



RHODE ISLAND BROTHERHOOD OF CORRECTIONAL OFFICERS

"Representing Those Who Work the Toughest Beat in the State"

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April 8, 2025

Honorable Members
Rhode Island House Finance

Dear Representative:

I am writing to place on the record the Rhode Island Brotherhood of Correctional Officers concerns regarding the proposed FY 2026 budget of the Department of Corrections. Most of the budget proposals we agree with but there are areas of concern that we feel compelled to raise to this committee.

We are thankful for the Governors' removal of the proposal regarding the relocation of the Minimum Security Facility into the John Moran Medium Facility. Unfortunately, Director Salisbury now plans to shift his attention to identifying budgetary savings through reductions of overtime and staff reductions. Staff and post reductions during a time of increased disciplinary problems and record drug problems is a recipe for disaster.

The Rhode Island Brotherhood of Correctional Officers concerns with the 2026 Budget include Director Salisbury commitment in pursuing American Correctional Association (ACA) accreditation for our facilities. The ACA accreditation process recently has come under intense scrutiny for accrediting unsafe and violent institutions' leading to a real concern that pursuing this certification will waste tax dollars without delivering substantial reforms our system may need. Previous Directors John Moran, George Vose, AT Wall, and Trish Coyne Fague were well aware of ACA and did not pursue this accreditation process.

The flaws in the accreditation process are well documented. Recently the Federal Bureau of Prisons decided not to renew its contract with ACA, following a congressional investigation spearheaded by Senators Elizabeth Warren (D-MA), and Ed Markey (D-MA). I have included a copy of the report with this letter. The accreditation process will prove extremely costly. The Director has already hired an Inter Departmental Project Manager and in the process of hiring two additional Principal Management and Methods Analyst for the Accreditation process with the understanding there will be one hired for each facility being audited. We believe this process warrants a closer evaluation by this committee.

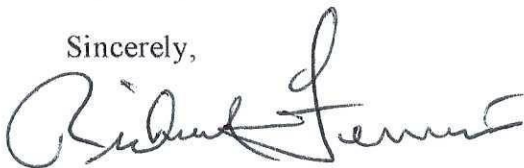
We have documented in the past an extremely top-heavy management team that continues to grow. When Director Salisbury took control of the DOC in 2023 the department of corrections had (5) five interdepartmental project managers, in this budget I am frustrated to announce we now have (12) twelve interdepartmental project managers. A 140% increase from just two years ago. The Department continues to fatten the management ranks with new positions, the newest position is the Chief of Strategic Planning

Monitoring and Evaluation and also his recent Chief of Staff hiring. Director Salisbury is looking at cutting Correctional Officer posts while significantly increasing an already top-heavy management team warrants a closer review by this committee.

The final area that we believe this committee should review, is Director Salisbury travel expenses. His travel was widely reported by the media last year and he was fined for his failure to report. I have included the WPRI story. I have requested information on how public funds are being spent. (Copies included). In response we received an estimate of hundreds of dollars that must be paid to get this information. From the Union's perspective that was an unacceptable response. This information should be easily accessible to anybody who requests it without having to pay hundreds of dollars and it suggest to me that they does not want us to know what those expenses are. Perhaps if the request came from the general assembly the information would be provided.

It is with these facts in mind that the Rhode Island Brotherhood of Corrections submits this testimony regarding the budget.

Sincerely,

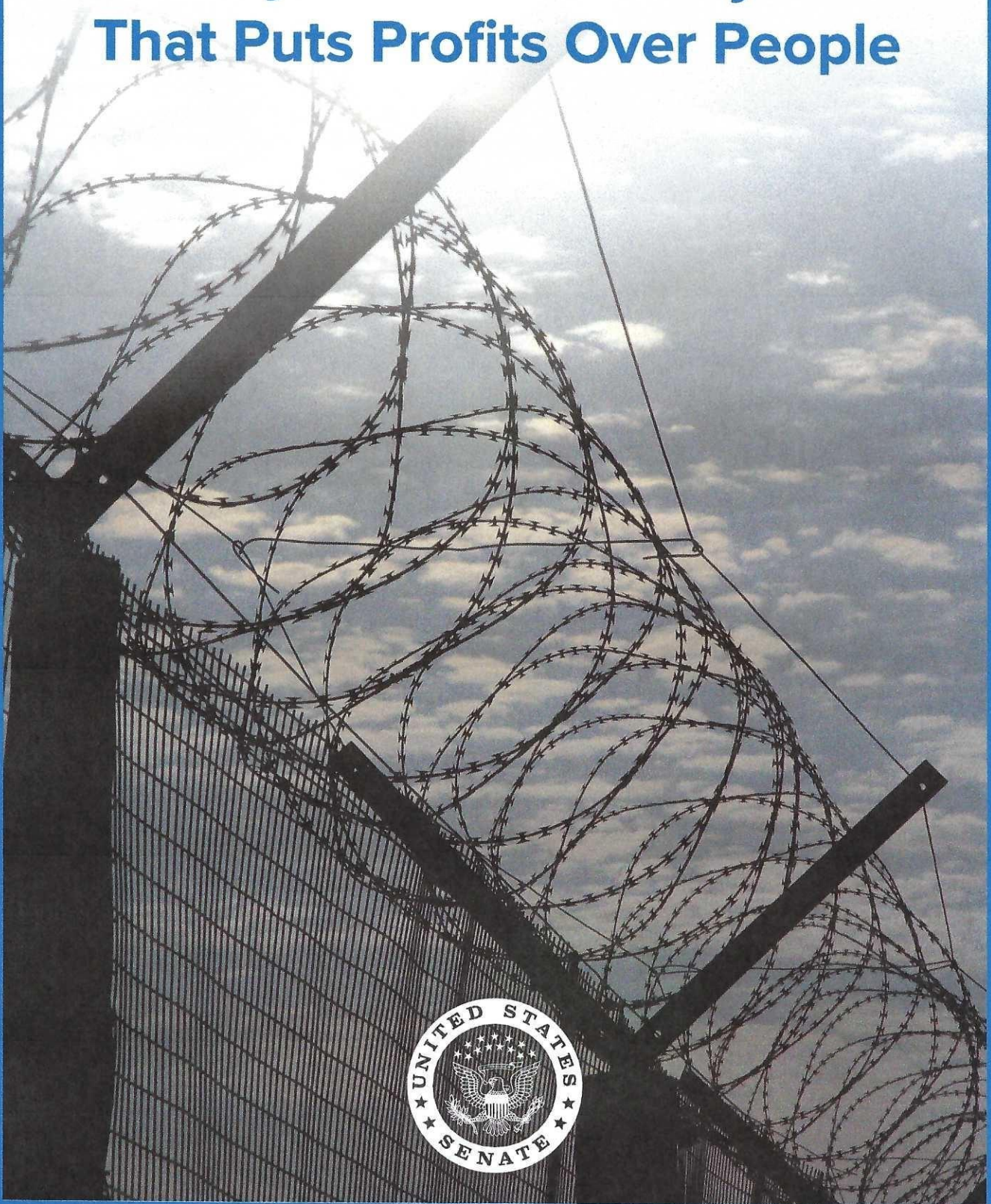
A handwritten signature in black ink, appearing to read "Richard Ferruccio". The signature is written in a cursive, flowing style with a large initial "R".

Richard Ferruccio

President, RIBCO

THE ACCREDITATION CON:

A Broken Prison and Detention Facility Accreditation System That Puts Profits Over People



Prepared by the Office of Senator Elizabeth Warren
December 2020

I. Executive Summary

The criminal legal and immigration systems in the United States are broken. The criminal system incarcerates too many people, locks them away for too long, and fails to provide the formerly incarcerated with the necessary tools and support to successfully return to their communities upon release. The immigration system is similarly in shambles. Instead of providing refuge to vulnerable immigrants fleeing poverty and violence, including children and families, the Trump Administration is turning them away or throwing them into unsanitary and overcrowded facilities with little to no standards.

There is one group that benefits immensely from these flawed systems: private prison companies. Federal, state, and local taxpayers spend billions of dollars propping up the private prison industry that profits off the backs of prisoners and detainees. These companies are driven by incentives that reward locking up more people in worse conditions, prioritizing their bottom line over the safety and well-being of incarcerated and detained individuals, corrections and immigration professionals, and communities.

Report after report has identified the problems with the private prison and detention facilities. Privately-run facilities often have worse conditions than government-run facilities, and, due in part to the large sums they pour into lobbying campaigns, oversight of private prisons and detention facilities has been so weak that, in many cases, it appears to be nonexistent. As a result, private prisons generally escape accountability for flagrant health and safety violations.

Despite these problems, private prison companies insist that they are well-regulated and meet high standards.¹ In particular, they point to the accreditation of their facilities as evidence that their facilities meet or exceed relevant health and safety standards.

