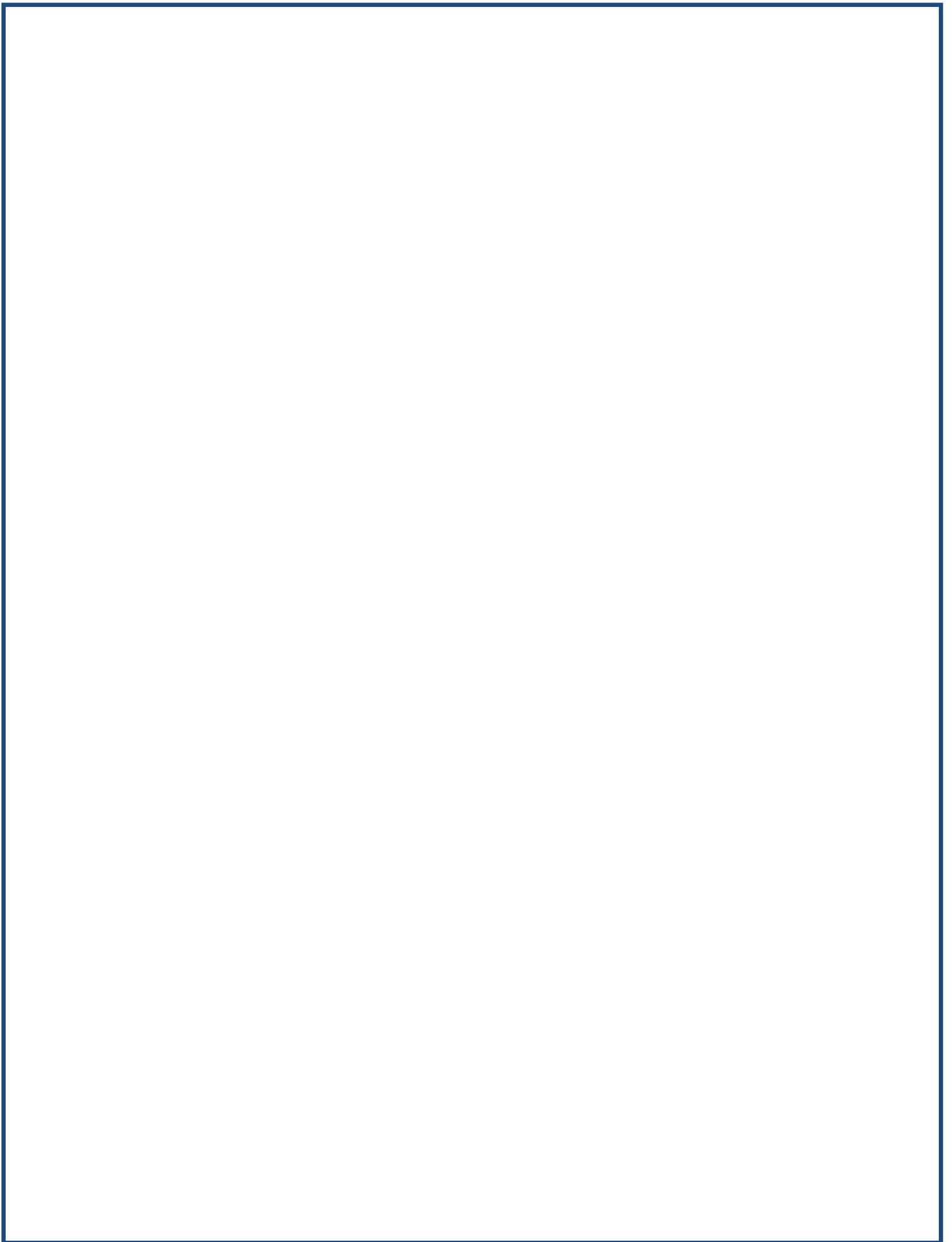




American Correctional Association

Public Correctional Policies

(As reviewed, amended and adopted at the
141st Congress of Correction)



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Public Correctional Policy on Role of Corrections

1983-1

Introduction:

In order to establish the goals and objectives of any correctional system, there must be a mission established that all members of the correctional community can use in goal-setting and daily operations.

Policy Statement:

The overall role of corrections is to enhance public safety and social order. Adult and juvenile correctional systems should:

- A. Implement court-ordered sanctions and provide supervision of those accused of unlawful behavior prior to and after adjudication in a safe and humane manner;
- B. Offer the widest range of correctional programs that are based on exemplary practices, supported by research and promote pro-social behavior;
- C. Provide gender- and culturally-responsive programs and services for preadjudicated and adjudicated offenders that will enhance successful reentry to the community and that are administered within the least restrictive environment consistent with public, staff and offender safety;
- D. Address the needs of victims of crime;
- E. Routinely review correctional programs and reentry services to ensure that they are addressing the needs of offenders, victims and the community; and
- F. Collaborate with other professions to improve and strengthen correctional services and to support the reduction of crime and recidivism.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Chicago, Aug. 11, 1983. It was reviewed Jan. 17, 1990, at the Winter Conference in Nashville, Tenn., with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000 at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Adult and Juvenile Female Offender Services

1984-1

Introduction:

In addition to recognizing the unique requirements of special needs populations including adolescents, the elderly, the mentally ill and the medically impaired, correctional systems must practice gender responsiveness in the development of services and programs for adult and juvenile female offenders. Programs must be designed and implemented to meet the needs of this population.

Policy Statement:

Correctional systems must be guided by the principle of gender responsiveness and recognize the physical, behavioral, social, and cultural differences between female and male offenders, and how those differences should be reflected in policies and practices. Female offenders must receive a full range of services that recognize the realities of their lives and address the specific needs of this population. Correctional agencies should:

- A. Acknowledge that gender makes a difference in what is most effective for adult and juvenile female offenders and review all policies, programs and practices including classification systems to ensure they are gender responsive;
- B. Provide both human and financial resources to create a system-wide approach to the provision of adult/juvenile gender-centered services that create a safe, nondiscriminatory, and supportive environment;
- C. Ensure all staff, including contract employees and volunteers working with female offenders, are carefully screened and provided specific training in order to effectively provide services;
- D. Provide a full range of integrated, age- and developmentally-appropriate, gender-responsive programs and services that address substance abuse treatment, trauma, physical and mental health to include prenatal care, relationships, spirituality, economic self-sufficiency, reentry and legal issues;
- E. Facilitate the maintenance and strengthening of family ties;
- F. Implement a full range of alternatives to incarceration, including pre- and post-trial diversion, probation, restitution, community residential and parole/aftercare services, designed to meet the needs of this population;

G. Develop gender-responsive conditions of confinement and implement humane, relevant security policies and practices to include proper nutrition, clothing, personal property, hygiene supplies, exercise, and recreation/wellness programs; and

H. Provide access to a full range of work and other programs designed to expand economic self-sufficiency.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed at the Winter Conference in Nashville, Tenn., on Jan. 17, 1990, with no change. It was reviewed and amended Aug. 9, 1995, at the Congress of Correction in Cincinnati. It was reviewed and amended Aug. 16, 2000, at the Congress of Correction in San Antonio. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Classification

1984-2

Introduction:

Proper classification of offenders promotes public, staff and offender safety. It is a continuing process basic to identifying and matching offender needs to correctional resources. Classification also serves as a tool for identifying gaps in correctional services. This continuing process involves all phases of correctional management.

Policy Statement:

Classification should balance the public's need for protection, the needs of offenders, and the efficient and effective operation of the correctional system. In developing and administering its classification system, a correctional agency should:

A. Develop written classification policies that establish criteria specifying different levels of security, supervision and program involvement; establish procedures for documenting and reviewing all classification decisions and actions; describe the appeal process to be used by individuals subject to classification; and specify the time frames for monitoring and reclassifying cases;

B. Develop the appropriate range of resources and services to meet the identified risk and program needs of the population served;

C. Base classification decisions on rational assessment of objective and valid information, including background material (criminal history, nature of offense, age, gender, social history, educational needs, medical/mental health needs, etc.), as well as information regarding the individual's current situation, adjustment and program achievement;

D. Train all personnel in the classification process and require specialized training for those directly involved in classification functions;

E. Use the classification process to assign individuals to different levels of control on the basis of valid criteria regarding risk (to self and others) and individual needs, matching these characteristics with appropriate security, level of supervision, and program services;

F. Involve the offender directly in the classification process;

G. Assign appropriately trained staff to monitor individual classification plans for progress made and reclassification needs;

H. Objectively validate the classification process and instruments, assess on a planned basis the degree to which results meet written goals, and, as needed, refine the process and instruments; and

I. Provide for regular dissemination of classification information to all levels of correctional staff and ensure that all staff understand the nature and purpose of proper classification of offenders.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed Jan. 17, 1990, at the Winter Conference in Nashville, Tenn., with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with minor amendments. It was reviewed, amended and reaffirmed Jan. 12, 2005, at the Winter Conference in Phoenix. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Juvenile Justice

1984-3

Introduction:

Children and youths have distinct personal and developmental needs and must be kept separate from adult offenders. The juvenile justice continuum consists of prevention, diversion, detention, probation, residential and aftercare programs. The best interests of the individual youth must be balanced with the needs of the victim and the community.

Policy Statement:

The juvenile justice system must provide a continuum of services, programs and facilities that ensure maximum opportunity for rehabilitation and are consistent with public safety. These should place a high priority on providing individualized care and rehabilitative services to juvenile offenders throughout the juvenile justice system. To implement this policy, juvenile justice officials and agencies should:

- A. Increase public awareness of why it is in their best interest to promote, support, participate in and fund those programs that have proven effective in preventing delinquency and producing healthy, positive, and socially-responsible children and adolescents;
- B. Establish and maintain effective working relationships with those who can have an impact on the juvenile to achieve the fullest possible cooperation in making appropriate decisions in individual cases and in providing and using services and resources;
- C. Provide a range of non-residential and residential programs and services in the least restrictive manner, consistent with the needs of individual offenders and the protection of the public;
- D. Engage the family whenever practical, appropriate and therapeutic to the youth, in the development and implementation of the his or her treatment plan;
- E. Use a juvenile classification system to identify the risk and needs of the juvenile offender, and develop and implement an individualized treatment plan based on this assessment;
- F. Advocate for the separation of status offenders from adjudicated delinquent offenders in the same facilities;
- G. Provide a range of non-secure and secure short-term detention options pending adjudication;

H. Advocate for the separation of adjudicated from pre-adjudicated youths in the same housing units;

I. With the involvement of the youth and prior to release from custody, develop a transition plan that includes educational and/or vocational programs for aftercare/reentry and ensure that these reentry services are available and provided when the youth returns from residential placement;

J. Establish written policies and procedures that will protect the rights and safety of the juvenile, the victim and the public in as balanced a manner as possible;

K. Establish procedures to safeguard the accuracy and use of juvenile records and support limitations on their use according to approved national standards, recognizing that the need to safeguard the privacy and rehabilitative goals of the juvenile should be balanced with concern for the protection of the public, including victims;

L. Develop performance outcome measures from which program effectiveness and system operations can be assessed and adjusted when needed; and

M. Implement research and evaluation initiatives that will measure the effectiveness of juvenile justice programs and disseminate findings to the field.

Public Correctional Policy on Offenders with Special Needs

1984-4

Introduction:

The provision of humane and gender-responsive programs and services for the accused and adjudicated requires addressing the special needs of juvenile, youthful and adult offenders. To meet this goal, correctional agencies should develop and adopt procedures for the early identification of offenders with special needs. Agencies should provide the services that respond to these needs and monitor and evaluate the delivery of services in both confined and community settings.

Policy Statement:

Correctional systems must assure provision of specialized services, programs and conditions of confinement to meet the special needs of offenders. To achieve this, correctional systems should:

A. Identify the juvenile, youthful and adult offenders who require special care or programs including:

- Offenders with psychological needs, developmental disabilities, psychiatric disorders, behavioral disorders, disabling conditions, neurological impairments, and substance abuse disorders;
- Offenders who have acute or chronic medical conditions, are physically disabled or terminally ill;
- Older offenders;
- Offenders with social and/or educational deficiencies, learning disabilities, or language barriers;
- Offenders with special security or supervision needs;
- Sex offenders; and
- Female offenders.

B. Provide services and programs in a manner consistent with professional standards and nationally-accepted exemplary practices. Such services and programs may be provided within the correctional agency itself, by referral to another agency that has the necessary specialized resources, or by contracting with private or volunteer agencies or individuals that meet professional standards;

C. Provide appropriately trained, licensed and/or certified, staff, contractors and volunteers for the delivery of, care, programs, and services-and provide incentives to attend the continuing education and training necessary to maintain credentials and state-of-the-art, knowledge and mastery-level skills;

D. Maintain professionally appropriate records of all delivered services and programs;

E. Conduct evaluations of service delivery adherence to program standards, while also evaluating the effectiveness of the services, with regular feedback to administrators and service providers for continuous quality improvement; and

F. Provide leadership and advocacy for legislative and public support to obtain the resources needed to meet these special needs.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed and amended Jan. 16, 1991, at the Winter Conference in Louisville, Ky. It was reviewed Aug. 21, 1996, at the Congress of Correction in Nashville, Tenn., without change. It was reviewed and amended at the Congress of Correction in Philadelphia, Aug. 15, 2001. It was reviewed and amended at the Congress of Correction in Charlotte, N.C., Aug. 16, 2006. It was reviewed and amended at the Congress of Correction in Kissimmee, FL, Aug. 6, 2011.

