



**2019 WINTER
CONFERENCE**

JAN. 11–15, 2019

ACA
FOUNDED 1870



All conference overview photos courtesy Lovestruck Images

ACA returns to “The Big Easy” for the 2019 Winter Conference

The American Correctional Association’s return to New Orleans for the 2019 Winter Conference was bigger and better than the last, as corrections professionals from all over the world gathered for the one-of-a-kind festivities that took place at the Ernest N. Morial Convention Center from Jan. 11–15. Conference-goers attended the various sessions, workshops, meetings, exhibit hall booths, and also had the opportunity to further their career by earning continuing education credits. The opportunity to connect with other professionals in the field, learn

about new industry-leading best practices, earn certification credits, and much more, was offered in a way that only ACA can provide, and conference-goers were also able to experience the truly unique culture and experience that New Orleans has to offer. All in all, it was surely not something to miss.

The Winter Conference officially began on Friday, Jan. 11 with the Health Care Network Reception, sponsored by Correct Rx Pharmacy Services. A staple event that brings the conference into full swing, the reception was a warm welcome

All content and images are copyrighted by ACA, 2019, and may not be reprinted, altered, copied, transmitted or used in any way without written permission.



for all that was to come. Attendees gathered in the Carondelet Ballroom of the Marriott New Orleans and were treated to delicious food while they caught up with their peers and shared laughs and stories. Dr. Ellen Yankellow, president and CEO of Correct Rx gave remarks to the crowd as the reception came to a close.

Saturday, Jan. 12 marked the beginning of the much anticipated conference workshops; covering a variety of topics such as professional development, health care, re-entry and many more. As the workshops went on throughout the day, the Health Care Special Session and Luncheon, sponsored by Centurion LLC, took place at 12:30 p.m. The keynote speaker for this year was Bradley W. Brockmann, JD, MDiv. Brockmann is an assistant professor at the Brown University School of Public Health, Department of Health Services, Policy & Practice. He is a civil rights attorney whose career emphasis is on raising awareness at the national and state levels about the health care issues and challenges facing incarcerated and

other justice-involved populations. Brockmann's keynote speech centered on the needs of incarcerated members of the LGBTI community and the implementation of best-practices. He stressed the importance of correctional leadership's role in developing policies and protocol that reflects the specific needs and concerns of a community that is disproportionately represented in correctional facilities.

The Exhibit Hall Open House Reception took place on Sunday, and conference-goers were truly in for a treat, as they trekked through the Ernest N. Morial Convention Center exhibit hall to see the latest and greatest in correctional technology and products. The "Green Aisle" of the exhibit hall featured companies on the leading edge of sustainable products and services offered to the correctional field. From 4-6 p.m., attendees enjoyed finger foods while exploring the exhibit hall, and those who were interested in the grand prize of a smart TV & entertainment center visited booths with hopes of winning the grand prize. →

A big attraction of each ACA conference is the General Session, which took place bright and early on Monday, Jan. 14. Sponsored by Aramark Correctional Services and Falcon Correctional and Community Services, Inc., this year's session featured keynote speaker John King. A prolific, award-winning journalist, King is the anchor of CNN's Inside Politics, a 30-minute Sunday morning program featuring a panel of the top-tier political correspondents. King is an integral part of the political news landscape, covering numerous presidential elections and worldwide breaking news throughout his career. Before opening the floor to questions from the audience, King discussed the current political landscape of the nation, as well as the changing state of broadcast news throughout his career. Being the son of a correctional officer, King offered his utmost respect to those in the corrections industry and expressed a great appreciation for all that they do. He discussed hot-button topics, such as the then-recently ended government shutdown, the longest in our country's history. King also discussed the looming 2020 election, and answered questions from the crowd that pertained to corrections-related news in the media and offered advice to help improve public perception.

Attendees left the Ernest N. Morial Convention Center with new knowledge, connections, products and, most importantly, an unforgettable experience.

