

THE ACCREDITATION CON:

A Broken Prison and Detention Facility Accreditation System That Puts Profits Over People



Prepared by the Office of Senator Elizabeth Warren
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I. Executive Summary

The criminal legal and immigration systems in the United States are broken. The criminal system incarcerates too many people, locks them away for too long, and fails to provide the formerly incarcerated with the necessary tools and support to successfully return to their communities upon release. The immigration system is similarly in shambles. Instead of providing refuge to vulnerable immigrants fleeing poverty and violence, including children and families, the Trump Administration is turning them away or throwing them into unsanitary and overcrowded facilities with little to no standards.

There is one group that benefits immensely from these flawed systems: private prison companies. Federal, state, and local taxpayers spend billions of dollars propping up the private prison industry that profits off the backs of prisoners and detainees. These companies are driven by incentives that reward locking up more people in worse conditions, prioritizing their bottom line over the safety and well-being of incarcerated and detained individuals, corrections and immigration professionals, and communities.

Report after report has identified the problems with the private prison and detention facilities. Privately-run facilities often have worse conditions than government-run facilities, and, due in part to the large sums they pour into lobbying campaigns, oversight of private prisons and detention facilities has been so weak that, in many cases, it appears to be nonexistent. As a result, private prisons generally escape accountability for flagrant health and safety violations.

Despite these problems, private prison companies insist that they are well-regulated and meet high standards.¹ In particular, they point to the accreditation of their facilities as evidence that their facilities meet or exceed relevant health and safety standards.

In order to better understand the accreditation process, and assess private prison companies' claims that accreditation provides a guarantee of adequate appropriate conditions in their facilities, Senator Elizabeth Warren opened an investigation of the American Correctional Association (ACA), the nation's largest accreditor of prisons and immigration detention facilities, and its relationship with the three largest private prison companies that receive ACA accreditation: CoreCivic (formerly Corrections Corporation of America), GEO Group (GEO), and Management & Training Corporation (MTC). This report details the findings of that investigation. It reveals that the ACA's private prison accreditation system is riddled with conflicts of interest, lacks transparency, and is subject to zero accountability even though millions in taxpayer dollars to flow to the ACA and private prison companies. These problems put the health and wellbeing of incarcerated and detained individuals, the staff and employees who work in those facilities, and our communities at risk.²

¹ Exhibit C: Response from Management & Training Corporation; Exhibit D: Response from GEO Group.

² For example, some of the worst COVID-19 outbreaks in the country happened in communities with private prison, where incarcerated individuals became ill, and then workers, incarcerated individuals who were released, and visitors were exposed to the virus due to unsanitary conditions, spreading it into the community beyond. CBS News, "CDC report details extent of coronavirus outbreaks in U.S. jails and prisons," Justin Carissimo, May 6, 2020, <https://www.cbsnews.com/news/coronavirus-outbreaks-jails-prisons-cdc-report-covid-19/>.

Key findings include:

- **The ACA’s dual role as an advocate for the private prison industry and the organization responsible for overseeing conditions at facilities run by private prison companies creates an irreconcilable conflict of interest.** The ACA advocates for and lobbies on behalf of private prisons, supporting the prison-industrial complex and acting as the “the voice for corrections.”³ At the same time, the ACA receives a significant portion of its revenue by providing accreditation and other services to the same companies on whose behalf it advocates. Although the ACA purports to rigorously evaluate conditions at prison and detention facilities in its accreditation process, it relies on the same companies it accredits for a huge portion of its revenue.
- **The ACA accreditation process is a rubber stamp.** It is almost impossible for a facility to fail an ACA audit. The ACA grants facilities three months’ advance notice of audits; provides facilities with “technical assistance,” including “standards checklists” and an “audit readiness evaluation” that help a facility know when to schedule its audit and what to expect; and, at a facility’s request, will conduct a “mock audit” to help the facility prepare.⁴ If problems persist despite these ample opportunities to correct—or hide—them, the ACA Commissioners can ignore audit finding altogether and allow a facility that failed its audit to receive accreditation, rendering these standards toothless.
- **Serious problems persist at ACA-accredited facilities.** Neither the ACA nor the private prison companies Senator Warren’s office contacted could provide a single, recent example of a prison or detention facility that had been denied accreditation – even when the facility had a public record of safety, health, or security violations.⁵ Prisons that have been the sites of multiple riots, failed to provide safe and adequate food or medical care to incarcerated individuals, or, in one instance, was described by a federal judge as “paint[ing] a picture of such horror as should be unrealized anywhere in the civilized world,” have all been accredited and reaccredited by the ACA.⁶ The ACA has also accredited facilities that have proven unprepared to respond to the coronavirus pandemic 2019 (COVID-19), including the Elkton Federal Correctional Institution, an

³ ACA, “The History of the American Correctional Association,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_History/ACA_Member/AboutUs/AboutUs_Home.aspx?hkey=0c9cb058-e3d5-4bb0-ba7c-be29f9b34380.