In order to better understand the accreditation process, and assess private prison companies' claims that accreditation provides a guarantee of adequate appropriate conditions in their facilities, Senator Elizabeth Warren opened an investigation of the American Correctional Association (ACA), the nation's largest accreditor of prisons and immigration detention facilities, and its relationship with the three largest private prison companies that receive ACA accreditation: CoreCivic (formerly Corrections Corporation of America), GEO Group (GEO), and Management & Training Corporation (MTC). This report details the findings of that investigation. It reveals that the ACA's private prison accreditation system is riddled with conflicts of interest, lacks transparency, and is subject to zero accountability even though millions in taxpayer dollars to flow to the ACA and private prison companies. These problems put the health and wellbeing of incarcerated and detained individuals, the staff and employees who work in those facilities, and our communities at risk.²

¹ Exhibit C: Response from Management & Training Corporation; Exhibit D: Response from GEO Group.

² For example, some of the worst COVID-19 outbreaks in the country happened in communities with private prison, where incarcerated individuals became ill, and then workers, incarcerated individuals who were released, and visitors were exposed to the virus due to unsanitary conditions, spreading it into the community beyond. CBS News, "CDC report details extent of coronavirus outbreaks in U.S. jails and prisons," Justin Carissimo, May 6, 2020, <https://www.cbsnews.com/news/coronavirus-outbreaks-jails-prisons-cdc-report-covid-19/>.

Key findings include:

- **The ACA’s dual role as an advocate for the private prison industry and the organization responsible for overseeing conditions at facilities run by private prison companies creates an irreconcilable conflict of interest.** The ACA advocates for and lobbies on behalf of private prisons, supporting the prison-industrial complex and acting as the “the voice for corrections.”³ At the same time, the ACA receives a significant portion of its revenue by providing accreditation and other services to the same companies on whose behalf it advocates. Although the ACA purports to rigorously evaluate conditions at prison and detention facilities in its accreditation process, it relies on the same companies it accredits for a huge portion of its revenue.
- **The ACA accreditation process is a rubber stamp.** It is almost impossible for a facility to fail an ACA audit. The ACA grants facilities three months’ advance notice of audits; provides facilities with “technical assistance,” including “standards checklists” and an “audit readiness evaluation” that help a facility know when to schedule its audit and what to expect; and, at a facility’s request, will conduct a “mock audit” to help the facility prepare.⁴ If problems persist despite these ample opportunities to correct—or hide—them, the ACA Commissioners can ignore audit finding altogether and allow a facility that failed its audit to receive accreditation, rendering these standards toothless.
- **Serious problems persist at ACA-accredited facilities.** Neither the ACA nor the private prison companies Senator Warren’s office contacted could provide a single, recent example of a prison or detention facility that had been denied accreditation – even when the facility had a public record of safety, health, or security violations.⁵ Prisons that have been the sites of multiple riots, failed to provide safe and adequate food or medical care to incarcerated individuals, or, in one instance, was described by a federal judge as “paint[ing] a picture of such horror as should be unrealized anywhere in the civilized world,” have all been accredited and reaccredited by the ACA.⁶ The ACA has also accredited facilities that have proven unprepared to respond to the coronavirus pandemic 2019 (COVID-19), including the Elkton Federal Correctional Institution, an

³ ACA, “The History of the American Correctional Association,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_History/ACA_Member/AboutUs/AboutUs_Home.aspx?hkey=0c9cb058-e3d5-4bb0-ba7c-be29f9b34380.

⁴ American Correctional Association, “Consultant Manual,” 2012, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁵ The ACA provided information revealing that the last prison or detention center to have been denied accreditation was in March 2014. Prior to that, only three facilities had been rejected, according to the ACA, in November 2012, May 2010, and May 2007. Exhibit A: Response to Sen. Warren from the American Correctional Association; Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

⁶ ACLU, “A Picture of Such Horror as Should Be Unrealized Anywhere in the Civilized World,” Margaret Winter, Mar. 29, 2012, <https://www.aclu.org/blog/smart-justice/mass-incarceration/picture-such-horror-should-be-unrealized-anywhere-civilized>.

ACA-accredited facility where there were “people walking around looking like the living dead,” and others with major outbreaks in Yazoo City, Danbury, Glenville, Fort Worth, Coleman, La Tuna, Tallahassee, and Fairton.⁷

- **The ACA failed to adapt to COVID-19:** Rather than shifting its oversight of prisons and detention facilities to address major health and safety concerns during COVID-19, the ACA has “greatly reduced its auditing of correctional facilities.”⁸ The ACA has also refused to adapt its standards to incorporate new, COVID-19-era standards, claiming that because it couldn’t have its yearly conference, it is not able to adopt new standards.⁹

Private accreditation of federal, state, local, and private prisons and detention facilities is ineffective, dangerous, and wasteful, and provides no indication of quality. The federal government should not outsource oversight of its prisons and detention facilities, nor should it pay for or rely on external organizations’ accreditations. The Department of Justice (DOJ) and the Department of Homeland Security (DHS) should immediately stop relying on the ACA to accredit its facilities and establish a rigorous, independent, and transparent process for oversight and assurance of quality at these facilities.

⁷ The Marshall Project, “‘I Begged Them To Let Me Die’: How Federal Prisons Became Coronavirus Death Traps.” Keri Blakinger and Keegan Hamilton, Jun. 18, 2020, <https://www.themarshallproject.org/2020/06/18/i-begged-them-to-let-me-die-how-federal-prisons-became-coronavirus-death-traps>.

⁸ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

⁹ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

II. Introduction: The Role of Accreditation in the Private Prison Industry

The ACA is the primary accreditor for federal, state, and local private prisons and detention facilities.¹⁰ According to the ACA, the purpose of accreditation is “to improve facility operations through adherence to clear standards relevant to all areas/operations of the facility, including safety, security, order, inmate care, programs, justice, and administration.”¹¹ As of June 2020, the ACA has accredited over 1,500 facilities in at least 49 states, the District of Columbia, and Puerto Rico.¹²

As part of the accreditation process, the ACA audits public and private prisons and detention facilities, providing them with a stamp of approval and all “the benefits accruing from accreditation.” For for-profit prison and detention companies, the main benefit of accreditation is the access it provides to sizeable government contracts.¹³ Accreditation is one of the key indicators that federal, state, and local governments rely on to show that the prisons and detention centers with which they contract are of adequate quality, and it makes those facilities and the private companies that own and operate them eligible to compete for lucrative federal, state, and local government contracts.

For example, the U.S. Bureau of Prisons (BOP) requires ACA accreditation for all companies with which it contracts to operate private prisons.¹⁴ As of December 2015, the BOP contracted with 14 facilities to hold over 22,000 individuals, approximately 12% of the federal prison population.¹⁵ All facilities were operated by CoreCivic, GEO, or MTC.¹⁶ In addition to the federal government, according to the ACA’s Executive Director James Gondles, all 50 states require accreditation as part of their contracting process with private prisons.¹⁷

Those sizeable contracts are often claimed by one of three private prison companies: CoreCivic, GEO, and MTC, which collectively control three quarters of the private correctional and

¹⁰ACA, “The History of the American Correctional Association,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_History/ACA_Member/AboutUs/AboutUs_Home.aspx?hkey=0c9cb058-e3d5-4bb0-ba7c-be29f9b34380; Exhibit A: Response to Sen. Warren from the American Correctional Association; Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

¹¹ACA, “The History of Standards and Accreditation,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/ACA_Member/Standards_and_Accreditation/SAC_AboutUs.aspx?hkey=bdf577fe-be9e-4c22-aa60-dc30dfa3adcb

¹²ACA, “Accredited Facilities,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2;

Exhibit B.

¹³Exhibit E: From multiple contracts written by the ACA and signed by a private prison owner and operator.

¹⁴Federal Bureau of Prisons, “Contract Prisons,” https://www.bop.gov/about/facilities/contract_facilities.jsp

¹⁵Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>. The number of contract prisons has since reduced to 12. Bureau of Prisons, “Contract Prisons,”

https://www.bop.gov/about/facilities/contract_facilities.jsp.

¹⁶Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

¹⁷Exhibit B: Information provided on a call between ACA Leadership and Sen. Warren’s staff, August 2019.

detention industry and generate millions in profits each year. GEO manages or owns approximately 135 correctional and detention facilities worldwide and generated \$2.3 billion in revenue and almost \$145 million in net profits in 2018.¹⁸ As of December 2018, CoreCivic owned or operated over 75 correctional and detention facilities and generated almost \$1.8 billion in revenue and close to \$160 million in profits in 2018.¹⁹ MTC manages close to two dozen correctional facilities in the United States.²⁰

ACA accreditation is also a central component in the immigration detention system. While Immigration and Customs Enforcement (ICE) has its own detention standards, the agency “incorporate[s] many ACA practices and requirements... into ICE detention standards for single adults.”²¹ Furthermore, although ICE does not require ACA accreditation, it does “encourage” it, helping to steer additional money into the ACA’s pockets through private contract facilities.²²

Private prison companies use accreditation both to gain access to hefty government contracts and as a shield against criticism that their facilities lack important safeguards. In response to complaints and public reports about poor conditions at their facilities, CoreCivic, GEO, and MTC responded by pointing to the facilities’ ACA accreditation scores.²³ For example:

- In 2015, prisoners at a MTC-operated BOP facility protested over “[the] lack of medical care... [and] awful conditions like overcrowding, overflowing toilets, and disgusting food.”²⁴ MTC responded to questions about the incident by pointing to its ACA accreditation as evidence that medical services were acceptable, claiming that the ACA gave the facility “a score of 100 percent on mandatory standards and 99.6 percent on non-mandatory standards.”²⁵
- Responding to reports of miserable conditions in a Texas GEO facility where the Idaho Department of Correction sent hundreds of incarcerated individuals—including prisoners forced to “remain[] inside in cramped conditions for two months without being allowed outside,” a spokesman for the Idaho Department of Correction said, “it should be noted that there were enough indoor recreation areas available in the facility so that it met all

¹⁸ Securities and Exchange Commission, “Form 10-K – The GEO Group, Inc.,” FY2018, <https://www.sec.gov/Archives/edgar/data/923796/000119312519050054/d663410d10k.htm>.

