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Accrediting the Accreditors: A New Paradigm for Correctional Oversight

Lynn S. Branham*

This conference has reminded me of a quandary confronting my family. We live in a home with a surfeit of advantages, including a small forested area in the backyard that brings an oasis of calm to our very busy lives. And yet the vintage sixties-era master bathroom is in dire need of remodeling, the “recreation room” in the basement is an eyesore, and, most disconcerting of all for a writer with four children and a husband often in the house, the house lacks a study.

Now my family has several options from which it can choose. None is wholly palatable. We can, at considerable expense and some inconvenience, add a study to the house and remodel its dilapidated rooms. Or we can move to another house or build a new one, incurring the physical, emotional, and financial tolls that accompany the uprooting of a family from one place to another. Or we can do nothing.

This conference, commendably, has highlighted an array of options for opening up the netherworld of prisons, jails, and other correctional facilities. Our primary focus has been on innovative oversight mechanisms currently in place, both within and outside the United States. The description of these oversight tools has planted seeds that are percolating in all of us, prompting us to ask how these cutting-edge programs and approaches can be further refined and then transplanted in jurisdictions across the country.

But while we embrace the allure of promising new ideas for correctional oversight, we must be mindful not to overlook

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the reality that there already is an oversight mechanism, national in scope, in place in this country—correctional accreditation. And however imperfect that process may be—and it is flawed—we would be remiss if we were to ignore the questions of whether and how the correctional accreditation process can be modified, improved, and perhaps revamped to better achieve at least three goals: one, making correctional operations and conditions more transparent to governmental officials and the public; two, holding governmental officials accountable for decisions they make bearing on correctional operations and conditions; and three, ensuring that correctional operations and conditions comport with sound correctional practices, legal requirements, and basic human-rights precepts. To ignore these questions would be, at least in some ways, the equivalent of my family reflexively moving from our “flawed” house without first considering whether it would be more cost-effective and preferable in the long run to correct these flaws instead of supplanting them with the inevitable imperfections and disadvantages of a new house.

In other ways though, the housing analogy is inapposite. While my family must live in one house or another, individuals developing a template for the oversight of prisons, jails, and other correctional institutions need not, and indeed should not, confine themselves to the selection of only one correctional oversight mechanism to achieve the three goals described earlier. Each correctional oversight mechanism, including those discussed at this conference, has its own unique advantages and disadvantages. By adopting an optimal number and blend of oversight mechanisms, a jurisdiction can capitalize on the strengths of the mechanisms selected and utilize one or more mechanisms to compensate for the deficiencies in another.

The point then is not that we should first determine the extent to which the correctional accreditation process can be refined because those refinements can stave off the need for the adoption of other oversight mechanisms. They cannot. The point rather is a bit more nuanced: that the correctional accreditation process, for at least two reasons, should be the starting point for an assessment of the efficacy of prison-oversight systems in this country and the development of recommendations to augment and improve those systems.

First, that process is already in place, and many of the jurisdictions in this country with the largest prison populations, including the Federal Government and the State of Texas, participate in it. If efforts to refine prison-oversight processes are to have their maximal effect and to have that effect as soon as possible, the examination and upgrading of the correctional accreditation process, followed by its expansion, must be a top priority.

Second, decisions as to what additional oversight mechanisms are needed in a particular jurisdiction and how they should be structured may hinge in part on how the accreditation process operates and the kinds of modifications, if any, made to it. Certain oversight mechanisms may not be needed, certain others may need to be adopted, and still others may need to be reshaped depending on the changes made or not made in the accreditation process. If, for example, the correctional accreditation process were to be changed to require regular and unannounced visits to correctional institutions, similar unannounced visits by certain other oversight bodies might not be necessary or, if necessary, might be scheduled at times and frequencies that do not duplicate, but complement, the work of the accrediting body. Alternatively, prudence might dictate that, at least sometimes, the unannounced visits of another oversight entity occur at times close to the accreditation audit to ensure that the visits of the accreditation auditors yield thorough and accurate findings regarding the conditions and operations of a correctional facility.

This article focuses on correctional accreditation, specifically the accreditation of correctional institutions by the Commission on Accreditation for Corrections. The Commission is the only entity that accredits entire correctional facilities nationwide, although several other accrediting bodies accredit correctional healthcare programs. The Commission works under the auspices of the American Correctional Association (ACA), an organization comprised largely, but not exclusively, of correctional professionals. The accreditation process is commonly referred to as the “ACA accreditation process.”