The final day of conference activities was on Tuesday, Jan. 15, which began with the much-anticipated Grand Prize Drawing. Preceding this was the giveaway of a conference-goer favorite, the Gondles Bear. The giant teddy bear is given away at the ACA resource center at each conference to a lucky attendee; this year's winner was Ennice Hobbs, Deputy to the Commander of the Northwestern

Joint Regional Correctional Facility: Army Corrections Command. This year's grand prize winner was Dane County Sheriff's Office Deputy Drew Biodrowski, who received a smart TV & entertainment center. Jimmie Atmore and Daniel Levet were the second and third place winners this year, each receiving brand new Apple iPads. ACA would like to thank the sponsors for the giveaway, Management & Training Corporation and TYRO Support Services.

Immediately following the Grand Prize away was the ACA Annual Luncheon, sponsored by Aramark Correctional Services and Falcon Correctional and Community Services, Inc. Kent Rader, the keynote speaker this year, treated conference-goers to a hilarious routine that placed an importance on implementing laughter in the workplace. Rader has worked as a motivational speaker for 15 years and has seen the positive impact that laughter and those who have the natural ability to make others laugh has on people's every day lives. In between the many humorous anecdotes that Rader told the crowd, he also offered advice that everyone can and should live by, the most important being the reminder that finding humor in your work life leads to a prolonged career.

The Annual Luncheon marked the winding down of the conference, and as the final workshops and meetings officially wrapped up the day, attendees left the Ernest N. Morial Convention Center with new knowledge, connections, products and, most importantly, an unforgettable experience. We hope to see you at the 149th Congress of Correction, taking place on Aug. 1–6, in Boston!

— ROBERT BRECKENRIDGE II





Policies and Resolutions

Editor's Note: The following public correctional policies printed below were reviewed by the Resolutions and Policies Committee and then approved for adoption by the ACA Board of Governors and Delegate Assembly at the 2019 Winter Conference in New Orleans, Louisiana.

PUBLIC CORRECTIONAL POLICY ON CORRECTIONAL BEHAVIORAL HEALTH CARE

Introduction:

Corrections professionals agree that offenders with behavioral illnesses must have access to necessary behavioral health treatment and services. Adult and juvenile correctional agencies should incorporate a multidisciplinary treatment team approach that ensures access to a continuum of behavioral health care, including pre-release planning for post-release continuity of care, in accordance with assessed behavioral health needs. In order to ensure comprehensive care, a multidisciplinary treatment plan should be developed. A designated behavioral health authority should be responsible for behavioral health care services, and clinical decisions and actions regarding behavioral health care should be the sole responsibility of qualified behavioral health professionals. Behavioral health care should be consistent with accepted practices and adhere to ACA performance standards, expected practices and accreditation guidelines.

Policy Statement:

Correctional behavioral health treatment and services shall:

- A. Provide screening and comprehensive assessments by a qualified behavioral health professional, including the evaluation of co-occurring mental health and substance use disorders, when indicated, to determine treatment and services needs;
- B. Implement individualized treatment plans that are developed and supervised by qualified behavioral health professionals;
- C. Provide crisis stabilization treatment and services;
- D. Provide psychotropic medication services that are clinically appropriate;
- E. Provide monitoring, periodic evaluations and access to behavioral health services, as clinically indicated, as well as in restrictive and extended restrictive housing;
- F. Ensure that oversight of treatment and services by a multidisciplinary treatment team, inclusive of custodial staff, that is guided by a qualified behavioral health professional;
- G. Establish a grievance mechanism capable of addressing offenders' complaints pertinent to behavioral health services;
- H. Ensure access to behavioral health educational materials that promote disease prevention, wellness and recovery;
- I. Provide information about the availability of, and access to, behavioral health services that is communicated orally and in writing to offenders in a form and language they understand;
- J. Develop suicide and self-injury prevention strategies, including assessment of risk, treatment, management interventions, prevention methods;
- K. Conduct psychological autopsy as part of the mortality and morbidity review process with follow up as indicated;



