

SB

175

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 1, 1996

FURTHER REFERRALS:

Date of Committee Action: 4/26/96

The FINANCE Committee considered:

CSSSSB 175(FIN) am

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175(FIN) am

"NO FRILLS" PRISON ACT

"An Act relating to correctional institutions and their administration, and to services provided to prisoners; amending the definition of 'severely medically disabled' applicable to prisoners seeking special medical parole; and amending provisions of the correctional industries program, and extending the termination date of the Correctional Industries Commission and the program."

recommends it be replaced with the following committee substitute HCS CSSR 175(FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Date)

APPROVES PREVIOUS: _____ (Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) ~~3~~ _____

zero fiscal note(s) 1 (Senate) HSS, 2/4/96

DOC, 4/1/96 PS 4/1/96

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>John Mulden</u>	X			
<u>John Martin</u>	X			
<u>Stan Hamell</u>			X	
<u>Ken Brown</u>			X	
<u>Pete Kelly</u>	✓			
<u>Gene Theriault</u>	X			
<u>Vic Kohrney</u>	X			
<u>Bob Grossenbeck</u>	X			

CHAIR'S SIGNATURE

John Mulden

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSSSB 175 (FIN)

Revision Date:	Dept. Affected: <u>Corrections</u>
Title: <u>"An Act relating to correctional institutions and their administration..."</u>	BRU: <u>Statewide programs</u>
Sponsor: <u>Sen. Donley</u>	Component: <u>all institutions</u>
Requester: <u>Senate Finance</u>	COMPONENT SERIAL NO. <u>1381</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MNTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost. \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The request was to prepare a fiscal note showing the cost saving that would be realized by using a standard of "not exceeding that required by the US Constitution" rather than the cost per meal of the current menus in the DCC jails/prisons. No such standards exist that would allow comparison to daily food service. Instead we have used the US military service food service.

According to the Elmendorf Airforce Base food service manager, food is served buffet style with unlimited quantities. Each dinner consists of four entrees plus pizza, hamburgers and chili, three soups, a salad bar, ten choices of soft drinks, milk, chocolate milk, and seven deserts. Breakfast and lunch are similar in variety and quantity. The average cost is \$5.91 per person per day, excluding freight. The US Army, Ft. Richardson has essentially the same cost.

A typical menu for the DCC is attached. Individual items may be substituted based on availability and cost savings. The average cost including freight was \$4.71 per day per inmate for the first six months of 1995. (Please see attached)

For an average jail/prison population of 2850, the Department of Corrections is currently saving \$1,248.3 plus freight costs

Prepared by: Jerry Shiner
 Division: Office of the Commissioner
 Approved by Commissioner: Margaret Pugh
 Agency: Department of Corrections

Phone: 465-4652
 Date: 2/23/96
 Date: 2/23/96

FISCAL NOTE

IN 1
 Bill Version: SSSB 175 (JV)
 (S) Publish Date: 2/14/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An Act relating to correctional institutions and their administration: ..." BRU: Medical Assistance
 Sponsor: Sen. Dooley, Pearce Component: Medicaid Services
 Requestor: JUD, FLN COMPONENT SERIAL NO. 2077
 See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGES IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (please specify)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

SSSB175 amends the AS 33.18.900(10) definition of "severely medically disabled" from "a person who has a medical condition that requires confinement to bed and the person is likely to remain confined to bed throughout the entire period of parole or to die from the condition" include the provision that, in the opinion of the Parole Board, the person's medical condition significantly reduces the probability of committing an offense similar to the offense for which the person was convicted or of committing an offense that is punishable as a felony. SSSB175 deletes the provision that the person be "confined to bed" and states that "...the person is likely to remain subject to the medical condition throughout the entire period of parole; or die from the medical condition."

The Division of Medical Assistance does not anticipate that SSSB175 will impact the Medicaid or General Relief Medical programs since funding on these programs is related to an increase in the number of prisoners released as a result of passage of this bill. According to the Dept. of Corrections, it does not anticipate that the bill will "substantially impact" the department since inmates who are diagnosed as severely medically disabled are already released into parole and/or other non-institutional settings. The Division of Public Assistance also does not anticipate SSSB175 will impact that division.

Prepared by: Inge Lysdal *Inge Lysdal AS* Phone: (907) 465-3355
 Division: Medical Assistance Date: 02/01/96

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSSSB 175 (FIN) am

Revision Date: March 12, 1996 Dept. Affected: Public Safety
 Title: Alaska no frills prison act BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Donley
 Requestor: (M) Judiciary COMPONENT SERIAL NO. 0799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached.

