

May 31, 2019

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Dear Mr. Hininger, Mr. Zoley, and Mr. Marquardt:

I write seeking information about the accreditation system used to hold private prisons and other private detention facilities accountable for the safety and wellbeing of prisoners and detainees. I have significant concerns about whether this system is working.

Your companies, GEO Group (GEO), Management and Training Corporation (MTC), and CoreCivic, hold contracts with the Bureau of Prisons (BOP) to house federal inmates as well as with Immigration and Customs Enforcement to operate immigration detention facilities.¹ As of 2016, those contract facilities held over 22,000 federal inmates, approximately 12% of the BOP population, as well as 65% of the immigrants in immigration detention.² Three private corporations run all of these facilities. In total, your three companies run over 200 federal, state, and local corrections and detention facilities.³

¹ U.S. Federal Bureau of Prisons, "Contract Prisons," https://www.bop.gov/about/facilities/contract_facilities.jsp; 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>.

² 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>.

³ 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/>.

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.”⁴ These included higher rates of incident reports, contraband discovery, lockdowns, inmate discipline, assault rates, and other selected grievances.⁵ OIG found “a failure to initiate discipline in over 50 percent of incidents” over a 6-month period,⁶ and concluded that BOP “must improve its oversight of contract prisons to ensure that federal inmates’ rights and needs are not placed at risk.”⁷

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.”⁸ However, according to OIG, BOP conducts insufficient direct oversight of these facilities.⁹ BOP relies in large part on accreditation to ensure prison quality. All contracted private facilities “must obtain accreditation through the American Correctional Association (ACA) within two years of receiving inmates.”¹⁰

I have concerns about relying on a private organization to accredit and inspect private prisons and detention facilities that have a sub-par health and safety record. 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. I have addressed my concerns in detail today in letters to BOP and ICE, but I also ask that you provide me answers to the following questions related to the accreditation of your facilities. Please provide a response by June 14, 2019.

1. The American Correctional Association does not make public the results of their audits, and does not make details other than the existence of accreditation public. To increase transparency regarding the accreditation process, please provide the following information.
 - a. Please describe the process you undertake to apply for accreditation from the ACA for each of your facilities.
 - b. Please provide a copy of your most recent application for accreditation from each of your facilities, and the results of this application.
 - c. Have any of your facilities ever been denied accreditation? If so, when, which facilities, and on what basis was it denied? Please provide reports provided to you by the ACA after denying the accreditation.

⁴ 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>.

⁵ *Id.* p. ii.

⁶ *Id.* p. 28.

⁷ *Id.* p. ii.

⁸ U.S. Federal Bureau of Prisons, “Contract Prisons,” https://www.bop.gov/about/facilities/contract_facilities.jsp.

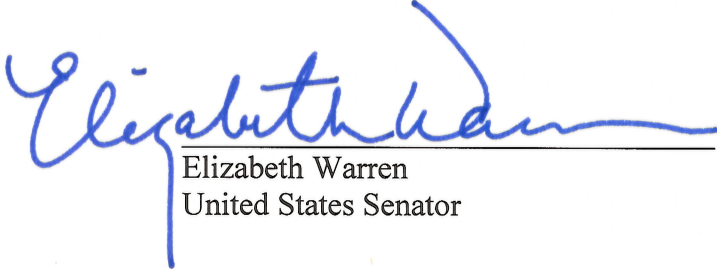
⁹ U.S. Department of Justice, Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

¹⁰ *Id.*

- d. Please provide a list of all of your facilities conducted by the ACA within the last five years, and a summary of the results of each audit
 - e. Were any of these “paper audits”? If so, please identify which audits were paper audits, describe the process for conducting them.
2. To address concerns about financial conflicts of interest, please provide the following information:
- a. How much did you pay the ACA for accreditations and inspections of your facilities in each of the last five years?
 - b. How much did you pay the ACA annually in mandatory fees in each of the last five years?
 - c. How much did you pay the ACA annually in support of their annual conference in each of the last five years?
 - d. In addition to the payments described in questions 2a-d, how much in other payments did you make to the ACA in each of the last five years? What were these payments for?

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren
United States Senator