Public Correctional Policy on Staff Recruitment and Development

1984-5

Introduction:

Knowledgeable, highly skilled, motivated and professional personnel are essential to effectively fulfill the role and mission of corrections. Professionalism is achieved through structured programs addressing recruitment and enhancement of the employee's skills, knowledge and understanding of the corrections process.

Policy Statement:

Correctional staff are the primary agents for promoting safety and security, as well as the health, welfare and rehabilitation of offenders within correctional facilities and community supervision programs. They directly interact with preadjudicated and adjudicated offenders and are the principal catalysts of change in the correctional process. The education, recruitment, orientation, supervision, compensation, training, retention and advancement of correctional staff must receive full support from the executive, judicial and legislative branches of government. To achieve this, correctional agencies should:

- A. Recruit personnel in an open, unbiased and accountable manner to ensure equal employment opportunity for all qualified applicants regardless of gender, age, race, disability, religion, ethnic background, veteran status or political affiliation, and actively promote the employment of a diverse and multi-lingual workforce;
- B. Screen applicants for job-related aspects of physical suitability, personal adjustment, emotional stability, dependability, appropriate educational level, and experience. An additional requisite is the ability to relate to preadjudicated or adjudicated offenders in a manner that is fair and humane;
- C. Select, promote and retain staff in accordance with valid job-related criteria that emphasize merit and technical competence. Voluntary transfers and promotions within and between correctional systems should be encouraged;
- D. Comply with professional standards in staff development and offer a balance between operational requirements and the development of personal, social and cultural understanding. Staff development programs should involve the use of public and private resources, including colleges, universities, labor unions and professional associations;
- E. Achieve parity between correctional staff and comparable criminal justice system staff in salaries and benefits, training, continuing education, performance evaluations,

disciplinary procedures, career development opportunities, transfers, promotions, grievance procedures and retirement;

F. Encourage the participation of trained volunteers and students to enrich the correctional program and to provide a potential source of recruitment;

G. Promote corrections as a career choice in high schools, vocational schools and colleges and universities, and establish partnerships with career educational programs;

H. Encourage correctional employees to seek national certification.

I. Develop a strategy to enhance the image of correctional employment as a desirable career and profession; and

J. Provide compensation and benefits for correctional personnel that will enhance recruitment and retention.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed Jan. 17, 1990, at the Winter Conference in Nashville, Tenn., with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000 at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Standards and Accreditation

1984-6

Introduction:

Adult and juvenile correctional agencies should provide community and institutional programs and services that offer a full range of effective, just, humane and safe dispositions and sanctions for accused and adjudicated offenders. To assure accountability and professional responsibility, these programs and services should meet accepted professional and performance-based standards and obtain accreditation. The use of standards and the accreditation process provides a valuable mechanism for self-evaluation, stimulates improvement of correctional management and practice, and provides recognition of acceptable programs and facilities. The American Correctional Association and the Commission on Accreditation for Corrections have promulgated national standards and a voluntary system of national accreditation for correctional agencies. The beneficiaries of such a process are the staff of correctional agencies, offenders and the public.

Policy Statement:

All adult and juvenile detention and correctional facilities, institutional services and community programs should be operated in accordance with the standards established by the American Correctional Association. These facilities and programs should be accredited through the Commission on Accreditation for Corrections. To fulfill this objective, correctional agencies should:

- A. Implement improvements to comply with appropriate correctional standards including performance and outcome measurements; and
- B. Seek and maintain accreditation through the process developed by the Commission on Accreditation for Corrections in order that, through self-evaluation and peer review, necessary improvements are made, programs and services come into compliance with appropriate standards, and professional recognition is obtained.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 23, 1984. It was reviewed at the Winter Conference in Nashville, Tenn., on Jan. 17, 1990, with no change. It was reviewed and amended Jan. 16, 1996, at the Winter Conference in Philadelphia. It was reviewed and amended Jan. 14, 2002, at the Winter Conference in San Antonio. It was reviewed and amended at the Congress of Correction in Kansas City, Mo., Aug. 15, 2007.

Public Correctional Policy on Use of Appropriate Sanctions and Controls

1984-7

Introduction:

In developing, selecting and administering sanctions and punishments, decision-makers must balance concern for individual dignity, public safety and maintenance of social order. Correctional programs and facilities are a costly and limited resource; the most restrictive are generally the most expensive. Therefore, it is good public policy to use these resources wisely and economically.

Policy Statement:

The sanctions and controls imposed by courts and administered by corrections should be the least restrictive, consistent with public and individual safety and the maintenance of social order. Selection of the least restrictive sanctions and punishments in specific cases inherently require balancing several important objectives – individual dignity, fiscal responsibility, effective correctional operations, the interest of the victim and severity of the crime. To meet these objectives, correctional agencies should:

- A. Advocate to all branches of government and to the public at large, the development and appropriate use of a wide range of sanctions, punishments, programs and facilities;
- B. Recommend the use of the least restrictive appropriate dispositions in judicial decisions;
- C. Classify persons under correctional jurisdiction to the least restrictive appropriate programs/facilities; and
- D. Employ only the level of regulation and control necessary for the safe and efficient operation of programs, services and facilities.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Denver, Jan. 12, 1984. It was reviewed Aug. 15, 1990, at the Congress of Correction in San Diego, with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000 at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended Aug. 13, 2008, at the Congress of Correction in New Orleans.

Public Correctional Policy on Community Corrections

1985-1

Introduction:

Community corrections programs are an integral component of a graduated system of sanctions and services. They enable offenders to work and pay taxes, make restitution, meet court obligations, maintain family ties and develop and/or maintain critical support systems with the community. To be successful, community corrections programs must promote public safety and a continuum of care that responds to the needs of victims, offenders and the community. These programs should include a collaborative comprehensive planning process for the development of effective policies and services.

Policy Statement:

Community corrections programs include residential and nonresidential programs. Most community corrections programs require offenders to participate in certain activities or special programs that are specifically directed toward reducing their risk to the community. Those responsible for community corrections programs, services and supervision should:

- A. Seek statutory authority and adequate funding for community programs and services as part of a comprehensive corrections strategy;
- B. Develop and ensure access to a wide array of residential and nonresidential services that address the identifiable needs of victims, offenders and the community;
- C. Inform the public about the benefits of community programs and services, the criteria used to select individuals for these programs, and the requirements for successful completion;
- D. Recognize that public acceptance of community corrections is enhanced by the provision of victim services, community service and conciliation programs;
- E. Mobilize the participation of a well-informed constituency, including citizen advisory boards and broad-based coalitions, to address community corrections issues;
- F. Participate in collaborative, comprehensive planning efforts that provide a framework to assess community needs and develop a system wide plan for services; and
- G. Ensure the integrity and accountability of community programs by establishing a reliable system for monitoring and measuring performance and outcomes in accordance with accepted standards of professional practices and sound evaluation methodology.

Public Correctional Policy on Crowding and Workloads in Corrections

1985-2

Introduction:

Crowding and loss of resources in correctional programs and facilities can negate the effectiveness and quality of management, programs, security and physical plant operations and can endanger the public, staff and offenders. Crowding within correctional facilities may be associated with higher rates of assault and suicide, increased health problems, more frequent disciplinary incidents, and decreased effectiveness in programs and services. When the population of a correctional program or facility exceeds capacity, maintaining safe and reasonable conditions of confinement and supervision becomes increasingly difficult. Excessive workloads in institutional and community corrections dilutes effectiveness of supervision and support services and threatens public safety, as well as staff and offender safety.

Policy Statement:

The number of offenders assigned to correctional facilities, community corrections and community-based programs and services should be limited to levels consistent with recognized professional standards. Correctional agencies should:

- A. Establish and maintain safe and humane population and workload limits for facilities, community corrections and community-based programs and services;
- B. Develop, advocate for and implement, in coordination with the executive, legislative, and judicial branches of government, emergency and long-term processes by which offender populations can be managed within reasonable limits;
- C. Anticipate the need for expanded program and facility capacity by using professional population projection methodologies that reflect both demographic and policy-related factors influencing correctional population growth;
- D. Advocate for the full development and appropriate use of pretrial and pre-adjudication release, probation, parole, community residential facilities and other community services that are appropriate for offenders and consistent with public safety, and that, as a consequence, reduce the number of offenders in crowded facilities; and
- E. Develop, advocate for and implement plans for necessary additional facilities, staff, programs and services.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed and amended Jan. 16, 1991, at the Winter Conference in Louisville, Ky. It was reviewed without change Jan. 16, 1996, at the Winter Conference in Philadelphia, and at the Winter Conference in Nashville, Tenn., Jan. 24, 2001. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Design of Correctional Facilities

1985-3

Introduction:

The effectiveness and efficiency of correctional staff in maintaining security and delivering services can be either enhanced or limited by the physical plant in which they operate. Quality design combines long-term cost efficiency with maximum programming flexibility, thus assisting a correctional system in accomplishing its mission.

Policy Statement:

Correctional architecture is unique, involving the design of facilities that are functionally and environmentally supportive of the needs and activities of a confined society. The design of such facilities is a multidisciplinary process. To improve the design quality and operational adequacy of new and renovated correctional facilities, correctional agencies should:

- A. Define operations of correctional facilities prior to design, including written specifications of the facility's mission and functional elements, basic operating procedures and staffing patterns so the design can fully support intended correctional operations;
- B. Ensure that the design of correctional facilities addresses the unique gender-responsive and special needs of offenders and provides appropriate space for all offender activities, including industrial operations, education and training, health care, recreation and other program and treatment services;
- C. Select architects and engineers on merit, as demonstrated by either successful completion of prior correctional projects, or by successful completion of other projects combined with access to recognized correctional expertise;
- D. Design correctional facilities through a multidisciplinary process that directly involves corrections professionals, criminal justice planners, architects and engineers, and that also seeks the contribution of other groups and disciplines who have an interest in the facility's design, including those involved in the facility's day-to-day operations;
- E. Ensure that facility designs conform to applicable laws, rules, regulations and codes governing the jurisdiction. The design should conform to nationally recognized professional standards and should encourage direct interaction in the supervision of offenders, consistent with staff safety;

F. Maintain project oversight to ensure budget or cost containment and design objectives are met;

G. Recognize the need for early selection of key staff so they can participate in the design and construction process, and/or so they can coordinate initial activation of the facility. Initial activation activities include recruiting staff, transitional training, preparing equipment and supply orders, and documenting operational procedures;

H. Engage in an ongoing process of research and evaluation to develop, improve and recognize the most operationally effective and cost-efficient design features, equipment technologies and procedures; and

I. Support appropriate and cost-effective strategies that are resource-efficient and environmentally responsible.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed and amended Jan. 16, 1991, at the Winter Conference in Louisville, Ky. It was reviewed without change Jan. 16, 1996, at the Winter Conference in Philadelphia, and at the Winter Conference in Nashville, Tenn., Jan. 24, 2001. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Information Systems

1985-4

Introduction:

Timely and accurate information is a basic requirement for effective management of organizations. Such information forms a basis for sound decision-making and allows for accountability in operations and program results.

Policy Statement:

For correctional staff to function effectively, they must have accurate and timely information. The design of correctional information systems must reflect combined efforts of both corrections professionals and information system specialists. To meet the diverse needs of a correctional agency, information systems should be designed to support the management processes of the agency as their primary function and service delivery functions of the agency by providing data relevant to their efficiency and outcome. They should provide sufficient flexibility to support relevant research and evaluation.

To promote development of effective information systems, correctional agencies should:

- A. Clearly define the desired scope of the system, consistent with a realistic assessment of anticipated resources and technologies;
- B. Involve and train correctional managers in all stages of system development and operation to ensure such managers' needs are met;
- C. Prepare detailed and carefully monitored development plans to ensure systems are designed and implemented in a timely, secure and cost-effective manner;
- D. Require that the system include evaluation procedures, including assessments of information needs of the users at all levels, to ensure the quality of system input and output;
- E. Cooperate with correctional, law enforcement, educational, and other public agencies to provide for the mutual sharing of information, consistent with legitimate concerns for privacy, confidentiality, and system security;
- F. Ensure appropriate information needs of the public are met, consistent with legal requirements; and
- G. Advocate the provision of resources to implement and update advanced information system technologies.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed and amended at the Congress of Correction in Minneapolis, Minn., Aug. 7, 1991. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with no change. It was reviewed and reaffirmed Jan. 12, 2005, at the Winter Conference in Phoenix, with no change. It was reaffirmed without changes Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Legal Issues and Litigation

1985-5

Policy Statement:

Adherence to law is fundamental to responsible correctional practice. Unnecessary litigation can be avoided through sound management, effective use of the adversarial process to resolve issues that are litigated, and professional compliance with judicial and other applicable orders.