¹⁹ Securities and Exchange Commission, “Form 10-K – CoreCivic, Inc.,” FY2018, https://www.sec.gov/Archives/edgar/data/1070985/000156459019004033/cxw-10k_20181231.htm.

²⁰ MTC, “Corrections,” August 2019, https://www.mtctrains.com/wp-content/uploads/2019/08/Corrections_Division_Overview.pdf.

²¹ Exhibit F: Response from ICE to Senator Warren.

²² Exhibit F: Response from ICE to Senator Warren.

²³ Idaho Press, “Leaking roofs, abscessed teeth, little time outside: Idaho prisoners describe Texas facility,” Tommy Simmons and George Prentice, Dec. 1, 2018, https://www.idahopress.com/news/local/leaking-roofs-abscessed-teeth-little-time-outside-idaho-prisoners-describe/article_7acb74bd-80af-5c58-a929-fc345080f8cc.html; Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

²⁴ Vice, “Anatomy of a Texas Prison Uprising,” John Washington, Jun. 24, 2015, https://www.vice.com/en_au/article/jmamdx/anatomy-of-a-texas-prison-uprising-624.

²⁵ Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016, <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

[ACA] and Texas state standards even before the outside recreation areas were created.”²⁶

- In response to a CoreCivic shareholder proposal for regular third-party audits of CoreCivic facilities, CoreCivic argued that such audits were unnecessary since “nearly all of the Company’s secure correctional and detention facilities are accredited by the [ACA].”²⁷

III. Findings: The ACA Accreditation Process Fails to Ensure that Prisons and Immigration Detention Facilities Meet Critical Health and Safety Standards

Senator Warren’s investigation reveals that the ACA’s accreditation system for prisons and detention facilities lacks transparency and accountability and is littered with conflicts of interest. This flawed system allows the major private prison operators to bankroll the prison trade group while benefitting from the ACA’s stamp of legitimacy on their facilities – regardless of the conditions in those facilities.

1. The ACA Acts as Both A Representative of Private Prisons and A Guarantor of Their Quality, Presenting an Irreconcilable Conflict of Interest

a. Financial Conflicts of Interest

The ACA has two primary and conflicting functions: accreditor and trade association. As an accreditor, the ACA is responsible for providing private prisons and detention facilities with a key stamp of approval that is often required by their contracts with federal, state, and local governments. At the same time, the ACA serves as the primary lobbying group for private prisons – acting as the “the voice for corrections” – and relies on the fees paid by the corrections facilities it accredits for a large chunk of its revenue.²⁸

Documents obtained as part of Senator Warren’s investigation reveal that, from 2014 to 2018, the ACA received over \$48 million in revenue.²⁹ Almost half— \$21.9 million—came from accreditation fees and payments,³⁰ 13% (\$2.79 million) of which came from just three private prison operators: CoreCivic, GEO, and MTC.³¹ Those documents also reveal that the ACA rakes in millions in accreditation fees from private prisons and detention facilities and federal, state, and local governments.³²

²⁶ Idaho Press, “Leaking roofs, abscessed teeth, little time outside: Idaho prisoners describe Texas facility,” Tommy Simmons and George Prentice, Dec. 1, 2018, https://www.idahopress.com/news/local/leaking-roofs-abscessed-teeth-little-time-outside-idaho-prisoners-describe/article_7acb74bd-80af-5c58-a929-fc345080f8cc.html.

²⁷ Securities and Exchange Commission, “Response to Shareholder Proposal,” Feb. 13, 2017, <https://www.sec.gov/divisions/corpfin/cf-noaction/14a-8/2017/alexfriedmanncorecivic021317-14a8.pdf>.

²⁸ ACA, “Vision Statement,” http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/Our_Mission/ACA_Member/AboutUs/MissionStatement_home.aspx?hkey=7a39e689-8de2-47d4-a7d4-93cce9442142.

²⁹ Exhibit A.

³⁰ Exhibit A.

³¹ Exhibit A.

³² Exhibit A; Exhibit F. The ACA also received funding from foreign governments for accreditation and training outside of the U.S. In fact, two of its top clients are the Kingdom of Saudi Arabia and the United Arab Emirates,

- From 2014 to 2018, the BOP paid the ACA almost \$1.9 million for accreditation of public, government-run facilities.³³
- Through contracts with the U.S. Army, the ACA has been paid over \$150,000 for the accreditation of domestic facilities and confinement facilities in South Korea and Germany.³⁴
- The ACA provides accreditation for at least three U.S. Navy facilities in California, South Carolina, and Virginia, as well as two U.S. Marine Corps facilities in Okinawa, Japan.³⁵
- From 2014 to 2018, the Texas Department of Criminal Justice paid the ACA \$1.75 million and the Florida Department of Corrections paid nearly \$900,000 for accreditation.³⁶

Each accreditation expires after three years, at which point facility operators must pay again for re-accreditation.³⁷ MTC paid the ACA between \$12,150 and \$18,225 each for 11 accreditations, \$146,300 total, in 2018.³⁸ MTC also inexplicably paid an additional \$8,100 for the ACA to accredit its corporate office, despite the facility being purely administrative and containing zero detainees.³⁹ Neither CoreCivic nor GEO disclosed the exact amount that they had paid the ACA for accreditation, but ACA records indicate that from 2014 through 2018, the companies were two of the five top-paying clients for accreditation.⁴⁰ In that 5-year span, CoreCivic paid the ACA \$867,580 for accreditation alone, while GEO spent \$1,429,599 on accreditation.⁴¹

But in addition to serving as accreditor, the ACA is a major trade association and lobbyist for the corrections industry. In that role, the ACA has lobbied Congress on criminal justice, corrections, and detention-related issues,⁴² including mentally ill offenders, the Second Chance Act, and

which respectively paid the ACA over \$300,000 and \$150,000 combined in the last five years. Exhibit A and call. Under the Merida Initiative, a partnership between the U.S. and Mexican governments to fight organized crime and violence, which has cost taxpayers billions of dollars, the ACA receives funding to accredit Mexican detention facilities. Exhibit B; Department of State, “Merida Initiative,” <https://2009-2017.state.gov/j/inl/merida/index.htm>.

³³ Exhibit A; Exhibit B

³⁴ Exhibit A; Exhibit B.

³⁵ Exhibit B.

³⁶ Exhibit A.

³⁷ ACA, “Frequently Asked Questions,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/FAQs/ACA_Member/Standards_and_Accreditation/Standards_FAQ.aspx?hkey=b1dbaa4b-91ef-4922-8e7d-281f012963ce#:~:text=Reaccreditation%20is%20a%20continuation%20of,audit%20and%20another%20accreditation%20hearing.

³⁸ Twelve of these were re-accreditations for facilities that had received initial approval in the past. Exhibit C.

³⁹ *Id.* and Exhibit H: phone call with MTC representative at 2:22 on September 23, 2019.

⁴⁰ Exhibit A, page 12 of 17.

⁴¹ *Id.*

⁴² See e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D7C19E49-9B12-48B4-B783-DA433C77DF8D&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D0746609-2234-45CB-845B-8A9E7D1B91A8&filingTypeID=78>

justice reinvestment.⁴³ Since 2000, the ACA has spent over \$1 million lobbying Congress.⁴⁴ The ACA has not disclosed specific federal lobbying activities since 2011, but evidence suggests it lobbied as recently as 2018.⁴⁵

The ACA's role as both an advocate for the private prison industry and an oversight body for that same industry presents an irreconcilable conflict of interest. This conflict is exacerbated by the additional financial support the ACA receives from private prison and detention companies unrelated to accreditation. From 2014 through 2018, for example, the ACA received \$12.6 million in revenue – 26% of its total revenue – from its annual conferences.⁴⁶ Many private prison companies provide funding and sponsorship for these conferences, including the three largest private facility operators. For example, at the ACA's 2018 annual conference, CoreCivic and GEO sponsored the ticket-only E.R. Cass Banquet, an event open to sponsors willing to shell out \$25,000, while MTC sponsored a giveaway that included two tablets and a new car, available to sponsors who contributed at least \$5,000.⁴⁷ Though the ACA has since taken the information for its 2018 conference down, a similar booklet for its 2019 Conference remains online, showing that the three large private prison companies remained major sponsors.⁴⁸ Finally, CoreCivic, GEO, and MTC are sponsors for the ACA's upcoming 2021 annual conference.⁴⁹

Documents obtained by Senator Warren's office also reveal that the ACA requires facilities seeking accreditation to attend its annual conference.⁵⁰ According to contract request forms provided by MTC, the ACA requires a panel hearing before granting accreditation, and the ACA only holds these panel hearings at its biannual conferences.⁵¹ This appears to indicate that the ACA is leveraging its role as accreditor to funnel additional revenue through its conferences.