⁴ American Correctional Association, “Consultant Manual,” 2012, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁵ The ACA provided information revealing that the last prison or detention center to have been denied accreditation was in March 2014. Prior to that, only three facilities had been rejected, according to the ACA, in November 2012, May 2010, and May 2007. Exhibit A: Response to Sen. Warren from the American Correctional Association; Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

⁶ ACLU, “A Picture of Such Horror as Should Be Unrealized Anywhere in the Civilized World,” Margaret Winter, Mar. 29, 2012, <https://www.aclu.org/blog/smart-justice/mass-incarceration/picture-such-horror-should-be-unrealized-anywhere-civilized>.

ACA-accredited facility where there were “people walking around looking like the living dead,” and others with major outbreaks in Yazoo City, Danbury, Glenville, Fort Worth, Coleman, La Tuna, Tallahassee, and Fairton.⁷

- **The ACA failed to adapt to COVID-19:** Rather than shifting its oversight of prisons and detention facilities to address major health and safety concerns during COVID-19, the ACA has “greatly reduced its auditing of correctional facilities.”⁸ The ACA has also refused to adapt its standards to incorporate new, COVID-19-era standards, claiming that because it couldn’t have its yearly conference, it is not able to adopt new standards.⁹

Private accreditation of federal, state, local, and private prisons and detention facilities is ineffective, dangerous, and wasteful, and provides no indication of quality. The federal government should not outsource oversight of its prisons and detention facilities, nor should it pay for or rely on external organizations’ accreditations. The Department of Justice (DOJ) and the Department of Homeland Security (DHS) should immediately stop relying on the ACA to accredit its facilities and establish a rigorous, independent, and transparent process for oversight and assurance of quality at these facilities.

⁷ The Marshall Project, “‘I Begged Them To Let Me Die’: How Federal Prisons Became Coronavirus Death Traps.” Keri Blakinger and Keegan Hamilton,” Jun. 18, 2020, <https://www.themarshallproject.org/2020/06/18/i-begged-them-to-let-me-die-how-federal-prisons-became-coronavirus-death-traps>.

⁸ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

⁹ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

II. Introduction: The Role of Accreditation in the Private Prison Industry

The ACA is the primary accreditor for federal, state, and local private prisons and detention facilities.¹⁰ According to the ACA, the purpose of accreditation is “to improve facility operations through adherence to clear standards relevant to all areas/operations of the facility, including safety, security, order, inmate care, programs, justice, and administration.”¹¹ As of June 2020, the ACA has accredited over 1,500 facilities in at least 49 states, the District of Columbia, and Puerto Rico.¹²

As part of the accreditation process, the ACA audits public and private prisons and detention facilities, providing them with a stamp of approval and all “the benefits accruing from accreditation.” For for-profit prison and detention companies, the main benefit of accreditation is the access it provides to sizeable government contracts.¹³ Accreditation is one of the key indicators that federal, state, and local governments rely on to show that the prisons and detention centers with which they contract are of adequate quality, and it makes those facilities and the private companies that own and operate them eligible to compete for lucrative federal, state, and local government contracts.

For example, the U.S. Bureau of Prisons (BOP) requires ACA accreditation for all companies with which it contracts to operate private prisons.¹⁴ As of December 2015, the BOP contracted with 14 facilities to hold over 22,000 individuals, approximately 12% of the federal prison population.¹⁵ All facilities were operated by CoreCivic, GEO, or MTC.¹⁶ In addition to the federal government, according to the ACA’s Executive Director James Gondles, all 50 states require accreditation as part of their contracting process with private prisons.¹⁷

Those sizeable contracts are often claimed by one of three private prison companies: CoreCivic, GEO, and MTC, which collectively control three quarters of the private correctional and

¹⁰ACA, “The History of the American Correctional Association,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_History/ACA_Member/AboutUs/AboutUs_Home.aspx?hkey=0c9cb058-e3d5-4bb0-ba7c-be29f9b34380; Exhibit A: Response to Sen. Warren from the American Correctional Association; Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

¹¹ ACA, “The History of Standards and Accreditation,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/ACA_Member/Standards_and_Accreditation/SAC_AboutUs.aspx?hkey=bdf577fe-be9e-4c22-aa60-dc30dfa3adcb

¹² ACA, “Accredited Facilities,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2; Exhibit B.

¹³ Exhibit E: From multiple contracts written by the ACA and signed by a private prison owner and operator.

¹⁴ Federal Bureau of Prisons, “Contract Prisons,” https://www.bop.gov/about/facilities/contract_facilities.jsp

¹⁵ 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>. The number of contract prisons has since reduced to 12. Bureau of Prisons, “Contract Prisons,” https://www.bop.gov/about/facilities/contract_facilities.jsp.

¹⁶ 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>.

¹⁷ Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

detention industry and generate millions in profits each year. GEO manages or owns approximately 135 correctional and detention facilities worldwide and generated \$2.3 billion in revenue and almost \$145 million in net profits in 2018.¹⁸ As of December 2018, CoreCivic owned or operated over 75 correctional and detention facilities and generated almost \$1.8 billion in revenue and close to \$160 million in profits in 2018.¹⁹ MTC manages close to two dozen correctional facilities in the United States.²⁰

ACA accreditation is also a central component in the immigration detention system. While Immigration and Customs Enforcement (ICE) has its own detention standards, the agency “incorporate[s] many ACA practices and requirements... into ICE detention standards for single adults.”²¹ Furthermore, although ICE does not require ACA accreditation, it does “encourage” it, helping to steer additional money into the ACA’s pockets through private contract facilities.²²

