</sup>

The conflicts of interest appear to seep into the staff that run your accreditation process, including your 30-member Commission on Accreditation for Corrections (CAC), which is responsible for accreditation decisions, and your 20-member Standards Committee, responsible for setting standards by which facilities are judged for accreditation.<sup>25</sup> The former Chair of the Standards Committee, Harley G. Lappin, is now a member of the Board of Directors at CoreCivic.<sup>26</sup> Todd Thomas, currently a member of the CAC, works as a Warden for a CoreCivic correctional facility.<sup>27</sup> Mike Murphy, another member of the CAC, serves as Vice President of Marketing Corrections at MTC.<sup>28</sup> Derrick Schofield, a member of the Standards Committee, works as Executive Vice President for GEO Care,<sup>29</sup> a division of GEO focused on "in-custody offender rehabilitation programs and evidence-based treatment."<sup>30</sup>

#### Lack of Transparency and Accountability in the Accreditation Process

These problems are exacerbated by the ineffective accreditation process and lack of both transparency and accountability.

There are numerous indications that your accreditation process is barely more than a rubber-stamp. First, facilities conduct a "self-evaluation," judging themselves on whether their own "levels of expected compliance are sufficient for accreditation."<sup>31</sup> The facility also submits their

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<sup>22</sup> Prison Legal News, "Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?" Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

<sup>23</sup> *Id.*

<sup>24</sup> American Correctional Association, "2018 Minneapolis Program Book," [http://register.aca.org/DOCS/Conference/COC2018/2018%20Minneapolis%20Program%20Book\\_FINAL\\_WEB.PDF](http://register.aca.org/DOCS/Conference/COC2018/2018%20Minneapolis%20Program%20Book_FINAL_WEB.PDF).

<sup>25</sup> American Correctional Association, "Standards and Accreditation, Committee on Standards," [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Standards/Standards\\_Committee/ACA\\_Member/Standards\\_and\\_Accreditation/Standards\\_Committee/Standards\\_Committee.aspx?hkey=795105de-6a67-4769-b58a-0de6df7e8324](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Standards/Standards_Committee/ACA_Member/Standards_and_Accreditation/Standards_Committee/Standards_Committee.aspx?hkey=795105de-6a67-4769-b58a-0de6df7e8324); American Correctional Association, "Standards and Accreditation, The Commission on Accreditation for Corrections,"

[http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/About\\_Us/CAC/ACA\\_Member/Standards\\_and\\_Accreditation/SAC\\_Commission.aspx?hkey=90da0502-afd8-4685-97c2-b8c7e1c803d3](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/CAC/ACA_Member/Standards_and_Accreditation/SAC_Commission.aspx?hkey=90da0502-afd8-4685-97c2-b8c7e1c803d3).

<sup>26</sup> CoreCivic, "Board of Directors," <http://www.corecivic.com/investors/board-of-directors>.

<sup>27</sup> LinkedIn, "Todd Thomas," <https://www.linkedin.com/in/todd-thomas-38555533/>; American Correctional Association, "Standards and Accreditation, The Commission on Accreditation for Corrections," [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/About\\_Us/CAC/ACA\\_Member/Standards\\_and\\_Accreditation/SAC\\_Commission.aspx?hkey=90da0502-afd8-4685-97c2-b8c7e1c803d3](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/CAC/ACA_Member/Standards_and_Accreditation/SAC_Commission.aspx?hkey=90da0502-afd8-4685-97c2-b8c7e1c803d3).

<sup>28</sup> LinkedIn, "Mike Murphy," <https://www.linkedin.com/in/mike-murphy-53876b5/>.

<sup>29</sup> The GEO Group, Inc., "GEO Care Leadership Team," [https://www.geogroup.com/GEO\\_Care\\_Leadership\\_Team](https://www.geogroup.com/GEO_Care_Leadership_Team).

<sup>30</sup> The GEO Group, Inc., "GEO Care," <https://www.geogroup.com/GEO-Care>.