To achieve sound management of legal issues, correctional agencies should:

- A. Use the standards and accreditation process of the American Correctional Association and the Commission on Accreditation for Corrections as a method to develop and maintain professional practice;
- B. Seek the support of government officials and the public to provide the capital and operational resources that will help minimize unnecessary litigation;
- C. Remain informed about current developments in the law to anticipate and avoid emerging legal problems;
- D. Train staff about legal issues and responsibilities and provide them with legal representation when appropriate;
- E. Attempt to resolve potential legal problems through dispute resolution techniques such as administrative grievance procedures and classification appeal;
- F. Negotiate and settle litigation when agreements can be developed consistent with professional correctional practice;
- G. Litigate, when no professionally reasonable alternative is possible, with the best legal and correctional expertise available and with full preparation and development of the case; and
- H. Implement court and other applicable orders in a professional manner.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed Aug. 15, 1990, at the Congress of Correction in San Diego, without change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, without change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with minor amendments. It was reviewed and reaffirmed Jan. 12, 2005, at the Winter Conference in Phoenix, with a minor change. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Offender Education and Training

1985-6

Introduction:

Many charged and adjudicated juvenile and adult offenders lack the basic educational, career, technical and life skills necessary to enhance community integration and economic self-sufficiency. These deficiencies may interact with socioeconomic and other factors to affect the life choices made by offenders and may limit the legitimate financial and social opportunities available to them.

Policy Statement:

Education and training are integral elements of the total correctional process. Public and private agencies should develop, expand, adequately fund and improve delivery systems for academic, occupational, social, transition and other educational programs for charged and adjudicated juvenile and adult offenders in order to enhance their community integration and economic self-sufficiency. Toward this end, correctional agencies should:

- A. Provide for the assessment of academic, career technical and social skills deficiencies of those under their responsibility, including assessments to identify disabling conditions under federal, state and local laws and regulations;
- B. Make available opportunities to participate in relevant, comprehensive, educational, career technical, work study, life skills, training programs and reentry and job placement activities that are fully coordinated and integrated with other components of the correctional process;
- C. Consistent with the individual needs of the offender, initiate reentry planning upon admission to the facility;
- D. Ensure that communication and collaboration formally exist between educational staff and other staff to enhance the continuum of program services for offenders;
- E. Provide incentives to offenders for participation and achievement in work, education and training programs;
- F. Ensure that programs are provided in accordance with professional standards, instructional methods and techniques are relevant to the needs of the population, and instructors are certified in accordance with state and local regulations;

G. Maximize the use of public and private sector resources in the development, implementation, coordination and evaluation of education and training programs and job placement activities;

H. Collaborate with work force development organizations to provide academic education, career development training, and workplace training to offenders while they are under supervision in the community or in a facility; and

I. Evaluate the efficiency, equity and effectiveness of program performance based on measurable goals and objectives.

Public Correctional Policy on Private Sector Involvement in Corrections

1985-7

Introduction:

Historically, correctional programs have been operated by public agencies, but there is ongoing use of public-nonprofit and/or for-profit partnerships (hereafter referred to as the private sector). Private sector organizations may have resources for the delivery of services that often differ from the public correctional agency.

Policy Statement:

Government has the ultimate authority and responsibility for corrections. For its most effective operation, corrections should use all appropriate resources, both public and private. Government should consider use of private sector correctional services only when they are needed; meet professional standards; ensure the safety of the public, staff and offenders; provide the best value to the taxpayer; provide comprehensive offender programming; and are equivalent to or better than those offered by the public sector. While government retains the ultimate responsibility, authority and accountability for the offenders under its jurisdiction as well as for actions of private agencies and individuals under contract, it is consistent with good correctional policy and practice to consider outsourcing services that support the mission of correctional operations by:

- A. Enhancing service delivery systems by contracting with the private sector when justified in terms of cost, quality, availability, effectiveness and ability to meet program objectives;
- B. Using private sector organizations to develop, fund, build, operate and/or provide services, programs and facilities when such an approach has a cost benefit; is effective as well as efficient; is gender- and culturally-responsive; and is safe and consistent with the public interest and sound correctional practice;
- C. Using the private sector to gather information and provide independent evaluation of process and performance measures of programs and services provided by or contracted for by public agencies; and
- D. Using the private sector to enhance staff development, competency and professionalism through training, certification and continuing education of correctional practitioners.

Correctional agencies also should:

1. Continue to engage members of the private sector in an advisory role in the development and implementation of correctional programs and policies;

2. Ensure the appropriate level of service delivery and compliance with recognized standards through professional contract preparation and vendor selection, as well as monitor and evaluate the effectiveness of services, facilities and programs by the responsible government agency;
3. Indicate clearly in any contract for services, facilities or programs the responsibilities and obligations of both government and contractor, including but not limited to liability of all parties, performance bonding, and causal factors and procedures for contract termination; and
4. Share information about successful public-private sector partnerships with other corrections practitioners.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed Aug. 15, 1990, at the Congress of Correction in San Diego, with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and amended Jan. 12, 2000, at the Winter Conference in Phoenix. It was reviewed and amended Aug. 16, 2000, at the Congress of Correction in San Antonio. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Probation

1985-8

Introduction:

The vast majority of adjudicated adult and juvenile offenders remain in the community on probation. The decision to place an individual on probation is a judicial decision that assigns responsibility for supervision and control of these offenders, to community corrections agencies.

Policy Statement:

Probation is a frequently used and cost-effective sanction of the court for enhancing social order and public safety. Probation may be used as a sanction by itself or, be combined with other sanctions such as fines, restitution, restorative community service, electronic monitoring and residential care or confinement. Agencies responsible for probation should:

- A. Prepare disposition assessments to assist the court in arriving at appropriate sanctions consistent with the severity of the crime, the offender's criminal history, victim impact and other relevant information. The least restrictive disposition consistent with public safety, victim and community restoration and probationer rehabilitation should be recommended;
- B. Establish a case management system for allocating supervisory resources through a standardized workload classification process that utilizes validated assessment tools and assigns priority to high-risk offenders;
- C. Develop an individualized case plan based on an offender's risk and needs and that fulfills the orders of the court;
- D. Monitor and evaluate, on an ongoing basis, adherence to the plan of supervision and, when necessary, modify the plan according to the changing needs of the probationer and the best interests of the community;
- E. Monitor and evaluate, on an ongoing basis, the probation staff's adherence to and success with the case plan for the purpose of quality improvement;
- F. Provide access to a continuum of services to meet individual identifiable needs, all of which are directed toward promoting law-abiding behavior;
- G. Ensure any interventions in a probationer's life will not exceed the minimal level needed to ensure compliance with the orders of the court;
- H. Initiate court proceedings when the probationer fails to comply with court orders, the supervision plan or other requirements so that the court may consider alternatives

for the protection, restoration and well-being of the community and the effective rehabilitation of the probationer;

I. Collaborate with justice and service agencies to provide a seamless and consistent correctional response;

J. Partner with the community in providing support and services;

K. Oppose use of the probation sanction for status offenders, neglected or abused children, or any other individuals who are neither accused nor charged with delinquent or criminal behavior;

L. Establish an educational a program for sharing information about probation with the public and other agencies; and

M. Evaluate and report on program efficiency, outcomes, effectiveness and overall system accountability consistent with recognized correctional standards.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 20, 1985. It was reviewed at the Congress of Correction in San Diego, Aug. 15, 1990. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended at the Congress of Correction in Charlotte, N.C., Aug. 16, 2006. It was reviewed and reaffirmed without changes at the Congress of Correction, Aug. 6, 2011 in Kissimmee, FL.

Public Correctional Policy on Use of Force

1985-9

Introduction:

Correctional agencies are responsible for ensuring the safety in correctional programs. To achieve this goal, it may be necessary for correctional staff to use legally authorized force to respond to resistance and other situations.

Policy Statement:

Correctional agencies are committed to exercising an appropriate use of force consistent with statutory requirements and the needs of the situation. Use of force consists of intervention with an offender to promote safety, control behavior and enforce order. Use of force includes use of restraints (other than for routine transportation and movement), chemical agents, electronic devices and weapons. Force is justified only in instances of self-defense, protection of others, protection of property, prevention of escapes, and maintaining or regaining control, and then only as a last resort and in accordance with appropriate statutory authority.

To ensure that the use of force is appropriate and justifiable, correctional agencies should establish and maintain policies and procedures that:

- A. Prohibit the use of force as a retaliatory or disciplinary measure; establish strategies to reduce and prevent the need to use force; authorize force only when no reasonable alternative is possible; and advocate that force used be the minimum amount necessary;
- B. Define the range of methods for and alternatives to physical response, and that specify the conditions under which each is permitted. These policies must assign responsibility for authorizing the use of physical force; outline the steps for appropriate implementation of the use of physical force; provide for close monitoring of the person while in restraints; and require proper documentation, administrative review, investigation and remedial action;
- C. Provide ongoing specialized staff training designed to teach staff to anticipate, stabilize and diffuse situations that might give rise to conflict, confrontation and violence and that ensures staff's competency in the use of all methods and equipment in the use of force;
- D. Establish and maintain procedures that limit the use of deadly force to those instances where it is legally authorized and where there is an imminent threat to human life or to public safety;

E. Prohibit restraint techniques that cause or could cause partial or complete impairment of respiratory exchange (positional asphyxia) such as the hogtie position or certain restraints on the neck, or those that cause or could cause partial or complete paralysis;

F. In consultation with health care staff, limit the use of physical restraints on pregnant offenders in the last trimester of pregnancy and/or during labor and delivery to occurrences when the offender is a risk for escape, harming herself or harming others, or poses a significant and known safety and security risk for other reasons; and

G. Whenever possible, assure that age, gender, health and mental health status are considered prior to initiating the use of force and that the least restrictive and/or least likely type to cause impairment/harm is utilized. Medical conditions such as pregnancy, respiratory ailments, advanced age, or physically debilitating diseases create an increased risk of serious injury and should be factored into the decision regarding which response is appropriate for the situation.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla., Jan. 18, 1985. It was reviewed Jan. 17, 1990, at the Winter Conference in Nashville, Tenn., with no change. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended Jan. 14, 2002, at the Winter Conference in San Antonio. It was reviewed and amended at the Congress of Correction in Nashville, Tenn., Aug. 13, 2003. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Victims of Crime

1985-10

Introduction:

Victims of crime suffer financial, emotional and/or physical trauma. The criminal justice and juvenile justice systems are dedicated to the principle of fair and equal justice for all people. Victims' rights should be pursued within the criminal justice and juvenile justice systems to ensure their needs are addressed.

Policy Statement:

Victims have the right to be treated with respect and compassion, to be informed about and involved in the criminal and juvenile justice process as it affects their lives, to be protected from harm and intimidation, and to be provided necessary financial and support services that attempt to restore a sense of justice to them. Although many components of the criminal justice and juvenile justice systems share in the responsibility of providing services to victims of crime, the corrections community has an important role in this process and should:

- A. Support activities that advocate for the rights of the victims;
- B. Promote local, state and federal legislation that emphasizes victims' rights and the development and enhancement of victim services;
- C. Support efforts by federal, state and local units of government to increase funding and improved use of existing resources to support victim services and programs;
- D. Advocate for programs in which offenders provide restitution to victims, compensation and service to the community, and whenever possible, hold offenders financially responsible for their crimes;
- E. Promote active participation of victims in the criminal justice and juvenile justice processes, including the opportunity to attend and be heard and/or to participate in juvenile and adult institutional release and/or parole release hearings; provide separate waiting areas for victims and their families where offenders and victims may be present at the same hearing;
- F. Provide advance notification of institutional release when safe and consistent with applicable law or expeditious notification of an escape to victims;
- G. Educate, with sensitivity to culture, language and disability needs, victims and victim service providers about correctional practices and involve correctional personnel in victim advocacy activities;

H. Educate justice officials regarding victims' services, the impact of crime on victims, and promote sensitivity to victims' rights;

I. Operate victims' assistance programs that appropriately fall within the responsibility of the field of corrections. Correctional agencies should, at a minimum but not limited to:

1. Designate personnel in each agency to respond to questions and concerns of victims and to ensure that appropriate victim notification and assistance procedures are implemented;
2. Develop and distribute materials describing the correctional system and specific victims' rights within that system;
3. Support and facilitate the use of victim impact statements in sentencing, post-conviction reviews and programming processes; and
4. Provide appropriate victims' services to staff who are assaulted, held hostage or otherwise victimized.