Private prison companies use accreditation both to gain access to hefty government contracts and as a shield against criticism that their facilities lack important safeguards. In response to complaints and public reports about poor conditions at their facilities, CoreCivic, GEO, and MTC responded by pointing to the facilities’ ACA accreditation scores.²³ For example:

- In 2015, prisoners at a MTC-operated BOP facility protested over “[the] lack of medical care... [and] awful conditions like overcrowding, overflowing toilets, and disgusting food.”²⁴ MTC responded to questions about the incident by pointing to its ACA accreditation as evidence that medical services were acceptable, claiming that the ACA gave the facility “a score of 100 percent on mandatory standards and 99.6 percent on non-mandatory standards.”²⁵
- Responding to reports of miserable conditions in a Texas GEO facility where the Idaho Department of Correction sent hundreds of incarcerated individuals—including prisoners forced to “remain[] inside in cramped conditions for two months without being allowed outside,” a spokesman for the Idaho Department of Correction said, “it should be noted that there were enough indoor recreation areas available in the facility so that it met all

¹⁸ Securities and Exchange Commission, “Form 10-K – The GEO Group, Inc.,” FY2018, <https://www.sec.gov/Archives/edgar/data/923796/000119312519050054/d663410d10k.htm>.

¹⁹ Securities and Exchange Commission, “Form 10-K – CoreCivic, Inc.,” FY2018, https://www.sec.gov/Archives/edgar/data/1070985/000156459019004033/cxw-10k_20181231.htm.

²⁰ MTC, “Corrections,” August 2019, https://www.mtctrains.com/wp-content/uploads/2019/08/Corrections_Division_Overview.pdf.

²¹ Exhibit F: Response from ICE to Senator Warren.

²² Exhibit F: Response from ICE to Senator Warren.

²³ Idaho Press, “Leaking roofs, abscessed teeth, little time outside: Idaho prisoners describe Texas facility,” Tommy Simmons and George Prentice, Dec. 1, 2018, https://www.idahopress.com/news/local/leaking-roofs-abscessed-teeth-little-time-outside-idaho-prisoners-describe/article_7acb74bd-80af-5c58-a929-fc345080f8cc.html; Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

²⁴ Vice, “Anatomy of a Texas Prison Uprising,” John Washington, Jun. 24, 2015, https://www.vice.com/en_au/article/jmamdx/anatomy-of-a-texas-prison-uprising-624.

²⁵ Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

[ACA] and Texas state standards even before the outside recreation areas were created.”²⁶

- In response to a CoreCivic shareholder proposal for regular third-party audits of CoreCivic facilities, CoreCivic argued that such audits were unnecessary since “nearly all of the Company’s secure correctional and detention facilities are accredited by the [ACA].”²⁷

III. Findings: The ACA Accreditation Process Fails to Ensure that Prisons and Immigration Detention Facilities Meet Critical Health and Safety Standards

Senator Warren’s investigation reveals that the ACA’s accreditation system for prisons and detention facilities lacks transparency and accountability and is littered with conflicts of interest. This flawed system allows the major private prison operators to bankroll the prison trade group while benefitting from the ACA’s stamp of legitimacy on their facilities – regardless of the conditions in those facilities.

1. The ACA Acts as Both A Representative of Private Prisons and A Guarantor of Their Quality, Presenting an Irreconcilable Conflict of Interest

a. Financial Conflicts of Interest

The ACA has two primary and conflicting functions: accreditor and trade association. As an accreditor, the ACA is responsible for providing private prisons and detention facilities with a key stamp of approval that is often required by their contracts with federal, state, and local governments. At the same time, the ACA serves as the primary lobbying group for private prisons – acting as the “the voice for corrections” – and relies on the fees paid by the corrections facilities it accredits for a large chunk of its revenue.²⁸

Documents obtained as part of Senator Warren’s investigation reveal that, from 2014 to 2018, the ACA received over \$48 million in revenue.²⁹ Almost half— \$21.9 million—came from accreditation fees and payments,³⁰ 13% (\$2.79 million) of which came from just three private prison operators: CoreCivic, GEO, and MTC.³¹ Those documents also reveal that the ACA rakes in millions in accreditation fees from private prisons and detention facilities and federal, state, and local governments.³²

²⁶ Idaho Press, “Leaking roofs, abscessed teeth, little time outside: Idaho prisoners describe Texas facility,” Tommy Simmons and George Prentice, Dec. 1, 2018, https://www.idahopress.com/news/local/leaking-roofs-abscessed-teeth-little-time-outside-idaho-prisoners-describe/article_7acb74bd-80af-5c58-a929-fc345080f8cc.html.

²⁷ Securities and Exchange Commission, “Response to Shareholder Proposal,” Feb. 13, 2017, <https://www.sec.gov/divisions/corpfin/cf-noaction/14a-8/2017/alexfriedmanncorecivic021317-14a8.pdf>.

²⁸ ACA, “Vision Statement,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_Mission/ACA_Member/AboutUs/MissionStatement_home.aspx?hkey=7a39e689-8de2-47d4-a7d4-93cce9442142.

²⁹ Exhibit A.

³⁰ Exhibit A.

³¹ Exhibit A.