Part I of the article begins with a general overview of the ACA accreditation process, including a profile of some of its strengths and one systemic weakness. Part II then describes several key structural features of a different kind of

accreditation system—the system for accrediting colleges, universities, and other higher-education institutions. Part III concludes with a proposal for a paradigmatic shift in correctional accreditation, one that, I believe, will enable the correctional accreditation process to better achieve the goals of securing transparency, accountability, and compliance with legal and professional requirements in the operation of this nation's prisons, jails, and other correctional facilities.

I. The ACA Accreditation Process

A. *General Overview*

The Commission on Accreditation for Corrections accredits a wide range of correctional facilities and programs, including prisons, jails, boot camps, juvenile detention facilities, juvenile training schools, juvenile and adult community residential facilities, and probation and parole programs. While I will describe the process followed when accrediting prisons, the Commission adheres to the same general procedures when determining whether to accredit or reaccredit other kinds of correctional institutions or programs.

The two most important stages of the formal accreditation process are the standards-compliance audit and the accreditation hearing. During the audit, a team of auditors with correctional expertise inspects the prison, formally or informally interviews some inmates, line staff, and administrators, and reviews the documentation that the prison personnel must compile to demonstrate compliance with the accreditation standards. The audit team typically is comprised of three to four members. When an accreditation audit includes an inspection and accreditation of healthcare services, the audit team also includes a healthcare professional.

An accreditation audit normally is completed within two to three days. The audit team then submits a written report to the Commission on Accreditation for Corrections recounting its findings. That report specifies what standards the audit team considers inapplicable to the applicant prison. For example, the standard governing the housing, services, and programs provided in prisons with both male and female inmates would

be deemed inapplicable to a prison housing male inmates only.¹

The audit report also identifies the applicable standards with which the prison is not in compliance. Another section of the report evaluates the “quality of life” at the prison. This part of the report summarizes strong suits of the prison such as its cleanliness at the time of the audit, highlights conditions that imperil the health or safety of prisoners and staff, and denotes palpable deficiencies in the programs and services afforded prisoners at the prison.

In order to be accredited, a prison must meet 100% of the mandatory accreditation standards and 90% of the nonmandatory standards.² In practice, only rarely does the Commission accredit a correctional facility or program with a compliance score of less than 95%. Even if a prison attains the required numerical score for accreditation, the Commission still can deny accreditation if it finds that conditions at the prison are adversely affecting the life, health, or safety of staff or inmates.³

The Commission on Accreditation for Corrections currently is comprised of twenty-eight individuals.⁴ Most of its members are correctional administrators who work in a correctional facility or program, or a central office that oversees operations at a number of correctional facilities or programs. In addition, the American Bar Association, the American Institute of Architects, the National Association of Counties, and the National Sheriffs’ Association appoint representatives to serve on the Commission, and one of the elected citizens-at-large on the Commission must come from outside the field of corrections.⁵

At the accreditation hearing, representatives from a prison that has applied for accreditation or reaccreditation appear before a Commission panel comprised of three to five members.

1. See AM. CORR. ASS’N, STANDARDS FOR ADULT CORRECTIONAL INSTITUTIONS, Standard 4-4278, at 76 (4th ed. 2003).

2. Mandatory standards are defined as those which “directly affect the life, health, and safety of offenders and correctional employees.” *Id.* at 192.

3. COMM’N ON ACCREDITATION FOR CORR., COMMISSIONERS’ MANUAL 28-29 (2008).

4. American Correctional Association: Standards and Accreditation, http://www.aca.org/standards/faq.asp#commission_who (last visited Aug. 27, 2010).

5. *Id.*

One of the primary responsibilities of the panel during the hearing is to render decisions on the audit team's preliminary findings that the prison is in noncompliance with certain standards. A prison has four options when an audit team reports that it is in violation of an accreditation standard. The prison can appeal the finding of noncompliance, and if the Commission grants the appeal, the prison's compliance score will be adjusted upwards.

The prison's second option is to submit a "plan of action" outlining how and by when the prison will come into compliance with the standard. The Commission assesses the plan of action for its feasibility and adequacy and may require that the prison modify the plan of action, changing the steps that the prison will take to come into compliance with the standard or the timetable for achieving compliance.