J. Promote the use of community resources and volunteers to serve the needs of victims.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Orlando, Fla, Jan. 20, 1985. It was reviewed and amended Jan. 16, 1991, at the Winter Conference in Louisville, Ky. It was reviewed and amended at the Congress of Correction in Nashville, Tenn., on Aug. 21, 1996. It was reviewed and amended at the Congress of Correction in Philadelphia, on Aug. 15, 2001. It was reviewed and amended at the Congress of Correction in Charlotte, N.C., Aug. 16, 2006. It was reviewed and reaffirmed without amendment at the Congress of Correction on Aug. 6, 2011, in Kissimmee, FL.

Public Correctional Policy on Conditions of Confinement

1987-1

Introduction:

Juvenile and adult correctional systems must provide services and programs in an environment that promotes and protects public safety and the safety, rights and dignity of staff, volunteers, victims and those persons served by these systems.

Policy Statement:

Sustaining safe, secure and constitutionally acceptable conditions of confinement requires adequate resources and effective management of staff, operational procedures, programs, the physical plant and the offender population. To support safe, secure and constitutionally acceptable conditions, agencies should:

- A. Establish and maintain a safe and humane population limit for each facility and housing unit therein based upon recognized professional standards;
- B. Provide an environment that will support the health and safety of staff, volunteers and confined persons. Such an environment results from appropriate design, construction and maintenance of the physical plant as well as the effective and efficient operation of the facility and the provision of adequate and appropriate services for offenders;
- C. Maintain a professional and accountable work environment for staff that includes job-specific training and supervision, sufficient staffing and effective deployment of staff to carry out the mission of the facility; and
- D. Maintain a fair and structured environment that provides a range of gender- and culturally-responsive programs and services appropriate to the needs and requirements of offenders in a climate that encourages responsible behavior and positive change.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in New Orleans, Aug. 6, 1987. It was reviewed and amended at the Congress of Correction in San Diego, Aug. 15, 1990. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with minor amendments. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and reaffirmed without change at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Correctional Health Care

1987-2

Introduction:

Incarcerated individuals, or those in the custody of criminal justice and juvenile justice agencies, have a legal right to adequate health care in accordance with generally recognized professional standards utilizing a comprehensive holistic approach that is sensitive to the cultural, age and gender responsive needs of a growing and diverse population. To ensure accountability and professional responsibility, these services should follow the policy guidelines below, as well as the health care standards of the American Correctional Association.

Policy Statement:

Health care programs for offenders include comprehensive medical, dental and mental health services. Such programs should:

- A. Be delivered by qualified and appropriately credentialed health care professionals;
- B. Include a comprehensive health promotion and disease prevention program designed to meet the specific health maintenance needs of the specific residential population, which includes health, nutrition, and safety education programs;
- C. Employ a stratified system of service delivery to maximize the efficient use of medical and mental health care resources;
- D. Include corrections officers who work in health care units as active participants in the multidisciplinary treatment team;
- E. Create community linkages, which will facilitate the continuation of the treatment plans by community health care agencies for persons being released from incarceration;
- F. Establish appropriate classification, programs and housing assignments for juvenile, elderly, female and other identified classes of special needs offenders.
- G. Establish hospice services for terminally ill offenders supported by a compassionate release program for those who qualify;
- H. Provide all offenders with language-appropriate verbal and written information concerning access to health care services during intake screening, followed by more formal instruction during the admission and orientation program;

- I. Provide continuous, comprehensive services commencing at admission, including effective and timely screening, assessment and treatment, and appropriate referral to alternate health care resources where warranted;
- J. Establish a system to provide access to emergency treatment 24 hours per day;
- K. Establish a formal process to screen for, identify, treat and manage offenders with infectious diseases;
- L. Provide appropriate health care training programs that are cognizant of cultural, age and gender issues for all correctional and health care staff, and allow for continuing professional and medical education programs;
- M. Provide a medical records system to document diagnosis, and treatment, programs to facilitate treatment continuity and cooperation between health care professionals, consistent with privacy, confidentiality and security requirements;
- N. Provide a pharmaceutical distribution system that conforms to applicable state and federal laws and established formularies;
- O. Provide a continuing quality improvement program, including risk management programs and peer review activities to monitor and evaluate the health care services delivered;
- P. Establish a patient bill of rights;
- Q. Provide a system for medical and administrative review of grievances relating to health care offered, provided or denied;
- R. Provide screening for co-occurring disorders;
- S. Provide all offenders given new prescriptions with verbal counseling and ~~or~~ written information about their medications, which should be provided by a health care practitioner.
- T. Provide a sufficient supply of prescription medication upon release to ensure continuity of care.
- U. Provide the opportunity to establish living will and/or advanced directive.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in New Orleans, Aug. 6, 1987. It was reviewed Jan. 22, 1992, at the Winter Conference in Portland, Ore., without change. It was reviewed and amended at the Congress of Correction in Nashville, Tenn., Aug. 21, 1996. It was reviewed and amended at the Congress of Correction in Philadelphia, Aug. 15, 2001. It was reviewed and amended at the Congress of Correction on Aug. 6, 2011, in Kissimmee, FL.

Public Correctional Policy on Employment of Offenders

1987-3

Introduction:

Obtaining and maintaining employment are critical steps toward offenders' successful completion of correctional supervision. The involvement of government, business, and volunteer agencies and organizations is essential in making employment opportunities available. Offenders provide valuable manpower to help fill gaps in the workforce.

Policy Statement:

Offenders should be given equitable consideration for employment. Correctional agencies should:

- A. Implement and promote programs that will help offenders to prepare for, seek and retain gainful employment in the community;
- B. Develop and implement social skills training for offenders that provide them with skills needed to work well with others in the workplace and to become valued workers;
- C. Develop and implement a policy permitting qualified ex-offenders to be employed in correctional agencies in capacities that preserve the security and public safety mission of those agencies; and
- D. Advocate for the amendment of laws and licensing regulations to mitigate unreasonable barriers to the employment of offenders.

Public Correctional Policy on Employment of Women in Corrections

1987-4

Introduction:

People who are qualified for a particular position/assignment or for job-related opportunities should not be denied such employment or opportunities because of gender. Women have a right to equal employment and should be afforded equal opportunities in the workplace.

Policy Statement:

The American Correctional Association affirms the value of female employees and supports equal employment opportunities for women in adult and juvenile correctional agencies. To encourage the employment of women in corrections, correctional agencies should:

- A. Ensure that recruitment, selection and promotional opportunities for women are open and fair;
- B. Assign women employees duties and responsibilities that provide career development and promotional opportunities equivalent to those provided to other employees;
- C. Provide all levels of staff with appropriate training on developing effective and cooperative working relationships between male and female correctional personnel;
- D. Provide all levels of staff with appropriate education and training in cross-gender supervision; and
- E. Conduct regular monitoring and evaluation of affirmative action practices and be proactive in achieving corrective actions.

Public Correctional Policy on Research and Evaluation

1987-5

Introduction:

Research and evaluation, and the use of the findings that result from such efforts, are essential to informed decision-making, correctional policy, program development and effectiveness.

Policy Statement:

Correctional agencies have a continuing responsibility to promote, initiate, sponsor, and participate in correctional research and evaluation efforts, both external and internal, in order to expand knowledge about offender behavior and identify exemplary practices that can be used to enhance the effectiveness and efficiency of programs and services. To encourage and support these research and evaluation efforts, correctional agencies should:

- A. Establish clearly defined procedures for data collection and analysis that ensure the accuracy, consistency, integrity and impartiality of correctional research projects;
- B. Conduct regular and systematic research and evaluation of correctional management policies, programs and procedures and implement necessary changes;
- C. Review and monitor correctional research to ensure compliance with professional standards, including those relating to confidentiality and the protection of human rights;
- D. Prohibit the use of offenders as experimental subjects in medical, psychological, pharmacological and cosmetic research except when warranted and prescribed for the diagnosis or treatment of an individual's specific condition in accordance with current standards of health care;
- E. Make available the information necessary for correctional research and evaluation, consistent with concerns for privacy, confidentiality and security;
- F. Involve and train appropriate correctional staff in the application of correctional research and evaluation findings;
- G. Encourage the dissemination of correctional research and evaluation findings; and
- H. Develop performance outcomes for correctional programs to measure their effectiveness.

Public Correctional Policy on Capital Punishment

1990-1

Introduction:

Correctional agencies administer sanctions and punishment imposed by courts for unlawful behavior. In some jurisdictions the law permits capital punishment, and correctional officials have the final responsibility to carry out these executions. Opinions about capital punishment are strongly held, based upon fundamental values about public safety and human life.

There is no uniformity of position about such a controversial issue as capital punishment, either within the corrections profession or as a matter of public opinion at large. A single position for or against capital punishment would not be a fair or candid representation of the range of strongly held and thoughtfully considered positions that exist within the profession.

Policy Statement:

Corrections professionals have a fundamental responsibility to support participation in the public dialogue concerning capital punishment, and to make available to the public and their policymakers the unique perspectives of persons working in the profession. Toward this end, correctional agencies should:

- A. Support conducting research on capital punishment, to inform the public debate with accurate information about all aspects of capital punishment;
- B. Support full public discussion of capital punishment, focusing on the morality, purposes and efficacy of this form of punishment;
- C. Accept and encourage a diversity of opinion within the field, ensuring that employment, promotion and retention are never affected by the expression of an opinion either in support of or in opposition to capital punishment;
- D. Select staff who are involved with carrying out executions on a voluntary basis, and carefully screen them and train them in execution procedures. In addition, post-execution interventions must be available to staff who participate in or are affected by the execution process;
- E. When executions are conducted, ensure that they are carried out with dignity and respect for all parties.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., on Jan. 17, 1990. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and reaffirmed Jan. 12, 2000, at the Winter Conference in Phoenix, with no change. It was reviewed, amended and reaffirmed Jan. 12, 2005, at the Winter Conference in Phoenix. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Higher Education

1990-2

Introduction:

The purposes of higher education include instruction, public service and research. Corrections can and does benefit from academic endeavors in each of these areas.

Policy Statement:

The field of corrections, in cooperation with higher education, should contribute to the improvement of the professional practice of corrections. Academic programs concerned with criminal justice, including juvenile justice and corrections should:

- A. Provide a pool of qualified candidates for correctional service, and assist in the delineation of dimensions of work responsibilities that may emerge as a result of changing social, economic, political and technological trends;
- B. Promote understanding, both for correctional practitioners and for the public at large, of the complex social, ethical, political and economic factors that influence all areas of corrections;
- C. Challenge assumptions about crime and corrections, and stimulate change when change is needed;
- D. Partner with criminal justice, juvenile justice and corrections organizations to promote and support ethical standards in research, planning and evaluation in all areas;
- E. Engage in public service related to corrections, including informational programs, volunteer programs and opportunities for training, such as internships and practicums to enhance the relationship between the academic community and corrections;
- F. Encourage colleges and universities to provide opportunities for research and the publication of research findings;
- G. Support, through program and faculty development, the evolution of corrections as a distinct professional discipline;
- H. Implement programs in corrections at the associate degree level that can serve as a minimum requirement for full professional status as a correctional employee; and
- I. Partner with correctional agencies to promote and facilitate learning initiatives for employees.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 17, 1990. It was reviewed and amended Aug. 9, 1995, at the Congress of Correction in Cincinnati. It was reviewed at the Congress of Correction in San Antonio, on Aug. 16, 2000, with no change. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Religious Faith and Practice

1990-3

Introduction:

Correctional systems provide opportunities for religious faith and practice by offenders. These opportunities, however, must not override the choice by some offenders of nonparticipation in such practices. Protection of religious beliefs and of their exercise is recognized in U.S. and Canadian constitutions and in other human rights documents.

Policy Statement:

Recognizing the existence of differing religious faiths, correctional systems must be guided by principles not only of voluntary participation, but of equity of opportunity for the practice of religions represented within the offender population. Limited only by reasons of safety, security and order, institutions should:

- A. Provide for direction and supervision regarding religious issues and activities by professionally qualified and trained chaplaincy and/or religious staff, including the use of volunteers for the delivery of programs consistent with the identified religious needs of the population being served;
- B. Develop written policies and guidelines for decision-making and communication between chaplaincy staff and institutional administrators regarding religious faith and practice within the institution;
- C. Provide appropriate facilities and support services needed for individual and group religious activities;
- D. Allow the observance of periodic special or ritual activities requested by offenders and deemed essential by the respective religious judicatories or national offices of that religious group;
- E. Permit access to chaplains by all offenders;
- F. Ensure that neither participation nor nonparticipation in religious activities affects evaluation processes or qualifications for other programs and opportunities by the offender;
- G. Ensure that an offender's opportunity to practice religious faith is consistent with current statutes and case law;
- H. Require that reasonable application of individual rights to exercise religious faith and practice be balanced against the necessity of maintaining safe and secure

correctional facilities, accommodating religious differences among offenders of different faiths, and ensuring that such facilities are free of religious coercion; and

I. Document the reasons for restriction of offenders' participation in religious activities or programs, or for limitations of religious practices.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Diego, Aug. 15, 1990. It was reviewed Jan. 18, 1995, at the Winter Conference in Dallas, with no change. It was reviewed and amended Jan. 12, 2000, at the Winter Conference in Phoenix. It was reviewed and amended Aug. 16, 2000, at the Congress of Correction in San Antonio. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and amended at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Substance Abuse

1992-1

Introduction:

Substance abuse, and the criminal activity and human suffering associated with it, is a major social and public health problem in society. A substantial majority of offenders have documented substance abuse problems, and, therefore, the impact has reached critical dimensions within correctional programs and facilities and in society.

