<table>
<thead>
<tr>
<th>NUMBER</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-1</td>
<td>Supporting the Creation of an Office of Criminal Justice Health Care</td>
<td>1</td>
</tr>
<tr>
<td>2001-1</td>
<td>Recognizing the United Nations Standard Minimum Rules For the Treatment of Offenders (Mandela Rules)</td>
<td>2</td>
</tr>
<tr>
<td>2003-1</td>
<td>Supporting Full Funding of Programs Authorized by the Mentally Ill Offenders Treatment and Crime Reduction Act</td>
<td>3</td>
</tr>
<tr>
<td>2004-1</td>
<td>Urging Representation of Corrections at the United Nations Crime Congress</td>
<td>4</td>
</tr>
<tr>
<td>2005-1</td>
<td>Supporting Funding for the RSAT Program and the Flexible Use of those Funds</td>
<td>5</td>
</tr>
<tr>
<td>2007-1</td>
<td>Supporting the Prison Litigation Reform Act</td>
<td>6</td>
</tr>
<tr>
<td>2007-2</td>
<td>Supporting the Second Chance Act and Full Funding of Its Authorized Programs</td>
<td>7</td>
</tr>
<tr>
<td>2009-1</td>
<td>Supporting the Development of Technologies that Limit the Illicit Use of Cell Phones in Correctional Facilities</td>
<td>8</td>
</tr>
<tr>
<td>2011-1</td>
<td>The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules)</td>
<td>9</td>
</tr>
<tr>
<td>2012-2</td>
<td>Supporting the Amendment of Federal OMB Circular A-87 In Order to Allow Correctional Industry Programs to Keep Retained Earnings</td>
<td>10</td>
</tr>
<tr>
<td>2013-1</td>
<td>Supporting the Elimination of Mandatory Minimum Sentences and the Enactment of ‘Safety Valve’ Legislation</td>
<td>11</td>
</tr>
<tr>
<td>2014-1</td>
<td>Opposing Life Sentences Without Possibility of Parole for Youthful Offenders</td>
<td>12</td>
</tr>
<tr>
<td>2014-2</td>
<td>Supporting Reimbursement for the Incarceration of Undocumented Aliens</td>
<td>13</td>
</tr>
<tr>
<td>2016-1</td>
<td>Drone Use as it Relates to the Security Threat to Correctional Operations</td>
<td>14</td>
</tr>
<tr>
<td>2016-2</td>
<td>Supporting Repeal of the ‘Exclusion Clause’ in Section 1 of the Thirteenth Amendment of the U.S. Constitution</td>
<td>15</td>
</tr>
<tr>
<td>2017-1</td>
<td>Supporting Correctional Employee Wellness</td>
<td>16</td>
</tr>
<tr>
<td>TITLE</td>
<td>NUMBER</td>
<td>PAGE</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------</td>
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</tr>
<tr>
<td>Drone Use at it Relates to the Security Threat to Correctional</td>
<td>2016-1</td>
<td>14</td>
</tr>
<tr>
<td>Operations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opposing Life Sentences Without the Possibility of Parole</td>
<td>2014-1</td>
<td>12</td>
</tr>
<tr>
<td>For Youthful Offenders</td>
<td></td>
<td></td>
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<tr>
<td>Recognizing the United Nations Standard Minimum Rules</td>
<td>2001-1</td>
<td>2</td>
</tr>
<tr>
<td>For the Treatment of Offenders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Amendment of OMB Circular A-87 in Order</td>
<td>2012-2</td>
<td>10</td>
</tr>
<tr>
<td>To Allow Correctional Industry Programs to Keep Retained Earnings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting Correctional Employee Wellness</td>
<td>2017-1</td>
<td>16</td>
</tr>
<tr>
<td>Supporting the Creation of an Office of Criminal Justice</td>
<td>1999-1</td>
<td>1</td>
</tr>
<tr>
<td>Health Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Development of Technologies that Eliminate</td>
<td>2009-1</td>
<td>8</td>
</tr>
<tr>
<td>The Illicit Use of Cell Phones in Correctional Facilities</td>
<td></td>
<td></td>
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<td>Supporting the Elimination of Mandatory Minimum Sentences</td>
<td>2013-1</td>
<td>11</td>
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<tr>
<td>And the Enactment of ‘Safety Valve’ Legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Full Funding of Programs Authorized by the</td>
<td>2003-1</td>
<td>3</td>
</tr>
<tr>
<td>Mentally Ill Offenders Treatment &amp; Crime Reduction Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Full Funding of the RSAT Program and of the</td>
<td>2005-1</td>
<td>5</td>
</tr>
<tr>
<td>Flexible Use of those Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Prison Litigation Reform Act</td>
<td>2007-1</td>
<td>6</td>
</tr>
<tr>
<td>Supporting Reimbursement of the Incarceration of Undocumented</td>
<td>2014-2</td>
<td>13</td>
</tr>
<tr>
<td>Aliens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting Repeal of the ‘Exclusion Clause’ in Section 1 of the</td>
<td>2016-2</td>
<td>15</td>
</tr>
<tr>
<td>Thirteenth Amendment of the U.S. Constitution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supporting the Second Chance Act and Full Funding of Its</td>
<td>2007-2</td>
<td>7</td>
</tr>
<tr>
<td>Authorized Programs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urging Representation of Corrections at the United Nations</td>
<td>2004-1</td>
<td>4</td>
</tr>
<tr>
<td>Crime Congress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The UN Rules for the Treatment of Women Prisoners and</td>
<td>2011-1</td>
<td>9</td>
</tr>
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<td>Non-custodial Measures for Women Offenders</td>
<td></td>
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</tr>
</tbody>
</table>
SUPPORTING THE CREATION OF AN OFFICE OF CRIMINAL JUSTICE HEALTH CARE

