

***Standards and Accreditation***  
***for the Safe Operation of Correctional Facilities***

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The number of Americans under some form of correctional supervision – parole, probation, community corrections, or detention in jails, prisons or juvenile facilities – totals more than 7 million individuals, with the number of individuals incarcerated in America’s jails and prisons surpassing 2.1 million. From 1997-2002, the average daily population of America’s prisons rose 30 percent. While these numbers are alarming, corrections cannot be held responsible for the increase of the American offender population. In the American justice system, state and federal legislators, judges and juries, and police – not corrections – make the determination of who should be arrested, whether they should be sent to a correctional facility, and how long they should be housed within a correctional facility. These same bodies make decisions about funding that impact correction’s ability to expand capacity, to provide programming and services to offenders, and to hire and provide training to correctional officers.

While corrections professionals cannot be held accountable for the decisions that result in a person being sentenced to a correctional institution or program, we are accountable for the conditions inside our nation’s jails, prisons, and juvenile facilities. As a profession, we believe that the vast majority of offenders are treated humanely; however, we do not deny that abuse can and does occur – though we do not believe that it is widespread and systemic but rather rare and isolated.

Correctional professionals condemn the mistreatment of incarcerated individuals whether by civilian corrections staff, military personnel, intelligence personnel, or any other individual in a position of power over the offender. Corrections professionals believe that the mistreatment of offenders must not be tolerated and abhor human rights violations anywhere in the world, including in our own jails, prisons and youth detention facilities. When allegations of misconduct or abuse inside a correctional facility are reported, they are fully investigated and appropriate action is immediately taken.

Corrections professionals in our nation are dedicated to ensuring that offenders who are placed in our charge are effectively supervised in safe, secure and humane environments. They work to instill in offenders a sense of responsibility and the ability to become law-abiding, productive members of society. Corrections professionals perform in a very challenging and, sometimes, adversarial environment, providing for the care and treatment of individuals who are

being held against their will and are often uncooperative, dangerous and agitated. The profession has taken the lead, over the past 30 years, in developing and implementing a process to ensure that correctional facilities meet nationally recognized guidelines and practices for the safe and effective operation of correctional facilities. This process, while it cannot prevent all isolated instances of abuse, does put in place the policies and procedures that will result in a safe environment for correctional employees, the community, and offenders.

Abuses can occur in correctional facilities that lack transparency and accountability. By transparency, we mean openness in allowing the public, volunteer organizations and others into our nation's correctional facilities. We believe the best measures to prevent abuse are (1) training for staff at all levels of operations – line, supervisory and command; (2) communication among all staff levels; (3) transparency or openness; and (4) satisfactory working conditions with adequate wages and benefits for correctional staff. Our profession believes that what makes a facility function properly is a clear understanding of rules by both staff and offenders, clear lines of authority, supervision, and accountability for staff and offenders.

The rest of my testimony will focus on how the profession has developed standards and an accreditation process designed to ensure that offenders are treated fairly and humanely and that abuse is prevented inside our nation's correctional facilities.

### **About the American Correctional Association**

In 1870, leading reformers in American corrections, meeting with their international colleagues in Cincinnati, Ohio, first developed principles stating the beliefs and values underlying the practice of the corrections profession. As a result of this meeting, the National Prison Association was founded with Rutherford B. Hayes, governor of Ohio at the time and later President of the United States, elected as the association's first president. The National Prison Association has since evolved into the American Correctional Association (ACA).

The declaration of principles set forth in 1870 by the founders of ACA set forth the basic precepts for corrections and established the conceptual foundation for public correctional policy – including standards for the operation of a correctional facility. The principles stated in 1870 were

progressive and basic to the improvement of prison management. For decades these principles were the best, if not the only, philosophical guides for the operation of a corrections facility.

For more than 135 years, ACA has represented the men and women who serve their communities in the profession of corrections. During this time, our society has moved through periods where there were strong voices calling for tough penalties for offenders, to periods where we emphasized rehabilitation and treatment, and back. New theories on rehabilitation and treatment of offenders have emerged, others have been discredited. Best practices have evolved. Through it all, ACA has stood by our guiding principles and our dedication to ensuring that correctional operations are guided by professionalism and the highest standards of accountability.

Today, ACA has nearly 20,000 members and 79 Chapters and Affiliates. The association represents all facets of corrections and criminal justice, including federal, state and military correctional facilities and prisons, county jails and detention centers, probation/parole agencies, and community corrections/halfway houses. ACA promotes broad-based public policies on crime and corrections; develops professional standards for the total operation of a correctional facility; administers a national certification program for corrections professionals; and, through the Commission on Accreditation for Correction (CAC), administers an accreditation program for correctional facilities and programs.