Policy Statement:

A comprehensive response to the substance abuse crisis must include coordinated public and private sector strategies, along with a commitment to provide effective substance abuse treatment, education and awareness to those who need such services, regardless of their legal status or criminal involvement. To support a comprehensive response, correctional agencies should:

- A. Provide education and information to offenders that fosters their awareness of the chemical effects on the brain and on the need for treatment;
- B. Assess offenders' need for substance abuse services, and provide a continuum of nonresidential and residential treatment services that promote a lifestyle of recovery;
- C. Maintain appropriately trained staff for the delivery of care, programs and services;
- D. Maintain an organizational climate that proactively addresses the abuse of substances by staff;
- E. Advocate for and cooperate with interagency and community efforts to prevent substance abuse and interdict the supply of illegal substances;
- F. Maintain professionally appropriate record-keeping of the services and programs provided;
- G. Evaluate the quality and effectiveness of services and programs provided; and
- H. Provide leadership and advocacy for legislative and public support to obtain the resources needed to provide effective substance abuse treatment services.

Public Correctional Policy on Employee Assistance Programs

1993-1

Introduction:

The most valuable resource in any correctional agency is the staff employed by that agency. The employees who deliver these services should be afforded all reasonable assistance to allow them to do the best job possible.

Policy Statement:

Employee assistance programs should be made available to all employees. The programs should address employee needs and requirements to assist them in the performance of their duties. Correctional agencies should:

- A. Establish and periodically review employee assistance programs and referral mechanisms based on needs assessed by both the employees and the agency;
- B. Publicize the program regularly and frequently in a variety of ways to ensure that all employees are aware of its availability, and information about the program/services is available to family members upon request;
- C. Provide programs at no cost to the employee where possible. If the employee is asked to pay some or all of the cost of the program/service, the cost should be based on a sliding scale commensurate with their salary;
- D. Provide an employee in the central/main office of the agency who is responsible for coordinating all employee assistance programs. Each facility or major organizational unit should have one person designated as a coordinator of employee assistance programs;
- E. Use other public or private agencies if these services are not available within the agency;
- F. Require the employee assistance program coordinator to report to management, at least quarterly, on employee assistance services provided and include recommendations for enhancing the agency's employee assistance program; and
- G. Ensure that employee requests or referrals for assistance remain confidential, unless the employee expressly elects to waive confidentiality; and
- H. Ensure that use of the program/services does not reflect negatively upon the employee.

Public Correctional Policy on Sentencing

1994-1

Introduction:

Changes in U.S. sentencing policies have been a major cause of an unprecedented increase in the prison population. The sentencing process should attempt to control crime as much as possible, at the lowest cost to taxpayers and in the least restrictive environment consistent with public safety. There should be a balanced consideration of all sentencing objectives.

Sentencing policy today takes many forms. In some venues, legislatures have taken authority over that policy, leaving little discretion in the sentencing of individual offenders to the judiciary. Under these circumstances "sentencing" discretion is shifted to the prosecutors and takes the form of plea bargaining and charge selection. In others, judges and parole boards retain wide discretion on a case-by-case basis. In still others, sentencing commissions have been given responsibility for defining how offenders are punished. Regardless of the form, sentencing policy directly affects what the correctional practitioner does on a daily basis, and to the extent that this policy fails in fairness and rationality, then correctional practice is adversely affected.

As implementors of sentencing policies, corrections professionals have a unique vantage point from which to provide input on their effectiveness and consequences. If corrections does not voice its collective experience on this matter, then sentencing practices nationwide will fail to be as soundly based as they should be in this important public policy area.

Policy Statement:

The American Correctional Association actively promotes the development of sentencing policies that should:

- A. Be based on the principle of proportionality. The sentence imposed should be commensurate with the seriousness of the crime and the harm done;
- B. Be impartial with regard to race, ethnicity and economic status as to the discretion exercised in sentencing;
- C. Include a broad range of options for custody, supervision and rehabilitation of offenders;
- D. Be purpose-driven. Policies must be based on clearly articulated purposes. They should be grounded in knowledge of the relative effectiveness of the various sanctions imposed in attempts to achieve these purposes;

- E. Encourage the evaluation of sentencing policy on an ongoing basis. The various sanctions should be monitored to determine their relative effectiveness based on the purpose(s) they are intended to have. Likewise, monitoring should take place to ensure that the sanctions are not applied based on race, ethnicity or economic status;
- F. Recognize that the criminal sentence must be based on multiple criteria, including the harm done to the victim, past criminal history, the need to protect the public and the opportunity to provide programs for offenders as a means of reducing the risk for future crime;
- G. Provide the framework to guide and control discretion according to established criteria and within appropriate limits and allow for recognition of individual needs;
- H. Have as a major purpose restorative justice – righting the harm done to the victim and the community. The restorative focus should be both process and substantively oriented. The victim or his or her representative should be included in the “justice” process. The sentencing procedure should address the needs of the victim, including his or her need to be heard and, as much as possible, to be and feel restored to whole again;
- I. Promote the use of community-based programs whenever consistent with public safety; and
- J. Be linked to the resources needed to implement the policy. The consequential cost of various sanctions should be assessed. Sentencing policy should not be enacted without the benefit of a fiscal-impact analysis. Resource allocations should be linked to sentencing policy so as to ensure adequate funding of all sanctions, including total confinement and the broad range of intermediate sanction and community-based programs needed to implement those policies.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in St. Louis, Aug. 10, 1994. It was reviewed and amended Jan. 20, 1999, at the Winter Conference in Nashville, Tenn. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Crime Prevention

1996-1

Introduction:

The occurrence of violent and other serious crimes in our communities is a continuing and growing social concern. One of the most visible outcomes of this concern has been the dramatic growth in correctional populations and caseloads. Correctional practitioners have both crime control and crime prevention responsibilities. Offender programs should be preventive and reduce the risk of re-offending. The American Correctional Association encourages moving beyond conventional boundaries in order to become involved in the search for, and promotion of, effective early preventive measures. Crime prevention strategies and programs that focus on factors in families, neighborhoods, schools and communities that contribute to a decrease in crime, deserve the correctional practitioner's attention and support.

Policy Statement:

Correctional practitioners and other professionals should develop policies and programs that will be effective in both the prevention of crime and the lowering of recidivism rates. Correctional agencies and organizations should:

- A. Advocate for and promote a blended, culturally-responsive approach to crime reduction, which includes prevention and intervention, community-based sanctions and, when necessary, confinement;
- B. Advocate for and continue to participate in existing programs that demonstrate effectiveness in violence and crime prevention;
- C. Participate as active partners with law enforcement, courts, communities, health care providers, schools, and faith-based agencies in crime prevention and reduction initiatives;
- D. Advocate for and support prevention and early intervention strategies in health care, mental health, education and social services;
- E. Advocate for and promote investment in programs for children, particularly those at risk;
- F. Advocate for and/or provide programs that:
 1. Reduce domestic violence;
 2. Reduce child abuse;

3. Reduce teen pregnancies;
 4. Improve parenting skills and the functioning of families and healthy relationships;
 5. Help offenders and their families resist gang involvement while establishing and maintaining prosocial relationships; and
 6. Reduce substance abuse while supporting sustained recovery from addiction and other criminal lifestyles.
- G. Consider the offender's family as an integral component of crime prevention; and
- H. Evaluate performance outcomes of crime prevention and reduction strategies and programs.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Philadelphia, Jan. 17, 1996. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Violence Reduction

1996-2

Introduction:

Of utmost concern to the public and those working both in the criminal and juvenile justice systems is violence in our society.

Policy Statement:

Correctional agencies are in a unique position to assume a proactive role in violence reduction and prevention. In particular, corrections professionals can help reduce violence through their work directly with offenders and indirectly through their support of violence prevention policies. Specifically, correctional agencies should:

- A. Train staff to recognize those risk factors that contribute to violent behavior and to utilize effective intervention strategies to reduce violence;
- B. Design and implement effective classification and treatment programs utilizing a wide range of modalities so that a continuum of interventions is available to all offenders in need;
- C. Provide offenders and their families with counseling, parenting and other life skills training that emphasize the need to break the "cycle of violence" whereby a childhood history of physical and psychological abuse predisposes the victim to become a perpetrator of violence in later years;
- D. Integrate conflict resolution methods into institutional and community treatment programs so that offenders and their families learn and demonstrate these skills as alternatives to violent behavior;
- E. Establish restorative justice programs that allow victims an increased role in the justice process and which require offenders to restore the victim and the community;
- F. Provide effective community supervision services that promote community protection, aid in the development of offender skills and competency, and hold the violent offender accountable;
- G. Initiate at all stages within the juvenile justice system a comprehensive approach toward the prevention, treatment and remediation of violent behavior among youths;
- H. Support a long-term crime reduction strategy that draws on interdisciplinary research and addresses the risk factors contributing to violent criminal behavior in a comprehensive and integrated manner, including providing employment opportunities,

strengthening families, building strong neighborhoods, increasing community involvement and enhancing the quality of education and other social institutions;

I. Build partnerships that improve communication and collaboration and share technologies, information and intelligence among the key stakeholders in the criminal and juvenile justice systems, elected officials and the community to combat violence;

J. Support firearm control legislation and measures to reduce deaths, injuries and suicides from firearms and reduce their availability to violent offenders and juveniles; and

K. Support mass media campaigns against violence and efforts to encourage the media and entertainment industries to adopt practices that deglamorize violence.

Public Correctional Policy on Children, Youth and Families

1997-1

Introduction:

No single organization or agency can address the causes and consequences of crime and violence, especially as it relates to promoting safe, healthy and non-delinquent children.

Policy Statement:

ACA encourages corrections practitioners to work with national, state and local leaders, service providers, representatives of public and private groups, and community members to facilitate safe and healthy environments for children and their families/caregivers.

The corrections community should collaborate with other organizations and agencies to develop broad-based policies and programs that address the needs of children, youths and families/caregivers. In addition, correctional practitioners should:

A. Encourage the establishment of state, regional and local community initiatives that address high-risk behaviors in youths and families for the purpose of reducing the number of children and families who become involved in harmful actions.

B. Advance research, training and best practices when identifying risk factors. Specific emphasis should be placed on the overrepresentation of minorities in the specified populations;

C. Establish goals for correctional programs that reduce risk factors and enhance protective factors associated with violent and anti-social behavior at the individual and family levels.

D. Encourage and support long-term commitments to a range of initiatives that include:

1. Prenatal, early childhood and parenting programs.
2. Community-based services available and accessible to high-risk and delinquent youths and their families/caregivers.
3. Anti-violence programs available to families/caregivers and to all children at an early age in schools and in the community.
4. Early intervention programs such as parent education and skills development, family preservation and support services, child care and early home visits for parents of newborns.

5. Media and information campaigns to educate constituents about the relationship between substance abuse and criminal behavior.
 6. Educational and vocational needs assessments and training for delinquent youths.
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This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the 127th Congress of Correction in Orlando, Fla., Aug. 13, 1997. It was reviewed and amended at the Congress of Correction in Nashville, Tenn., Aug. 13, 2003. It was reviewed and amended Aug. 13, 2008, at the Congress of Correction in New Orleans.

Public Correctional Policy on Correctional Industry Programs

1999-1

Introduction:

Correctional industry programs, whether operated by the public or private sector, aid correctional systems by developing offenders' work ethics, providing offenders with job skills and training, promoting restorative and/or reparative justice, lowering operating costs, reducing offender idleness and adding value to the local community.

Policy Statement:

Correctional industry programs, using sound business practices, should:

- A. Promote and adhere to statutes and regulations regarding the development, manufacturing, marketing, distribution, and delivery of correctional industry products and services;
- B. Support legislation encouraging the employment of offenders during and beyond their period of correctional supervision;
- C. Promote collaboration with employers, labor organizations, and other relevant agencies and organizations to overcome barriers to successful re-entry;
- D. Recognize that the goals of industry programs include:
 - 1. Developing inmate work ethics and employability skills;
 - 2. Professionally managing programs that replicate the private sector as closely as possible;
 - 3. Promoting career development and employment opportunities that allow for self-sufficiency upon re-entry; and
 - 4. Improving safety in institutions for staff and offenders by reducing inmate idleness.
- E. Support investment of revenue to improve and/or expand overall operations, maintain and upgrade equipment and help support offender training programs that lead to employment upon reentry;
- F. Create a mutually supportive environment between correctional industry programs, both public and private, and the host institution;

G. Provide opportunities that promote good work habits, career development and other learning experiences that can lead to employment upon re-entry to support themselves and their families;

H. Ensure that programs for women teach real-world, marketable skills that enable them to support themselves and their families upon re-entry;

I. Provide working conditions that mirror the private sector regarding both training and safety, ensuring that all federal and state mandates in that regard are met, if not exceeded;

J. Ensure that business practices in an industry operated by either the public or private sector are comparable to those in the industry at large; and

K. Recognize that prison and jail inmates are not employees and are not entitled to minimum wage, and that inmates, except those employed in the Prison Industries Enhancement and work release programs, are specifically excluded from the minimum wage provisions of the Fair Labor Standards Act.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Drug Free Work Force

1999-2

Introduction:

Substance abuse is a significant and pervasive problem in American society. This is reflected in the number of persons incarcerated or under adult and juvenile supervision at all levels. Substance abuse represents a significant threat to the well-being of staff, offenders and the public safety.