Prepared By: LT Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 12, 1996
 Approved by Commissioner: *Dan Lowden* Date: 3/18/96
 Agency: Ronald L. Oite, Department of Public Safety

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AMENDMENT 1

no object

OFFERED IN THE HOUSE

TO: HCS CSSSSB 175(JUD)

Brown

- 1 Page 3, line 20, following "Army":
- 2 Delete "and"
- 3 Insert "; however, in providing food that conforms to the requirement of this
- 4 subparagraph, the commissioner shall"

Pg 3, line 21

line 21 "salmon" delete
"fish" insert

no/obj

AMENDMENT 2

OFFERED IN THE HOUSE
TO: HCS CSSSSB 175(JUD)

Brown

- 1 Page 4, line 11, following "possess":
- 2 Insert "apparel"

AMENDMENT 3

failed

OFFERED IN THE HOUSE
TO: HCS CSSSSB 175(JUD)

Brown

1 Page 1, line 7:

2 Delete "Sections 3 - 5"

3 Insert "Sections 4 - 6"

4 Page 1, following line 7:

5 Insert a new bill section to read:

6 ** Sec. 2. AS 18.35.300 is amended to read:

7 Sec. 18.35.300. PLACES WHERE SMOKING IS REGULATED. Smoking
8 in any form is a nuisance and a public health hazard and is prohibited in the following
9 vehicles and indoor places, except as allowed under AS 18.35.310:

10 (1) a vehicle of public transportation and a waiting, baggage, or
11 boarding area for a vehicle of public transportation, including a bus, ferry vessel,
12 train, limousine for hire, taxicab, or scheduled interstate or intrastate aircraft flight
13 when consistent with federal law;

14 (2) a place of employment, a building or other structure, or a portion
15 of them, owned, leased, or operated by the state or a political subdivision of the state,
16 including an office, library, museum, theater, concert hall, convention hall,
17 gymnasium, swimming pool, or other place of entertainment or recreation;

18 (3) a public or private postsecondary educational institution or adult
19 day care facility;

20 (4) a courtroom or jury deliberation room;

21 (5) a room, chamber, or other place under the control of the state
22 senate or state house of representatives while a public meeting or public assembly
23 is not in progress;

24 (6) a nursing home, rest home, or other residential health care

1 insitution or facility, or a public or private office or facility that is engaged primarily
2 in providing mental health services;

3 (7) a food service establishment that has a seating capacity of at least
4 50 persons;

5 (8) a grocery store or other store maintained primarily for the retail
6 sale of food products;

7 (9) a place of employment in which the owner, manager, proprietor,
8 or other person who has control of the premises posts a sign stating that smoking is
9 prohibited by law;

10 (10) a correctional facility that is not a state correctional facility as
11 that term is defined by AS 33.30.901 and, within a state correctional facility, all
12 areas not accessible by prisoners of the state correctional facility; and

13 (11) a Pioneers' Home."

14 Renumber the following bill sections accordingly.

15 Page 4, lines 17 - 18:

16 Delete "unless the prisoner smokes in an area that has been designated under
17 AS 18.35.320 to permit smoking"

Effective date July 1, 1997
Ban smoking for prisoners

failed

9-LS0958VH.1
Chenoweth
4/24/96

AMENDMENT 4

OFFERED IN THE HOUSE

TO: HCS CSSSSB 175(JUD)

1 Page 6, lines 18 - 22:

2 Delete

3 “(4) authorize a prisoner to engage in vocational training or in
4 productive employment within or outside a correctional facility, or enter into a contract
5 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
6 Commission determines that the employment will have minimal negative impact on an
7 existing private industry or labor force in the state; and”

8 Insert

9 “(4) authorize a prisoner to engage in

10 (A) productive employment within or outside a correctional
11 facility; or

12 (B) vocational training [ENTER INTO A CONTRACT] under
13 AS 33.30.191 for the employment of a prisoner if the Correctional Industries
14 Commission determines that the employment will not have an [MINIMAL
15 NEGATIVE] impact on an existing private industry or labor force in the state;
16 and”

AMENDMENT 5

failed

OFFERED IN THE HOUSE

TO: HCS C5555B 175(JUD)

- 1 Page 3, line 31, following "player":
- 2 Insert ", a video cassette recorder (VCR), or a computer in the prisoner's cell!"

Failed 3-7

AMENDMENT ~~11~~ 6

OFFERED IN THE HOUSE

TO: HCS CSSSSB 175(JU'D)

1 Page 4, following line 8:

2 Insert a new subparagraph to read:

3 "(E) possess or have access to free weights, to bodybuilding or
4 weight-lifting equipment, or to other equipment for use in the activities listed
5 in (D) of this paragraph:"

6 Reletter the following subparagraphs accordingly:

7 Page 4, Line 6:

8 Insert after the word and,

9 "in bodybuilding or weightlifting"

AMENDMENT 7

Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HCS CSSSSB 175(JUD)

1 Page 5, following line 20:

2 Insert a new bill section to read:

3 *• Sec. 6. AS 33.30.231(c) is amended to read:

4 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to preserve the
5 security and orderly administration of the correctional facility and to protect the
6 public, the commissioner shall monitor or record the [MAY AUTHORIZE THE
7 USE OF MONITORING OR RECORDING EQUIPMENT TO LISTEN TO A]
8 telephone conversations [CONVERSATION] of prisoners. A [A PRISONER
9 INCARCERATED FOLLOWING CONVICTION OF A CRIME, IF A] warning shall
10 be [IS] posted by each [THE] telephone informing prisoners [THE PRISONER] that
11 calls [A CALL] may be monitored or recorded. The monitoring or recording may
12 be conducted of all calls or selectively or in some other limited manner as
13 determined by the commissioner to be appropriate. A recording of a telephone
14 call made under this subsection shall be kept confidential, and access to the recording
15 and its contents is limited to persons who are acting within the scope of their official
16 duties and whose access to specific recordings has been authorized by the facility
17 superintendent. A telephone call between an attorney and a prisoner or between the
18 office of the ombudsman and a prisoner may not be monitored or recorded except
19 when authorized by a court. A person may not bring a civil action for damages
20 for the failure to monitor or record a telephone conversation or for the failure
21 to take action based upon a telephone conversation that was monitored or
22 recorded.