³² Exhibit A; Exhibit F. The ACA also received funding from foreign governments for accreditation and training outside of the U.S. In fact, two of its top clients are the Kingdom of Saudi Arabia and the United Arab Emirates,

- From 2014 to 2018, the BOP paid the ACA almost \$1.9 million for accreditation of public, government-run facilities.³³
- Through contracts with the U.S. Army, the ACA has been paid over \$150,000 for the accreditation of domestic facilities and confinement facilities in South Korea and Germany.³⁴
- The ACA provides accreditation for at least three U.S. Navy facilities in California, South Carolina, and Virginia, as well as two U.S. Marine Corps facilities in Okinawa, Japan.³⁵
- From 2014 to 2018, the Texas Department of Criminal Justice paid the ACA \$1.75 million and the Florida Department of Corrections paid nearly \$900,000 for accreditation.³⁶

Each accreditation expires after three years, at which point facility operators must pay again for re-accreditation.³⁷ MTC paid the ACA between \$12,150 and \$18,225 each for 11 accreditations, \$146,300 total, in 2018.³⁸ MTC also inexplicably paid an additional \$8,100 for the ACA to accredit its corporate office, despite the facility being purely administrative and containing zero detainees.³⁹ Neither CoreCivic nor GEO disclosed the exact amount that they had paid the ACA for accreditation, but ACA records indicate that from 2014 through 2018, the companies were two of the five top-paying clients for accreditation.⁴⁰ In that 5-year span, CoreCivic paid the ACA \$867,580 for accreditation alone, while GEO spent \$1,429,599 on accreditation.⁴¹

But in addition to serving as accreditor, the ACA is a major trade association and lobbyist for the corrections industry. In that role, the ACA has lobbied Congress on criminal justice, corrections, and detention-related issues,⁴² including mentally ill offenders, the Second Chance Act, and

which respectively paid the ACA over \$300,000 and \$150,000 combined in the last five years. Exhibit A and call. Under the Merida Initiative, a partnership between the U.S. and Mexican governments to fight organized crime and violence, which has cost taxpayers billions of dollars, the ACA receives funding to accredit Mexican detention facilities. Exhibit B; Department of State, “Merida Initiative,” <https://2009-2017.state.gov/j/inl/merida/index.htm>.

³³ Exhibit A; Exhibit B

³⁴ Exhibit A; Exhibit B.

³⁵ Exhibit B.

³⁶ Exhibit A.

³⁷ ACA, “Frequently Asked Questions,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/FAQs/ACA_Member/Standards_and_Accreditation/Standards_FAQ.aspx?hkey=b1dbaa4b-91ef-4922-8e7d-281f012963ce#:~:text=Reaccreditation%20is%20a%20continuation%20of,audit%20and%20another%20accreditation%20hearing.

³⁸ Twelve of these were re-accreditations for facilities that had received initial approval in the past. Exhibit C.

³⁹ *Id.* and Exhibit H: phone call with MTC representative at 2:22 on September 23, 2019.

⁴⁰ Exhibit A, page 12 of 17.

⁴¹ *Id.*

⁴² See e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D7C19E49-9B12-48B4-B783-DA433C77DF8D&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D0746609-2234-45CB-845B-8A9E7D1B91A8&filingTypeID=78>

justice reinvestment.⁴³ Since 2000, the ACA has spent over \$1 million lobbying Congress.⁴⁴ The ACA has not disclosed specific federal lobbying activities since 2011, but evidence suggests it lobbied as recently as 2018.⁴⁵

The ACA's role as both an advocate for the private prison industry and an oversight body for that same industry presents an irreconcilable conflict of interest. This conflict is exacerbated by the additional financial support the ACA receives from private prison and detention companies unrelated to accreditation. From 2014 through 2018, for example, the ACA received \$12.6 million in revenue – 26% of its total revenue – from its annual conferences.⁴⁶ Many private prison companies provide funding and sponsorship for these conferences, including the three largest private facility operators. For example, at the ACA's 2018 annual conference, CoreCivic and GEO sponsored the ticket-only E.R. Cass Banquet, an event open to sponsors willing to shell out \$25,000, while MTC sponsored a giveaway that included two tablets and a new car, available to sponsors who contributed at least \$5,000.⁴⁷ Though the ACA has since taken the information for its 2018 conference down, a similar booklet for its 2019 Conference remains online, showing that the three large private prison companies remained major sponsors.⁴⁸ Finally, CoreCivic, GEO, and MTC are sponsors for the ACA's upcoming 2021 annual conference.⁴⁹

Documents obtained by Senator Warren's office also reveal that the ACA requires facilities seeking accreditation to attend its annual conference.⁵⁰ According to contract request forms provided by MTC, the ACA requires a panel hearing before granting accreditation, and the ACA only holds these panel hearings at its biannual conferences.⁵¹ This appears to indicate that the ACA is leveraging its role as accreditor to funnel additional revenue through its conferences.

United States Senate, "Lobbying Report: American Correctional Association," 2010, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>.

⁴³ See e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D7C19E49-9B12-48B4-B783-DA433C77DF8D&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D0746609-2234-45CB-845B-8A9E7D1B91A8&filingTypeID=78>.

⁴⁴ See United States Senate, "Lobbying Disclosure Database Search Results," Accessed Jul. 21, 2020, search "American Correctional Association" under Registrant Name, <https://soprweb.senate.gov/index.cfm?event=selectFields&reset=1>.