Policy Statement:

In order to provide the highest level of services and public protection, the correctional work force must be drug-free. In order to achieve this goal, the American Correctional Association recognizes the following:

- A. No large work force can claim immunity to alcohol and other drug abuse by its employees;
- B. Illicit drug use and alcohol and other drug addictions by correctional staff in institutions or community settings can lead to significant health problems and serious security risks for staff, offenders and the general public;
- C. All staff have a right to a safe and secure workplace;
- D. All correctional agencies should develop and implement education, training, assistance and control methods necessary to ensure that the correctional workplace is drug-free; and
- E. There should be a "zero tolerance" approach to illicit drug use by correctional staff.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Denver, Aug. 11, 1999. It was reviewed and amended Aug. 4, 2004, at the Congress of Correction in Chicago.

Public Correctional Policy on Firearm Control

1999-3

Introduction:

As the possession of firearms by individuals involved in unlawful behavior greatly increases the potential for injury and death, corrections professionals have joined with other law enforcement organizations in calling for tougher firearm regulations and legislation at the local, state and federal levels. This increased chance of injury and death is particularly true for young people, as gunshot wounds are a leading cause of death among those ages 10 to 34. While a diversity of opinion exists within the correctional community regarding firearm ownership, there is a consensus that reasonable, common-sense gun-related policies are useful in preventing unauthorized, incompetent, immature and/or violence-prone persons from owning, possessing or unlawfully using firearms.

Policy Statement:

Corrections professionals work every day with people affected by the pervasive and potentially destructive nature of firearms in our society. Therefore, it is important for corrections officials to share their expertise and perspectives on the effect firearms have on crime and violence. Toward that end, the American Correctional Association urges:

- A. Other law enforcement organizations to join the American Correctional Association in calling for tougher firearm control at the federal, state and local levels;
- B. Where possible, government agencies move toward registration of firearms;
- C. Support of research efforts that monitor firearm-related injuries and fatalities to better inform the public of the costs associated with criminal violence. Additional support should be expressed for research efforts that identify the nature of criminal acquisition and the use and trafficking of firearms;
- D. Refinement and use of firearm security and safety technologies that minimize unauthorized access to firearms, especially through theft, including support for efforts that limit young children and teenagers from gaining access to firearms without proper adult supervision;
- E. Promotion of educational efforts and programs that provide for violence prevention and incorporate conflict resolution techniques for young people;

F. Adoption of laws and policies that encourage personal responsibility and increase civil and criminal accountability for firearm owners, firearm manufacturers and firearms dealers who do not take reasonable and adequate steps to secure their firearms from unauthorized access and theft; and

G. Improved access to information regarding firearm ownership to law enforcement professionals in the field on an as-needed basis.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Denver, Aug. 11, 1999. It was reviewed and amended Aug. 4, 2004, at the Congress of Correction in Chicago. It was reviewed and amended Aug. 12, 2009, at the Congress of Correction in Nashville, Tenn.

Public Correctional Policy on Funding the Incarceration of Undocumented Aliens

1999-4

There is a significant number of undocumented aliens housed in U.S. correctional facilities. It is costly for the affected jurisdictions to house these individuals without reimbursement.

Policy Statement:

The American Correctional Association supports efforts to require the federal government to reimburse state and local governments for total expenses incurred while housing undocumented aliens.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Denver, Aug. 11, 1999. It was reviewed and amended Aug. 4, 2004, at the Congress of Correction in Chicago. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on International Staff Exchange

1999-5

Introduction:

The American Correctional Association has long endorsed the development of cooperative relationships among corrections personnel around the world.

Policy Statement:

ACA encourages an international staff exchange program that would:

- A. Provide an opportunity for correctional staff to gain insight into correctional issues and management techniques worldwide;
- B. Promote meaningful working relationships with corrections professionals in other countries; and
- C. Encourage all correctional agencies to take a supportive role and participate in such programs.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Denver, Aug. 11, 1999. It was reviewed without change Aug. 4, 2004, at the Congress of Correction in Chicago. It was reviewed and amended Aug. 12, 2009, at the Congress of Correction in Nashville, Tenn.

Public Correctional Policy on Nonsmoking Policies

1999-6

Introduction:

Many health problems are linked directly or indirectly to smoking. The negative effects of smoking and passive inhalation have been well-documented by the surgeon general of the United States. Correctional employees and inmates are exposed to passive smoke if smoking is permitted in facilities and work locations. As a result, a growing number of correctional systems, facilities and programs have nonsmoking policies.

Policy Statement:

The American Correctional Association supports nonsmoking policies and encourages correctional systems, facilities and programs to adopt such policies. Therefore correctional systems, facilities and programs should:

- A. Ensure that nonsmoking staff and offenders are provided a smoke-free environment;
- B. Recognize that the health benefits of a nonsmoking environment for staff and offenders lead to decreased medical expenses for the correctional systems, facilities, and programs as well as the persons involved;
- C. Acknowledge that fire safety is improved when nonsmoking policies are implemented; and
- D. Provide programs and assist both staff and offenders in smoking cessation efforts.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Denver, Aug. 11, 1999. It was reviewed without change Aug. 4, 2004, at the Congress of Correction in Chicago. It was reviewed and amended Aug. 12, 2009, at the Congress of Correction in Nashville, Tenn.

Public Correctional Policy on Parole

1999-7

Introduction:

Parole is the discretionary release of an offender from confinement in order to serve the remainder of the sentence pursuant to specified terms and conditions of supervision in the community. Parole is a fundamental function of the correctional process as the public is best protected by a supervised transition of the offender from institutional to community integration. The discretionary granting of parole and its revocation are responsibilities of the paroling authority. Supervision of the parolee is provided by a designated agency that monitors compliance with all of the specified terms and conditions of release through a case management process. Parole offers economic advantages to the public, the offender and the correctional system by maximizing opportunities for offenders to become productive, law-abiding citizens.

Policy Statement:

The paroling authority component of the correctional system should function under separate and independent decision-making to fully represent the views of all stakeholders. Paroling authorities should seek a balance in weighing the public interest, victim interest and the readiness of the offender to re-enter society under a structured program of supervisory management and control. Paroling authorities should be equipped with resources and technologies for tracking and administering the investigative, supervisory and research functions. Laws and administrative regulations governing the granting of parole, its revocation, case supervision practices and discharge procedures should incorporate standards of due process and administrative fairness. To achieve the maximum benefits of parole supervision, full advantage should be taken of community-based resources available for serving offender employment and training needs, substance abuse treatment and other related services.

The parole system should:

- A. Establish procedures to provide an objective decision-making process, incorporating standards of due process and fundamental fairness in granting of parole that will address, at a minimum, the risk to public safety, impact on – and views of – the victim, and information about the offense and offender;
- B. Provide access to community services to meet levels of offender risks and needs consistent with realistic objectives for promoting law-abiding behavior;
- C. Ensure that supervision requirements will not exceed the minimum needed to adhere to the terms and conditions of parole and are consistent with public safety;

- D. Provide a case management system to allocate supervisory resources through a standardized classification process, report parolee progress and monitor individual parolee supervision and treatment plans;
- E. Provide for the timely and accurate transmittal of status reports to the paroling authority for use in decision-making with respect to revocation, modification or discharge of parole cases;
- F. Establish programs for sharing information, ideas and experiences with other agencies and the public;
- G. Involve the public, victims and victims' families in the parole process;
- H. Evaluate program efficiency, effectiveness and overall accountability consistent with recognized correctional standards; and
- I. Be sensitive to and provide for gender differences and special needs that may affect supervision processes.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Term "Correctional Officer"

1999-8

Introduction:

Correctional personnel are skilled professionals and should be treated as such. The term "guard" evokes a stereotypical and negative image that does not recognize their professionalism. The duties of corrections personnel, whose primary responsibility is custody and control, also include direct or indirect support of habilitative or rehabilitative programs that require advanced or specialized training.

Policy Statement:

The American Correctional Association recognizes the use of the term "correctional officer" in all of its publications and communications to describe custodial/security personnel. The Association is committed to promoting the use of the term "correctional officer" and discouraging the use of the word "guard."

Therefore, correctional agencies should:

- A. Ensure that all agency policies, procedures and practices use the term "correctional officer" when referring to custodial/security personnel;
- B. Promote employee conduct that is consistent with professional standards and practices; and
- C. Educate the media in the use of the term "correctional officer" when referring to custodial/security personnel.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Youthful Offenders
Transferred to Adult Criminal Jurisdiction

1999-9

Introduction:

Juveniles have developmental needs that require highly specialized management and treatment by corrections professionals; therefore, a separate system of corrections for juveniles was developed in states across the country many years ago. While the vast majority of youths are processed through the juvenile justice system, a growing number of youths in some states are adjudicated as adults and sentenced to prison. These individuals are referred to as “youthful offenders.”

Policy Statement:

The American Correctional Association supports separate housing and special programming for youths under the age of majority who are transferred or sentenced to adult criminal jurisdiction. Therefore, correctional agencies should:

- A. Support vesting judicial officers with the decision to try youths under the age of majority as adults. The decision should be made after a hearing on the record consistent with due process protections. Judges should make specific findings of fact. In jurisdictions that nonetheless allow for prosecutorial or automatic waiver, certification should be limited to the most serious crimes of violence;
- B. Support the adoption of legislation in each state that authorizes correctional authorities to place people under the age of majority who are detained or sentenced as adults in an appropriate juvenile detention/correctional system or youthful offender system distinct from the adult system;
- C. Support the development of research and technical assistance programs by the federal government to assist states in safely and effectively addressing the complex issues and problems raised by the confinement of youthful offenders who have committed serious, violent crimes; and expanded technical assistance to states in which youthful offenders under the age of majority are confined in adult correctional and detention facilities;
- D. Support the development and use of specialized facilities and units within juvenile detention/correctional or youthful offender systems distinct from the adult system. Such specialized facilities or units should be designed to meet the security risks and programming needs of those youthful offenders under the age of majority who are transferred to adult jurisdictions or who cannot be handled by other facilities or

programs within the juvenile correctional/ detention systems. Included in such facilities should be the following:

1. A design and perimeter security that promotes safety and security;
2. The recruitment and retention of highly qualified professional staff who are well-trained and genuinely interested in providing direct services and programs to youthful offender populations;
3. Special programming and case management to meet the developmental, educational, health, religious, mental health and other special needs of youthful offenders;
4. Appropriate resident/staff ratios to meet the special security and programming needs of youthful offenders and to manage living units;
5. Mental health and suicide screening and specialized counseling for youthful offenders;
6. Screening and classification processes, both at intake and at regular intervals, to ensure that specialized facilities and/or units house only youthful offenders in need of such treatment;
7. Structured processes for the timely transmission of written information regarding a youthful offender's adjustment, achievements, and educational and disciplinary records within the specialized facility or unit for consideration upon transfer of the offender out of the facility or unit; and
8. Housing units that allow for personal interactions and group-oriented activities.

E. Support, in those jurisdictions that continue to house youths under the age of majority in adult correctional/ detention systems, housing them in specialized facilities or units that have the features set forth above. In addition, the following requirements should be met:

1. Offenders in the specialized units have no sight or sound contact with adult offenders in living, program, dining or other common areas of the facility, and opportunities for any other sight or sound contact are minimized; any such contact that does occur is brief and in conformance with any applicable legal requirements;
2. Youthful offenders under the age of majority are housed in these specialized prisons or units except:
 - a. When a violent, predatory youthful offender poses an undue risk of harm to other youths within the specialized unit or prison; or

- b. When a qualified specialist in the developmental, programming and other special needs of youthful offenders has determined that the offender cannot benefit from placement in the specialized prison or unit.
- 3. When a youthful offender under the age of majority is placed in the general population, a written statement specifically explaining the substantial reasons for the placement is prepared;
- 4. Offenders over the age of majority are placed in these specialized units only when two requirements are met:
 - a. A qualified specialist in developmental levels and needs has, after a thorough assessment, determined that an offender's developmental and programming needs can best be met through this specialized placement; and
 - b. A determination has been made that placement of the offender in the specialized prison or unit will not jeopardize the safety of the youthful offenders housed there.
- 5. When an offender over the age of majority is placed in a specialized unit or prison for youthful offenders, a written statement specifically explaining substantial reasons necessitating the placement is prepared.
- F. Support the evaluation and refinement of classification systems and assessment processes by corrections professionals to ensure the appropriate placement of offenders in the specialized facilities or units for youthful offenders under the age of majority, based on risks and needs;
- G. Support the preparation and consideration of fiscal and correctional impact-assessment statements before the enactment of legislation that leads to the confinement of youths under the age of majority in adult correctional facilities; and
- H. Support the adoption of legislative, fiscal, regulatory and other mechanisms that will ensure that adequate resources are allocated for the specialized facilities and/or units developed for youthful offenders who cannot safely and effectively be handled by existing juvenile correctional/detention facilities.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 20, 1999. It was reviewed and amended at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Fiscal Responsibility for Correctional Legislation

2000-1

Introduction:

The changing needs as well as the increased size of the correctional population in the United States have resulted in crowded facilities and excessive workloads for staff of many correctional systems around the country. These conditions are due, in part, to state and federal mandates that do not consider the fiscal impact of compliance.