United States Senate, "Lobbying Report: American Correctional Association," 2010, <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>.

⁴³ See e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D7C19E49-9B12-48B4-B783-DA433C77DF8D&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=90C1F6E4-C36F-4295-9482-12D9EE23736F&filingTypeID=60>; see e.g., <https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=D0746609-2234-45CB-845B-8A9E7D1B91A8&filingTypeID=78>.

⁴⁴ See United States Senate, "Lobbying Disclosure Database Search Results," *Accessed* Jul. 21, 2020, search "American Correctional Association" under Registrant Name, <https://soprweb.senate.gov/index.cfm?event=selectFields&reset=1>.

⁴⁵ ProPublica, "American Correctional Association Form 990," FY 2017, https://projects.propublica.org/nonprofits/display_990/131977456/09_2019_prefixes_06-20%2F131977456_201809_990_2019092016669736.

⁴⁶ Exhibit A.

⁴⁷ http://register.aca.org/DOCS/Conference/COC2018/2018%20Minneapolis%20Program%20Book_FINAL_WEB.PDF (accessed September 2019).

http://www.aca.org/ACA_Prod_IMIS/DOCS/2018%20Marketing%20Kit.pdf (accessed September 2019).

⁴⁸ American Correction Association's 149th Congress of Correction, Aug. 1-6, 2019, <https://user-3imepyw.cld.bz/2019-ACA-Boston-Program-Book-149th-COC/28/>.

⁴⁹ Exhibit J: ACA Conference Details.

⁵⁰ Exhibit C; Exhibit E.

⁵¹ Exhibit C.

And the price tag is hefty. Booths cost upwards of \$2,000, and, according to MTC, individual attendance costs approximately “\$300 per person.”⁵²

Finally, private prison and detention facility owners and operators pay tens of thousands of dollars in additional fees to the ACA, including fees for individual certifications provided by the ACA; individual and organizational membership; job postings on the ACA’s website; and study materials and exams for certifications.⁵³ For instance, MTC paid the ACA over \$21,000 for certification preparation materials and exams from 2014 to 2019.⁵⁴

b. Conflicts of Interest for Key Personnel on ACA Boards and Committees

The conflicts of interest in the accreditation process are exacerbated by the fact that key executives from the major private prison companies also serve on ACA boards and committees. The ACA is headed by a 19-member Board of Governors, an seven-member Executive Committee, a nearly 30-member Commission on Accreditation for Corrections (CAC), and a 20-member Standards Committee.⁵⁵ The Board of Governors includes several representatives from the private prison industry, including “one each from GEO and CoreCivic.”⁵⁶ The Executive Committee includes Derrick Schofield, who currently serves as an Executive Vice President at GEO, and Gary Mohr, a former consultant and managing director for CoreCivic.⁵⁷ The Standards Committee also includes “one [member] each from GEO and CoreCivic,”⁵⁸ and the former Chair of the Standards Committee, Harley G. Lappin, is now a member of the Board of Directors at CoreCivic.⁵⁹ Moreover, the CAC includes a Managing Director of Operations for CoreCivic and GEO’s Reentry In-Prison Treatment Vice President.⁶⁰

2. The ACA Accreditation Process is Unreliable and Misleading

Funded in large part by the companies it audits, the ACA produces unreliable and deceptive accreditation results. A review of available evidence suggests that that accreditation has little to

⁵² Exhibit J: ACA Conference Details; Exhibit C; Exhibit E.

⁵³ Exhibit C.

⁵⁴ Exhibit C.

⁵⁵ Exhibit A; ACA, “Committee on Standards,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/Standards/Standards_Committee/ACA_Member/Standards_and_Accreditation/Standards_Committee/Standards_Committee.aspx?hkey=795105de-6a67-4769-b58a-0de6df7e8324; ACA, “The Commission on Accreditation for Corrections,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/About_Us/CAC/ACA_Member/Standards_and_Accreditation/SAC_Commission.aspx?hkey=90da0502-afd8-4685-97c2-b8c7e1c803d3.

⁵⁶ Exhibit A.

⁵⁷ ACA, “Executive Committee,” Accessed Aug. 25, 2020,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/About_Us/ACA_Leadership/Executive_Committee/ACA_Member/AboutUs/Executive_Committee.aspx?hkey=4c649acc-56f4-41e9-a04f-47585e7f8064; GEO Group, “GEO Care Leadership Team,” Accessed Aug. 25, 2020, https://www.geogroup.com/geo_care_leadership_team; Nashville Post, “Ex-CCA exec to run Ohio correction department,” Jan. 13, 2011,

<https://www.nashvillepost.com/business/blog/20455273/excca-exec-to-run-ohio-correction-department>.

⁵⁸ Exhibit A.

⁵⁹ CoreCivic, “Board of Directors,” <http://www.Ameri.corecivic.com/investors/board-of-directors>

⁶⁰ GEO, “How In-Prison Reentry Programs Prepare Inmates for Life After Prison,” Apr. 9, 2019, <https://www.georeentry.com/in-prison-reentry-program-prepares-inmates-life-after-prison/>; LinkedIn, “Todd Thomas,” <https://www.linkedin.com/in/todd-thomas-38555533/>.

no correlation with detention facility conditions and practices, and therefore little to no value whatsoever.

a. The ACA's Rubber Stamp

The ACA's accreditation process lacks rigor, ignores serious health and safety problems, and acts as a rubber stamp for private prisons and detention facilities.

Information obtained by the office of Senator Warren reveals that virtually all private prison companies that pay the required fees are accredited, no matter how bad conditions may be at a facility. This appears to be because the accreditation tests themselves are designed to make it nearly impossible for facilities to fail.

The first step in the accreditation process is for facilities to conduct a "self-evaluation report," judging themselves on whether their "levels of expected compliance are sufficient for accreditation," and reporting the results to ACA accreditors.⁶¹ Facilities also self-report "significant incidents."⁶² The contents of these reports are not disclosed to the public or any "external parties."⁶³

Next, a facility must request an audit. When the ACA conducts an audit, it evaluates a facility for compliance with the ACA's mandatory and non-mandatory standards.⁶⁴ But the ACA grants facilities three months advance notice of an audit, allowing facilities to prepare before inspectors arrive.⁶⁵ The ACA also provides facilities with "technical assistance," including "standards checklists" and an "audit readiness evaluation" that help facilities know when to schedule its audit – essentially, providing the answers to the test in advance.⁶⁶ And, at a facility's request, the ACA will conduct a "mock audit" to help the facility prepare for the actual audit.⁶⁷ When the audit is complete, inspectors file a report with its findings.⁶⁸

Even if problems persist despite these ample opportunities to fix—or hide— them, the ACA Commissioners can completely ignore the audit results and allow a facility to receive accreditation even if it fails to meet minimum standards, rendering the standards toothless.⁶⁹ The ACA even recognizes specific circumstances in which non-compliance may not even require a

⁶¹ ACA, "Manual of Accreditation: Policy and Procedure," Mar. 15, 2017, pp. 28, http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

⁶² *Id.*

⁶³ American Correctional Association, "Consultant Manual," 2012, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁴ American Correctional Association, "Consultant Manual," 2012, p. 22, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁵ *Id.* at 29

⁶⁶ Exhibit A.

⁶⁷ American Correctional Association, "Consultant Manual," 2012, p. 40, http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁶⁸ *Id.* at 30.

⁶⁹ ACA, "Manual of Accreditation: Policy and Procedure," Mar. 15, 2017, pp. 28, http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

“Plan of Action” to ensure that facilities take steps to achieve compliance with the accreditation standards, including when a facility simply has “an unwillingness to request funds from a...funding source.”⁷⁰

Finally, the CAC makes the ultimate decision on whether or not to accredit a facility. The process for making this decision is entirely secret. Accreditation decisions do not include a public justification, and while inspections result in a report for CAC staff, that report is not made public.⁷¹ According to the ACA, it “does not disclose... specific information in the [facility’s] self-evaluation report, visiting committee report...or information discussed in the hearing.”⁷² This opaque, closed-door process makes it essentially impossible to understand the basis of the CAC’s ultimate decision.

In response to Senator Warren’s inquiry, the ACA wrote that “agencies...have all of [the accreditation] records” and “are free to make those documents publicly available.”⁷³ But this does not appear to be true. When asked for accreditation records,⁷⁴ ICE stated that “[a]ccreditation reports and other related documents are not provided to ICE,”⁷⁵ and that the ACA only provides “the date of audit and the certificate of accreditation,” while withholding details from at least some agencies.⁷⁶ The BOP claimed that it “does not maintain a copy of the ACA audits at private contract facilities.”⁷⁷

After facilities receive accreditation, they are off the hook for three years. The ACA allows facilities to “conduct annual self-reporting” in the off years, judging their own compliance and submitting their own summary of significant incidents.⁷⁸ According to the ACA, the accreditation process provides no guarantee of quality once complete: “[O]nce a correction facility is accredited or re-accredited by ACA, it does not become ACA’s responsibility to monitor or enforce compliance.”⁷⁹

⁷⁰ American Correctional Association, “Consultant Manual,” 2012, p. 21,

http://www.aca.org/aca_prod_imis/Docs/Standards%20and%20Accreditation/ACA%20Consultant%20Manual%20012.pdf.