<sup>31</sup> American Correctional Association, "Manual of Accreditation, Policy and Procedure," March 15, 2017, p. 28, [http://www.aca.org/ACA\\_Prod\\_IMIS/docs/standards%20and%20accreditation/ALM-1-3\\_15\\_17-Final.pdf](http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf).

own self-reported list of “significant incidents.”<sup>32</sup> Next, a facility may request an audit. Your organization grants facilities three months’ notice in advance of an audit, allowing facilities to prepare before inspectors arrive.<sup>33</sup> At a facility’s request, the ACA will first conduct a “mock audit” to help the facility get ready for the actual audit.<sup>34</sup> Finally, your staff then travels for on-location audits.

The problems appear to continue once the audits finally begin. Incarcerated individuals in ACA-accredited facilities have reported never having the opportunity to speak with inspectors, despite your own accreditation guidelines indicating that the facility must extend the invitation to all detainees.<sup>35</sup> Your organization often conducts “paper audits” – examining the policies a prison has on paper rather than their actual practices. According to the director of the Private Corrections Institute, for example, “a prison... can be accredited by the ACA even if officers at that facility are in fact beating inmates,” so long as the prison has a policy that says officers cannot beat inmates.<sup>36</sup>

The final decision on accreditation is neither transparent nor accountable, making it impossible to tell how private prison corporations and their employees may influence standards and accreditation. Accreditation decisions do not include public justification, and while inspections result in a report for the Commission staff, that report is not made public.<sup>37</sup> The ACA “does not disclose...specific information in the [facility’s] self-evaluation report, Visiting Committee report, or information discussed in the hearing.”<sup>38</sup> Outside oversight becomes impossible without evidence of the audits. Decades ago, David Bazelon, a judge on the D.C. Court of Appeals, resigned his position as an ACA board member in 1982 and described the ACA accreditation as a “conspiracy of silence between corrections officials and the public,” noting that the ACA had “repeatedly refused to open the accreditation process to public scrutiny and participation.”<sup>39</sup> It does not appear your organization has increased public participation or transparency in the 37 years since Judge Bazelon resigned.

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*, p. 29

<sup>34</sup> *Id.* p. 27.

<sup>35</sup> Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>; American Correctional Association, “Manual of Accreditation, Policy and Procedure,” March 15, 2017, p. 30, [http://www.aca.org/ACA\\_Prod\\_IMIS/docs/standards%20and%20accreditation/ALM-1-3\\_15\\_17-Final.pdf](http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf).

<sup>36</sup> Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

<sup>37</sup> American Correctional Association, “Standards and Accreditation,” [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/ACA\\_Member/Standards\\_and\\_Accreditation/SAC.aspx?hkey=7f4cf7bf-2b27-4a6b-b124-36e5bd90b93d](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/ACA_Member/Standards_and_Accreditation/SAC.aspx?hkey=7f4cf7bf-2b27-4a6b-b124-36e5bd90b93d); Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

<sup>38</sup> American Correctional Association, “Manual of Accreditation, Policy and Procedure,” March 15, 2017, p. 15, [http://www.aca.org/ACA\\_Prod\\_IMIS/docs/standards%20and%20accreditation/ALM-1-3\\_15\\_17-Final.pdf](http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf).

<sup>39</sup> Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

Finally, the Commissioners are permitted to supply waivers for “discretionary non-compliances” with ACA guidelines and standards, rendering these standards toothless.<sup>40</sup>

The ACA only conducts audits for re-accreditation every three years, and allows facilities to “conduct annual self-reporting” in the off years, judging their own compliance and submitting their own summary of significant incidents.<sup>41</sup>

As former Judge Bazelon put it, “the commission’s audit techniques and deliberative procedures are inherently unreliable.”<sup>42</sup> Jody Owens, of the Southern Poverty Law Center, has referred to ACA accreditation as “a rubber-stamping process,” adding that problems at prisons are “overlooked when these grades are passed out.”<sup>43</sup>

### **Notable Failures of Oversight**

The flaws in your organization’s accreditation process are evident at facility after facility that, despite having received the ACA stamp of approval, allow inmates to live amid unsafe conditions, and are rife with violence, health and safety hazards, and other systemic problems.

#### **BOP Contract Facilities with Significant Problems**

A number of facilities managed under contract with the BOP, and therefore subject to BOP’s requirements for ACA accreditation, have had major problems in the last decade.

