

What's Wrong With the ACA?

by Elizabeth Alexander

The American Correctional Association (ACA) is the largest and best-known organization of prison and jail staff in the country. It offers higher education programs designed to train prison industry professionals and, like a traditional professional association, it certifies persons as members in good standing of the profession. Of course, the major organizational function of the ACA is accreditation of prisons, jails, and juvenile facilities on the basis of published standards that the ACA has promulgated. Unfortunately, the ACA's actual performance of this function does not assure that minimum professional standards are observed. In fact, the ACA's process substitutes the standards and accreditation process for any form of more meaningful corrections oversight.

The ACA appears to embrace the deployment of their standards and accreditation process to protect facilities from outside scrutiny. On their website is a list of benefits that a prison obtains by being accredited. The first benefit is that the cost of liability insurance will decrease, because it will be harder to sue the prison successfully. The second benefit states that "accredited agencies have a stronger defense against litigation" because accreditation shows that the prison is trying to do things right.

The ACA claims that prisons are safer from being sued because the conditions in accredited facilities are better. But it is hard to find compelling evidence in support of this proposition. A few years ago I represented a prisoner from the Maximum Security Facility in Lorton, Virginia in a case that challenged denial of medical care for his glaucoma and skin cancer, and the conditions of confinement in his cell. Conditions included being locked up for extended periods of time in a cell flooded with human waste from other cells, without ventilation in temperatures over 100 degrees, over twenty-three hours a day without ever getting outside or even seeing the outside. The laundry facilities did not work, the heat sometimes did not work in the winter, and the entire cellblock was filthy and noisy.

This facility had been accredited by the ACA just before the litigation began, despite the fact that an internal report of the prison system acknowledged that

the facility failed to meet the ACA standards. How could that happen? The ACA inspection team simply waived the failure to meet the standards and accredited the prison anyway. Luckily in this case, the jury was not impressed with the fact that the facility was accredited and awarded about \$175,000 in damages, including punitive damages.

What happened at Lorton is not an aberration. Recently, the Suffolk County Detention Center in Massachusetts received a score of 98.96 in the ACA's accreditation process. Shortly after accreditation, seven guards were charged with federal crimes for assaulting and abusing prisoners. In addition, a number of women prisoners have come forward to report rapes and other forms of sexual abuse by male guards at the jail.¹

In another case, the ACA accredited a Louisiana juvenile facility in 1996. That same year, in a one-week period, 28 children at the facility were treated for broken bones or other injuries. On one day eight children suffered broken eardrums

as a result of beatings by staff. The ACA never revoked the accreditation.² There are many more horrifying examples that could be cited.

How can that be? It is easier to understand why these dangerous and disgusting facilities secure accreditation in light of the membership of the accreditation committee. The person in charge of the accreditation process at the Suffolk County Jail was Harold Clarke, then the Director of the Nebraska Department of Corrections and currently the secretary of the Washington Department of Corrections.³ Just before Mr. Clarke led the audit at the jail, a Nebraska state agency issued a devastatingly critical report about medical care in his corrections system. The beginning of the report quotes a prison doctor who exposed the dangerous neglect within the system: "I am ashamed of what I have become, I really am...For the first time, I stood up and said, I can't kill any more. Too much. These are human beings, for crying out loud."⁴ In response to the controversy about Mr. Clarke's ac-

BUDGE & HEIPT PLLC

ATTORNEYS AT LAW

*Experienced Civil Rights Attorneys Handling
Severe Cases of Police or Prison Abuse*

- Wrongful death
- Excessive force by police or prison staff leading to serious injuries
- Failure to provide emergency medical care leading to serious injuries or hospitalization

We are very selective in the cases we accept. To qualify, cases must involve wrongful death or severe injuries caused by law enforcement, jail, or prison personnel. Visit our website (www.budgeandheipt.com) to learn more about our law firm.

Please call us directly at (206) 624-3060 or send a brief written summary of your case to:

Budge & Heipt PLLC
705 Second Avenue, Suite 910
Seattle, WA 98104

(No collect calls without prior written approval)

FOCUSING ON
WASHINGTON & OREGON CASES

What's Wrong with ACA? (cont.)

creditation of Suffolk County, an ACA official refused to release the names of any prisons or jails that had actually been refused accreditation, but did claim that some actually exist.⁵ Only after the problems at Suffolk County led to wide-spread news coverage did ACA auditors return to perform a more critical examination of the jail.⁶

It is not just that the ACA accreditation process allows the auditors to waive compliance with standards. The standards themselves reflect the same weakness. The ACA chose as head of its standards committee, Ronald Angelone, the controversial former director of the Department of Corrections in Virginia.

