

May 31, 2019

The Honorable Kevin McAleenan  
Acting Secretary  
Department of Homeland Security  
Washington D.C. 20528

Dear Acting Secretary McAleenan:

I write seeking information about the accreditation system used to hold private detention facilities accountable for the safety and wellbeing of detainees. The accreditation system is rife with perverse incentives and has a demonstrated record of failure, resulting in cruel and inhumane conditions for detainees and prisoners.

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>1</sup> According to DHS, as of September 2016, 65% of those detainees were held in private, for-profit companies.<sup>2</sup> Nine of the ten largest Immigrations and Customs Enforcement (ICE) detention centers are run by private corporations.<sup>3</sup> A recent study showed that ICE paid over \$800 million in fiscal year 2018 to at least 19 privately operated detention facilities.<sup>4</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>5</sup> These companies run over 200 federal, state, and local corrections and detention facilities.<sup>6</sup>

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<sup>1</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).

<sup>2</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>3</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>4</sup> The Daily Beast, “\$800 Million in Taxpayer Money Went to Private Prisons Where Migrants Work for Pennies,” Spencer Ackerman and Adam Rawsley, 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>5</sup> Freedom for Immigrants, “Detention by the Numbers,” <https://www.freedomforimmigrants.org/detention-statistics>.

<sup>6</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/>.

Private detention facilities used by ICE have a poor record of protecting the health, safety, and security of their detainees. A 2017 report from the DHS Office of Inspector General (OIG) found “problems that undermine the protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment.”<sup>7</sup> The report found that detention facilities had spoiled and moldy food, a lack of access to hot and cold water, limited access to adequate medical care, and an overuse of solitary confinement without notice and for minor rule violations.<sup>8</sup> Another OIG report of a private immigration detention facility found severe health and safety violations that “pose[d] significant health and safety risks.”<sup>9</sup>

ICE uses two inspection types and an onsite monitoring program to ensure compliance with detention standards. Despite these oversight tools, “neither the inspections nor the onsite monitoring ensure consistent compliance with detention standards, nor do they promote comprehensive deficiency corrections.”<sup>10</sup> According to the OIG, “ICE does not adequately hold detention facility contractors accountable for not meeting performance standards.”<sup>11</sup>

In November 2018, I wrote to GEO Group and CoreCivic, the two largest private immigration detention contractors, and Nakamoto, a private company responsible for auditing detention facilities, about the standards in these facilities and the lack of effective oversight. Along with my colleagues, I outlined the problems that independent investigators found with private immigration detention and requested information on standards and oversight efforts. After the companies demurred and pointed the finger at ICE, my colleagues and I followed up with a letter to your office seeking information about these failures.

In addition to the failures of private detention facilities and ICE contractors, I have also opened an investigation into another quality control measure, the accreditation process for prisons and detention facilities. I am seeking information regarding the extent to which ICE relies on the American Correctional Association (ACA) and its accreditation process as evidence of facilities’ compliance with detention standards. According to an ICE Detention and Removal Operations (now Enforcement and Removal Operations) staff training document on detention standards for “contract detention” and other facilities, detention standards are based on the ACA’s “4<sup>th</sup> Edition Standards for Adult Local Detention facilities,” and facilities “holding...ACA Accreditation must adhere” to the standards in the ACA’s guidelines.<sup>12</sup>

Relying in part on the accreditation of a private organization is a recipe for disaster. In industry after industry, outsourcing accountability has allowed corporations to evade standards with little

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<sup>7</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>8</sup> *Id.*

<sup>9</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>10</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>.

<sup>11</sup> U.S. Department of Homeland Security, Office of the Inspector General, “ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards,” January 29, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

<sup>12</sup> U.S. Immigration and Customs Enforcement, “ICE/DRO Detention Standards, Staff Training,” December 2, 2008, [https://www.ice.gov/doclib/dro/detention-standards/doc/staff\\_training.doc](https://www.ice.gov/doclib/dro/detention-standards/doc/staff_training.doc).

to no consequences. If ICE is relying heavily on the accreditation system for detention centers operated by private contractors, it would raise my concerns about the lack of oversight of private facilities.