⁴⁵ ProPublica, "American Correctional Association Form 990," FY 2017, https://projects.propublica.org/nonprofits/display_990/131977456/09_2019_prefixes_06-20%2F131977456_201809_990_2019092016669736.

⁴⁶ Exhibit A.

⁴⁷ http://register.aca.org/DOCS/Conference/COC2018/2018%20Minneapolis%20Program%20Book_FINAL_WEB.PDF (accessed September 2019).

http://www.aca.org/ACA_Prod_IMIS/DOCS/2018%20Marketing%20Kit.pdf (accessed September 2019).

⁴⁸ American Correction Association's 149th Congress of Correction, Aug. 1-6, 2019, <https://user-3imepyw.cld.bz/2019-ACA-Boston-Program-Book-149th-COC/28/>.

⁴⁹ Exhibit J: ACA Conference Details.

⁵⁰ Exhibit C; Exhibit E.

⁵¹ Exhibit C.

And the price tag is hefty. Booths cost upwards of \$2,000, and, according to MTC, individual attendance costs approximately “\$300 per person.”⁵²

Finally, private prison and detention facility owners and operators pay tens of thousands of dollars in additional fees to the ACA, including fees for individual certifications provided by the ACA; individual and organizational membership; job postings on the ACA’s website; and study materials and exams for certifications.⁵³ For instance, MTC paid the ACA over \$21,000 for certification preparation materials and exams from 2014 to 2019.⁵⁴

b. Conflicts of Interest for Key Personnel on ACA Boards and Committees

The conflicts of interest in the accreditation process are exacerbated by the fact that key executives from the major private prison companies also serve on ACA boards and committees. The ACA is headed by a 19-member Board of Governors, an seven-member Executive Committee, a nearly 30-member Commission on Accreditation for Corrections (CAC), and a 20-member Standards Committee.⁵⁵ The Board of Governors includes several representatives from the private prison industry, including “one each from GEO and CoreCivic.”⁵⁶ The Executive Committee includes Derrick Schofield, who currently serves as an Executive Vice President at GEO, and Gary Mohr, a former consultant and managing director for CoreCivic.⁵⁷ The Standards Committee also includes “one [member] each from GEO and CoreCivic,”⁵⁸ and the former Chair of the Standards Committee, Harley G. Lappin, is now a member of the Board of Directors at CoreCivic.⁵⁹ Moreover, the CAC includes a Managing Director of Operations for CoreCivic and GEO’s Reentry In-Prison Treatment Vice President.⁶⁰

2. The ACA Accreditation Process is Unreliable and Misleading

Funded in large part by the companies it audits, the ACA produces unreliable and deceptive accreditation results. A review of available evidence suggests that that accreditation has little to

⁵² Exhibit J: ACA Conference Details; Exhibit C; Exhibit E.

⁵³ Exhibit C.

⁵⁴ Exhibit C.

⁵⁵ Exhibit A; ACA, “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; ACA, “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.

⁵⁶ Exhibit A.

⁵⁷ ACA, “Executive Committee,” Accessed Aug. 25, 2020,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/ACA_Leadership/Executive_Committee/ACA_Member/AboutUs/Executive_Committee.aspx?hkey=4c649acc-56f4-41e9-a04f-47585e7f8064; GEO Group, “GEO Care Leadership Team,” Accessed Aug. 25, 2020, https://www.geogroup.com/geo_care_leadership_team; Nashville Post, “Ex-CCA exec to run Ohio correction department,” Jan. 13, 2011,

<https://www.nashvillepost.com/business/blog/20455273/excca-exec-to-run-ohio-correction-department>.

⁵⁸ Exhibit A.

⁵⁹ CoreCivic, “Board of Directors,” <http://www.Ameri.corecivic.com/investors/board-of-directors>

⁶⁰ GEO, “How In-Prison Reentry Programs Prepare Inmates for Life After Prison,” Apr. 9, 2019, <https://www.georeentry.com/in-prison-reentry-program-prepares-inmates-life-after-prison/>; LinkedIn, “Todd Thomas,” <https://www.linkedin.com/in/todd-thomas-38555533/>.

no correlation with detention facility conditions and practices, and therefore little to no value whatsoever.

a. The ACA's Rubber Stamp

The ACA's accreditation process lacks rigor, ignores serious health and safety problems, and acts as a rubber stamp for private prisons and detention facilities.

Information obtained by the office of Senator Warren reveals that virtually all private prison companies that pay the required fees are accredited, no matter how bad conditions may be at a facility. This appears to be because the accreditation tests themselves are designed to make it nearly impossible for facilities to fail.