23 Renumber the following bill sections accordingly.

W. H. New

9-LS0958VH.4
Luckhaup/Chenoweth
4/25/96

AMENDMENT

8

OFFERED IN THE HOUSE

BY REPRESENTATIVE MULDER

TO: HCS CSSSSB 175(JUD)

- 1 Page 2, line 18, following "qualifications":
- 2 Insert "in implementing this subparagraph, the commissioner may not expend
- 3 state funds for postsecondary educational enhancement;"



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement
for
CSSS Senate Bill 175 (JUD)
"The Alaska No Frills Prison Act"

In 1994, voters overwhelmingly adopted the "Rights of Victims of Crime" state constitutional amendment. Before the adoption of that amendment, the state constitution required that prison administration be based on two factors; rehabilitation and protecting the public. The constitutional amendment added additional constitutional mandates to our state's prison system. Criminal administration is now based on five factors including; protecting the public, community condemnation of the offender, the rights of the victims of crimes, restitution from the offender, and the principal of reformation.

Senate Bill 175 seeks to implement the requirements of the new state constitutional provisions in several ways.

First Senate Bill 175 protects the public safety by prohibiting participation or instruction in martial arts or any other activity that would facilitate violent behavior. Such activities serve no rehabilitation purpose and can make a prisoner an even more serious danger.

Second Senate Bill 175 enhances rehabilitation opportunities for prisoners by increasing vocational training opportunities in an effort to increase both the productivity and the amount of inmates working in the Correctional Industries Program.

Third Senate Bill 175 helps fulfill the mandate of the new "community condemnation" constitutional language by removing or prohibiting certain luxuries from Alaskan prisons.

Some of the "luxuries" prohibited or removed under Senate Bill 175 include compact disc players in inmate living quarters, premium cable television, and possession of pornographic material.

Finally, Senate Bill 175 will reduce state costs for prisoner medical expenses. It requires inmates to reimburse the state for either the full or partial costs of treatment for any pre-existing medical condition. Also the term "severely medically disabled" is amended by Senate Bill 175 allowing the department greater flexibility in granting "special medical paroles". Parole would only be granted if the inmate's physical ability to commit an offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is substantially eliminated. The parole of only one such prisoner could save the state as much as \$500,000.

Senate Bill 175
Sponsor Statement
Page 2

The Senate Judiciary committee added language to Senate Bill 175 that would allow inmates to view only basic cable television in common areas of the prison.

The Senate Finance committee further amended the bill by adding provisions which prohibited inmates from possessing a VCR or compact disc player and smoking unless it is done in an area designated for smoking. Language was also adopted, at the request of the Department of Law, to clearly define "severely medically disabled" inmates. The department felt a stronger definition was needed for circumstances when individuals may be released under "severely medically disabled" parole.

Additional amendments were added to Senate Bill 175 during debate on the Senate floor. Language was adopted, again at the request of the Department of Law, to better define what level of food service the Department of Corrections should providing. The department felt a more definitive standard was needed to give a specific example of limits on food service for prisoners under the bill. Language was also added that exempted half-way houses and private institutions from the provisions of the bill. Standards regarding the possession of televisions in inmate's cells were added to the bill which clearly defined the circumstances for possessing a television. Inmates who pay for their own television and cable service and is incapable of obtaining or has attained a high school or general education development diploma would still be allowed to possess a television in their living quarters as an incentive for:

- actively engaging in an educational, vocational training, or employment program;
- satisfying restitution orders or is on a regular and current payment schedule for all restitution orders entered by court as part of the prisoner's sentence and, if applicable, is actively engaging in a rehabilitation program ordered by the court.

The House Judiciary committee removed key provisions in the bill which prohibited VCRs and computers in inmate's cell. Language was also removed which banned weightlifting equipment or body building equipment in Alaska's prisons. As sponsor I strongly oppose these changes.

The Department of Corrections has stated that a new prison is needed in Alaska to ease the overcrowding and accommodate Alaska's ever increasing prison population. Unfortunately, past governors and legislatures neglected to address the prison capacity problem. Now, more than ever, Alaskans understand that prison overcrowding is a serious problem. Most Alaskans would support the state building more correctional space if they didn't feel that the prisons were currently too soft and mismanaged.

Senate Bill 175 is a balanced cost saving proposal in compliance with the Alaska Constitution's requirements for public safety, community condemnation, and rehabilitation.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

**Sectional Analysis
for
CSSS SB 175 (JUD)**

Section #1 - refers to Sections 3-5 of this act as the "Alaska No Frills Prison Act".