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

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

The ACA's problems begin with the perverse incentives arising from its 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>13</sup> CoreCivic, GEO Group, and MTC are all members of the ACA; as the ACA provides accreditation for their facilities, it also receives member dues from these organizations,<sup>14</sup> and advocates and lobbies on their behalf.

The three primary private facility corporations provide a significant amount of funding to the ACA. ACA-accredited facilities pay the ACA to conduct audits, creating an incentive for the ACA to grant accreditation so it can continue to receive fees. As of 2014, those fees ranged from \$8,100 to \$19,500 per facility.<sup>15</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>16</sup> The big three private prison corporations also sponsor the ACA's annual conferences. At the ACA's 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>17</sup>

The conflicts of interest seep into the staff that run ACA's accreditation process, which includes a 30-member Commission on Accreditation for Corrections (CAC), responsible for accreditation

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<sup>13</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>14</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).

<sup>15</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>16</sup> *Id.*

<sup>17</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).

decisions, and a 20 member Standards Committee, responsible for setting standards by which facilities are judged for accreditation.<sup>18</sup> The former Chair of the Standards Committee, Harley G. Lappin, is now a member of the Board of Directors at CoreCivic.<sup>19</sup> Todd Thomas, currently a member of the CAC, works as a Warden for a CoreCivic correctional facility.<sup>20</sup> Mike Murphy, another member of the CAC, serves as Vice President of Marketing Corrections at MTC.<sup>21</sup> Derrick Schofield, a member of the Standards Committee, works as Executive Vice President for GEO Care,<sup>22</sup> a division of GEO focused on “in-custody offender rehabilitation programs and evidence-based treatment.”<sup>23</sup>

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

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

The ACA’s accreditation process appears to be little 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>24</sup> The facility also submits their own self-reported list of “significant incidents.”<sup>25</sup> Next, a facility may request an audit. The ACA grants facilities three months’ notice in advance of an audit, allowing facilities to prepare before inspectors arrive.<sup>26</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>27</sup> Finally, the ACA 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 ACA accreditation guidelines indicating that the facility must extend the invitation to all detainees.<sup>28</sup> The ACA often conducts “paper audits” – it examines the policies a prison has on paper rather than their actual practices. According to the director of the Private Corrections

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<sup>18</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>19</sup> CoreCivic, “Board of Directors,” <http://www.corecivic.com/investors/board-of-directors>.

<sup>20</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>21</sup> LinkedIn, “Mike Murphy,” <https://www.linkedin.com/in/mike-murphy-53876b5/>

<sup>22</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>23</sup> The GEO Group, Inc., “GEO Care,” <https://www.geogroup.com/GEO-Care>

<sup>24</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).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* p. 29.

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

<sup>28</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).

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>29</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>30</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>31</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>32</sup> The ACA does not appear to have increased public participation or transparency in the 37 years since Judge Bazelon resigned.

Finally, the Commissioners are permitted to supply waivers for “discretionary non-compliances” with ACA guidelines and standards, rendering these standards toothless.<sup>33</sup>

The ACA only conducts audits for re-accreditation every three years.<sup>34</sup> The organization allows facilities to “conduct annual self-reporting” in the off years, judging their own compliance and submitting their own summary of significant incidents.<sup>35</sup>

As former Judge Bazelon put it, “the commission’s audit techniques and deliberative procedures are inherently unreliable.”<sup>36</sup> Jody Owens, of the Southern Poverty Law Center, has referred to

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<sup>29</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>30</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>31</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>32</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>33</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>34</sup> *Id.* p. 51.

<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. 49, [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/>.

ACA accreditation as “a rubber-stamping process,” adding that problems at prisons are “overlooked when these grades are passed out.”<sup>37</sup>

### Notable Failures of Oversight

The flaws in the ACA’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.

#### ICE Contract Facilities with Significant Problems

A number of facilities managed under contract with ICE have been accredited by ACA have had major problems in the last decade.