- L. Provide offsite behavioral health services for offenders whose psychiatric needs exceed the treatment capability of the facility;
- M. Ensure the use of therapeutic restraints and seclusion are supervised by a qualified behavioral health professional;
- N. Ensure the emergency use of psychotropic medications is governed by the laws applicable in the jurisdiction;
- O. Develop behavioral health and legal guidelines that address:
 - 1. Informed consent;
 - 2. Confidentiality;
 - 3. Treatment refusal;
 - 4. Involuntary commitments and treatment;
 - 5. Right to treatment;
 - 6. Guardianship issues;
 - 7. Advanced directives;
 - 8. Health Information Portability and Accountability Act (HIPAA) if applicable;
 - 9. Special needs housing; and
 - 10. Evaluation of competence.
- P. Emphasize a holistic approach that includes cognitive, social and coping skills development and lapse/relapse prevention;
- Q. Provide specialized training on behavioral health issues on at least an annual basis,

including training of behavioral health professionals on security issues; and

- R. Provide transition/re-entry treatment coordination with relevant stakeholders to include probation, parole, community behavioral health agencies and other service providers prior to release to ensure continuity of care.

PUBLIC CORRECTIONAL POLICY ON CO-OCCURRING MENTAL HEALTH AND SUBSTANCE USE DISORDERS

Introduction:

The lifetime prevalence rate for prisoners with substance use disorders is well over 70 percent.¹ In 1997, it was estimated that 3-11 percent of prison inmates have co-occurring mental health and substance abuse disorders.² More recent estimates include 24-34 percent of females and 12-15 percent of males with co-occurring disorders in the justice system.³ While substance use and mental health issues have growing relevance in America's jails and prisons, they have been treated as separate conditions. Treatment efforts within correctional systems need to be combined to reduce recidivism, build resilience and facilitate recovery for this population.

The operational definition of "co-occurring disorder" is the presence of at least one substance use disorder and one mental health disorder, wherein one or both of these disorders are currently associated with serious impairment in psychological, cognitive or behavioral functioning that substantially interfere with the person's ability to meet the ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional.

The U.S. Department of Health and Human Services (DHHS) supports the use of evidence-based practices for the treatment of co-occurring disorders

Policies and Resolutions

within the justice system. In 2005, the Department issued a Treatment Improvement Protocol (TIP) with guidelines on developing protocols for treatment of co-occurring disorders.⁴ In 2015, the Department partnered with the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide guidelines for screening and assessment of these needs within the correctional setting.

Policy Statement:

Despite the high rates of co-occurring disorders in correctional settings, there are few correctional programs implementing an integrated treatment model. Traditionally, services have been provided in a parallel model, which do not deal with the integrated nature of co-occurring disorders, and long-term outcomes are not positive.⁵ Integrated approaches that provide services by the same staff, and within the same setting, have been the most successful.⁶ These programs are highly structured, provide case management that can adapt clinical services to the needs of offenders, and include interventions that address criminogenic risk factors alongside integrated co-occurring disorder treatment.⁷ The American Correctional Association supports/encourages adoption of the integrated model, when feasible, for the treatment of individuals diagnosed with co-occurring mental health and substance use disorders.

The American Correctional Association urges the development and implementation of an integrated treatment program for co-occurring disorders that should:

- A. Provide a screening and assessment program that includes:
 1. Screening that utilizes an appropriate blend of historical data, screening tools, clinical interviews, health records, etc. that illustrate both illnesses and their patterns.
 - B. Provide an education program that includes:
 1. Scientifically accurate, culturally competent and non-judgmental education and training regarding the nature of co-occurring disorders and its treatment provided to all justice system personnel including custody officers, counselors, medical personnel, psychologists, chaplains, community supervision personnel, community residential staff, agency heads and leadership teams.
 2. Education about the “role of stigma” associated with substance use and mental health disorders and the very real impact that stigma has on those suffering from these disorders.
 - C. Provides a treatment program that includes:
 1. Identification of treatment needs as an ongoing and recurring process in order to
2. Identified professionals trained to recognize the interdependent nature of these disorders to aid with screening, diagnosing and managing symptoms of both disorders.
 3. Examination of the relationship between the mental health disorder and substance use disorder, with the acknowledgement that each may impact the other. Additionally, assessment should assess the readiness and commitment to recovery of the offender. This type of assessment should occur periodically throughout treatment to assess changing needs.
 4. Assessment of criminogenic risks, trauma history and personality issues that may affect progress in treatment.



individualize services. Placement in more intensive settings, such as an inpatient mental health unit or a substance use therapeutic community, should be predicated on the identified needs and severity of the co-occurring disorders.