Section #2 - amends the definition of "severely medically disabled" to give the Department of Corrections greater flexibility in granting "special medical paroles" for certain inmates. Parole could be granted in instances where:

- 1) the inmate suffers from a medical condition that reduces the likelihood of that inmate committing an offense similar for which the inmate was convicted.
- 2) the inmate suffers from a medical condition that reduces the probability of that inmate committing an offense punishable as a felony.
- 3) the inmate suffers from a medical condition and is likely to suffer from that condition for the remainder of the parole.
- 4) the inmate is likely to die from the medical condition.

This expanded definition of "severely medically disabled" inmates may allow the Department of Corrections to parole certain inmates. Parole would only be granted under this clause if the inmate's physical ability to commit an offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is substantially eliminated. When the department began "furloughing" individuals under the existing "severely medically disabled" clause, only 5 or so individuals qualified for release. With this expanded definition, the department expects that certain individuals could qualify as "severely medically disabled" saving the state a significant amount in medical costs. Just one such case could save the state as much as \$500,000.

The department would assist those eligible individuals in securing medical services such as Medicare and Medicaid once they are released.

Section #3 - Requires the Commissioner to establish, maintain, operate, and control each correctional facility in a manner consistent with Section #4 of the bill. It also requires the Commissioner to determine who is responsible for medical costs when inmates are provided medical services.

Sectional Analysis - Page 2

Section #4 - mandates that the Commissioner may not provide the following to inmates:

- 1) living conditions and access to recreational opportunities that substantially exceed what is required under the Constitution of the United States.
- 2) living quarters in which the view into the quarters is obstructed; certain state facilities already in operation would be exempt from this language.
- 3) food that substantially exceeds, in quality or quantity, to that which is available to enlisted personal of the United States Army and encourages the Commissioner to use Alaska farm products and salmon to the greatest extent possible.
- 4) access to equipment or facilities for publishing or broadcasting material whose content is not consistent with facility guidelines or discipline.
- 5) access to premium cable television service.

This section also prohibits:

- 1) a compact disc player in individual living quarters.
- 2) viewing of "R", "X", or "NC-17" rated movies.
- 3) possessing pornographic material.
- 4) participating or receiving instruction in any activity, in the opinion of the commissioner, that would facilitate violent behavior.
- 5) possessing a coffee pot, hot plate, appliance, or heating element in their living quarters.
- 8) appearing in a state of dress that is not consistent with the guidelines of the facility.
- 9) using a computer other than those approved by the institution, the use may only be part of an education, vocational or employment program
- 10) smoking unless it is done in a area designated for smoking.

The commissioner determines whether the provisions of this section apply to half-way houses and correctional facilities not run by the state. The commissioner may also allow a prisoner in a medium or minimum security prison to possess a television in their individual living area as long as the prisoner:

- 1) is incapable of obtaining or has attained a high school diploma or general education development diploma.
- 2) is engaged in a educational, vocational training, or work program.
- 3) has satisfied all restitution orders or is on a regular and current payment schedule for all restitution orders entered by the court and, if applicable, engaged in court ordered counseling programs.
- 4) pays for the cost of providing the television and cable service.

This language permits the Commissioner of Corrections to allow television in personal living quarters as an incentive for good behavior.

Sectional Analysis - Page 3

Section #5 - allows a law enforcement agency to recoup medical costs for medical services provided to prisoners in their care. The agency may require inmates to compensate the agency for the cost or for a portion of the cost of medical services provided for any preexisting medical condition.

Section #6 - allows the department, at its discretion, to provide vocational training for inmates. Vocational training would be provided to those individuals who lack the necessary job skills to work in jobs within Correctional Industries increasing both the productivity and the amount of inmates working in the program

Section #7 - extends the sunset date for the Correctional Industries Program from the year 1999 to the year 2005. This extension would allow the department to develop a stable and long range plan to provide more marketable products and work opportunities for inmates.

DD/lla



11/5/96
1:40 PM

SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

MEMORANDUM

To: All Members, House Finance Committee

From: Senator Dave Donley *DD*

Re: House Finance Committee Hearing on SB 175 - "The No Frills Prison Act"

Date: April 2, 1996

I request members of the House Finance committee restore some of the language in the Senate version of SB 175 "The No Frills Prison Act" that was removed in the House Judiciary committee.

The House Judiciary committee removed key provisions which prohibited inmates from having:

1. a Video Cassette Recorders (VCRs) in their individual cells,
2. a personal computer in their individual cells, and
3. access to weightlifting and body building equipment in prisons.

I opposed the removal of this language and strongly believe that inmates should not have access to these things while serving their sentences. Allowing inmates to use free weights serves no rehabilitation purpose and can make an inmate ever more dangerous. A computer in an individual cell causes a constant security problem. Computers, along with VCRs are powerful entertainment tools and are not appropriate items in a punishment situation. Inmates are in prison for a reason, they are there because they have committed a crime against society and allowing these individuals such "frills" send a message to our constituents that time spent in Alaska prisons is soft and easy.