⁷¹ American Correctional Association, “Welcome to the Standards and Accreditation Department,”

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_Accreditation/ACA_Member/Standards_and_Accreditation/SAC.aspx?hkey=7f4cf7bf-2b27-4a6b-b124-36e5bd90b93d; Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016

<https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁷² ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 15,

http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf.

⁷³ Exhibit A.

⁷⁴ Office of Senator Elizabeth Warren, “Letter to the Department of Homeland Security,” May 31, 2019,

<https://www.warren.senate.gov/imo/media/doc/2019-05-31%20Letter%20to%20DHS%20on%20Accreditation%201.pdf>.

⁷⁵ Exhibit F.

⁷⁶ See Exhibit F.

⁷⁷ Exhibit G: BOP Response.

⁷⁸ ACA, “Manual of Accreditation: Policy and Procedure,” Mar. 15, 2017, pp. 49, 51,

http://www.aca.org/ACA_Prod_IMIS/docs/standards%20and%20accreditation/ALM-1-3_15_17-Final.pdf; Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016 <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁷⁹ Exhibit A.

The primary result of the flawed ACA accreditation process is a system that ignores major problems and gives private facilities a free pass, putting the well-being of detainees, prisoners, and corrections professionals at risk. According to the ACA, it has accredited or reaccredited dozens of federal facilities since 2014.⁸⁰ Not a single facility was denied accreditation during this time period.⁸¹ Since 2007, the ACA identified only four instances in which it denied accreditation, and at least two of the facilities have since received accreditation.⁸²

Similarly, MTC reported that its facilities received 40 accreditations or reaccreditations between mid-2014 and mid-2019, and that no facility had ever been denied accreditation. In fact, MTC claimed that “it would be unusual that any facility would be denied. The standards for accreditation are provided ahead of time and an audit would not be requested by the operator...until the facility meets the required standards.”⁸³ All MTC facilities received a score of 100% on all mandatory practices and all but one received a score above 98% on all non-mandatory practices.

And in 2008, a former employee for Corrections Corporation of America – now known as CoreCivic – stated unambiguously that “I was the person who doctored the ACA accreditation reports for” the private prison company.⁸⁴

b. Accredited Facilities with Dangerous Conditions

The flaws in the ACA’s accreditation process are most obvious when evaluated next to confirmed reports of abysmal and dangerous conditions in ACA-accredited prisons or detention facilities across the country. Numerous facilities managed under contract with the BOP, and therefore subject to BOP’s accreditation requirements, have had major problems in the last decade.

For example, in late 2008 and early 2009, the Reeves County Detention Complex (Reeves), in Pecos, Texas, which is managed by GEO, experienced riots in all three of its compounds, caused in part by “low staffing levels” at the facility.⁸⁵ In 2015, the U.S. Department of Justice (DOJ) Office of Inspector General (OIG) found that GEO had “failed to comply with contractual requirements in the areas of billing and payment, correctional and health services staffing, and internal quality control” at its Reeves Compounds I and II.⁸⁶ The OIG found “no minimum staffing requirements [in place] for the institution” between January 2007 and March 2009,

⁸⁰ Exhibit A.

⁸¹ *Id.*

⁸² American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

⁸³ Exhibit C.

⁸⁴ Prison Legal News, “Betraying the Promise of Accreditation: Quis Custodiet Ipsos Custodes,” Gary Hunter, Jul. 6, 2016 <https://www.prisonlegalnews.org/news/2016/jul/6/betraying-promise-accreditation-quis-custodiet-ipsos-custodes/>.

⁸⁵ Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

⁸⁶ *Id.*

“because the BOP had sought to reduce costs.”⁸⁷ According to public reporting, the Reeves III compound had a riot in December 2008, while riots at the Reeves I and II compounds occurred in late January 2009.

Internal Department of Homeland Security (DHS) investigations at ACA-accredited contract ICE detention facilities have found a host of violations to ICE detention standards, including braided bedsheet nooses hanging in dozens of cells,⁸⁸ packages of chicken leaking blood in refrigerators, spoiled meat, and long-expired food.⁸⁹ Another investigation found that ICE’s mechanisms for holding facility contractors accountable were applied rarely and inconsistently, and that ICE frequently issued waivers to deficient facilities rather than forcing them to comply with standards.⁹⁰

Despite these issues, the ACA accredited Reeves I and II on January 11, 2009 – just weeks after riots at Reeves III, and weeks before additional riots at Reeves I and II.⁹¹ Furthermore, in its communication with Senator Warren’s office, the ACA did not even have a clear record of these problems, noting that the organization “*believes* [the riot] was after the facility’s accreditation on January 11, 2009” (emphasis added).⁹² The facilities have all since received re-accreditation.⁹³

In February 2011, incarcerated individuals at another facility—GEO’s Big Spring Correctional Center (Big Spring) in Texas—“physically assaulted prison staff,” reportedly after a lackluster response to a medical emergency “that resulted in the death of an inmate.”⁹⁴ The facility received ACA accreditation in August 2009 and re-accreditation in August 2012, January 2014, and August 2016.⁹⁵ The ACA continues to avoid responsibility for accrediting the facility despite these problems.⁹⁶

At a third facility, CoreCivic’s Adams County Correctional Facility (Adams) near Natchez, Mississippi, 250 incarcerated individuals rioted in 2012 due to the low quality of food and

⁸⁷ *Id.*

⁸⁸ Department of Homeland Security, “Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, CA, Sept. 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/Mga/2018/oig-18-86-sep18.pdf>.

⁸⁹ Department of Homeland Security, “Concerns about ICE Detainee Treatment and Care at Four Detention Facilities,” Jun. 3, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

⁹⁰ Department of Homeland Security Office of Inspector General, “ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards,” January 29, 2019, <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>.

⁹¹ See Exhibit A; see Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

⁹² Exhibit A.

⁹³ American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

⁹⁴ Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

⁹⁵ Exhibit A.

⁹⁶ See Exhibit A.

medical care, and reportedly poor treatment from prison staff.⁹⁷ A correctional officer was killed and 20 people were injured.⁹⁸ But Adams received ACA accreditation in January 2011 and re-accreditation in January 2014 and August 2016, scoring 100% at least once.⁹⁹

And at a fourth BOP facility—MTC’s Willacy County Correctional Center (Willacy) in Raymondville, Texas—incarcerated individuals “set fires and caused extensive damage to the prison.”¹⁰⁰ The BOP terminated their contract with the prison as a result.¹⁰¹ The facility had received accreditation just one year earlier, in January 2014.¹⁰²

Problems at private facilities under contract with DHS also reveal failures in the ACA accreditation process. In May 2018, the DHS OIG conducted an unannounced inspection of GEO’s Adelanto ICE Processing Center in Adelanto, California.¹⁰³ The OIG found “significant health and safety risks,” including “nooses in detainee cells[,] improper and overly restrictive segregation[, and] untimely and inadequate detainee medical care.”¹⁰⁴ After Senator Warren wrote to GEO about this facility in November 2018,¹⁰⁵ GEO responded by noting that they received ACA accreditation in 2014 and re-accreditation in 2017, with “a score of 99.6%.”¹⁰⁶ GEO provided no explanation for why conditions were so poor in the facility despite its ACA accreditation.

Similarly, a December 2017 investigation by the DHS OIG found systemic health, safety, and security violations at several privately-run immigration detention facilities accredited by the ACA.¹⁰⁷ The Stewart Detention Center (Stewart) in Lumpkin, Georgia, run by CoreCivic, and the Otero County Processing Center (Otero), in Chaparral, New Mexico, run by MTC, both violated standards regarding the “segregation and lock-down of detainees.”¹⁰⁸ Detainees at Stewart reported excessive waits for urgent medical care and the OIG observed “bathrooms that were in poor condition” at both facilities, including a lack of hot water and water leaks

⁹⁷ Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

⁹⁸ *Id.*

⁹⁹ Exhibit A; CCA, “CCA Facilities Earn Reaccreditation at Summer Congress of Corrections,” Bethany Davis, Aug. 26, 2016, <http://www.correctionscorp.com/insidecca/cca-facilities-earn-reaccreditation-at-summer-congress-of-corrections>.

¹⁰⁰ Department of Justice Office of the Inspector General, “Review of the Federal Bureau of Prisons’ Monitoring of Contract Prisons,” August 2016, <https://oig.justice.gov/reports/2016/e1606.pdf>.

¹⁰¹ *Id.*

¹⁰² Exhibit A.

¹⁰³ Department of Homeland Security, “Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, CA, Sept. 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/Mga/2018/oig-18-86-sep18.pdf>.

¹⁰⁴ *Id.*

¹⁰⁵ Office of Senator Elizabeth Warren, “Letter to GEO Group,” Nov. 15, 2018, <https://www.warren.senate.gov/imo/media/doc/2018-11-16%20Letter%20to%20GEO%20Group%20re%20Compliance%20with%20Immigration%20Detention%20Standards.pdf>.

