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 supports the mission of correctional operations by:

I. 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;

II. 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;
III. 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

IV. Using the private sector to enhance staff development, competency and professionalism through training, certification and continuing education of correctional practitioners.

Correctional agencies should:

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

B. 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;

C. 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

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