I am convinced that the majority of Alaskans do not want prisoners to have such luxuries and I would urge you to reinstate this language in Senate passed version of the bill.

If you have any questions, contact myself, or James Armstrong of my staff at 465-3892.

CC: Speaker Gail Phillips

DD/jja

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MEMBER: Senate Finance Committee • Senate State Affairs Committee

RE 5B 175

Red Mt. n, Box R DC

Hammer, AK 99603

9 April 96

Co Chairs Hanley & Foster
House Finance Committee
State Capitol, Juneau AK 99701

Dear People:

5B 175 has some very bad features.

If all privileges are taken away, prisoners have less incentive to abide by prison rules.

(4) (B) provides nothing for counseling and therapy. All prisoners should be required to have contact with a therapist. Those who do not respond should then have their contacts reduced and the time spent on those who do respond.

Some of these people can be re-habilitated. The savings realized by keeping the recidivism rate just a little lower should pay the cost of the program. Accounting

future crimes is not a "frill."
 Sec 4 cites the U.S. Constitution
 and the state constitution as
 authorities defining acceptable
 living conditions, recreational
 opportunities and food. Since
 when do these documents
 address these issues? The
 lawyers should have fun
 with this.

Sec 4 (2), would prohibit
 unmonitored phone calls. I
 agree that prisoners should not
 have unmonitored calls to
 conduct deconvment. However,
 how are you going to pay for
 monitoring all these phone
 calls? Or will the prison
 officials have to forbid prisoners
 talking to their family because
 there is no money to monitor
 the calls? It is known that
 prisoners who have contact with
 their families do better. What
 is this section really trying

to accomplish?

I suggest random monitoring. All of the calls could be taped. Then if the monitor picked up something interesting, they could look up earlier conversations by the same prisoner.

I am not asking for privacy. However, if people are prevented from talking to family members who are in prison there is going to be one huge uproar. Possessing a tape player, TV, etc in their cell is a privilege that can be used to inspire good behavior. This matter should be left to the professionals who run the prisons.

Both physical and mental health benefit from exercise. If the officers who have to deal with these people agree that they should not have access to the activities

listed in Sec 4 (2) (E), there some other exercise options should be provided. The bill doesn't address that; again, it just takes away. The law should mandate that exercise opportunities be provided.

Sec 4 (2) (I) should be amended by deleting "vocational training" and inserting "education". Educational opportunities should not be limited to Voc Ed. Prisoners should be able to work toward high school and college diplomas.

Sec 8 (c) should be amended to require the establishment and administration of a vocational education program.

We need to be controlling and (as much as possible) re-training the people. This bill is all about control; nothing about rehabilitation.

Sincerely,
Sera Baxter

BY GARRY BULLARD

WHAT'S TOUGH ENOUGH

In response to the public's perception
that prison life is too easy,
new policies are designed
to make life there
as unpleasant as possible.

Alabama has seen anything like it since the heyday of the 1960s civil rights movement: journalists and TV camera crews flying in from all parts of the world, spirited and sometimes angry public debate and well-known civil liberty groups filing lawsuits against the state itself.

But the center of Alabama's most recent cyclone is not the church in Montgomery where Martin Luther King Jr. exhorted his followers to give of themselves for the civil rights movement, nor is it Selma where those same followers confronted a violent and bloody local reaction.

Today the controversy in Alabama is about the men in uniforms moving along the state's highways and the chains that bind them. Alabama has reinstated the chain gang, one of the most powerful, and some say brutal, symbols of the Southern past.

The man in charge of the program, Prison Commissioner Kurt Jones, says it is all part of an effort to hold down prison costs.

"The tougher prison time gets, the more likely it is that you'll see the number of repeat prisoners decrease," says Jones, who has the solid backing of Alabama's Governor Tub James for his chain gang idea. "And as that number decreases, so will the enormous costs of running our prisons."

CONSTITUTIONAL CHALLENGES

Although Jones' chain gangs have won the enmity of the Southern Poverty Law Center (SPLC) of Alabama, which has filed a class action suit to end them, one other state—Arizona—has also brought back chain gangs. And Florida is planning a similar effort next year.

Of course, the chain gang concept may prove to be short-lived if the lawsuit against it succeeds. Rhonda Brownstein, a staff attorney with the SPLC in Montgomery, said she expects the courts to prohibit such prison practices because they are a form of "cruel and unusual punishment" that is unconstitutional under the Eighth Amendment.

Brownstein said the SPLC suit would also challenge, on the same cruel and unusual punishment basis, Alabama's practice of chaining to hitching posts prisoners who refuse to work. "They have just gone way overboard with all of this stuff. I think if we defeat them on it, it will provide a precedent for other states," she said.

But the legal challenges haven't stopped Jones' chain gangs, where prisoners are connected by lightweight leg irons in crews of five as they dig ditches and clean up the debris along the state's highways. There are currently some 800 repeat offenders working on such gangs, but Jones hopes to bring that number up to about 1,200 by the early part of next year.

Because the nation's prison population is growing rapidly, the chain gangs represent only the most recent, if still highly controversial, answer to holding down costs. They also represent a trend toward making life tougher for prisoners as one solution to recidivism.