1999-1

WHEREAS, the American Correctional Association affirms that comprehensive health care includes prevention, intervention, education and treatment for physical, mental and behavioral health problems; and

WHEREAS, many individuals involved with the juvenile and adult justice systems have or are at risk for communicable diseases and mental health and other health-related problems; and

WHEREAS, a public health crisis is occurring in our nation and its juvenile and adult justice systems; and

WHEREAS, applying public health prevention and intervention strategies in juvenile and adult justice systems is important for protecting and improving the health of offenders, staff, and the community at large; and

WHEREAS, providing timely assessments and appropriate services may result in the prevention of further spread of communicable diseases in the community; and

WHEREAS, juvenile and adult justice staff of various disciplines can be exposed to these diseases in the course of their daily duties and placed at risk; and

WHEREAS, there is a need to develop and sustain educational and immunization programs for persons in the adult and juvenile justice systems; and

WHEREAS, the adult and juvenile justice systems have a responsibility to improve public health through the education, immunization, prevention and treatment of an at-risk population; and

WHEREAS, there is no single source of information and resources dealing with the issue of juvenile and adult offender health care; and

WHEREAS, there is a need for collaboration among the various components of the adult and juvenile justice systems and public health systems; and now

THEREFORE BE IT RESOLVED that the American Correctional Association supports and urges the creation within the U.S. Department of Health and Human Services an Office of Criminal Justice Health Care to coordinate health programs directed at populations under the jurisdiction of adult and juvenile justice systems.

This resolution was adopted by the American Correctional Association Delegate Assembly on Aug. 11, 1999, at the Congress of Correction in Denver. It was last reviewed and reaffirmed at the 2017 Winter Conference in San Antonio, TX, January 25, 2017.
RECOGNIZING THE UNITED NATIONS STANDARD MINIMUM RULES FOR TREATMENT OF OFFENDERS

WHEREAS, the American Correctional Association’s vision statement reflecting the 1870 Declaration of Principles requires that we shape the future of corrections through strong leadership that brings together various voices and forges coalitions and partnerships to promote a principle-centered criminal and juvenile justice system; and

WHEREAS, the American Correctional Association is a recognized authority in establishing standards and accreditation of adult and juvenile corrections; and

WHEREAS, the American Correctional Association has a heritage of supporting initiatives for safe, effective and efficient programs for offenders that enhance human dignity; and now

THEREFORE, BE IT RESOLVED that the American Correctional Association recognizes and appreciates the contributions of the United Nations Standard Minimum Rules to the universal development of more humane and effective correctional systems, and to the continuing development of ACA standards; and

BE IT FURTHER RESOLVED that the American Correctional Association indicates a willingness to attain the optimum benefits of the United Nations Standard Minimum Rules.