### **Development of Standards**

The American Correctional Association's standards for the operation of a correctional facility or program are derived from the association's founding principles. From ACA's initial

#### **ACA Declaration of Principles:**

**HUMANITY:** *The dignity of individuals, the rights of all people and the potential for human growth and development must be respected.*

**JUSTICE:** *Corrections must demonstrate integrity, respect, dignity, fairness, and pursue a balanced program of humaneness, restoration, rehabilitation and the most appropriate sanctions consistent with public safety.*

**PROTECTION:** *Corrections has a duty to ensure the protection of the public, offenders under corrections supervision, corrections workers, and victims and survivors of crime.*

**OPPORTUNITY:** *Corrections is responsible for providing programs and constructive activities that promote positive change for responsible citizenship.*

**KNOWLEDGE:** *Corrections must be committed to pursuing a continual search for new knowledge, technological advances, and effective practices that strive toward excellence and positive change.*

**COMPETENCE:** *Corrections administrators, supervisors, and line employees must be professionally competent and committed to conducting their responsibilities in accordance with professional standards.*

**ACCOUNTABILITY:** *Corrections officials shall ensure accountability in regard to the treatment and management of offenders, selection and performance of staff, and the interface with the community and victims.*

Declaration of Principles a set of 36 basic standards for the operation of a correctional facility were outlined in the early 20<sup>th</sup> Century. ACCA continued to urge uniformity in practice throughout the early part of the century and in 1960 issued a revision of the adult institutional standards. During the 1960s, federal and state courts began to take a direct role in the operation of confinement facilities, and a series of court rulings strengthened the need for progressive, measurable standards for correctional operations as well as a system for ensuring their implementation through independent audit. In 1974, the first accreditation of correctional programs using standards promulgated by the ACA and the Commission on Accreditation of Corrections occurred. Today, there are 27 distinct manuals governing the operation of various correctional environments and programs.

The standards used for accreditation address services, programs and operations essential to good correctional management, including administrative, staff and fiscal controls, staff training and development, physical plant, safety and emergency procedures, sanitation, food service, rules and discipline, and a variety of additional subjects. These standards are under continual review to ensure they are reflective of changing practice, current case law, new knowledge and agency experience with the application of standards.

ACA standards are developed by the association's Standards Committee through a deliberative process that draws upon the expertise of professionals from all parts of the country and at all levels and facets of corrections and criminal justice. The process affords a mechanism through which every standard can be carefully considered and continuously re-examined in the light of a vast body of literature, the opinions of experts and practitioners, and the comments of advocacy groups.

The Standards Committee is composed of 20 individuals from all aspects of the corrections profession. Twelve individuals are appointed by the president of the American Correctional Association while eight are appointed by the chairman of the Commission on Accreditation for Corrections. Individuals are appointed to represent the various disciplines in the field of corrections, including administration, line officers, architects, and medical professionals. These individuals represent adult, juvenile and community settings. The standards committee meets twice annually to review and recommend revisions to the standards and to hear testimony

from individuals interested in the committee's work. The meetings are open to the general public and any individual or organization can recommend changes to the standards.

Standards that emerge from this rigorous and exacting process reflect the considered judgment of the corrections profession as to those measures, policies, and procedures that constitute the "best practices" for correctional facilities of all types.

### **The Accreditation Process**

In the field of corrections, ACA administers the only nationally recognized program for the accreditation of the complete operation of a correctional facility. The accreditation program, which was developed based on the models utilized to accredit medical facilities and academic institutions, is a voluntary process initiated by correctional administrators. The Commission on Accreditation for Corrections (CAC) serves as the body that measures the commitment of candidate agencies and the extent of their compliance with ACA standards, it rules on applications for ACA accreditation, and it enforces ACA standards nationwide.

The Commission on Accreditation for Corrections is made up of 28 individuals elected by the membership of the American Correctional Association or appointed by affiliate organizations. These individuals represent the broad spectrum of the corrections profession as well as organizations outside of the profession. The commission meets three times a year to hold hearings on applications for accreditation.

The Commission on Accreditation for corrections is responsible for rendering accreditation decisions and is divided into accreditation panels authorized to render such decisions. Panels meet separately, or with a full board meeting, and are composed of three to five commissioners.

An agency seeking accreditation is invited to have representatives at the accreditation hearing. At the accreditation hearing, the agency representative provides information about the agency and addresses any concerns the panel may have with regards to the accreditation hearing. After completing its review, the accreditation panel votes to award or deny accreditation or continue the agency in Candidate or Correspondent status, or place the agency on probation.

When an agency receives a three-year accreditation award, a certificate with the effective date of the award is presented to the agency representative.

ACA and the Commission may deny accreditation for insufficient standards/expected practices compliance, inadequate plans of action, or failure to meet other requirements as determined by the Commission, including, but not limited to, the conditions of confinement in a given facility. In not awarding accreditation, the Commission may extend an agency in Candidate Status for a specific period of time and for identified deficiencies, if in its judgment the agency is actively pursuing compliance. Those agencies denied accreditation, but not extended in Candidate Status, may reapply for accreditation after 180 days. The agency receives written notification of all decisions relative to its accreditation following the accreditation hearing.