In late 2008 and early 2009, the Reeves County Detention Complex (Reeves), in Pecos, Texas, managed by GEO, had a riot in all three of its compounds, caused in part by “low staffing levels” at the facility.<sup>44</sup> In 2015, the DOJ OIG found that GEO had “failed to comply with contractual requirements in the areas of billing and payment, correctional and health services staffing, and internal quality control” at its Reeves Compounds I and II.<sup>45</sup> The OIG found “no minimum staffing requirements [in place] for the institution” between January 2007 and March 2009, “because the BOP had sought to reduce costs.”<sup>46</sup> Despite these problems, all three facilities in the complex are listed as accredited facilities on the ACA website, and GEO has reported that Reeves III received ACA accreditation and re-accreditation in 2009, 2012, 2015, and 2018 with a score of 99.8%.<sup>47</sup>

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<sup>40</sup> American Correctional Association, “Manual of Accreditation, Policy and Procedure,” March 15, 2017, [http://www.aca.org/ACA\\_Prod\\_IMIS/docs/standards%20and%20accreditation/ALM-1-3\\_15\\_17-Final.pdf](http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf).

<sup>41</sup> American Correctional Association, “Manual of Accreditation, Policy and Procedure,” March 15, 2017, pp. 49-51, [http://www.aca.org/ACA\\_Prod\\_IMIS/docs/standards%20and%20accreditation/ALM-1-3\\_15\\_17-Final.pdf](http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf); Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

<sup>42</sup> Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes?” Gary Hunter, July 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

<sup>43</sup> *Id.*

<sup>44</sup> U.S. Department of Justice, Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> American Correctional Association, “Search ACA Accredited Facilities,” [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Accredited\\_Facilities/Facility\\_Dir](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Accredited_Facilities/Facility_Dir)

In February 2011, inmates at GEO's Big Spring Correctional Center (Big Spring) in Texas "physically assaulted prison staff," reportedly after a lackluster response to a medical emergency "that resulted in the death of an inmate."<sup>48</sup> The facility received ACA accreditation and re-accreditation in 2010, 2012, and 2015 with a score of 99.28% and is listed on the ACA's list of accredited facilities.<sup>49</sup>

The following year, at CoreCivic's Adams County Correctional Facility (Adams) near Natchez, Mississippi 250 inmates rioted due to the low quality of food and medical care, and poor treatment from prison staff.<sup>50</sup> A correctional officer was killed and 20 people were injured.<sup>51</sup> Adams received accreditation and re-accreditation in 2013 and 2016, scoring 100%.<sup>52</sup> In 2015, inmates at MTC's Willacy County Correctional Center (Willacy) in Raymondville, Texas, "set fires and caused extensive damage to the prison."<sup>53</sup> The BOP terminated their contract with the prison as a result.<sup>54</sup>

### Problems at Other Private Prison Facilities

Problems at private facilities accredited by ACA go beyond those under contract with BOP, and raise serious red flags about the agency's continued reliance on the ACA for accreditation and oversight.

In May 2018, the DHS OIG conducted an unannounced inspection of GEO Group's Adelanto ICE Processing Center in Adelanto, California.<sup>55</sup> The OIG found "significant health and safety risks," including "nooses in detainee cells[,] improper and overly restrictive segregation[,] and] untimely and inadequate detainee medical care."<sup>56</sup> After I wrote to GEO about this facility last November, asking a series of questions about compliance with detention standards designed to ensure the safety and wellbeing of detainees in their custody, GEO responded by pointing to their

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[actory/ACA\\_Member/Standards\\_and\\_Accreditation/Accredited\\_Facility\\_Directory.aspx?hkey=861cb92c-7d8d-4b10-aa0c-c3990b905d63](http://www.geogroup.com/FacilityDetail/FacilityID/75); The GEO Group, Inc., "Our Locations," <https://www.geogroup.com/FacilityDetail/FacilityID/75>.