This resolution was adopted by the American Correctional Association Delegate Assembly on Jan. 24, 2001, at the Winter Conference in Nashville, Tenn. It was last reviewed and reaffirmed at the 2016 Winter Conferences in New Orleans, LA.
WHEREAS, a significant number of adults incarcerated in U.S. jails and prisons have a mental illness; and

WHEREAS, a significant number of youths in the juvenile justice system have serious mental health problems including co-occurring mental health and substance abuse disorders; and

WHEREAS, the majority of these individuals have illnesses or disorders that are responsive to treatment in the community; and

WHEREAS, the Mentally Ill Offenders Treatment and Crime Reduction Act was made public law on Oct. 30, 2004, by Congress to provide local communities with resources they need to develop innovative solutions to avoid the criminalization of those with mental illness; and

WHEREAS, the law creates planning and implementation grants for communities to offer treatment and other services including housing, education, and job placement to mentally ill offenders; and

WHEREAS, grants under the law allow for the establishment and expansion of community-based treatment programs in adult and juvenile detention and corrections facilities, jail treatment programs, and transitional services; and

WHEREAS, grants under the law can be utilized to enhance training for criminal justice personnel and mental health system personnel who must understand how to respond appropriately to this population; and now

THEREFORE BE IT RESOLVED that the American Correctional Association supports full funding of the provisions of the Mentally Ill Offenders Treatment and Crime Reduction Act.

This resolution was adopted by the American Correctional Association Delegate Assembly at the Congress of Correction in Nashville, Tenn., Aug. 13, 2003. It was last reviewed and reaffirmed at the 2015 Winter Conference in Long Beach, CA on February 10, 2015.
URGING REPRESENTATION OF CORRECTIONS AT THE UNITED NATIONS CRIME CONGRESS

2004-1

WHEREAS, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders is a significant global forum within which to disseminate research, information and share practical experience and expertise on criminal justice practices throughout the world; and

WHEREAS, the scope of the U.N. Crime Congresses has broadened from the early focus on penology and treatment of juvenile offenders to include issues such as the relationship between crime control and social and economic development and international responses to transnational crime; and

WHEREAS, U.N. Crime Congresses bring together representatives of the world’s governments, specialists in crime prevention and criminal justice, scholars with noted international expertise and members of intergovernmental and nongovernmental organizations; and

WHEREAS, the recommendations from the U.N. Crime Congresses, issued through the Commission on Crime Prevention and Criminal Justice, impact on the legislative bodies of the United Nations – the General Assembly and the Economic and Social Council – and the criminal justice policies and practices of national and local governments; and now

THEREFORE BE IT RESOLVED that the American Correctional Association urges all parties that send representatives to the Crime Congresses, the Commission on Crime Prevention and Criminal Justice and related bodies include individuals with practical corrections expertise in their delegations; and

BE IT FURTHER RESOLVED that the American Correctional Association urges all representatives to the United Nations Crime Congress, Commission on Crime Prevention and Criminal Justice and related bodies to pursue internationally recognized exemplary practices consistent with ACA standards.

This resolution was adopted by the American Correctional Association Delegate Assembly on Aug. 4, 2004, at the Congress of Correction in Chicago. It was last reviewed and reaffirmed at the 2016 Winter Conference in New Orleans, LA.
WHEREAS, Bureau of Justice Statistics studies show the vast majority of offenders were under the influence of drugs or alcohol at the time they committed the offense that led to their incarceration; and

WHEREAS, without treatment, offenders continue to use drugs and engage in criminal activities; and

WHEREAS, the Residential Substance Abuse Treatment (RSAT) program was created by Congress in 1994 to address the high incidence of incarcerated persons with substance use disorders; and

WHEREAS, research has shown that continuity of treatment after release has proved to be one of the most effective ways to reduce recidivism and break the cycle of drug dependency; and

WHEREAS, the flexibility to spend the RSAT money to provide continuity of treatment is encouraged; and now

THEREFORE BE IT RESOLVED that the American Correctional Association supports increased RSAT funding for correctional substance use disorder treatment at all levels — federal, state and local; and

BE IT FURTHER RESOLVED that this funding should include the flexibility to be spent both during incarceration and during an offender’s transition back into the community.