The prison's third option is to request a waiver of the requirement that it meet the terms of the standard. According to the Commission's policies, it is supposed to grant a waiver request only when the prison demonstrates that it is "*unable*" to comply with the standard for one of four specified reasons: (1) a statute "*specifically prohibits*" compliance; (2) bringing the physical plant of the prison into compliance with a standard would require "*substantial expenditures*"; (3) the violation of the standard is *de minimis* in nature; or (4) the prison has striven repeatedly and unsuccessfully to obtain the funds that would enable it to come into compliance with the standard and can document those efforts.⁶

Even if a prison establishes that it meets one of the four prerequisites for a waiver set forth above, the prison must surmount two other hurdles before the Commission is authorized to grant a waiver request. First, the prison must document that its noncompliance is *de minimis* and, if not, that the prison has taken adequate steps to mitigate the adverse effects stemming from its noncompliance with an accreditation standard.⁷ An example of such mitigation would be limiting the amount of time that prisoners are required to be in cells that do not meet the ACA standards' cell-size requirements.

6. COMM'N ON ACCREDITATION FOR CORR., *supra* note 3, at 25 (emphasis in the original).

7. *Id.* at 26.

Second, the prison must prove that the noncompliance is not jeopardizing the lives, health, or safety of prisoners or staff, or compromising the meeting of constitutional requirements.⁸

In 2005, the Commission created a fourth option for prisons (and other correctional facilities and programs) not meeting an accreditation standard.⁹ Under certain circumstances, the prison simply can opt out of the requirement that it comply with a particular standard. This option, which is formally known as “discretionary compliance,” is different from a waiver. While waiver requests purportedly are grounded, at least generally, on a prison’s inability to meet a standard,¹⁰ a prison can choose, in many instances, to designate a nonmandatory standard as “discretionary” when the prison “does not wish to comply with” the standard.¹¹

A prison can denominate a particular nonmandatory standard as “discretionary compliance” if two requirements are met. First, the prison’s reason for not wanting to meet the standard must correspond with one of the five reasons set forth in the Commission’s policies:

1. An unwillingness to request funds from a parent agency or funding source; or,
2. A preference to satisfy the standard/expected practice’s intent in an alternative fashion; or
3. An objection from a parent agency, higher level government official, or funding source to the nature of the standard/expected practice; or
4. A clear policy in place at a higher level that is

8. *Id.*

9. See Melissa J. Mall, *Commission on Accreditation for Corrections Adopts a New Policy*, 67 CORRECTIONS TODAY 105 (July 2005). It bears mentioning that while I was not on the Commission in 2005, I had opposed for many years the adoption of this noncompliance option.

10. Several of the delineated reasons for granting a waiver seem to conflict with the statement in the Commission’s policy manual that the inability to comply with a standard is a precondition for a waiver. For example, although a prison might be able to come into compliance with a physical-plant standard, it might be eligible for a waiver because of the significant renovation or construction costs that would need to be incurred in achieving compliance.

11. COMM’N ON ACCREDITATION FOR CORR., *supra* note 3, at 27.

contrary to the requirements of the standard/expected practice; or,

5. An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees' union to effect such a change).¹²

Second, the prison must describe how noncompliance with the standard will not have a "significant" detrimental effect on the life, health, and safety of staff or inmates, or on the operation of the prison in conformance with constitutional requirements "to any degree."¹³

If the Commission panel concludes that the above two requirements are met, the prison is exempted from the requirement that it meet the standard. But the Commission places a cap on the percentage of nonmandatory standards that a prison, at its discretion, can opt out of. If the prison is in compliance with 95% or more of the nonmandatory standards, it can designate up to 2% of the noncompliant, nonmandatory standards as "discretionary."¹⁴ If the compliance score for nonmandatory standards is below 95%, the prison can denominate 1% of the nonmandatory standards with which it is noncompliant as "discretionary."¹⁵

B. *Some Observed Benefits and a Systemic Weakness of Correctional Accreditation*

Like any human endeavor, the correctional accreditation process is imperfect. Yet having served for thirteen years as a member of the Commission on Accreditation for Corrections, eleven of those years as the American Bar Association's representative on the Commission, I have witnessed the dramatic potential that the accreditation process has to catalyze improvements in conditions of confinement, abate practices that transgress constitutional requirements or professional norms, and transform the culture of a correctional

12. *Id.* at 26-27.

