American Correctional Association

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, FL on January 20, 1985. It was last reviewed and reaffirmed at the 2020 Winter Conference in San Diego, CA on January 11, 2020.