Policy Statement:

Adequate levels of funding are necessary to ensure that public safety and rehabilitation objectives are achieved and that adult and juvenile correctional agencies are operated in a safe, secure and constitutional manner. Implementation of sound correctional practices requires that institutional and community operations be adequately staffed and staff be properly trained. Correctional facilities and programs must have adequate resources to ensure that security, treatment and rehabilitation services are delivered cost-effectively in a safe and structured correctional environment.

The American Correctional Association supports funding to ensure sound correctional practice. There should be adequate funding to ensure that:

- A. Appropriate remedies are available to accommodate the future growth in demand for prisons, jails, juvenile facilities, probation and parole services, intermediate sanctions and other correctional services;
- B. Correctional programs and community human services are effectively coordinated;
- C. Gender- and culturally-responsive offender programming is provided to overcome barriers to successful reentry, reduce recidivism and provide restitution to victims and reparations to the community;
- D. There are sufficient correctional personnel and adequate physical space necessary to operate efficient and effective correctional programs;
- E. There are sufficient community corrections resources to provide adequate supervision and services to offenders released to the community on probation and parole or other forms of community supervision; and
- F. There are sufficient resources to provide for on-going program evaluation and for research into new and relevant services.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in San Antonio, Aug. 16, 2000. It was reviewed and amended at the Congress of Correction in Baltimore, Aug. 10, 2005. It was reviewed and reaffirmed without change at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Adult/Juvenile Offender Access to Telephones

2001-1

Policy Statement:

Recognizing that there is no constitutional right for adult/juvenile offenders to have access to telephones, it is nonetheless consistent with the requirements of sound correctional management that adult/juvenile offenders should have access to a range of reasonably priced telecommunications services. When contracting for telecommunications services for adult/juvenile offenders, correctional agencies should:

- A. Comply with all applicable state and federal regulations;
- B. Establish rates and surcharges that are commensurate with those charged to the general public for like services. Any deviation from ordinary consumer rates should reflect actual costs associated with the provision of services in a correctional setting; and
- C. Provide the broadest range of calling options determined to be consistent with the requirements of sound correctional management.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 24, 2001. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Community Service and Restorative Justice

2001-2

Introduction:

Establishing a sense of community is an important part of the rehabilitation process of offenders. Whether within an institution or as part of community corrections, it is beneficial to promote community service for offenders to assist their reentry into society and to promote the positive restoration within the community of the harm that criminal activity has caused.

Policy Statement:

The ACA supports community service for offenders and urges its use consistent with correctional management principles and public safety objectives.

While promoting community service, justice systems and institutions must consider factors that contribute to the success of the effort -for the offender and the public.

Therefore, when developing criteria for successful community service efforts, criminal justice and rehabilitative programs must:

- A. Enhance public safety;
- B. Integrate the offender into the community;
- C. Contribute to principles of restorative justice;
- D. Gain public support for programs and promoting acceptance of offenders;
- E. Enhance the self-esteem of offenders by using their time, talents and skills to benefit themselves and others;
- F. Provide value to government, the community and nonprofit organizations;
- G. Provide valuable, transferable skills to offenders;
- H. Balance community service with other responsibilities including family and work, and the availability of transportation;
- I. Restore public confidence in offenders; and
- J. Maintain public confidence in the justice system.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Nashville, Tenn., Jan. 24, 2001. It was reviewed and amended at the Winter Conference in Nashville, Tenn., Feb. 1, 2006. It was reviewed and amended at the Winter Conference in San Antonio, Feb. 1, 2011.

Public Correctional Policy on Reentry of Offenders

2001-3

Introduction:

Successful reentry of offenders in the community is in the best interest of society. Reentry programs enhance public safety, help prepare offenders for transition to responsible citizenship, can help reduce future criminal behavior, remove the barriers that make it difficult for offenders to reenter their communities, and develop necessary community support.

Policy Statement:

The American Correctional Association fully supports evidence-based practices and reentry programs, and encourages the elimination of any local, state and federal laws and policies that place barriers on the offender's successful reentry. Therefore, public and private agencies at the federal, state and local levels should:

- A. Advocate for the review and revision of existing laws and regulations that inhibit the successful reentry of offenders;
- B. Initiate individualized transitional planning during intake to a facility.
- C. Provide recidivism-risk and reentry-needs assessments and associated services and programs during incarceration;
- D. Provide an expedited process to obtain appropriate legal identification prior to or upon release;
- E. Assist the offender in accessing appropriate housing upon release;
- F. Provide sufficient staff trained to supervise and motivate offenders released to the community;
- G. Encourage institution and community supervision staff to integrate work efforts to assure a comprehensive continuum of supervision and services;
- H. Develop community partnerships and support networks for providing to provide a seamless and timely connection between pre- and post-release programs and services;
- I. Provide information and assistance to address health care needs following release such as obtaining Medicaid, medical and substance abuse treatment, and other health and psychological services. Provide a sufficient supply of prescription medication upon release;

J. Provide information and assistance to offenders to gain employment upon release, such as pre-employment readiness training, job identification and retention skills training, and job placement services;

K. Ensure that offenders who have served in the U.S. military are provided with information regarding the benefits and services to which they may be entitled, and are referred at discharge, to the Department of Veterans' Affairs or local veteran service organizations; and

L. Provide services to facilitate successful family and community reunification.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Congress of Correction in Philadelphia, Aug. 15, 2001. It was reviewed and amended at the Congress of Correction in Charlotte, N.C., Aug. 16, 2006. It was reviewed and amended at the Congress of Correction on Aug. 6, 2011, in Kissimmee, FL.

Public Correctional Policy on Justice System Partnerships

2003-1

Introduction:

Law enforcement, the courts and its agents; juvenile and adult corrections; and public and private social service agencies are components of the criminal and juvenile justice systems. Protection of the public and the promotion of social order under law are shared responsibilities of each. Public safety will be promoted when all components fully collaborate with each other in the spirit of a full and unconditional partnership.

Policy Statement:

Correctional practitioners and other service providers should make every effort to collaborate with one another, law enforcement and the courts in ways that will improve the overall criminal and juvenile justice systems. This results in enhanced protection of the public, efficiency in handling offenders and long-range cost effectiveness. Opportunities exist for partnerships to be developed in reentry programs and services, crime prevention initiatives, community corrections programs, probation and parole services, staff recruitment and development, violence reduction and other areas. Correctional agencies and organizations should:

- A. Develop communication policies and procedures to share information among agencies that promote prevention, early intervention, public safety and the reduction of recidivism;
- B. Commit to improving communications between agencies and initiating regular meetings with a variety of partners;
- C. Promote mutual aid agreements, shared training and resource utilization;
- D. Initiate research efforts to determine the benefits and outcomes of the partnerships;
- E. Support legislative efforts at all levels of government that will improve public safety and enhance the resources available to the partner agencies;
- F. Eliminate the barriers that are counterproductive to these partnerships; and
- G. Acknowledge the differences in each of the agencies and seek to understand the mission, vision and role of each agency within the partnership.

Public Correctional Policy on Correctional Mental Health Care

2004-1

Introduction:

Corrections professionals believe that offenders with mental illnesses should receive appropriate treatment and services including referral to external mental health service providers as necessary. Adult and juvenile correctional agencies should provide a continuum of mental health services. These services must be made available to offenders on community supervision, in correctional facilities and upon release. In detention and correctional facilities, seriously mentally ill offenders may be provided special housing to reduce potential injury to themselves, other offenders and to staff. Mental health care should be consistent with the standard of community care and in compliance with ACA standards and accreditation guidelines. In order to ensure comprehensive care, a multidisciplinary treatment plan should be developed. These plans should address individual differences of offenders with mental illnesses and consider gender, cultural and age issues.

Policy Statement:

Comprehensive correctional mental health services shall include:

- A. Screening and comprehensive assessments, including the evaluation of co-occurring disorders, when indicated, to determine risk and level of impairment;
- B. Crisis stabilization services for offenders suffering from acute episodes;
- C. Policies on the prescription, distribution and administration of psychotropic medication;
- D. Continued access to mental health services while housed in disciplinary or administrative segregation;
- E. Coordination and collaboration among treatment service providers;
- F. Establishment of a multidisciplinary treatment team in correctional facilities that includes mental health and other treatment professionals as well as custodial staff to develop and monitor treatment plans, including medication monitoring. A mental health professional should have a lead role on the treatment team;
- G. Suicide prevention strategies, including a policy on recognition, prevention and treatment methods;
- H. Policies on restraint/seclusion and involuntary psychotropic medication use;
- I. Development of medical and legal guidelines that address:

1. Informed consent;
2. Confidentiality;
3. Treatment refusal;
4. Mental health commitments;
5. Right to treatment;
6. Guardianship issues;
7. Health Information Portability and Accountability Act (HIPAA) if applicable;
8. Special needs housing.

J. A holistic approach that emphasizes cognitive, social and coping skills development, relapse prevention, and repayment and restoration to their victim(s);

K. Specialized training on mental health issues on at least an annual basis, including training of mental health professionals on security issues; and

L. Transition treatment planning in cooperation with parole and community mental health agencies and other service providers prior to release to ensure continuity of care.

This Public Correctional Policy was ratified by the American Correctional Association Delegate Assembly at the Winter Conference in New Orleans, Jan. 14, 2004. It was reviewed and amended at the Winter Conference in Kissimmee, Fla., Jan. 14, 2009.

Public Correctional Policy on Offender on Offender Sexual Abuse

2005-1

Policy Statement:

Sexual abuse against individuals confined in correctional facilities or on community supervision is wrong, illegal and should not be tolerated. Victims of sexual abuse may suffer severe physical and psychological effects. Corrections professionals have a responsibility to those they serve to provide a safe environment within which offenders are supervised.

To promote a safer and healthier environment for offenders and the community, correctional agencies should:

- A. Establish, publicize and enforce a zero-tolerance policy regarding all forms of sexual abuse;
- B. Develop classification and supervision policies and procedures that minimize the potential for sexual abuse to occur and develop policies that serve to protect the victim and prevent repeat occurrences;
- C. Establish investigative policies and procedures that include the processes for reporting and thoroughly investigating every allegation involving sexual abuse, including appropriate measures to protect the complainant during an investigation;
- D. Establish mental health and medical protocols for treating the victim, including initial screening, reporting, and appropriate follow-up treatment. Ensure victims are afforded assistance services and receive ongoing counseling and support;
- E. Foster an environment in which the reporting of alleged sexual abuse is encouraged and reports may be made without fear of reprisal;
- F. Establish relationships and protocols with outside law enforcement and prosecutorial agencies to pursue the prosecution of perpetrators of sexual abuse when there is a suspected violation of law;
- G. Maintain adequate and appropriate levels of staff to protect inmates against sexual abuse;
- H. Develop effective correctional strategies that provide constructive activities, and increase staff and offender safety and security;
- I. Promote facility design that enables effective supervision within facilities;
- J. Provide orientation and ongoing in-service training to staff, volunteers and contractors, emphasizing the zero-tolerance policy, explaining state law, case law,

administrative policies on the issue, and providing the skills needed to effectively manage offenders;

K. Provide information to offenders, inmates and detainees on how to avoid sexual abuse; and

L. Establish a systematic process for the collection of data that document the number of sexual assault allegations, the nature of each allegation and the resolution of the allegation.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Phoenix on Jan. 12, 2005. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

**Public Correctional Policy on Minority Overrepresentation
in Justice Systems and Programs**

2005-2

Introduction:

Minority populations are overrepresented in the justice systems of the United States compared with their proportion within the general population. This disparity contributes to injustice and unfairness, as well as the perception of inequity in the justice system. It also underscores the need to assess, determine, recommend and implement corrective actions that contribute to a more equitable justice system.