13. *Id.* at 27.

14. *Id.*

15. *Id.*

institution from one marked by the debasement of staff and inmates to one suffused with a commitment to professionalism. I have observed the expenditure of millions of dollars to eradicate physical-plant problems in correctional facilities, the closing of unsafe and dilapidated housing units in correctional institutions, the adoption and refinement of programs to train thousands of correctional staff, and the overhaul of policies, procedures, and practices as correctional facilities have striven to meet the requirements for accreditation. I can attest that because of correctional accreditation, many correctional facilities in this country are far safer, more humane, and better operated than they were before undergoing what can be the rigors of accreditation.

As a Commissioner, I also have seen firsthand the weaknesses in the correctional accreditation process and have labored, as have other Commissioners, ACA staff, accreditation auditors, and others both from within and outside the corrections field, to correct perceived deficiencies in the ACA accreditation process. This reform process has been, and will be, never-ending, because whether dealing with the operation of an accreditation process, a correctional facility, an educational institution, a business, or some other human enterprise, we always can “do things better.”

The purpose of this section of the article is not to identify the myriad steps that the Commission on Accreditation for Corrections already has taken to improve the accreditation process. Nor is it to prescribe the many additional steps that can be taken to further refine accreditation as a tool of correctional oversight. Rather, the purpose of this portion of the article is to highlight one systemic feature of accreditation that detracts substantially from, and potentially could eviscerate, its efficacy as an oversight mechanism. That feature is the voluntary nature of accreditation—the fact that, with few exceptions, participation in the accreditation process is optional.¹⁶

The accreditation process is fee-based; in other words,

16. Some states do require that a private prison or jail be ACA-accredited in order to house inmates or certain inmates in that state. *See, e.g.*, COLO. REV. STAT. § 17-1-105.1(3)(a) (2009); IDAHO CODE ANN. § 20-805(2)(m) (2008); NEB. REV. STAT. § 47-803(2)(a) (1995); N.M. STAT. § 33-15-3(A)(3) (2006); OKLA. STAT. tit. 57, § 563.3(C) (2009).

correctional facilities or programs that want to go through the ACA accreditation process must pay a large sum of money to the American Correctional Association.¹⁷ The voluntary nature of accreditation, combined with the fact that it is fee-based, makes the accreditation process vulnerable, both financially and operationally. Large prison systems involved in the accreditation process can and do wield enormous power over that process, since they can withdraw their institutions from the process if it is not changed in ways that they see fit. And if those withdrawals were to occur, the Commission and the ACA would be sapped of the funds needed to maintain, expand, and improve the accreditation process.

One of the chief negative repercussions of a voluntary system of accreditation then is that it spawns unrelenting, and sometimes irresistible, pressures to water down accreditation standards and make accreditation procedures more lax. To their credit, the Commission on Accreditation for Corrections and the ACA Standards Committee, the entity which adopts, modifies, and repeals accreditation standards, often have resisted these pressures. Other times, though, both the Commission and the Standards Committee have succumbed to demands to make it easier for prisons to be accredited, changing the accreditation process in ways that, at least in my opinion, are not in keeping with the avowed purposes of accreditation and, in the long run, could lead to its denouement.

Perhaps the best example of the fragility of the accreditation process due to its voluntary nature is the Commission's adoption of the "opt-out provision," the policy that allows correctional facilities, up to a certain limit, to pick and choose the nonmandatory standards with which they will comply. For years, a state department of corrections with a large number of prisons involved in the accreditation process tendered formal and informal proposals to the Commission to

17. Effective January 1, 2009, the accreditation fee became standardized for all correctional facilities, regardless of their size or type. Facilities must pay \$3,000 for each day of an accreditation audit plus \$1,500 for each auditor on the audit team. Facilities are eligible for a discounted fee based on the number of other facilities within the agency that are participating in accreditation. Letter from James A. Gondles, Jr., Executive Dir., Am. Corr. Ass'n, to "To Whom It May Concern" (Nov. 20, 2008), *available at* <http://www.aca.org/standards/pdfs/AccreditationFeeLetter.pdf>.

adopt such an opt-out option, but the Commission always rebuffed these proposals. But when several other large prison systems involved in the accreditation process joined in this lobbying effort, the Commission capitulated.