In May 2018, the Department of Homeland Security OIG conducted an unannounced inspection of GEO Group’s Adelanto ICE Processing Center in Adelanto, California.<sup>38</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>39</sup> I wrote to GEO about this facility last November, asking the company a series of questions about their compliance with detention standards designed to ensure the safety and wellbeing of detainees in their custody. GEO responded by pointing to their 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>40</sup>

A December 2017 report from DHS OIG found systemic health, safety, and security violations at several other privately run immigration detention facilities accredited by the ACA.<sup>41</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>42</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>43</sup> Both facilities are currently accredited by the ACA.<sup>44</sup>

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<sup>37</sup> *Id.*

<sup>38</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>39</sup> *Id.*

<sup>40</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>41</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>42</sup> *Id.*

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

<sup>44</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.mtc trains.com/wp-content/uploads/2018/06/Corrections\\_Facts\\_Sheet\\_OTR1.pdf](https://www.mtc trains.com/wp-content/uploads/2018/06/Corrections_Facts_Sheet_OTR1.pdf).

### Accredited Facilities Operated by GEO, and CoreCivic, and other Private Providers

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

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>45</sup> In 2015, the Department of Justice 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>46</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>47</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>48</sup>

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>49</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>50</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>51</sup> A correctional officer was killed and 20 people were injured.<sup>52</sup>

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<sup>45</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>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</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," <https://www.geogroup.com/FacilityDetail/FacilityID/75>.

<sup>49</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>50</sup> The GEO Group, Inc., "Our Locations, Big Spring Correctional Center," <https://www.geogroup.com/FacilityDetail/FacilityID/34>; 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>51</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>52</sup> *Id.*

Adams received accreditation and re-accreditation in 2013 and 2016, scoring 100%.<sup>53</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>54</sup> The BOP terminated their contract with the prison as a result.<sup>55</sup>

Accredited private prisons used by state penal systems also reveal the inadequacy of oversight from the ACA. 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>56</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>57</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>58</sup> GEO was forced to give up running the facility due to a failure to protect inmates from gang violence.<sup>59</sup>

Walnut Grove closed in 2016.<sup>60</sup> The Kingman and Walnut Grove facilities are both still listed on the ACA's website as accredited facilities,<sup>61</sup> and the Kingman facility received accreditation in 2017 with a score of 99.50%.<sup>62</sup>

### Conclusion and Questions

The accreditation process for private detention facilities, including ICE contract facilities, is broken. Perverse incentives, conflicts of interest and a failure to adequately oversee conditions at private detention facilities have put detainees in danger. To help me better understand the extent to which ICE relies upon accreditation as a measure to ensure the quality of private detention facilities, and the steps needed to address these concerns, please respond to the following questions by June 14, 2019.

1. Please describe the extent of your agency's reliance on ACA accreditation. The Bureau of Prisons includes a requirement for accreditation in their contracts with private facilities.

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<sup>53</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>54</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>55</sup> *Id.*

<sup>56</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>57</sup> *Id.*

<sup>58</sup> *Id.*

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

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

<sup>61</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>62</sup> The GEO Group, Inc., "Our Locations, Arizona State Prison – Kingman," <https://www.geogroup.com/FacilityDetail/FacilityID/30>.




A version of your staff training guidelines reference the ACA's standards for "Adult Local Detention Facilities."

- a. What role does ACA accreditation play in your decision to use or stop using a private detention facility? Please describe all ways in which ACA accreditation is incorporated into your contracting process.
  - b. Do you require, encourage, or otherwise reference ACA accreditation or standards in your contracts with private detention operators?
  - c. If so, please provide the specific ICE contract provisions regarding accreditation.
2. 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. Does the ACA provide you with audit dates, results, accreditation reports, or other details or documents related to accreditation of contracted facilities? If so, please provide my office with:
- a. A full list of all audits of ICE-contracted facilities conducted in the last decade.
  - b. The results of all such audits.
  - c. Accreditation reports or other details or documents related to accreditation of these facilities.
3. A series of DHS OIG reports have found problems at ACA accredited facilities, including Adelanto, Stewart, and Otero.
- 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. Are you aware of any actions taken by the ACA to address the problems at these facilities?
  - d. Are you aware of any actions taken by the ACA to improve their inspection, audit, or accreditation processes in light of this report showing problems at ACA-accredited facilities?
4. Reports indicate that the ACA conducts "paper audits," looking primarily at a facility's written policies, rather than their practice. To the extent ICE relies on or looks to ACA accreditation status, are "paper audits" sufficient to meet accreditation quality standards for ICE contractors?

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren  
United States Senator