PRISON POPULATION BURGEONS

Just the sheer number of inmates seems to demand some sort of new approach. As of 1993, the number of people in the nation's prisons topped the 1 million mark, up from about 400,000 in 1984. At the same time, average state spending on "corrections" has more than tripled, from about \$6 billion in 1984 to just under \$20 billion last year, constituting nearly 10 percent of the average state's spending in 1993.

And in some states, the growth rate of the prison population has far exceeded that of the general population. The number of

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PRISONS GO PRIVATE

prisoners in Florida, for example, has more than doubled from 26,000 in 1984 to nearly 56,000 last year. Missouri's prisoners went from 8,300 a decade ago to more than 17,000 today, while New York's inmate numbers grew from over 30,000 a decade ago to nearly 67,000 today.

"Prisons are becoming one of the fastest growing budget items in the states today," said James Wooten, president of Safe Streets Alliance in Washington, a group that supports longer sentences for violent offenders and truth-in-sentencing initiatives. "But we are finding that the longer time a violent criminal serves in prison, the far less likely it is that that person will commit the same or a similar kind of crime again. That means, over time, you can reduce your prison costs because you won't be seeing as many repeat offenders."

VIOLENCE BEGETS LONGER, TOUGHER TIME

Although many prison officials and civil libertarians dispute the beneficial effects of longer sentences and harsher prison time for repeat offenders, a consensus among the states appears to be emerging: Make those guilty of violent crimes serve longer and tougher time while offering alternative solutions to other types of offenses.

New York may be a case in point. With a prison population of just under 67,000, New York has had one of the largest inmate growth rates in the nation, a 400 percent increase from 1974 when the state housed about 15,000 prisoners. The state's prison budget has also jumped from more than \$4 million annually to more than \$17 million today.

But this spring, Governor George Pataki proposed doing away with a series of 1973 laws enacted by then-Governor Nelson Rockefeller that mandated stiff prison sentences for drug offenders.

"Pataki's proposal was an absolute breakthrough for us," said Charles "Skip" Carriere, a spokesman for Assembly Speaker Sheldon Silver. "We had been trying for years to get sentencing reform through the Legislature, but because it was a conservative, tough-on-crime Republican who broached the idea, we finally reached an agreement."

Indeed, after Pataki's proposal was first aired, Robert Gangi, director of the Correctional Association of New York, told *The New York Times*. "It's another case of the Nixon going to China syndrome. Pataki is considered a hard-liner, if you will, a hawk, on those issues. He's already proved his stripes by

increasingly, privatization is being seen as an alternative to the traditional publicly run prison, offering a possible way to accommodate current calls for incarceration while keeping prison costs down.

"Privatization is increasing by about 25 percent to 30 percent a year," said Charles Logan, a professor of sociology at the University of Connecticut, "even though it is still only a small percentage of the national total." The number of privately run prison facilities has jumped from less than five a decade ago to more than 30 today, according to a study by the Center for Law and Democracy in Washington, D.C. The inmates they house have increased from about 2,000 a decade ago to just under 50,000 today. That number is expected to rise to 65,000 by 1996.

"The private sector can do it less expensively because its motivation is entirely different," said Richard Crane, an attorney in Nashville, Tenn., and former counsel for the largest prison privatization firm in the country, Corrections Corporation of America.

Crane argues that because showing a profit is the only thing that matters to business, private prisons are more likely to be cost-efficient and able to do more with less money. That argument has proved so persuasive that Corrections Corporation now runs four prisons in Texas where it has entered into contracts with the state government promising to keep costs 10 percent below previous state-run prison budgets.

A recent study by the Tennessee General Assembly appears to support Crane's argument. Comparing two similar prisons in neighboring South Carolina, both built at the same time and each housing just over 1,000 inmates—one publicly run, the other private—the study concluded that the privately run prison cost \$150,000 less a year in operational costs than its public counterpart.

Privatized prisons have also won high marks from lawmakers and even prison advocacy groups for working with inmates to resolve conflicts and iron out complaints and problems before they lead to larger and sometimes deadly disputes.

Some experts believe that private management can also respond more effectively to the get-tough approach if that means keeping prisoners incarcerated for longer periods of time. "The longer you keep an inmate in prison, the

more expensive it gets," said Charles W. Thomas, director of the Private Corrections Department at the University of Florida. "So, in that sense, I think privately run prisons can respond in a more cost-effective manner to the get-tough movement."

Thomas also contends that, as the get-tough movement produces more prison facilities, private management may also be seen as a more viable alternative simply because "the private sector has a much smaller lag time between the awarding of a contract to build a new prison and actually opening it, than the public sector does. On average, private prisons are up and running in about 12 to 18 months, while it may take up to 30 months for the public sector to do it."

But Crane, among other privatization supporters, opposes much of the new prison reform legislation coming from the states. "It's a bad management device," he said. "If you take away things like TV and weights and smoking from an inmate, you've essentially taken everything away from him—and that means this person is going to be a whole lot harder to control."