For several years, the State of Connecticut sent prisoners to Wallens Ridge State Prison, a supermax prison in Virginia. Two mentally ill Connecticut prisoners died there over a short period of time. One committed suicide and another died after being repeatedly shocked with a stun gun and then placed in restraints. After these events, the National Prison Project sued over the treatment of the Connecticut prisoners.

Furthermore, a Connecticut state agency, the Office of Protection and Advocacy for Persons with Disabilities, attempted to inspect Wallens Ridge to evaluate the treatment of mentally ill prisoners there. Director Angelone refused to allow the agency to inspect his prison despite a federal law that denies his ability to do so.

Prior to Director Angelone's current position, he served as the director of corrections in Nevada until 1994. The National Prison Project sued Nevada because of its unconstitutional use of force policies around the same time. In the course of the lawsuit, the NPP found that at one prison, from July 1993 to June 1994, there had been 50 incidents in which staff shot prisoners, 20 incidents of the use of chemical agents against prisoners, and 128 incidents involving hands-on use of force. The year after Angelone left, there were only eight reported uses of firearms. The use of chemicals fell to a fraction of its previous level, and the number of hands-on use of force incidents decreased nearly 50 percent. The state's new director and the prison's warden admitted in sworn testimony that the past practices, during Angelone's tenure, were improper.

When Angelone came to Virginia he brought with him many of the same dangerous policies and practices. Prison guards in Virginia now carry guns in the housing units and have access to various devices for delivering electric shocks to prisoners. An editorial published in *The Virginian-Pilot* in Norfolk, Virginia, declared that "if the price is vindictive or even abusive treatment of prisoners—while hurdles are placed in the way of public oversight - then the price is too

high and [Angelone] should go."⁷

I testified before Mr. Angelone and the rest of the Standards Committee in support of a policy of keeping juveniles out of adult prisons, because a juvenile in an adult prison is several times more likely to be raped or to commit suicide if placed in an adult prison rather than a juvenile facility. Angelone led a successful fight at that meeting to water down the standards.

The decision of the ACA membership to put in charge of the Standards Committee someone like Angelone, who advocates dangerous and reactionary practices, and who has displayed indifference to public accountability of corrections, is extraordinarily revealing. Absent complete restructuring, the ACA is as much a barrier to meaningful reform of prison conditions as it is an ally. ■

Elizabeth Alexander is the director of the ACLU's National Prison Project. The article previously appeared in the NPP journal.

Endnotes

1. Francie Latour, "Suffolk Jail Audit Group is Faulted, Critics to Demand New Review Panel," *The Boston Globe*, 20 June 2001.
2. Ibid.
3. Ibid.
4. *Ombudsman's Report: Examination of the Medical System of the Nebraska Department of Correctional Services*, 23 Nov. 1999.
5. Francie Latour, "Suffolk Jail Audit Group is Faulted, Critics to Demand New Review Panel," *The Boston Globe*, 20 June 2001.
6. Francie Latour, "Report Blasts Operation of Suffolk Sheriff's Office," *The Boston Globe*, 19 July 2001.
7. Editorial, *The Virginian-Pilot*, 14 May 2000.

HARVEY R. COX, MS Corrections Consultant

(Both Federal and State Inmates)
32 years Correctional Employment,
including Federal, State, & Private Prisons
(Warden at 3 Institutions)

Reasonable Rates for
Assistance in:

PSI Review Prior to Sentencing
(Impacts on Prison Designation and
Programs)

Prison Transfers

Parole Representation
(Not Texas State Inmates)

Prison Grievances
(Administrative Remedies)

Expert Witness

PO Box 1551
Weatherford, TX 76086
(817) 596-8457

Fax: (817) 594-7172

E-mail: hrcox@yahoo.com
www.prisonconsultant.com

From the Editor

by Paul Wright

As mentioned in previous issues of *PLN*, our website has been a major undertaking and now makes available all back issues of *PLN* in various formats, including all articles in *PLN*'s customized and searchable database as well as the issues in PDF format. The website has met with very positive responses and we continue to add materials to it on a daily basis. We welcome suggestions and ideas on how we can bring still more information and news to our readers.

Subscribers will soon receive *PLN*'s annual fund raising letter and a survey seeking input about the content of the print

magazine. Please respond to the survey as it allows us to better serve your needs.

Due to delays in production over the summer we got behind on our publishing schedule. To get back on schedule we are publishing on a bi weekly schedule until we get caught up. Please bear with us during this process and we apologize for the delay but we believe that switching to a new desk top publishing program, while inconvenient at first, will allow us to further improve our quality and services.

This issue is jam packed full of information so I won't take up more space. Please encourage others to subscribe. ■