I do not mean to imply that the individuals whose efforts culminated in the approval of the opt-out provision acted with sinister motives. Far from it. The provision was drafted and approved by individuals who, for years, have evinced a deep commitment to accreditation and to improving conditions and operations in correctional facilities. The opt-out provision primarily was the byproduct of the frustration felt by prison officials who needed assistance from a third party, typically funding from the legislature, in order to meet certain accreditation standards, but who found that such assistance was never forthcoming. But however understandable those frustrations, the fact remains that the prospect of a feared mass exodus of institutions from the accreditation process, if the Commission failed to approve the opt-out proposal, overhung the Commission's deliberations of the proposal to which it ultimately acquiesced.

The question then is whether the correctional accreditation process can be restructured in a way that would capitalize on its strengths while avoiding the pitfalls that attend a wholly voluntary process. Other accreditation processes, those outside the field of corrections, can provide guidance in answering that question. Set forth below is an overview of the structural framework of one of those other processes—that which pertains to the accreditation of colleges, universities, law schools, and other institutions of higher learning.

II. Accreditation of Higher-Education Institutions

The structure for accrediting higher-education institutions differs from the structure for accrediting correctional institutions in a number of ways, three of which warrant mentioning here. First, a federal statute requires that colleges, universities, and other institutions of higher education be accredited as a condition of receiving certain federal funds, including federal student loans.¹⁸ This statutory provision, as

18. 20 U.S.C. § 1099b(j) (2006).

a practical matter, makes accreditation mandatory, because educational institutions cannot attract students if prospective students cannot obtain loans to fund their education.

Second, the Department of Education (DOE) must officially recognize an entity as an accrediting agency in order for it to have the authority to accredit an institution of higher learning, making the institution eligible to receive federal funding.¹⁹ The American Bar Association, for example, is an entity that accredits law schools. But the ABA's accreditation of a law school will make the school eligible for certain federal funds only if the Department of Education recognizes the ABA as an accrediting agency (which it does).

Third, in order to be recognized by the Department of Education as an accrediting agency, the agency must meet a number of requirements set forth in a federal statute and in regulations promulgated by the DOE to implement that statute.²⁰ In short, an entity that wants to accredit higher-education institutions must itself go through what is in form, though not in name, an accreditation process—one which entails a “comprehensive review and evaluation of the performance” of the accrediting agency.²¹ The accrediting agency, for example, must adopt accreditation standards that meet certain stated requirements,²² must enforce those standards in a consistent manner,²³ and must adopt and follow certain prescribed procedures when accrediting educational institutions.²⁴ Ensuring that accreditation auditors are well-trained and disclosing to the public when an institution is undergoing accreditation or reaccreditation review are examples of the operating procedures that an agency must institute in order to be recognized by the Department of Education as an accrediting body.²⁵

19. *Id.* § 1099b(m).

20. *Id.* § 1099b(a)-(c); 34 C.F.R. §§ 602.10-.28 (2009).

21. 20 U.S.C. § 1099b(n)(1).

22. *Id.* § 1099b(a)(5). The accreditation standards, for example, must assess the educational institution's facilities, whether adequate funds have been allocated for the institution's operations, and student support services. *Id.* § 1099b(a)(5)(D)-(F).

23. *Id.* § 1099b(a)(4)(A).

24. *Id.* § 1099b(c).

25. *Id.* § 1099b(c)(1), (8).

III. A New Framework for Correctional Accreditation

I believe that the general framework for the accreditation of institutions of higher education—where accrediting bodies themselves, in effect, have to be accredited—should be imported into the realm of correctional accreditation. Under this new framework, correctional institutions in which individuals are confined, including prisons, jails, juvenile detention centers, and juvenile training schools, would have to be accredited in order to be eligible to receive federal funds. Since correctional facilities receive federal money for an array of purposes, including to fund construction and institutional programs, making the receipt of federal funds contingent on accreditation likely would propel many more correctional institutions to become accredited than currently are. And this, in my opinion, would be a good thing, since accreditation holds promise, though not fully realized at this point, of ensuring that correctional institutions across the country meet standards that reflect legal requirements, sound professional practices, and human-rights principles.