<sup>48</sup> U.S. Department of Justice, Office of the Inspector General, "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons," August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

<sup>49</sup> American Correctional Association, "Search ACA Accredited Facilities," [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Accredited\\_Facilities/Facility\\_Directory/ACA\\_Member/Standards\\_and\\_Accreditation/Accredited\\_Facility\\_Directory.aspx?hkey=861cb92c-7d8d-4b10-aa0c-c3990b905d63](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Accredited_Facilities/Facility_Directory/ACA_Member/Standards_and_Accreditation/Accredited_Facility_Directory.aspx?hkey=861cb92c-7d8d-4b10-aa0c-c3990b905d63); The GEO Group, Inc., "Our Locations, Big Spring Correctional Center," <https://www.geogroup.com/FacilityDetail/FacilityID/34>.

<sup>50</sup> U.S. Department of Justice, Office of the Inspector General, "Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons," August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

<sup>51</sup> *Id.*

<sup>52</sup> CoreCivic, "CCA Facilities Earn Reaccreditation at Summer Congress of Corrections," Bethany Davis, August 26, 2016, <http://www.correctionscorp.com/insidecca/cca-facilities-earn-reaccreditation-at-summer-congress-of-corrections>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> U.S. Department of Homeland Security, Office of the Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>.

<sup>56</sup> *Id.*

ACA accreditation in 2014 and re-accreditation in 2017, with “a score of 99.6%” According to the ACA website, they have retained their accreditation.<sup>57</sup>

A December 2017 report from DHS OIG found systemic health, safety, and security violations at several privately run immigration detention facilities accredited by the ACA.<sup>58</sup> The Stewart Detention Center (Stewart) in Lumpkin, Georgia, run by CoreCivic, and the Otero County Processing Center (Otero), in Chaparral, New Mexico, run by MTC, both violated standards regarding the “segregation and lock-down of detainees.”<sup>59</sup> Detainees at Stewart reported excessive waits for urgent medical care. OIG observed “bathrooms that were in poor condition” at both facilities, including a lack of hot water and water leaks throughout Stewart.<sup>60</sup> Both facilities are currently accredited by the ACA.<sup>61</sup>

Accredited private prisons used by state penal systems also reveal the inadequacy of oversight from your organization. In 2010, three violent prisoners escaped from MTC’s ACA-accredited Arizona State Prison – Kingman (Kingman) and murdered two people during their attempted getaway.<sup>62</sup> Then, in 2015, a series of riots caused so much damage to the prison, the state had to transfer over 1,000 inmates.<sup>63</sup> Similarly, in 2012 a federal judge ruled that GEO’s ACA-accredited Walnut Grove Youth Correctional Facility (Walnut Grove) in Mississippi “paints a picture of such horror as should be unrealized anywhere in the civilized world.”<sup>64</sup> GEO was forced to give up running the facility due to a failure to protect inmates from gang violence.<sup>65</sup>

Walnut Grove closed in 2016.<sup>66</sup> The Kingman and Walnut Grove facilities are both still listed on your website as accredited facilities,<sup>67</sup> and the Kingman facility received accreditation in 2017 with a score of 99.50%.<sup>68</sup>

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<sup>57</sup> Office of U.S. Senator Elizabeth Warren, “Response to Information Request from The GEO Group,” February 27, 2019, <https://www.warren.senate.gov/imo/media/doc/Attachment%20a%20-%20Response%20Letter%20from%20GEO%20Group%20re%20Compliance%20with%20Immigration%20Detention%20Standards.pdf>.

<sup>58</sup> U.S. Department of Homeland Security, Office of the Inspector General, “Concerns about ICE Detainee Treatment and Care at Detention Facilities,” December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> U.S. Immigration and Customs Enforcement, “PREA Audit; Subpart A DHS Immigration Facilities Audit Report,” March 9, 2017, p. 2, [https://www.ice.gov/doclib/foia/prea\\_audit/2017-Stewart-0919-21.pdf](https://www.ice.gov/doclib/foia/prea_audit/2017-Stewart-0919-21.pdf); Management and Training Corporation, “Corrections Facts Sheet, Otero County Prison Facility,” May 2019, p. 1, [https://www.mtcctrains.com/wp-content/uploads/2018/06/Corrections\\_Facts\\_Sheet\\_OTR1.pdf](https://www.mtcctrains.com/wp-content/uploads/2018/06/Corrections_Facts_Sheet_OTR1.pdf).