The first step in the accreditation process is for facilities to conduct a “self-evaluation report,” judging themselves on whether their “levels of expected compliance are sufficient for accreditation,” and reporting the results to ACA accreditors.⁶¹ Facilities also self-report “significant incidents.”⁶² The contents of these reports are not disclosed to the public or any “external parties.”⁶³

Next, a facility must request an audit. When the ACA conducts an audit, it evaluates a facility for compliance with the ACA's mandatory and non-mandatory standards.⁶⁴ But the ACA grants facilities three months advance notice of an audit, allowing facilities to prepare before inspectors arrive.⁶⁵ The ACA also provides facilities with “technical assistance,” including “standards checklists” and an “audit readiness evaluation” that help facilities know when to schedule its audit – essentially, providing the answers to the test in advance.⁶⁶ And, at a facility's request, the ACA will conduct a “mock audit” to help the facility prepare for the actual audit.⁶⁷ When the audit is complete, inspectors file a report with its findings.⁶⁸

Even if problems persist despite these ample opportunities to fix—or hide— them, the ACA Commissioners can completely ignore the audit results and allow a facility to receive accreditation even if it fails to meet minimum standards, rendering the standards toothless.⁶⁹ The ACA even recognizes specific circumstances in which non-compliance may not even require a

⁶¹ ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 28, http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

⁶² *Id.*

⁶³ American Correctional Association, “Consultant Manual,” 2012, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁴ American Correctional Association, “Consultant Manual,” 2012, p. 22, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁵ *Id.* at 29

⁶⁶ Exhibit A.

⁶⁷ American Correctional Association, “Consultant Manual,” 2012, p. 40, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁸ *Id.* at 30.

⁶⁹ ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 28, http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

“Plan of Action” to ensure that facilities take steps to achieve compliance with the accreditation standards, including when a facility simply has “an unwillingness to request funds from a...funding source.”⁷⁰

Finally, the CAC makes the ultimate decision on whether or not to accredit a facility. The process for making this decision is entirely secret. Accreditation decisions do not include a public justification, and while inspections result in a report for CAC staff, that report is not made public.⁷¹ According to the ACA, it “does not disclose... specific information in the [facility’s] self-evaluation report, visiting committee report...or information discussed in the hearing.”⁷² This opaque, closed-door process makes it essentially impossible to understand the basis of the CAC’s ultimate decision.

In response to Senator Warren’s inquiry, the ACA wrote that “agencies...have all of [the accreditation] records” and “are free to make those documents publicly available.”⁷³ But this does not appear to be true. When asked for accreditation records,⁷⁴ ICE stated that “[a]ccreditation reports and other related documents are not provided to ICE,”⁷⁵ and that the ACA only provides “the date of audit and the certificate of accreditation,” while withholding details from at least some agencies.⁷⁶ The BOP claimed that it “does not maintain a copy of the ACA audits at private contract facilities.”⁷⁷

After facilities receive accreditation, they are off the hook for three years. The ACA allows facilities to “conduct annual self-reporting” in the off years, judging their own compliance and submitting their own summary of significant incidents.⁷⁸ According to the ACA, the accreditation process provides no guarantee of quality once complete: “[O]nce a correction facility is accredited or re-accredited by ACA, it does not become ACA’s responsibility to monitor or enforce compliance.”⁷⁹

⁷⁰ American Correctional Association, “Consultant Manual,” 2012, p. 21, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁷¹ American Correctional Association, “Welcome to the Standards and Accreditation Department,” 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, Jul. 6, 2016 <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁷² ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 15, http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

⁷³ Exhibit A.

⁷⁴ Office of Senator Elizabeth Warren, “Letter to the Department of Homeland Security,” May 31, 2019, <https://www.warren.senate.gov/imo/media/doc/2019-05-31%20Letter%20to%20DHS%20on%20Accreditation%201.pdf>.

⁷⁵ Exhibit F.

⁷⁶ See Exhibit F.

⁷⁷ Exhibit G: BOP Response.

⁷⁸ ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 49, 51, 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, Jul. 6, 2016 <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁷⁹ Exhibit A.

The primary result of the flawed ACA accreditation process is a system that ignores major problems and gives private facilities a free pass, putting the well-being of detainees, prisoners, and corrections professionals at risk. According to the ACA, it has accredited or reaccredited dozens of federal facilities since 2014.⁸⁰ Not a single facility was denied accreditation during this time period.⁸¹ Since 2007, the ACA identified only four instances in which it denied accreditation, and at least two of the facilities have since received accreditation.⁸²

Similarly, MTC reported that its facilities received 40 accreditations or reaccreditations between mid-2014 and mid-2019, and that no facility had ever been denied accreditation. In fact, MTC claimed that “it would be unusual that any facility would be denied. The standards for accreditation are provided ahead of time and an audit would not be requested by the operator...until the facility meets the required standards.”⁸³ All MTC facilities received a score of 100% on all mandatory practices and all but one received a score above 98% on all non-mandatory practices.

And in 2008, a former employee for Corrections Corporation of America – now known as CoreCivic – stated unambiguously that “I was the person who doctored the ACA accreditation reports for” the private prison company.⁸⁴

b. Accredited Facilities with Dangerous Conditions

The flaws in the ACA’s accreditation process are most obvious when evaluated next to confirmed reports of abysmal and dangerous conditions in ACA-accredited prisons or detention facilities across the country. Numerous facilities managed under contract with the BOP, and therefore subject to BOP’s accreditation requirements, have had major problems in the last decade.

For example, in late 2008 and early 2009, the Reeves County Detention Complex (Reeves), in Pecos, Texas, which is managed by GEO, experienced riots in all three of its compounds, caused in part by “low staffing levels” at the facility.⁸⁵ In 2015, the U.S. Department of Justice (DOJ) Office of Inspector General (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.⁸⁶ The OIG found “no minimum staffing requirements [in place] for the institution” between January 2007 and March 2009,

⁸⁰ Exhibit A.