This resolution was adopted by the American Correctional Association Delegate Assembly on Aug. 10, 2005, at the Congress of Correction in Baltimore. It was last reviewed and reaffirmed at the 2014 Winter Conference in Tampa, FL, February 4, 2014.
SUPPORTING THE PRISON LITIGATION REFORM ACT (PLRA)

2007-1

WHEREAS, the Prison Litigation Reform Act was enacted by Congress in 1996 to eliminate the overwhelming number of frivolous lawsuits that were being filed by our nation’s inmates; and

WHEREAS, 141 Cong. Rec. 27,042 (1995) states that …“in 1994, over 39,000 lawsuits were filed in Federal Courts, a staggering 15 percent over the number filed the previous year. The vast majority were completely without merit”; and

WHEREAS, the United States Supreme Court in Porter v. Nussle described the purpose of PLRA, in part, as two-fold: “to reduce the quantity and improve the quality of prisoner suits;” and

WHEREAS, the analysis of statistical data on the impact of PLRA is a necessary first step before the recommendation of any formal changes; and now

THEREFORE BE IT RESOLVED that the American Correctional Association continues to support the Prison Litigation Reform Act; and

BE IT FURTHER RESOLVED that the American Correctional Association requests the appropriate U.S. government entity perform outcome-based research on the effects of PLRA.

This resolution was adopted by the American Correctional Association Delegate Assembly at the Winter Conference in Tampa, Fla., Jan. 24, 2007. It was last reviewed and reaffirmed at the 2016 Winter Conference in New Orleans, LA.
SUPPORTING THE SECOND CHANCE ACT AND FULL FUNDING OF ITS AUTHORIZED PROGRAMS

2007-2

WHEREAS, the primary goal of the Second Chance Act is to help states and communities alleviate crowding in their jails and prisons by reducing recidivism through an improved reentry process; and

WHEREAS, the Act provides grants to state and local governments that may be used to promote the safe and successful reintegration of individuals who have been incarcerated; and

WHEREAS, the Act provides grants to nonprofit organizations that may be used for mentoring of adult offenders or providing transitional services for reintegration; and

WHEREAS, the Act provides grants to states for reentry research; and

WHEREAS, the Act provides funding for programs under the workplace and community transition training for the Incarcerated Youth Offenders Act; and

WHEREAS, the Act creates an interagency task force to identify existing reentry resources, develop interagency initiatives and a national reentry research agenda, and report recommendations to Congress; and

WHEREAS, the Act establishes a national resource center to collect and disseminate best practices and provides training and support pertaining to reentry; and now

THEREFORE BE IT RESOLVED that the American Correctional Association (ACA) supports the Second Chance Act, which helps state and local governments reduce recidivism, increase public safety, and respond better to the growing numbers of people released from prison and jail returning to the communities; and now

BE IT FURTHER RESOLVED that ACA supports the full funding of provisions of the Second Chance Act; and

BE IT FURTHER RESOLVED that ACA supports the reallocation of all funds that may revert to the treasury from state and local correctional programs for the purpose of funding other correctional programs, particularly those programs authorized by the Second Chance Act.

This resolution was adopted by the American Correctional Association Delegate Assembly at the Winter Conference in Tampa, Fla., Jan. 24, 2007. It was last reviewed, amended and reaffirmed at the 2013 Winter Conference in Houston, TX.
SUPPORTING THE DEVELOPMENT OF TECHNOLOGIES THAT ELIMINATE THE ILLICIT USE OF CELL PHONES IN CORRECTIONAL FACILITIES

2009-1

WHEREAS, maintaining public safety and operating a safe correctional facility depend upon the effective implementation of the most rigorous security measures; and

WHEREAS, controlling and monitoring inmate communications is necessary in order to maintain a secure facility and help ensure inmate and staff safety; and

WHEREAS, the possession and use of cell phones by inmates in a correctional facility constitutes a serious breach of security; and

WHEREAS, cell phones are being illegally smuggled into correctional facilities with greater frequency; and

WHEREAS, security measures currently being used have been unable to prevent inmates from possessing and using cell phones; and

WHEREAS, possessing cell phones gives inmates access to a private line of communication from which they can harass, threaten and intimidate victims and witnesses, engage in unlawful activities, and continue criminal enterprises; and

WHEREAS, systems currently being deployed to control the growing contraband cell phone problem inside our nation’s correctional institutions are required to allow offender calls to 911; and now

THEREFORE BE IT RESOLVED that the American Correctional Association supports the development, testing and legitimate use of technologies and practices to eliminate the illicit use of cell phones in correctional systems, facilities and programs; and

BE IT FURTHER RESOLVED that the American Correctional Association supports efforts to block all calls, including 911 calls, from contraband cellular devices inside correctional institutions.