Of course, not everyone agrees that private prisons are the best way to go, with or without a get-tough movement. Jim Schmitz with the American Federation of State, County and Municipal Employees faults private prisons for their "high employee turnover rates." Said Schmitz: "That is one of the pitfalls when all you do is think about the bottom line and saving money. You end up with a large number of underpaid employees in high-stress jobs who are frequently leaving. Because public employees get higher wages and benefits, they tend to stay with their jobs in prisons longer, which is less expensive overall."

Professor Logan, however, thinks private prisons can be both cost-effective and tougher.

"The solution is to make things more strict, but not necessarily more harsh," he said. "A tougher prison time means less probation and parole, less discretionary release, all of which move in the direction of making the system more fair and consistent, than private prisons are a better way to go because one of the things they are most concerned about is having things run smoothly. They have proved that they can be tough, without inciting the prisoners to riot, which is a pretty important thing."

supporting the death penalty and other hard-line positions."

New York's new sentencing legislation, which passed both houses by overwhelming margins in June, redirects nonviolent, drug-addicted inmates to treatment programs. In the process, it will free up at least 3,000 prison beds annually, making it virtually certain now that violent offenders will be imprisoned.

In North Carolina, concerns about prison overcrowding and budget busting prompted the General Assembly last year to pass a measure by Representative Phil Baddour that balances the number of people sentenced to prison with the actual number of available prison bed spaces. Using a "felony punishment chart," judges under the new legislation determine, among other things, the seriousness of a convict's crime, his past criminal record and then how much prison space is available.

Now in North Carolina, violent and repeat offenders are automatically incarcerated, while first and second offenders who committed certain nonviolent felonies might be given suspended sentences if they complete such alternative punishment as boot camp, house arrest or intensive probation.

Baddour—ironically defeated in 1994 by an opponent who portrayed him as soft on crime—said his measure was an attempt to punish violent offenders while keeping an eye on rising prison costs. "Once you have the decision that first-degree murder is at the top and way down at the bottom is an infraction like jaywalking, with a lot of stuff in between, you can rank crimes according to their seriousness and then see how much prison space you have left," he said.

Similar presumptive sentencing rules, which are essentially devices to gain control over the nation's rapidly escalating prison popula-

tions, have been enacted in 17 other states.

But Charles Logan, a professor of sociology at the University of Connecticut and author of *Private Prisons—Cons and Pros* thinks the states can afford to build more prisons and house inmates longer if they adopt what he called a "cost benefit analysis frame."

"There should be with prison policy an estimation of the costs and payoffs," Logan explained. "But that does not necessarily mean that you would have less use of prisons. It might mean instead that the states simply will become more cautious in using their prisons too broadly."

DIVERGENT VIEWS ON TOUGH TIME

There are, of course, widely divergent views on the wisdom of making prison life harder and longer, even for the most dangerous convicts. Many lawmakers, alarmed over what they see as rising crime rates in their own districts, believe prisons should be as brutal as possible. "The people who run the prisons want happy prisoners. I want prisoners to be so miserable that they won't even think of coming back," said Representative Mark McInnis of Mississippi, where lawmakers last year in a special session voted to prohibit inmates from possessing or using weight equipment, compact disc players and televisions among other items. Lawmakers also approved a measure requiring inmates to wear striped uniforms with the word "convict" showing clearly on their backs.

Others believe the "get-tough" prison reform approach is a smoke screen that only hides a bigger problem that the states simply cannot afford—more and more prisoners and prisons. "I think you have to wonder at some point where it is all going to end," said Jenni

Gainsborough, a spokeswoman for the National Prison Project of the American Civil Liberties Union, who believes states should concentrate more on alternatives to prison. "Do we just keep packing them in or do we try to find some sort of alternative? Surely, any rational person can see that the present trends simply can't continue."

Jim Gundoles, executive director of the American Correctional Association, thinks the only way to approach prison issues today is comprehensively, taking into consideration the seriousness of an inmate's crime and the probable effects of both increased punishment and tougher prison time and rehabilitation. "If you don't include other things in your approach, things like education and skills classes or even drug rehabilitation, then you're not taking a balanced approach and it is going to show in the results—prison violence, which is costly to the state, and a much higher rate of recidivism, which is also expensive," Gundoles said.

Tilman Bishop, a Colorado senator who introduced a bill taking away privileges from inmates who file frivolous lawsuits, thinks prisons will become more severe places because of a growing perception among the public that violence and crime are worse than before. "There is a concern that crime is out of control and that the people responsible for it come to prison and live the

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good life," said the Colorado Republican. "The measure was overwhelmingly approved by the legislature last spring. It is now up to us as lawmakers to address those concerns and see what needs to be improved upon or taken away or just changed."

Legislatures in more than a dozen states including Arizona, Mississippi, Texas, California and Michigan have passed or introduced measures reducing prisoner access to weight lifting equipment, television and telephones. In this effort, though, the states may be taking their cue from federally managed prisons. According to a recent survey conducted by the Corrections Compendium, roughly 60 percent of all federal prisons have eliminated some prison privileges.

That survey, in fact, showed that state prison systems in Oregon, Texas, Kansas and Utah have even banned smoking in their facilities while California, Idaho, Michigan, Oklahoma and South Dakota have restricted smoking to designated areas of prison property.