#### *Mandatory vs Non-Mandatory Standards*

ACA's standards are not designed to place unattainable burdens upon correctional administrators. As such, the commission has the ability to determine that the totality of conditions in the institution is of good quality. This process involves the granting of waivers and evokes a necessary analysis of how standards are weighted.

To allow, appropriately, for differences in the importance of standards, the original ACA standards were distributed into three categories, "desirable," "important," and "essential." To give meaning to these distinctions, an applicant agency was required to achieve compliance with 70 percent of the desirable standards, 80 percent of the important standards, and 90 percent of the essential standards. However, it was not long before the Commission tightened the requirements by creating a new category, "mandatory," for those standards relevant to life safety.

The "mandatory" category was introduced with the first revision of the standards manuals. It defines specified measures for protection of the lives of inmates and staff and requires 100 percent compliance with the standards in the category. The current manual for adult correctional institutions, for example, requires that, "There is a written evacuation plan to be used in the event of fire or major emergency. The plan is certified by an independent, outside inspector trained in the application of national fire safety codes and is reviewed annually, updated if necessary, and reissued to the local fire jurisdiction." A related mandatory standard calls for,

“Written policy, procedure and practice, specifically the means for the immediate release of inmates from locked areas in case of emergency and provide for a backup system.”

Mandatory standards are designed to delineate the kinds and frequencies of inspections that must be conducted by qualified experts that impact the preservation of life within an institution. These are concerned not only with fire hazards, but also with conditions of general sanitation, quality and availability of medical care, secure storage of any toxic materials, and accident prevention measures in industrial shops.

With the adoption of the “mandatory” category of standards, the other standards were grouped into a “nonmandatory” category with the requirement that agencies must be in 100 percent compliance with “mandatory” standards and 90 percent compliance with “nonmandatory” standards. However, it should be noted that an agency is not allowed to be content with less than 100 percent compliance with all standards, but is expected to work diligently towards full compliance with all standards.

### **Participation in the Accreditation Process**

Accreditation, a process first begun in 1978, involves approximately 80 percent of all state departments of correction and youth services as active participants. Also included are programs and facilities operated by the Federal Bureau of Prisons, the U.S. Parole Commission, the District of Columbia, Puerto Rico, and the United States Military. For those agencies that wish to participate in the program, accreditation offers the opportunity to evaluate their operations against national standards, remedy deficiencies and upgrade the quality of correctional programs and services. The recognized benefits from the process include improved management, a defense against lawsuits and the demonstration of a “good faith” effort to improve conditions of confinement, increased accountability and enhanced public credibility for administrative and line staff, a safer and more humane environment for personnel and offenders, and the establishment of measurable criteria for upgrading programs, personnel, and the physical plant on a continuing basis.

The timelines, requirements and outcomes of the accreditation process are the same for a state or federal prison, training school, local detention facility, a private halfway house or group

home, probation and parole field service agency or paroling authority. All programs and facilities sign a contract, pay an accreditation fee, conduct a self-evaluation, and have a standards compliance audit by trained ACA auditors before an accreditation decision is made by the Commission on Accreditation for Corrections. Once accredited, all programs and facilities must submit annual certification statements to ACA. Also, at ACA's discretion, a monitoring visit may be conducted during the initial three-year accreditation period to ensure continued compliance with the appropriate standards.

Invitations to participate in the accreditation process have been extended to all adult and juvenile agencies for which standards have been developed and published. Participating agencies include public and private agencies; federal, state and local agencies; and United States and Canadian correctional agencies. Currently, more than 1,200 facilities are accredited or involved in the accreditation process.

### **The Benefits of Accreditation**

The standards and accreditation program administered by the ACA and CAC are designed to promote the safety and security of correctional institutions while protecting and enhancing the conditions of confinement for those sentenced to correctional custody. ACA is committed to ensuring that the standards and accreditation process is open, transparent and accountable. The process is designed to balance the often conflicting interests of institutional safety and security with those of offender rights. At all levels, the process is open to public scrutiny.

ACA's standards and accreditation program is designed to ensure that correctional institutions put in place policies and procedures that denote clear duties and lines of responsibility for administrators, correctional officers and offenders. This practice promotes accountability and improves the safety of institutions. Individuals, both officers and offenders, who have been present in institutions both prior to and following the accreditation of a facility have noted the improvement in the conditions and the safety of institutions.

Participation in ACA's accreditation program indicates that the agency is committed to meeting the professionally recognized standards for the operation of a correctional program or

facility. Courts often look favorably on the process and believe that achieving accreditation demonstrates a good faith effort to comply with the terms of a settlement or a court order.

Participation in the accreditation process grows out of a genuine commitment to professionalism and to correctional excellence. Accreditation has many benefits, not the least of which is the dramatic and positive affect standards-compliance can have on the lives of correctional professionals and offenders. Accreditation builds pride and enhances the reputation of the facility and its staff throughout the community. Accreditation carries a public acceptance that builds credibility with offenders, governing bodies, the courts, and the general public.