This resolution was adopted by the American Correctional Association Delegate Assembly at the Congress of Correction in Nashville, Tenn., Aug. 12, 2009. It was last reviewed and reaffirmed at the 2015 Winter Conference in Long Beach, CA on February 10, 2015.
THE UNITED NATIONS RULES FOR THE TREATMENT OF WOMEN PRISONERS AND NON-CUSTODIAL MEASURES FOR WOMEN OFFENDERS (THE BANGKOK RULES)

2011-1

WHEREAS, the American Correctional Association's (ACA) vision statement reflecting the 1870 Declaration of Principles requires that we shape the future of corrections through strong leadership that brings together various voices and forges coalitions and partnerships to promote a principle-centered criminal and juvenile justice system; and

WHEREAS, the ACA is a recognized authority in establishing standards for accreditation of adult and juvenile corrections; and

WHEREAS, the ACA has a heritage of supporting initiatives for safe, effective and efficient programs for offenders that enhance human dignity; and

WHEREAS, the United Nations General Assembly on 21 December 2010 adopted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); and now

THEREFORE, BE IT RESOLVED that the ACA recognizes the United Nations General Assembly for its work in developing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders; and

BE IT FURTHER RESOLVED that the American Correctional Association recommends correctional jurisdictions in the United States and Canada carefully review those rules, and where appropriate, and when possible and practical, seek the incorporation of them in their policies and procedures.

This resolution was unanimously adopted by the American Correctional Association Delegate Assembly at the 141st Congress of Correction in Kissimmee, FL on Aug. 9, 2011. It was last reviewed and reaffirmed at the 2017 Winter Conference in San Antonio, TX, January 25, 2017.
SUPPORTING THE AMENDMENT OF FEDERAL OMB CIRCULAR A-87
IN ORDER TO ALLOW CORRECTIONAL INDUSTRY PROGRAMS
TO KEEP RETAINED EARNINGS

2012-2

WHEREAS, the American Correctional Association (ACA) has been steadfast in its support of correctional industry programs; and,

WHEREAS, ACA recognizes that correctional industry programs provide offenders with much needed work skills and work ethics that enhance employability upon release; and,

WHEREAS, ACA recognizes that correctional industry programs reduce institutional idleness and therefore enhance safety and security for correctional employees and offenders alike; and,

WHEREAS, ACA recognizes that correctional industry programs reduce recidivism and therefore enhance public safety to our nation’s communities; and

WHEREAS, ACA supports and desires the continued growth and expansion of correctional industry programs; and,

WHEREAS, correctional industry programs are self-supporting entities that produce a diverse line of quality products and services that generate revenues/retained earnings that in turn are utilized for various industry expenses including maintaining existing industry programs as well as the development of new and expanded industry programs; and,

WHEREAS, Federal OMB Circular A-87 restricts the amount of earnings that can be retained by correctional industry programs when federal funding is either wholly or partially utilized in the procurement of correctional industry products and services; and,

WHEREAS, any restriction of correctional industry earnings negatively impacts correctional industry’s ability to maintain existing industry programs and to expand and develop new industry programs; and now

THEREFORE BE IT RESOLVED that ACA hereby supports the amending of Federal OMB Circular A-87 to authorize correctional industry programs to keep all retained earnings regardless of funding source.

This resolution was adopted by the American Correctional Association Delegate Assembly at the 142nd Congress of Correction in Denver, CO in July 2012. It was reviewed and reaffirmed at the 145th Congress of Correction in Indianapolis, IN, August 19, 2015.
SUPPORTING THE ELIMINATION OF MANDATORY MINIMUM SENTENCES AND THE ENACTMENT OF “SAFETY VALVE” LEGISLATION

2013-1

WHEREAS, mandatory minimum sentences are a major contributor to prison and jail crowding and corrections budget growth; and

WHEREAS, a “safety valve” is a statutory provision, enacted by a legislature, that permits judges to sentence offenders below an applicable mandatory minimum sentence if certain conditions are met or certain facts and circumstances warrant such a sentence; and