¹⁰⁶ Exhibit F: ICE response.

¹⁰⁷ Department of Homeland Security, “Concerns about ICE Detainee Treatment and Care at Detention Facilities,” Dec. 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

¹⁰⁸ *Id.*

throughout Stewart.¹⁰⁹ ICE confirmed that these facilities “had ACA accreditation at the time of recent Office of Inspector General site visits/findings.”¹¹⁰

ACA-accredited private prisons used by state penal systems are also rife with problems. Three prisoners escaped from MTC’s ACA-accredited Arizona State Prison – Kingman (Kingman) in 2010 and murdered two people during their attempted getaway.¹¹¹ Then, in 2015, a series of riots caused so much damage to the prison that the state had to transfer over 1,000 incarcerated individuals to a different facility.¹¹² Similarly, in 2012, a federal judge ruled that GEO’s ACA-accredited Walnut Grove Youth Correctional Facility (Walnut Grove) in Walnut Grove, Mississippi “paints a picture of such horror as should be unrealized anywhere in the civilized world.”¹¹³ GEO was forced to give up running the facility due to its failure to protect incarcerated individuals from gang violence.¹¹⁴ Walnut Grove closed in 2016.¹¹⁵

ACA policies supposedly provide mechanisms for ensuring that private facilities meet minimum health and safety standards. The ACA allows private facilities “to schedule a monitoring visit in order to assist the facility in remedying any egregious failures,”¹¹⁶ and retains the “ultimate power... to deny accreditation...or to revoke a facility’s accredited status.”¹¹⁷ Yet the ACA indicated it has not ever revoked a facility’s accreditation following reports demonstrating critical failures at accredited facilities. According to the ACA, “[its] records do not indicate that [the] ACA took any specific actions subsequent to these incidents.”¹¹⁸ And every single one of these facilities maintained their accreditation and were eventually re-accredited.¹¹⁹ ICE also confirmed that it was “unaware of any such actions” taken by the ACA in response to these problems at accredited facilities.¹²⁰

The ACA has also accredited facilities that have proven unprepared to respond to the coronavirus pandemic 2019 (COVID-19). An investigation by The Marshall Project revealed that staff at federal prisons “ignored or minimized prisoners’ COVID-19 symptoms” and “felt pressured to work even after being exposed to sick prisoners.”¹²¹ This includes Elkton Federal Correctional Institution, an ACA-accredited facility where there were “people walking around looking like the

¹⁰⁹ *Id.*

¹¹⁰ Exhibit F.

¹¹¹ NY Times, “Escapes, Riots, and Beatings. But States Can’t Seem to Ditch Private Prisons.” Timothy Williams and Richard A. Oppel Jr., Apr. 10, 2018, <https://www.nytimes.com/2018/04/10/us/private-prisons-escapes-riots.html?smid=pl-share&module=inline>; AZ Central, “Ducey calls for investigation of Kingman prison riot,” Jerod MacDonald-Evoy and Craig Harris, Jul, 4, 2015, <https://www.azcentral.com/story/news/local/arizona/2015/07/04/kingman-prison-experiencing-disturbance-abrk/29716859/>.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Exhibit A.

¹¹⁷ Exhibit A.

¹¹⁸ Exhibit A.

¹¹⁹ Exhibit A.

¹²⁰ Exhibit F.

¹²¹ The Marshall Project, “‘I Begged Them To Let Me Die’: How Federal Prisons Became Coronavirus Death Traps.” Keri Blakinger and Keegan Hamilton, Jun. 18, 2020, <https://www.themarshallproject.org/2020/06/18/i-begged-them-to-let-me-die-how-federal-prisons-became-coronavirus-death-traps>.

living dead.”¹²² Problems with medical care, quarantine procedure, testing protocol, and other health and safety conditions were discovered at countless other facilities, including those in Yazoo City, Danbury, Glenville, Fort Worth, Coleman, La Tuna, Tallahassee, and Fairton.¹²³ All of these facilities currently hold accreditation from the ACA.¹²⁴

Further, the ACA has not adopted any specific protocols or procedures for ensuring the safety and health of detainees, prisoners, or facility staff in the midst of COVID-19.¹²⁵ Prisons and jails are amongst the hardest hit communities in the country, with 12 of the 15 largest COVID-19 “clusters” in the U.S. being correctional facilities—including all five of the largest clusters.¹²⁶ Yet rather than exercising its role in holding facilities accountable for the health and safety of detained individuals and correctional officers, the ACA has “greatly reduced its auditing of correctional facilities.”¹²⁷ And the ACA has failed to adopt new standards for the COVID-19 era, claiming that its inability to hold a yearly conference somehow prevents it from incorporating new standards into its audits.¹²⁸

IV. Conclusion

The ACA accreditation system is deeply flawed. The organization is riddled with conflicts of interest and the accreditation process fails to provide any meaningful review or oversight. The result has been the rubber-stamping of dangerous facilities and the waste of millions of taxpayer dollars. To address these problems, the federal government, and state and local authorities, should end their reliance on ACA accreditation and stop outsourcing oversight of its prisons and detention facilities to for-profit organizations.

The U.S. criminal legal and immigration systems are broken from top to bottom. The private accreditation system is one small, but important, piece of that problem – a crucial cog in a system that consistently values profits over the dignity of individuals. Ending reliance on the ACA’s corrupt accreditation process is one small but important step in reforming that system.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ American Correctional Association, “Search ACA Accredited Facilities,” search conducted on September 24, 2019,

http://www.aca.org/ACA_Prod_IMIS/ACA_Member/Standards_and_Accreditation/SAC_AccFacHome.aspx?WebsiteKey=139f6b09-e150-4c56-9c66-284b92f21e51&hkey=f53cf206-2285-490e-98b7-66b5ecf4927a&CCO=2#CCO.

¹²⁵ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

¹²⁶ The New York Times, “Coronavirus in the U.S.: Latest Map and Case Count,” Sarah Almukhtar et. al., June 23, 2020, <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html#clusters>.

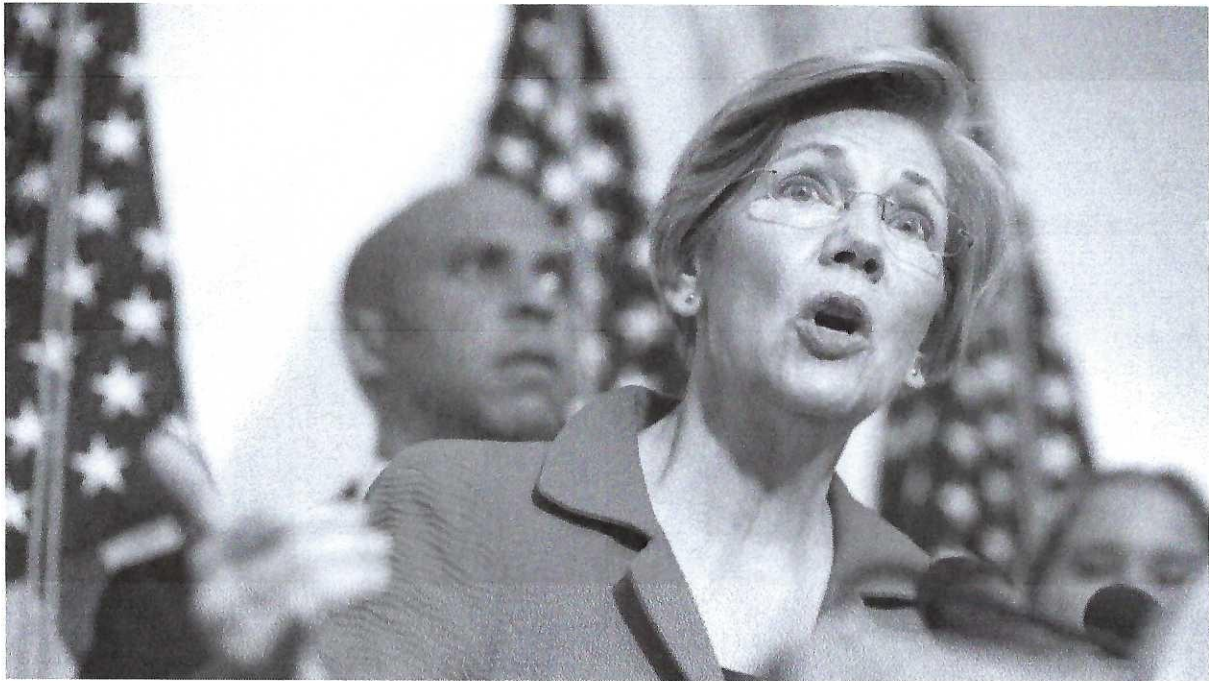
¹²⁷ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

¹²⁸ Exhibit I: Letter from ACA to Sen. Warren, Jul. 29, 2020.

Exclusive: Read Elizabeth Warren’s Scathing Report on “Corrupt” Prison Audits

“The result has been the rubber-stamping of dangerous facilities and the waste of millions of taxpayer dollars.”