Policy Statement:

Correctional agencies and programs do not control the number of minority persons placed in their supervision or custody. Correctional agencies and programs have a responsibility to collaborate with other components of the justice system and nonjustice organizations such as victims' organizations and community-based service providers and organizations to develop systemic solutions to the disparity. Correctional agencies and programs have an obligation to ensure that internal policies and procedures and decision-making tools do not foster disparate outcomes. Parole release policies and procedures, probation and parole revocation policies and procedures, classification and housing determinations, assignments to halfway houses, work release and other temporary release programs, and internal work and program assignments should be designed to operate in a way that does not foster disparate outcomes for minority populations.

ACA recommends that correctional agencies should:

- A. Support initiatives and efforts that encourage jurisdictions to identify the problem, assess the reasons for the problem, and develop mitigating strategies;
- B. Work with law enforcement, the judiciary, probation, detention intake and other governmental agencies to develop objective screening tools for use in detention decisions to minimize disparity in the confinement of minority populations;
- C. Collaborate with the judiciary, other governmental agencies, and community organizations in the development of prevention and early intervention programs to strengthen the protective factors that reduce juvenile and adult crime;

D. Develop and expand culturally-responsive programming that addresses the needs of minority populations;

E. Collect and maintain statistics on minority population disparity in juvenile and adult case processing, in admissions to correctional facilities, and in community programs; report to the judiciary, legislative and executive bodies, and system agencies relevant statistics and information on the decision points where disparity is apparent; and encourage the development and implementation of strategies that minimize disparity;

F. Recruit and advance a qualified and diverse work force, including volunteers, to provide professional role models to all offenders held within correctional systems and programs;

G. Review best and promising practices and models, and their effectiveness, to eradicate the disproportionate confinement and/or contact of minority populations with the justice system; and

H. Play a larger role in mitigating minority population confinement and/or contact with the justice system through cultural training, reentry, in-prison programs, and partnering with community and faith-based groups.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Phoenix on Jan. 12, 2005. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Restoration of Voting Rights for Felony Offenders

2005-3

Introduction:

People convicted of crimes are expected to become responsible citizens after being discharged from correctional supervision. However, many individuals are excluded from exercising their civic rights because they are banned from voting in many jurisdictions. The laws that prohibit offenders from voting, even after they have been discharged from correctional supervision, frustrate the offenders in their attempts to fully reenter society successfully, reduce the voting constituency, and disproportionately exclude a large number of people from participating fully in society.

Nearly all states place some form of restriction on felon voting rights. Some states have developed processes to restore voting rights, but many felons are unaware of them, do not present the proper documentation, or the processes are often cumbersome and discourage voting.

Policy Statement:

The American Correctional Association affirms that voting is a fundamental right in a democracy and it considers a ban on voting after a felon is discharged from correctional supervision to be contradictory to the goals of a democracy, the rehabilitation of felons, and their successful reentry to the community.

Therefore, ACA advocates:

- A. Restoring voting rights for felony offenders upon the completion of their sentence including community supervision;
- B. Developing protocols for federal, state, and local correctional agencies that inform inmates near their release about the means by which their voting rights will be restored and provide education and assistance to felony offenders in completing the restoration process to regain their civil rights; and
- C. Developing state election agency procedures that permit eligible felony offenders to vote in elections after completing and filing all necessary paperwork.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Phoenix on Jan. 12, 2005. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional Policy on Staff Sexual Misconduct With Offenders / Detainees

2005-4

Policy Statement:

Staff sexual misconduct with offenders/detainees in correctional environments is wrong, illegal and should not be tolerated. Staff sexual misconduct includes, but is not limited to, committing or attempting to commit acts such as sexual assault, sexual harassment, sexual contact, obscenity, unreasonable and unnecessary invasion of privacy, behavior of a sexual nature or implication, and conversations or correspondence suggesting a romantic or sexual relationship. Sexual misconduct may occur between individuals of the opposite or same sex. There can never be "consensual sex" in a custodial or supervisory relationship. Any sexual misconduct between employees or agents and offenders/detainees is inconsistent with the professional and ethical principles of the American Correctional Association. ACA advocates for the prompt reporting and thorough, professional investigation of all allegations of misconduct by those with the responsibility and authority to handle such matters. ACA recommends that correctional agencies should:

- A. Support and/or strengthen legislation making sexual misconduct with offenders/detainees a criminal offense and eliminating consent as a defense;
- B. Establish, publicize and enforce a zero-tolerance policy regarding all forms of sexual misconduct;
- C. Develop and adopt specific, clear and concise policies and definitions that clarify interpretations of the term "sexual misconduct" and that provide clear direction for the agency's response to violations of the policies;
- D. Foster an environment in which the reporting of alleged sexual misconduct is encouraged and in which reports may be made without fear of reprisal;
- E. Establish partnerships with prosecutors, medical providers, mental health providers, and others who can provide advice, support, and direct services to victims of staff sexual misconduct;
- F. Develop policies and procedures that clearly explain the investigative process to staff and offenders, including policies on transfer and movement or separation of the people alleged to be involved;
- G. Provide orientation and ongoing in-service training to staff, volunteers and contractors, emphasizing the zero-tolerance policy, explaining state law, case law and administrative policies on the issue of staff sexual misconduct;

- H. Establish investigative policies and procedures that include the processes for reporting and thoroughly investigating every allegation involving sexual misconduct, including appropriate measures to protect the complainant during an investigation; incorporate medical and mental health protocols; and provide intensive training, resources and support for personnel assigned to investigate allegations;
- I. Provide offender/detainee orientation and ongoing education on staff sexual misconduct that includes information on the zero-tolerance policy, how to report allegations, how to obtain medical and mental health services, how to seek relief against retaliation for reporting allegations, and possible disciplinary actions for making false allegations;
- J. Report all instances of sexual misconduct to the proper authorities for investigation and possible criminal action; and
- K. Establish a systematic process for the collection of data that document the number of sexual misconduct allegations, the nature of each allegation and the resolution of the allegation.
- L. Promote facility design that enables effective supervision in facilities; and
- M. Establish relationships and protocols with outside law enforcement and prosecutorial agencies to pursue the prosecution of perpetrators of sexual misconduct when there is a suspected violation of law.

This Public Correctional Policy was unanimously ratified by the American Correctional Association Delegate Assembly at the Winter Conference in Phoenix on Jan. 12, 2005. It was reviewed, amended and reaffirmed Jan. 27, 2010, at the Winter Conference in Tampa, Fla.

Public Correctional on Criminal Sentencing and Early Release From Confinement

2010-1

Introduction:

A number of states have eliminated parole and/or good-time policies in favor of some form of a determinate sentencing scheme that may include sentencing guidelines. Determinate sentencing is designed to reduce the discrepancy between the sentence imposed and actual time served in prison and to provide offenders and victims of crime with accurate information on the amount of time inmates will serve in prison. Determinate sentencing ordinarily involves the judge specifying a number of years or months as a sentence of incarceration, to be followed by a specified period of supervised release in the community. Usually, the sentence of incarceration can be reduced by good time earned by the prisoner through good conduct. Determinate sentencing in some jurisdictions is structured in a sentencing guidelines system. Observers consider some guidelines systems to be complicated and others to be simple and readily understandable.

Other jurisdictions have retained indeterminate sentencing schemes, including parole. Under parole, offenders serve some final portion of their sentence under supervision in their community. Like supervised release, parole is designed to help offenders find employment, obtain a residence, establish personal finances, and adjust to life upon release from prison. It is also designed to serve as a mechanism to sanction any continuing maladaptive behaviors.

Because correctional systems play a major role in the reformation of inmates and in their preparation for reentry into the community after imprisonment, it is in the interest of justice to understand the position that corrections takes on matters related to criminal sentencing and early release from confinement.

Policy Statement:

Both indeterminate and determinate sentencing systems can be structured to yield appropriate sentences that include incarceration, parole or supervised release, probation, or other alternatives to incarceration. The length of a term of incarceration resulting from a criminal conviction should be only as long as necessary to accomplish the objectives of punishment (retribution, restraint, reformation and deterrence). This will optimize the cost to the taxpayers of operating a correctional system, minimize any deleterious effects of imprisonment, and maximize the chances for the successful reintegration of offenders into the community after release and also ensure that the public's interest in the long-term incarceration of habitual, violent and predatory sex offenders is preserved. Periods of incarceration that are longer than necessary to achieve the objectives of punishment are counterproductive. They increase the chances

that offenders will lose important contacts with family, lose linkages to community support systems, and become institutionalized. Periods of incarceration that are shorter than necessary to achieve the goals of punishment are also counterproductive. They can decrease public safety and erode public confidence in the justice system.

Incentives for inmates to maintain acceptable conduct and to participate in correctional programs while in prison are important for the individual's successful return to the community following release from custody, as well as aiding in institutional management and public safety. Inmates who exhibit positive institutional conduct and program participation may be afforded reductions in their term of imprisonment. The interests of justice are best served and correctional systems are able to perform at an optimal level and help criminal justice systems meet the objectives of punishment if there exists: 1) a general "good-time" policy that rewards designated inmates with the possibility of reductions in the court-imposed term of imprisonment for good conduct and general program participation, and 2) additional mechanisms that allow appropriate inmates to receive further reductions in their term of imprisonment after successful completion of or for substantial participation in programs that have been demonstrated to have a positive effect on reducing recidivism.

Correctional agencies should:

- A. Pursue legislative authority (where it does not exist) for a sentencing policy designed to impose only the term of incarceration necessary to achieve the objectives of punishment, regardless of whether the sentencing scheme implemented is determinate or indeterminate in structure;
- B. Pursue legislative authority (where it does not exist) for a good-time policy that allows for reductions in designated inmates' court-imposed term of imprisonment to provide incentives for offenders to maintain acceptable conduct and participate in correctional programs;
- C. Pursue legislative authority (where it does not exist) for a sentencing policy that allows appropriate inmates to receive additional reductions in their term of imprisonment for successful completion of or for substantial participation in programs that have been demonstrated to have a positive effect on reducing recidivism;
- D. Work with legislators and policymakers in the area of criminal sentencing and provide information to these policymakers relative to the objectives of punishment, the relation to criminal sentences, sentencing guidelines, and good-time/early-release policies;
- E. Provide legislators and policymakers with information regarding the costs of specific inmate programs and the benefit of these programs in terms of reductions in recidivism and the reduced future cost of incarceration;

F. Encourage legislators and policymakers to conduct more comprehensive cost/benefit analyses of inmate programs; and

G. Conduct research to assist legislators and policymakers in determining the relationship between probation, alternatives to incarceration, incarceration and supervised release, and recidivism and justice system aggregate costs.

This policy was unanimously ratified by the American Correctional Association Delegate Assembly at the 140th Congress of Correction in Chicago, Aug. 4, 2010.

Public Correctional Policy on Environmentally Responsible and Sustainability-Oriented Practices

2011-1

Introduction:

Adult and juvenile facilities and programs have the responsibility to deliver short- and long-term cost-effective performance through the implementation of environmentally responsible and sustainability-oriented measures, such as composting, energy conservation, recycling, water conservation, pollution reduction and the utilization of renewable energy alternatives.

Policy Statement:

The American Correctional Association fully supports appropriate short- and long-term cost-effective facilities and materials management strategies that are resource efficient and environmentally responsible. Therefore, public and private agencies at the federal, state and local levels should:

- A. Promote and engage in recycling efforts that may be determined by the surrounding community resources regarding markets and services for recyclable materials. However, each facility and program should pursue all reasonable alternatives that have the effect of an overall reduction in the waste stream;
- B. Promote and engage in composting of appropriate materials;
- C. Conserve energy through periodic energy-use audits and cost-effective efficiency improvements in areas such as lighting, heating, cooling, transportation and building construction. Agencies should pursue maintenance schedules that demonstrate effective maintenance of heating and cooling equipment. Agencies should demonstrate analysis of the cost of transportation vehicle use and related fuel consumption. Agencies should require LEED standards in all remodeling and new construction;
- D. Conserve water through the use of cost-effective, efficient water use technologies. Agencies should seek alternatives to unlimited water use in the form of efficient plumbing fixtures such as reduced flow shower heads, waterless urinals, controlled shower time for offenders, development of drought-resistant landscaping, recycling of rainwater runoff, and similar strategies;
- E. Reduce pollution through the use of nontoxic, non-caustic chemicals, liquids and powders;

- F. Utilize cost-effective, renewable energy alternatives. Agency staff should be able to demonstrate that they have researched and sought methods of obtaining and implementing cost-effective, renewable energy strategies.

- G. Provide appropriate training to staff [and offenders] regarding environmental responsibility and cost-effective, sustainability-oriented practices. For offenders, training may include preparation for future jobs in building retrofit industries or in alternative energy industries such as solar, wind turbine, or geothermal installation, operation and maintenance. For staff, facilities should seek ways to share information among staff on the importance of energy, water and resource conservation, to aid in the efficient and cost-effective operation of their workplace.

- H. Provide for organizational strategies that allow time and opportunity for staff to focus on environmental and resource efficiency issues.

This policy was unanimously ratified by the American Correctional Association Delegate Assembly at the 141st Congress of Correction in Kissimmee, FL on Aug. 9, 2011.