WHEREAS, the Justice Safety Valve Act would create a “safety valve” provision that would apply to all federal mandatory minimum sentences and permit judges to sentence below the mandatory minimum term if doing so would not endanger the public and other facts and circumstances justified it; and

WHEREAS, model legislative language for state legislatures has been proposed to create a “safety valve” provision at the state level that would apply to many mandatory minimum sentences and permit judges to sentence below the mandatory minimum term if doing so would not endanger the public and certain other qualifications were met; and

WHEREAS, the use of statutory “safety valves” helps to reduce both prison and jail crowding and corrections costs, in turn making prisons safer and more rehabilitative, preserving limited resources for the most violent and dangerous offenders, and ensuring continued funding of other important law enforcement and crime reduction programs; and now

THEREFORE BE IT RESOLVED, the American Correctional Association supports the elimination of mandatory minimum sentencing policies; and

BE IT FURTHER RESOLVED that the ACA supports enactment by state legislatures and the U.S. Congress of “safety valve” provisions.

This resolution was adopted by the American Correctional Association Delegate Assembly at the 143rd Congress of Correction in Washington, DC, August 13, 2013. It was reviewed and reaffirmed at the 2016 Winter Conference in New Orleans, LA.
OPPOSING LIFE SENTENCES WITHOUT POSSIBILITY OF PAROLE FOR YOUTHFUL OFFENDERS

2014-1

WHEREAS, youthful offenders convicted of serious and/or violent crimes should be held accountable in a way that reflects human rights, values and moral beliefs; and

WHEREAS, the victims and survivors of crimes committed by youths should be protected and provided with supportive services and the restorative justice necessary to promote recovery; and

WHEREAS, it is understood that there are fundamental differences between youths and adults, particularly with regard to mental and emotion maturity; and

WHEREAS, Roper v Graham established that children are constitutionally different from adults for purposes of sentencing, and;

WHEREAS, youthful offenders have much greater potential for rehabilitation and should be provided every opportunity to heal and rehabilitate; and

WHEREAS, there is a significant cost to correctional agencies for incarcerating youths to life without parole; and

WHEREAS, the United States Supreme Court ruled in Miller v. Alabama that it is unconstitutional to impose an automatic or mandatory sentence of life without parole upon an individual for a crime committed under the age of 18; and now

THEREFORE BE IT RESOLVED, that the American Correctional Association (ACA) opposes the sentencing of offenders under the age of 18 to life without the possibility of parole; and

BE IT FURTHER RESOLVED, that ACA supports sentencing policies that hold youthful offenders accountable in an age-appropriate way, while focusing on rehabilitation and reintegration into society.

This resolution was adopted by the American Correctional Association Delegate Assembly at the 144th Congress of Correction in Salt Lake City, UT on August 19, 2014.
WHEREAS, there is a significant number of undocumented aliens housed in U.S. correctional facilities; and

WHEREAS, it is costly for the affected jurisdictions to house these individuals without reimbursement; and now

THEREFORE BE IT RESOLVED that 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 resolution was adopted by the American Correctional Association Delegate Assembly at the 144th Congress of Correction in Salt Lake City, UT on August 19, 2014.
WHEREAS, drones, including quad-copter drones, have been utilized to introduce contraband in the form of drugs, weapons and other illicit materials into correctional institutions, and;

WHEREAS, there are no uniform national regulations governing and restricting the use of such drones in close proximity to correctional facilities, and;

WHEREAS, under the authority of the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, the U.S. Department of Transportation and the FAA have directed the formation of a task force to develop regulations and requirements that would apply to recreational non-commercial drones, and;

WHEREAS, such regulations and requirements could appropriately govern the utilization of drones when such utilization threatens the security of correctional facilities; and now

THEREFORE BE IT RESOLVED, the American Correctional Association urges and requests the FAA and the U.S. Department of Transportation incorporate correctional facility security interests in all existing and planned regulatory development and implementation processes.