2. Treatment options that match the expected length of stay of the patient. Re-entry planning should be an integral part of treatment for both resiliency and prevention of lapse/relapse.
 3. Components of treatment that may address coping skills, social skills, criminality and criminal thinking, anger management, medication management, stress management.
 4. Multiple modalities of treatment by a multidisciplinary team of service providers that may include individual counseling, group counseling, educational training and vocational training to provide the most thorough and individualized treatment opportunities.
- D. Provide re-entry and community supervision considerations that include:
1. Sustaining and supporting positive outcomes that decrease the risk of recidivism, both targeted supervision and aftercare opportunities within the community and bridge the gap from treatment during incarceration to stable community integration.
 2. Re-entry programs that aid in continuing the provision of treatment and promote integration within the mainstream community.

3. Exemplary practice models that incorporate recovery, employment and educational programs.
4. Re-entry planning for those with continued community supervision that marry the treatment progress achieved within the prison setting to the future success of life within the community.

***Editor's Note:** The following public correctional policies printed below were reviewed by the Resolutions and Policies Committee, amended and then approved for reaffirmation by the ACA Board of Governors and Delegate Assembly at the 2019 Winter Conference in New Orleans, Louisiana.*

PUBLIC CORRECTIONAL POLICY ON ADULT AND JUVENILE FEMALE OFFENDER SERVICES

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:

Policies and Resolutions

- 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 use treatment, trauma, physical and mental health to include prenatal care, relationships, spirituality, economic self-sufficiency, re-entry 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.

PUBLIC CORRECTIONAL POLICY ON JUVENILE JUSTICE

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. Include the involvement of the youth prior to release from custody, in developing a transition plan that includes educational and/or vocational programs for aftercare/re-entry and ensure that these re-entry 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 STAFF RECRUITMENT AND DEVELOPMENT

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 pre-adjudicated and adjudicated offenders and are the principal catalysts of change in the correctional process. The education, recruitment, orientation,



Policies and Resolutions

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 pre-adjudicated 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, benefits and other dedicated programs for correctional personnel that will enhance recruitment and retention.

PUBLIC CORRECTIONAL POLICY ON THE USE OF APPROPRIATE SANCTIONS AND CONTROLS

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.

PUBLIC CORRECTIONAL POLICY ON SENTENCING

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 implementers of sentencing policies, corrections professionals have a unique vantage point from which to provide input on their effectiveness and consequences. If the corrections profession 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. Promote the principle of proportionality whereby sentences imposed should be commensurate with the seriousness of the crime and the harm done;
- B. Ensure impartiality 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;

Policies and Resolutions

- D. Ensure that purpose-driven policies are 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. Recognize that a major purpose of restorative justice is righting the harm done to the victim and the community that includes the victim or his or her representative in the “justice” process;
- I. Promote the use of community-based programs whenever consistent with public safety; and
- J. Consider 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.

PUBLIC CORRECTIONAL POLICY ON CORRECTIONAL INDUSTRY PROGRAMS

Introduction:

Correctional industry programs, whether operated by the public or private sector, help enhance public safety, reduce recidivism, lower prison operating costs, save taxpayers’ dollars, provide offenders with job skills and training, develop offenders’ work ethic, promote restorative and/or reparative justice, reduce offender idleness and add value to the local community.