Under the envisioned framework, the entity or entities that accredit correctional facilities would have to be certified in order to have the accrediting authority that would make a facility eligible to receive federal funds. The Department of Justice might be the logical locus from which this certification function would be carried out, but the pros and cons of vesting the certification authority in the Department of Justice or some other entity would need to be explored fully. Whoever exercises this certification power, the certification process, if structured properly, would make the correctional accreditation process much more open and accountable. Just as correctional accrediting bodies scrutinize correctional institutions or parts of those institutions to determine if they meet certain standards, the operations of those accrediting bodies would be scrutinized to ensure that they comport with certain fundamental principles of effective institutional oversight. Examples of such fundamental principles would be the implementation of safeguards to avoid conflicts of interest when rendering accreditation decisions and the adoption of measures to ensure consistency in the enforcement of accreditation standards.

The certification of correctional accreditation bodies, if the certification process were contoured appropriately, also would make the operations of prisons and other correctional institutions more open and accountable. For example, the statutory or regulatory criteria that have to be met in order for an agency to be certified as a correctional accrediting body could include a requirement that the agency conduct site inspections of prisons and other correctional facilities at unannounced times, at least in certain circumstances. The governing statute and regulations also could mandate that accreditation agencies, such as the Commission on Accreditation for Corrections, disseminate audit reports and accreditation decisions to the public. That way, if an accrediting agency accredited an institution that clearly does not meet accreditation standards or whose conditions threaten the health or safety of staff or inmates at the institution, the error in the accreditation decision more likely would be brought to the attention of the accrediting agency. The accrediting agency then could rectify the error and, perhaps even more importantly, determine what changes need to be made in its accreditation standards or processes to avert such errors in the future. And if the accrediting agency failed to take adequate corrective measures and was in violation of the requirements for certification as an accrediting agency, its deficiencies or derelictions could trigger the revocation or nonrenewal of its certification as an accrediting agency.²⁶

Several other benefits would accrue from the accreditation framework outlined above. The requirement that correctional institutions be accredited as a condition of receiving federal funding, combined with the requirement that the accrediting body meet the standards for certification, would dissipate, at least somewhat, the inexorable pressures that correctional institutions often exert on an accrediting agency to dilute its accreditation requirements. Correctional institutions would be less likely to abandon or refrain from undergoing accreditation review, or threaten to do so, if the consequence of that decision was a loss of federal funding.

26. By way of analogy, the DOE can vest an agency or association with accrediting authority for up to five years, but the DOE can limit, suspend, or terminate that authority because of noncompliance with the requirements for DOE recognition as an accrediting body. *Id.* § 1099b(d).

It is true that if, as in the field of higher education,²⁷ there were multiple entities certified as accrediting bodies, some correctional institutions might troll around for the accreditation process with the lowest accreditation standards or threaten to do so if an accrediting agency failed to repeal certain accreditation requirements. But the statutory and regulatory specifications that an accrediting agency would have to meet in order to be certified could be drafted in a way that guards against efforts to circumvent the purposes of accreditation and that promotes healthy, not unhealthy, competition between accrediting bodies.

Requiring that a correctional facility be accredited by a certified accrediting agency in order to be eligible to receive federal funds also would provide legislatures (and local governing bodies) with an added incentive to appropriate the money needed for correctional facilities to meet accreditation standards. As many of the speakers at this conference observed, legislatures repeatedly have failed to allocate the funds or implement other reforms that would enable correctional professionals to rectify grave problems in the conditions in, and operations of, correctional facilities. Linking federal funding to accreditation would be one way to begin addressing this endemic failure.

Conclusion

Extending the certification-accreditation framework that governs the accreditation of institutions of higher education into the field of corrections would be an important and critical first step in bringing transparency and accountability into the “closed world” of corrections and in ensuring that correctional institutions adhere to legal requirements, professional standards, and a transcendent obligation to respect basic human rights. But it would only be a first step. Those of us who are involved in, and committed to, the accreditation process and the realization of its potential would need to continue to examine how that process can be augmented and

27. Links to lists of the many entities that accredit postsecondary institutions or programs can be found at http://www.ed.gov/admins/finaid/accred/accreditation_pg7.html#RegionalInstitutional.

improved within this new framework. And other correctional oversight mechanisms would need to be developed or refined in jurisdictions across the country if the objectives of correctional oversight are to be met fully.

Large-scale change takes time. Effecting such change requires perseverance and a level of patience that can be elusive when observing patent problems that can and should be resolved more quickly than they ever are. Now is the time for this kind of large-scale change in the ways in which conditions and operations in this nation's correctional facilities are monitored. So let's roll up our sleeves, get to work . . . and persevere.