⁸¹ *Id.*

⁸² American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019, http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

⁸³ Exhibit C.

⁸⁴ Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016 <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁸⁵ 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>.

⁸⁶ *Id.*

“because the BOP had sought to reduce costs.”⁸⁷ According to public reporting, the Reeves III compound had a riot in December 2008, while riots at the Reeves I and II compounds occurred in late January 2009.

Internal Department of Homeland Security (DHS) investigations at ACA-accredited contract ICE detention facilities have found a host of violations to ICE detention standards, including braided bedsheet nooses hanging in dozens of cells,⁸⁸ packages of chicken leaking blood in refrigerators, spoiled meat, and long-expired food.⁸⁹ Another investigation found that ICE’s mechanisms for holding facility contractors accountable were applied rarely and inconsistently, and that ICE frequently issued waivers to deficient facilities rather than forcing them to comply with standards.⁹⁰

Despite these issues, the ACA accredited Reeves I and II on January 11, 2009 – just weeks after riots at Reeves III, and weeks before additional riots at Reeves I and II.⁹¹ Furthermore, in its communication with Senator Warren’s office, the ACA did not even have a clear record of these problems, noting that the organization “*believes* [the riot] was after the facility’s accreditation on January 11, 2009” (emphasis added).⁹² The facilities have all since received re-accreditation.⁹³

In February 2011, incarcerated individuals at another facility—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.”⁹⁴ The facility received ACA accreditation in August 2009 and re-accreditation in August 2012, January 2014, and August 2016.⁹⁵ The ACA continues to avoid responsibility for accrediting the facility despite these problems.⁹⁶

At a third facility, CoreCivic’s Adams County Correctional Facility (Adams) near Natchez, Mississippi, 250 incarcerated individuals rioted in 2012 due to the low quality of food and

⁸⁷ *Id.*

⁸⁸ Department of Homeland Security, “Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, CA, Sept. 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/Mga/2018/oig-18-86-sep18.pdf>.

⁸⁹ Department of Homeland Security, “Concerns about ICE Detainee Treatment and Care at Four Detention Facilities,” Jun. 3, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

⁹⁰ Department of Homeland Security Office of 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>.

⁹¹ See Exhibit A; see 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>.

⁹² Exhibit A.

⁹³ American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019, http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

⁹⁴ 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>.

⁹⁵ Exhibit A.

⁹⁶ See Exhibit A.

medical care, and reportedly poor treatment from prison staff.⁹⁷ A correctional officer was killed and 20 people were injured.⁹⁸ But Adams received ACA accreditation in January 2011 and re-accreditation in January 2014 and August 2016, scoring 100% at least once.⁹⁹

And at a fourth BOP facility—MTC’s Willacy County Correctional Center (Willacy) in Raymondville, Texas—incarcerated individuals “set fires and caused extensive damage to the prison.”¹⁰⁰ The BOP terminated their contract with the prison as a result.¹⁰¹ The facility had received accreditation just one year earlier, in January 2014.¹⁰²

Problems at private facilities under contract with DHS also reveal failures in the ACA accreditation process. In May 2018, the DHS OIG conducted an unannounced inspection of GEO’s Adelanto ICE Processing Center in Adelanto, California.¹⁰³ 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.”¹⁰⁴ After Senator Warren wrote to GEO about this facility in November 2018,¹⁰⁵ GEO responded by noting that they received ACA accreditation in 2014 and re-accreditation in 2017, with “a score of 99.6%.”¹⁰⁶ GEO provided no explanation for why conditions were so poor in the facility despite its ACA accreditation.

Similarly, a December 2017 investigation by the DHS OIG found systemic health, safety, and security violations at several privately-run immigration detention facilities accredited by the ACA.¹⁰⁷ 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.”¹⁰⁸ Detainees at Stewart reported excessive waits for urgent medical care and the OIG observed “bathrooms that were in poor condition” at both facilities, including a lack of hot water and water leaks

⁹⁷ 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>.

⁹⁸ *Id.*

⁹⁹ Exhibit A; CCA, “CCA Facilities Earn Reaccreditation at Summer Congress of Corrections,” Bethany Davis, Aug. 26, 2016, <http://www.correctionscorp.com/insidecca/cca-facilities-earn-reaccreditation-at-summer-congress-of-corrections>.

¹⁰⁰ 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>.

¹⁰¹ *Id.*

¹⁰² Exhibit A.

¹⁰³ Department of Homeland Security, “Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, CA, Sept. 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/Mga/2018/oig-18-86-sep18.pdf>.

¹⁰⁴ *Id.*

¹⁰⁵ Office of Senator Elizabeth Warren, “Letter to GEO Group,” Nov. 15, 2018, <https://www.warren.senate.gov/imo/media/doc/2018-11-16%20Letter%20to%20GEO%20Group%20re%20Compliance%20with%20Immigration%20Detention%20Standards.pdf>.

¹⁰⁶ Exhibit F: ICE response.