MADISON PAULY



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The organization responsible for accrediting US prisons, jails, and detention centers runs a “corrupt” process that puts a “rubber stamp” on dangerous facilities while taking in millions from the private prison industry, according to a scathing report from Sen. Elizabeth Warren (D-Mass.), shared exclusively with *Mother Jones*.

The report, the result of a nearly 19-month investigation by the senator’s office, examined the American Correctional Association (ACA), a nongovernmental organization that acts simultaneously as a professional association and an oversight body for prison and detention systems. Federal, state, and local governments pay the ACA to audit the facilities where they keep people incarcerated and issue its stamp of approval on their operations. Qualifying facilities must meet the standards ACA spells out in its published manuals, covering everything from fire

code compliance to officer gun training. Private prisons and detention centers, meanwhile, are often required to get accredited by the ACA to access lucrative government contracts, according to Warren's report—and when scrutinized, they point to their accreditation status as a defense. After all, the ACA's website says, accreditation is awarded to the "best of the best."

The problem, Warren's report found, is that the "best of the best" includes virtually every facility that pays its accreditation fees. The ACA currently counts over 1,200 accredited facilities; since 2007, only four have been denied accreditation. The groups provides three months' notice and preparation tools for audits, "essentially providing the answers to the test in advance," as the report puts it. And the ACA's seal of approval lasts three years, with facilities conducting "self-reporting" in the interim.

"A review of available evidence suggests that that accreditation has little to no correlation with detention facility conditions and practices, and therefore little to no value whatsoever," the report states. "The result has been the rubber-stamping of dangerous facilities and the waste of millions of taxpayer dollars." Warren recommends that the Department of Justice and Department of Homeland Security stop paying the ACA for accreditation and instead establish a "rigorous, independent, and transparent" oversight process.

In a letter responding to initial questions from Warren's office, ACA executive director James Gondles wrote that there was "nothing nefarious" in helping facilities prepare for audits—though the group is "currently in the process of considering" unannounced audits. The group did not respond to a request for comment on the findings of her investigation.

Warren's report points to examples of private prisons and detention centers that maintained their ACA accreditation despite "critical failures" like riots, staffing problems, poor living conditions. It also cites the Adelanto Detention Center, operated by the for-profit GEO Group. Adelanto was accredited by the ACA in 2014 and again in 2017 with a score of 99.6 percent. But when a government watchdog agency conducted a surprise inspection in May 2018, inspectors found that detained immigrants were inappropriately forced into shackles and punished with solitary confinement before they were found to have broken any rules. Some detainees had to wait weeks or months for medical care, even when they were acutely ill, and there was a months-long waitlist for dental work. (The dentist, who invariably chose to pull teeth over filling cavities, "suggested detainees could use string from their socks to floss if they were dedicated to dental hygiene," according to the inspectors' report.) And despite a history of suicide attempts in the facility, immigrants were allowed to freely hang knotted bedsheets referred to "nooses" in their cells.

"The ACA's private prison accreditation system is riddled with conflicts of interest, lacks transparency, and is subject to zero accountability even though millions in taxpayer dollars...flow to the ACA and private prison companies," Warren's report states. "These problems put the health and wellbeing of incarcerated and detained individuals, the staff and employees who work in those facilities, and our communities at risk." (In his letter, Gondles wrote that criticizing the ACA for problems at accredited facilities "misunderstands" the purpose of its accreditation program: "ACA accreditation does not mean that there will never be an

incident of violence, or that there will never be noncompliance with a health-related, safety, or other ACA standard,” he said.)

The report’s description of a lax ACA auditing process lines up with what my colleague Shane Bauer observed in 2015 while working undercover as a guard in a prison run by CoreCivic, then known as the Corrections Corporation of America:

Two well-dressed white men enter Ash unit and do a slow lap around the floor. The only questions they ask Bacle and me are what our names are and how we’re doing. They do not examine our logbook, nor do they check our entries against the camera footage. If they did, they would find that some of the cameras don’t work. They do not check the doors. If they did, they would see they need to be yanked open by hand because most of the switches don’t work. They don’t check the fire alarm, which automatically closes smoke doors over the tiers, some of which must be jimmed back open by two guards. They do not ask to go on a tier. They do not interview any inmates. They do a single loop and they leave.

These issues have been made worse by the COVID-19 pandemic, which turned prisons, jails, and detention centers into some of the country’s largest coronavirus hot spots, infecting nearly a quarter million prisoners. In response to the pandemic, the ACA has reduced its auditing and refused to adopt new health and safety standards, the Warren investigation found—missing an opportunity to protect the health of incarcerated people, who are significantly more likely than the general population both to be infected by COVID-19 and to die from it.

But why is the system so broken? Warren’s report suggests that it all comes down to money. In addition to being “the closest thing we have to a national regulatory body for prisons,” as Bauer put it, it’s also a professional association that lobbies Congress on criminal justice issues and serves as a “voice for corrections.” That dual role presents an “irreconcilable conflict of interest” when the time comes to evaluate conditions inside prisons and detention centers, Warren’s report argues.

For one thing, the ACA gets nearly half its revenue from accreditation fees paid by the very entities it audits, including top private prison companies, her investigation found. Over a five-year period from 2014 to 2018, the GEO Group spent \$1,429,599 on ACA accreditations, while CoreCivic spent \$867,580, according to the report. The Management and Training Corporation, a smaller competitor, paid \$501,850. The companies pay the ACA tens of thousands more in conference costs, certification fees, training, and for other services. Meanwhile, current or former private prison employees sit on each of the ACA’s governing boards and committees. (“The fact that one representative of a private correctional company sits on ACA’s Executive committee and two such representatives sit on the ACA’s Board of Governors and Delegate Assembly could not even begin to suggest that ACA is somehow beholden to those private interests or that the decisions of ACA’s governing bodies are driven by persons with conflicts of interest,” Gondles wrote in his letter to Warren, adding that the organization was governed by volunteers.)

“Incarcerating and detaining millions of people for profit perverts our criminal and immigration systems and disproportionately harms Black and Brown people,” Warren said in a statement to *Mother Jones*. “This investigation shows that the American Correctional Association, the

nation's largest accreditor of federal prisons and detention facilities, is rife with corruption and that the federal government should end its reliance on ACA's deeply-flawed accreditation process and ban private prisons."

Warren is no friend to private prisons; during her presidential campaign, she issued a plan to end their use on both the federal and state levels. She and other Congressional Democrats have been investigating private prison and detention center oversight since at least 2018, following a series of alarming reports on ICE detention centers from the Department of Homeland Security's Office of the Inspector General, a watchdog agency, including the report on Adelanto. Inspections at other private detention centers found delays in medical care, problems with mold and food handling, or a lack of basic hygiene supplies like toothpaste and toilet paper. ICE was ostensibly keeping tabs on these facilities using an oversight system involving yet another private auditor, the Nakamoto Group, but that system led to neither "sustained compliance" nor "systemic improvements," according to yet another OIG report.

When Warren and other Senate Democrats sent letters to GEO and CoreCivic expressing "deep concern" over the findings, both companies defended themselves in part by saying they were regularly audited. GEO's response touted the ACA accreditation scores of its Adelanto facility—kicking off the senator's investigation.

RI prisons director agrees to pay penalty after failing to disclose out-of-state travel

by: [Eli Sherman](#), [Alexandra Leslie](#)

Posted: Aug 20, 2024 / 12:49 PM EDT

Updated: Aug 20, 2024 / 03:14 PM EDT

PROVIDENCE, R.I. (WPRI) — R.I. Department of Corrections Director Wayne Salisbury has agreed to pay a \$200 penalty after failing to disclose out-of-state travel paid for by third parties as required by law.

Salisbury entered the settlement Tuesday after meeting behind closed doors with the R.I. Ethics Commission. The panel voted 4-to-2 in favor of the settlement, concluding Salisbury violated the state's ethics code when he failed to disclose six out-of-state trips on his 2023 ethics form.

As Target 12 [first reported in June](#), Salisbury took several trips last year that were paid for by third parties but were never disclosed — a requirement of the state ethics code.

The director quickly amended his forms after Target 12 asked about the missing trips, saying at the time it was a mistake. Salisbury echoed the sentiment Tuesday, telling reporters he was “thoroughly embarrassed,” and that it wouldn't happen again.

“Going forward, it won't be an issue,” Salisbury said after meeting with the commission.

The ethics investigation launched an investigation after Rhode Island Brotherhood of Correctional Officers president Richard Ferruccio filed a complaint with the office in June.

“These omissions represent a serious breach of the ethical standards required of public officials,” Ferruccio wrote at the time.

The investigation found Salisbury omitted the out-of-state travel and didn't amend the filings until after Target 12 reached out with questions in June. When he first amended his filing, Salisbury added more details about the six trips, but he didn't know at time how much the British Consulate had paid for one he took in 2023 to England.

Salisbury eventually amended his filing a second time showing the international trip cost \$3,900, according to the settlement.

Salisbury then began meeting with ethics officials and ended up amending his documents a third time because he hadn't disclosed some "family income sources," either.

The director then met with ethics officials on June 26 to review his entire filing, which "led to his filing a fourth amendment later that day." He added an additional family income source for income exceeding \$1,000 for serving as a consultant to the Crime and Justice Institute.