<sup>62</sup> The New York Times, “Escapes, Riots and Beatings. But States Can’t Seem to Ditch Private Prisons,” Timothy Williams and Richard A. Oppel Jr., April 10, 2018, <https://www.nytimes.com/2018/04/10/us/private-prisons-escapes-riots.html?smid=pl-share&module=inline>.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> American Correctional Association, “Search ACA Accredited Facilities,” [http://www.aca.org/ACA\\_Prod\\_IMIS/ACA\\_Member/Standards\\_Accreditation/Accredited\\_Facilities/Facility\\_Directory/ACA\\_Member/Standards\\_and\\_Accreditation/Accredited\\_Facility\\_Directory.aspx?hkey=861cb92c-7d8d-4b10-aa0c-c3990b905d63](http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Accredited_Facilities/Facility_Directory/ACA_Member/Standards_and_Accreditation/Accredited_Facility_Directory.aspx?hkey=861cb92c-7d8d-4b10-aa0c-c3990b905d63).

<sup>68</sup> The GEO Group, Inc., “Our Locations, Arizona State Prison – Kingman,” <https://www.geogroup.com/FacilityDetail/FacilityID/30>.



## **Conclusion and Questions**

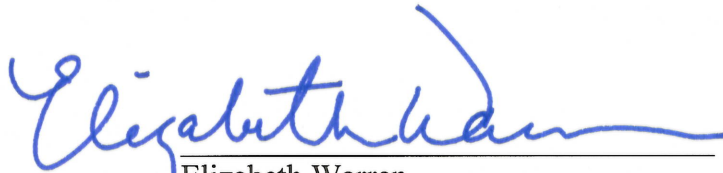
Your accreditation process for private detention facilities, including BOP contract prisons and ICE detention facilities, appears to be broken. Perverse incentives, conflicts of interest and a failure to adequately oversee conditions at private detention facilities have put detainees and corrections officers in danger. To help me better understand the scope of this problem and the steps needed to address these concerns, please respond to the following questions by June 14, 2019.

1. The American Correctional Association does not make public the results of audits, and does not make details other than the existence of accreditation public. In order to add transparency to this process, please provide my office with:
  - a. A full description of your accreditation process.
  - b. Your policies and procedures for the auditing process.
  - c. A complete description of the training process for your auditors.
  - d. Copies of your training materials for auditors.
  - e. A full list of all audits of federally-contracted facilities conducted in the last decade.
  - f. The results of all such audits.
  - g. Accreditation reports or other details or documents related to accreditation of these facilities.
  
2. Please list facilities that have failed your accreditation process, and provide an explanation for your decision not to accredit the facility.
  
3. To address my concerns about financial conflicts of interest, please provide the following information:
  - a. How much money did ACA receive for accreditations and inspections of your facilities in each of the last five years? Please list the five entities from which the ACA received the most funds.
  - b. How much money did the ACA receive annually in mandatory membership fees in each of the last five years? Please list the five entities from which the ACA received the most funds.
  - c. How much money the ACA receive annually in support of their annual conference in each of the last five years? Please list the five entities from which the ACA received the most funds.
  - d. In addition to the funding described in questions 2a-d, how much in other funds did the ACA receive in each of the last five years? What were these payments for? Please list the five entities from which the ACA received the most funds.
  
4. A 2015 DOJ OIG report found a series of problems at ACA-accredited facilities, including Reeves I, II, and III, Big Spring, Adams, and Willacy.

- a. Did any or all of these facilities have ACA accreditation at the time such violations were discovered?
  - b. Have any or all of these facilities received ACA accreditation or re-accreditation in the time since these violations were discovered?
  - c. Has the ACA taken any actions to address the problems at these facilities?
  - d. What actions has your organization taken to improve your inspection, audit, or accreditation processes in light of this report showing problems at ACA-accredited facilities?
5. Reports indicate that your organization conducts “paper audits,” looking primarily at a facility’s written policies, rather than their practice. Please describe how this process works and why you think “paper audits” are sufficient to meet accreditation quality standards for federal contractors.

Thank you for your attention to this matter.

Sincerely,



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Elizabeth Warren  
United States Senator