¹⁰⁷ Department of Homeland Security, “Concerns about ICE Detainee Treatment and Care at Detention Facilities,” Dec. 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

¹⁰⁸ *Id.*

throughout Stewart.¹⁰⁹ ICE confirmed that these facilities “had ACA accreditation at the time of recent Office of Inspector General site visits/findings.”¹¹⁰

ACA-accredited private prisons used by state penal systems are also rife with problems. Three prisoners escaped from MTC’s ACA-accredited Arizona State Prison – Kingman (Kingman) in 2010 and murdered two people during their attempted getaway.¹¹¹ Then, in 2015, a series of riots caused so much damage to the prison that the state had to transfer over 1,000 incarcerated individuals to a different facility.¹¹² Similarly, in 2012, a federal judge ruled that GEO’s ACA-accredited Walnut Grove Youth Correctional Facility (Walnut Grove) in Walnut Grove, Mississippi “paints a picture of such horror as should be unrealized anywhere in the civilized world.”¹¹³ GEO was forced to give up running the facility due to its failure to protect incarcerated individuals from gang violence.¹¹⁴ Walnut Grove closed in 2016.¹¹⁵

ACA policies supposedly provide mechanisms for ensuring that private facilities meet minimum health and safety standards. The ACA allows private facilities “to schedule a monitoring visit in order to assist the facility in remedying any egregious failures,”¹¹⁶ and retains the “ultimate power... to deny accreditation...or to revoke a facility’s accredited status.”¹¹⁷ Yet the ACA indicated it has not ever revoked a facility’s accreditation following reports demonstrating critical failures at accredited facilities. According to the ACA, “[its] records do not indicate that [the] ACA took any specific actions subsequent to these incidents.”¹¹⁸ And every single one of these facilities maintained their accreditation and were eventually re-accredited.¹¹⁹ ICE also confirmed that it was “unaware of any such actions” taken by the ACA in response to these problems at accredited facilities.¹²⁰

The ACA has also accredited facilities that have proven unprepared to respond to the coronavirus pandemic 2019 (COVID-19). An investigation by The Marshall Project revealed that staff at federal prisons “ignored or minimized prisoners’ COVID-19 symptoms” and “felt pressured to work even after being exposed to sick prisoners.”¹²¹ This includes Elkton Federal Correctional Institution, an ACA-accredited facility where there were “people walking around looking like the

¹⁰⁹ *Id.*

¹¹⁰ Exhibit F.

¹¹¹ NY Times, “Escapes, Riots, and Beatings. But States Can’t Seem to Ditch Private Prisons.” Timothy Williams and Richard A. Oppel Jr., Apr. 10, 2018, <https://www.nytimes.com/2018/04/10/us/private-prisons-escapes-riots.html?smid=pl-share&module=inline>; AZ Central, “Ducey calls for investigation of Kingman prison riot,” Jerod MacDonald-Evoy and Craig Harris, Jul, 4, 2015, <https://www.azcentral.com/story/news/local/arizona/2015/07/04/kingman-prison-experiencing-disturbance-abrk/29716859/>.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Exhibit A.

¹¹⁷ Exhibit A.

¹¹⁸ Exhibit A.

¹¹⁹ Exhibit A.

¹²⁰ Exhibit F.

¹²¹ The Marshall Project, “‘I Begged Them To Let Me Die’: How Federal Prisons Became Coronavirus Death Traps.” Keri Blakinger and Keegan Hamilton,” Jun. 18, 2020, <https://www.themarshallproject.org/2020/06/18/i-begged-them-to-let-me-die-how-federal-prisons-became-coronavirus-death-traps>.

living dead.”¹²² Problems with medical care, quarantine procedure, testing protocol, and other health and safety conditions were discovered at countless other facilities, including those in Yazoo City, Danbury, Glenville, Fort Worth, Coleman, La Tuna, Tallahassee, and Fairton.¹²³ All of these facilities currently hold accreditation from the ACA.¹²⁴

Further, the ACA has not adopted any specific protocols or procedures for ensuring the safety and health of detainees, prisoners, or facility staff in the midst of COVID-19.¹²⁵ Prisons and jails are amongst the hardest hit communities in the country, with 12 of the 15 largest COVID-19 “clusters” in the U.S. being correctional facilities—including all five of the largest clusters.¹²⁶ Yet rather than exercising its role in holding facilities accountable for the health and safety of detained individuals and correctional officers, the ACA has “greatly reduced its auditing of correctional facilities.”¹²⁷ And the ACA has failed to adopt new standards for the COVID-19 era, claiming that its inability to hold a yearly conference somehow prevents it from incorporating new standards into its audits.¹²⁸

IV. Conclusion

The ACA accreditation system is deeply flawed. The organization is riddled with conflicts of interest and the accreditation process fails to provide any meaningful review or oversight. The result has been the rubber-stamping of dangerous facilities and the waste of millions of taxpayer dollars. To address these problems, the federal government, and state and local authorities, should end their reliance on ACA accreditation and stop outsourcing oversight of its prisons and detention facilities to for-profit organizations.

The U.S. criminal legal and immigration systems are broken from top to bottom. The private accreditation system is one small, but important, piece of that problem – a crucial cog in a system that consistently values profits over the dignity of individuals. Ending reliance on the ACA’s corrupt accreditation process is one small but important step in reforming that system.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

¹²⁵ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

¹²⁶ The New York Times, “Coronavirus in the U.S.: Latest Map and Case Count,” Sarah Almukhtar et. al., June 23, 2020, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html#clusters>.

¹²⁷ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

¹²⁸ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.