Policy Statement:

ACA fully supports correctional industry programs at the federal, state and local levels designed for the training and skill development of offenders working in correctional industry programs and the employment of ex-offenders returning to the community and opposes legislation that would limit or restrict legitimate work training opportunities for offenders without offering new authority to create additional training opportunities. Correctional industry programs, using sound business practices, should:

- A. Recognize that the goals of industry programs include:
 - 1. Developing offender work ethic and employability skills;



2. Professionally managing programs that replicate the private sector as closely as possible;
 3. Promoting career development and employment opportunities for offenders that allow for self-sufficiency upon re-entry; and
 4. Improving safety in institutions for staff and offenders by reducing offender idleness.
- B. Promote and adhere to statutes and regulations regarding the development, manufacturing, marketing, distribution and delivery of correctional industry products and services;
- C. Support legislation encouraging the employment of offenders during and beyond their period of correctional supervision;
- D. Promote collaboration with employers, labor organizations and other relevant agencies and organizations to overcome barriers to successful re-entry;
- E. Support investment of revenue to improve and/or expand overall correctional industries operations, maintain and upgrade equipment and help support offender training programs that lead to employment upon re-entry;
- F. Create a mutually supportive environment between correctional industry programs, both public and private, and the host institution;
- G. Provide opportunities for offenders 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. 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;
- I. 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
- J. Recognize that offenders in correctional facilities are excluded from coverage under the Fair Labor Standards Act and therefore cannot claim entitlement to minimum wage under the act (except those inmates employed in the Prison Industry Enhancement Certificate Program [PIECP] and work release programs).

PUBLIC CORRECTIONAL POLICY ON FIREARM CONTROL

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 more restrictive 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 persons from owning, possessing or unlawfully using firearms.



Policies and Resolutions

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. Law enforcement organizations to join in calling for more restrictive 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, 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 comply; and

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

PUBLIC CORRECTIONAL POLICY ON INTERNATIONAL STAFF EXCHANGE

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.

PUBLIC CORRECTIONAL POLICY ON PAROLE

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 reintegration. 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 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, training needs, continuing health care 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/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; and
- I. Be sensitive to and provide for gender differences and special needs that may affect supervision processes.

PUBLIC CORRECTIONAL POLICY ON YOUTHFUL OFFENDERS TRANSFERRED TO ADULT CRIMINAL JURISDICTION

Introduction:

Juveniles have developmental needs that require highly specialized management and



Policies and Resolutions

treatment by corrections professionals. Therefore, a separate system of corrections for juveniles was developed in states across the country. 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 are 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



Policies and Resolutions

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.

Editor's Note: The following resolutions printed below were reviewed by the Resolutions and Policies Committee, amended and then approved for reaffirmation by the ACA Board of Governors and Delegate Assembly at the 2019 Winter Conference in New Orleans, Louisiana.

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.

URGING REPRESENTATION OF CORRECTIONS AT THE UNITED NATIONS CRIME CONGRESS

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.

SUPPORTING THE PRISON LITIGATION REFORM ACT (PLRA)

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.

SUPPORTING THE ELIMINATION OF MANDATORY MINIMUM SENTENCES AND THE ENACTMENT OF “SAFETY VALVE” LEGISLATION

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, a “safety valve” provision 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



Policies and Resolutions

“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.

DRONE USE AS IT RELATES TO THE SECURITY THREAT TO CORRECTIONAL OPERATIONS

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, the U.S. Department of Transportation and the Federal Aviation Administration (FAA) were tasked 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.

ENDNOTES

- ¹ Substance Abuse and Mental Health Services Administration. *Screening and Assessment of Co-occurring Disorders in the Justice System*. HHS Publication No. (SMA)-15-4930. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.
- ² Edens, J. F., Peters, R. H., and Hills, H. A. (1997). Treating Prison Inmates with Co-Occurring Disorders: An Integrative Review of Existing Programs, *Behavioral Sciences and the Law*, 15, 439-457.
- ³ Substance Abuse and Mental Health Services Administration. *Screening and Assessment of Co-occurring Disorders in the Justice System*. HHS Publication No. (SMA)-15-4930. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015.
- ⁴ Center for Substance Abuse Treatment. *Substance Abuse Treatment for Adults in the Criminal Justice System*. Treatment Improvement Protocol (TIP) Series 44. DHHS Publication No. (SMA) 05-4056. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2005.
- ⁵ Ibid.
- ⁶ Ibid.
- ⁷ Ibid.