"The amendment also added seven entities to which he or his spouse were indebted in an amount exceeding \$1,000," according to the settlement.

Ferruccio on Tuesday expressed frustration that this issue ever had to reach this level of scrutiny, adding that he remains concerned with the amount of time the director spends traveling out of state.

"It's unfortunate that it got to this point, but I don't think it's curtailing his out-of-state travel," he said, adding that he plans to seek public records documenting the director's travel.



RHODE ISLAND BROTHERHOOD OF CORRECTIONAL OFFICERS

"Representing Those Who Work the Toughest Beat in the State"

PO Box 8273, Cranston, Rhode Island 02920

Phone (401) 943-4110

Fax (401) 943-8480

September 25, 2024

Wayne Salisbury
Director of Corrections
40 Howard Ave
Cranston, Rhode Island 02920

Dear Director Salisbury:

Under the Rhode Island Access to Public Records Act, §38-2-1 et seq. and the Rhode Island Brotherhood of Correctional Officers contract specifically article 25.5, I am requesting information regarding the Department of Corrections JP Morgan Chase account. Please provide all monies paid, to whom they were paid, date they were incurred, how much was paid, the DOC employee who utilized it and the specific purpose for each of the 294 transactions in fiscal year 2024 for the \$440,171.21 as represented in the Transparency Portal.

I am requesting this data for contract management and remind you there are no fees charged, in that the disclosure of the requested information is strictly to enforce RIBCO contract.

The Rhode Island Access to Public Records Act requires a response time within **ten** business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Richard Ferruccio

President, RIBCO



STATE OF RHODE ISLAND

Department of Corrections
OFFICE OF LEGAL COUNSEL
40 Howard Avenue
Cranston, R.I. 02920
Tel: (401) 462-2622
Fax: (401) 462-2583
TDD: (401) 462-5180

October 9, 2024

Transmitted via email only

Mr. Richard Ferruccio
ribcorf@aol.com

Dear Mr. Ferruccio:

On September 25, 2024, the Rhode Island Department of Corrections (“Department”) received your request for records which is governed by the Rhode Island Access to Public Records Act (“APRA”), R.I. Gen. Laws §38-2-1 *et seq.* You requested “information regarding the Department of Corrections JP Morgan Chase account...provide all monies paid, to whom they were paid, date they were incurred, how much was paid, the DOC employee who utilized it and the specific purpose for each of the 294 transactions in fiscal year 2024 for the \$440,171.21 as represented in the Transparency Portal.”

Please be advised that due to the scope of your request and the volume of pending APRA requests, we will need additional time to respond. The Department will respond to your request no later than November 7, 2024, an extension of twenty (20) business days. Sec. 38-2-3(e). Please note that the RIDOC will strive to provide a response before the expiration of the 20 day extension.

In the interim, as we determine the universe of responsive documents, we expect to provide you with an estimate of the costs for search, retrieval and copying as permitted by APRA. See R.I. Gen. Laws §38-2-4.

Thank you for your understanding.

Sincerely,

/s/ Brenda D. Baum

Brenda D. Baum
Deputy Chief Legal Counsel

BDB:dmg



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October 10, 2024

Wayne Salisbury
Director of Corrections
40 Howard Ave
Cranston, Rhode Island 02920

Dear Director Salisbury:

Under the Rhode Island Access to Public Records Act, §38-2-1 et seq. and the Rhode Island Brotherhood of Correctional Officers contract specifically article 25.5, I am requesting the following information for the period 6/1/2024 to 10/10/2024 any and all documents related to out of state travel for all RI DOC employees. Please include the employee who traveled, the date of travel, the purpose of travel and all documents reflecting payment, request for payment or request for reimbursement of any travel related expenses including but not limited to meals, lodging and or transportation costs.

I am requesting this data for contract management and remind you there are no fees charged, in that the disclosure of the requested information is strictly to enforce RIBCO contract.

The Rhode Island Access to Public Records Act requires a response time within ten business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Richard Ferruccio

President, RIBCO



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TDD: (401) 462-5180

October 21, 2024

Mr. Richard Ferruccio
PO Box 8273
Cranston, RI 02920

Dear Mr. Ferruccio:

On October 10, 2024, the Rhode Island Department of Corrections (“Department”) received your request for records which is governed by the Rhode Island Access to Public Records Act (“APRA”), R.I. Gen. Laws §38-2-1 *et seq.* You requested:

“[f]or the period 6/1/2024 to 10/10/2024, any and all documents related to out-of-state travel for all RIDOC employees. Please include the employee who traveled, the date of travel, the purpose of travel, and all documents reflecting payment, request for payment, or request for reimbursement of any travel-related expenses including but not limited to meals, lodging, and/or transportation costs.”

We have had an opportunity to review your request and, communicated with Department employees most likely to have responsive records¹, if any. We received time estimates that staff will need to invest approximately eight and one-half (8.5) hours to search, review, retrieve and redact documents responsive to your request. The cost to undertake these actions, as authorized by APRA, is \$112.50 (8.5 hrs. – 1 hr. free = 7.5 hrs. x \$15/hr. = \$112.50). Please note that this is an estimate of costs, and should the gathering and redaction of the documents take longer than estimated, you will receive a separate updated request for payment. If it takes less time than estimated, the Department will refund any overage.

Should you wish the Department to fulfill your request and provide copies of the documents, please remit a check in the amount of \$112.50 payable to the Rhode Island Department of Corrections. The payment will need to be sent to this office. Once this office receives the payment, we will finalize the processing of your request. Please note that pursuant to §38-2-7(b), the statutory time frame is tolled until receipt of the funds. Personal checks will not be accepted.

Should you choose to go forward with your request, and after prepayment is made, the Department respectfully extends the time to respond by an additional 20 business days pursuant to R.I. Gen. Laws §38-2-3(e), due to the difficulty in searching for and retrieving requested records to avoid imposing an undue burden on the Department.

Sincerely,

/s/Brenda D. Baum

Brenda D. Baum
Deputy Chief Legal Counsel

BDB:dmg

¹ R.I. Gen. Laws § 38-2-4(b) provides: “[a] reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval.”



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January 14, 2025

Wayne Salisbury
Director of Corrections
40 Howard Ave
Cranston, Rhode Island 02920

Dear Director Salisbury:

Under the Rhode Island Access to Public Records Act, §38-2-1 et seq. and the Rhode Island Brotherhood of Correctional Officers contract specifically article 25.5, I am requesting the following information for the period 1/14/2023 to 12/31/2024 for the number of out of state trips and the DOC employees that were involved. Please include the employee who traveled, the date of travel, the purpose of travel.

I am requesting this data for contract management and remind you there are no fees charged, in that the disclosure of the requested information is strictly to enforce RIBCO contract.

The Rhode Island Access to Public Records Act requires a response time within ~~ten~~ business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Richard Ferruccio

President, RIBCO



STATE OF RHODE ISLAND

Department of Corrections
OFFICE OF LEGAL COUNSEL
40 Howard Avenue
Cranston, R.I. 02920
Tel: (401) 462-2622
Fax: (401) 462-2583
TDD: (401) 462-5180

January 29, 2025

Mr. Richard Ferruccio
President, RIBCO
P.O. Box 8273
Cranston, RI 02920

Dear Mr. Ferruccio:

On January 15, 2025, the Rhode Island Department of Corrections (“Department”) received your request for records dated January 14, 2025 which is governed by the Rhode Island Access to Public Records Act (“APRA”), R.I. Gen. Laws §38-2-1 *et seq.* ¹ You requested:

“the following information for the period 1/14/2023 to 12/31/2024, for the number of out of state trips and the DOC employees that were involved. Please include the employee who traveled, the date of travel, the purpose of travel.”

We have had an opportunity to review your requests and have communicated with the Department employees most likely to have responsive records², if any. We received time estimates that staff will need to invest approximately twenty-six (26) hours to search, review, retrieve and redact documents responsive to your request. The cost to undertake these actions, as authorized by APRA, is \$375.00 (26 hrs. – 1 hr. free = 25 hrs. x \$15/hr. = \$375.00). Please note that this is an estimate of costs,

¹ This response is solely related to your request for records under APRA.

² R.I. Gen. Laws § 38-2-4(b) provides: “[a] reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval.”

and should the gathering and redaction of the documents take longer than estimated, you will receive a separate updated request for payment. If it takes less time than estimated, the Department will refund any overage.

Should you wish the Department to fulfill your request and provide copies of the documents, please remit a check in the amount of \$375.00 payable to the Rhode Island Department of Corrections. The payment will need to be sent to this office. Once this office receives the payment, we will finalize the processing of your request. Please note that pursuant to §38-2-7(b), the statutory time frame is tolled until receipt of the funds.

Should you choose to go forward with your request, and after prepayment is made, the Department respectfully extends the time to respond by an additional 20 business days pursuant to R.I. Gen. Laws §38-2-3(e), due to the difficulty in searching for and retrieving requested records to avoid imposing an undue burden on the Department.

If we do not hear from you within 30 days of this letter, we will assume you do not wish to pursue your APRA request and will administratively close your file.

Sincerely,



Brenda D. Baum
Deputy Chief Legal Counsel

BDB:dmg