This resolution was adopted by the American Correctional Association Delegate Assembly at the 2016 Winter Conference in New Orleans, LA on January 26, 2016.
SUPPORTING REPEAL OF THE ‘EXCLUSION CLAUSE’ IN SECTION 1 OF THE THIRTEENTH AMENDMENT OF THE U.S. CONSTITUTION

2016-2

WHEREAS, Section 1 of the Thirteenth Amendment of the U.S. Constitution provides that “neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States;” and

WHEREAS, the American Correctional Association decries the historical applicability of slavery and involuntary servitude as acceptable punishment for those convicted of crimes; and

WHEREAS, in its “Code of Ethics” the American Correctional Association expresses that it “expects of its members unfailing honesty and respect for the dignity and individuality of human beings;” and

WHEREAS, the “Declaration of Principles” of the American Correctional Association stipulates that we have “a special responsibility to protect from harm those who are involuntarily under our care and control” and that “contemporary standards for health care, offender classification, due process, fire and building safety, nutrition, personal well-being and clothing and shelter must be observed;” and

WHEREAS, the American Correctional Association believes that periods of incarceration should be utilized to provide activities that promote pro-social behaviors, community integration and economic status through work education, vocational training, counseling, medical, mental health care and restorative justice programs; and now

THEREFORE BE IT RESOLVED that the American Correctional Association finds the ‘Exclusion Clause’ of Section 1 of the Thirteenth Amendment of the U.S. Constitution to be inconsistent with its basic founding principles and standards; and now

THEREFORE BE IT FURTHER RESOLVED that the American Correctional Association supports amendment of the U.S. Constitution to repeal the ‘Exclusion Clause.’

This resolution was adopted by the American Correctional Association Delegate Assembly at the 146th Congress of Correction in Boston, MA on August 9, 2016.
SUPPORTING CORRECTIONAL EMPLOYEE WELLNESS

WHEREAS, correctional employees’ wellness is a critical issue and has reached crisis proportions; and

WHEREAS, the unique inherent risks correctional employees are exposed to have resulted in increased health risks; and

WHEREAS, much focus and research have been conducted on law enforcement, firefighters, and other areas of public safety regarding this critical issue, but very few resources have been used on researching correctional employees’ wellness and very few resources have been used to provide tools to improve correctional employees’ wellness; and

WHEREAS, the nature of the correctional environment can be a causative factor in high-risk behaviors, such as the abuse of alcohol, prescription medications, and illegal substances; and

WHEREAS, traumatic events in a correctional environment may result in employees experiencing post-traumatic stress disorder; and now

THEREFORE BE IT RESOLVED that the American Correctional Association urges correctional agencies to raise awareness and educate employees regarding employee wellness in a corrections environment, including emphasis on employment-related stress; and

BE IT FURTHER RESOLVED that the American Correctional Association encourages agencies to develop and implement wellness initiatives and convene wellness committees regarding all the dimensions of wellness, including emotional, environmental, financial, intellectual, occupational, physical, social and spiritual; and

THEREFORE BE IT FURTHER RESOLVED that the American Correctional Association is committed to supporting and improving the overall wellness of correctional employees.

This resolution was adopted by the American Correctional Association Delegate Assembly on January 24, 2017 at the 2017 Winter Conference in San Antonio, TX.
RESOLUTIONS: A resolution is a formal statement regarding a desired course of action on a matter or issue related to the objectives of the Association. The committee may receive proposed resolutions from any member, committee, or organization in the Association. Resolutions shall be offered by the committee to the Executive Committee for review and recommendation to the Board of Governors. To become effective, resolutions require approval by the Board of Governors and Delegate Assembly. A proposed resolution from a member shall be presented to the Committee no later than 72 hours prior to being offered for consideration at the meeting of the committee. Unless rescinded, a resolution shall remain in force for three years. A resolution may be offered for renewal.

PUBLIC POLICIES: A public policy is a position statement on a criminal justice issue consistent with the Association’s Declaration of Principles that will guide and determine present and future decisions of the Association and give direction for criminal justice practices. A policy may be proposed by any member, committee or organization in the Association. Upon the initiation of a policy proposal, the committee shall review the proposed policy to determine its recommendation. The committee shall bring the proposed policy to the Executive Committee, Board of Governors and the Delegate Assembly for their approval. Upon approval, the ratified policy shall be communicated to the general membership for their information. A ratified policy will be reviewed every five years by the committee and the governing bodies of the Association for renewal or expiration.

*The Committee on Resolution and Policy Development meets Saturday morning at 8:00 AM during both the Winter Conference and the Congress of Correction.*