And nearly all federal and state prisons are being affected this year by the loss of Pell grants for prisoners who want to take college classes. In 1994, more than 28,000 inmates received such grants nationally for programs in paralegal training and computer technology. This year, as part of President Clinton's Omnibus Crime Bill of 1994, that funding has dried up and most of the programs in the prisons have ended.

Even in Alabama, where the chain gangs would seem to offer the ultimate "get tough" solution, new policy is designed to make life as unpleasant as possible. "We work these men 12 hours a day, 60 hours a week and they have to do it," said Commissioner Jones. "And during that time they have none of the privileges enjoyed by the other prisoners—no television, no telephone, no basketball, no visitors."

Jones also thinks his get-tough approach could prove to be more economical. Already, through staff layoffs and scaled-down programs, Jones estimates that he's reduced the average costs per prisoner in Alabama from \$9,500 in 1994 to \$9,000 this year, which is substantially lower than the national per inmate cost of about \$16,000. "And I think we can get it down to about \$8,500 by 1996," he added.

But not all states want to duplicate Alabama's example. Prison officials worry what the effects of harder time might be from a management perspective. Even within Alabama there is opposition. "We are right now on the verge of a major riot," said Alabama Representative John Rogers. "And it isn't just the prisoners who are angry. The staff workers are also demoralized. They are being ordered to push and push, even though they know it could result in violence that will hurt them too."

Still others worry that state spending on prisons shows no end in sight. "We can continue to move in this direction, but, if we do, we have to realize it is going to cost more and more," said Professor Logan. "We have to be willing to make a large

commitment that we will not see any benefits from in a long time."

But in the absence of any other sure solutions, that commitment may prove easier to make than many imagine. "If anyone has a better approach to this than we do, I wish he'd come forward—because none of us has a perfect solution," said McInnis of Mississippi. "We're just trying to battle crime the best way we know how by showing that if you're going to commit a crime, you're going to have to pay for it. I don't know any other way to go about it." ■

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Jailhouse CROCK

Today's prison inmates are flooding the courts with suits designed to kill time, improve prison life—or just plain annoy the hell out of the rest of us.

He preferred chunky-style peanut butter. He got a sandwich made with cream. So he sued.

He wanted to attend church service naked. The warden said no. So he sued.

His entire adult life he'd been dealing heavy drugs. Now people were forcing him to stop. So he sued.

THAT THE above lawsuits were filed at all seems absurd enough. What's truly mind-boggling to many observers is that these lawsuits are among the tens of thousands filed each year from inside prison.

And at guess who's expense?

"This is one of the most under-recognized problems in criminal justice today," says James Gomez, who, as director of California's Department of Corrections, supervises the state's massive prison network. "These suits create an administrative logjam and drain the system of funds."

The number of suits has soared from a few hundred per year in the 1960s to some 30,000 in 1993 (the last year for which figures were available). Far from being just another of life's harmless outrages, the flurry of prison lawsuits has far-reaching side effects. Like a malignant cancer, the bogus actions crowd out other types of claims, forcing people with legitimate complaints to wait many extra months for their day in court. In the federal courts of Arizona and Iowa, prisoners account for 48 percent of all civil litigation. Missouri and Arkansas check

in at 46 and 42 percent, respectively. At one point in mid-1994, Illinois had over 1,200 ongoing cases.

Defending the suits requires an enormous withdrawal from already overburdened state treasuries. Former New York Attorney General Oliver Koppell once estimated that a fifth of his departmental budget went toward prisoners' lawsuits. This, in turn, has a direct bearing on the number of new cases that are plea-bargained or shelved entirely because the legwork to pursue them is not considered cost-effective. The upshot? "Dangerous thugs go back on the streets much sooner than they ought to," noted Koppell.

Once law-enforcement budgets are stretched to capacity, the money to fight jailhouse lawsuits must be siphoned out of general funds. When this happens, the punch is felt everywhere. Florida's efforts to rebuild from Hurricane Andrew were hampered, at least in part, by the need to divert increasing sums to the processing of lawsuits brought by its inmates, according to Kim Tucker, a senior attorney who has overseen many of the cases on Florida's behalf.

The fact that many of the suits are dismissed or decided in the state's favor is beside the point. "For us and the taxpayers the cost is the simple fact of litigation—the actual running of the lawsuits through multiple years in court," says Tucker. "Even where we win, we lose." On average, each action ends up costing Florida taxpayers \$50,000.

The things that really are important to the good citizens don't get done





because of some clown down at the prison who raped your sister, abused your daughter, robbed your store," says Arizona attorney general Grant Woods. "We thought we put them away to protect society, but they're still ruining things for everyone else."

MUCH of the litigation is generated by lifers or men on death row—cons who have little or nothing to lose by jamming court dockets with an endless stream of paperwork. (Inmates with a shot at parole are less likely to make waves for fear of being labeled troublemakers.) These convicts file suits simply to kill time or alleviate boredom. "[Filing lawsuits] gives them an opportunity to travel outside the prison system," says California's Gomez. "They may get to visit different cities, stay in hotels, do things they'd normally never have a chance to do. At the very least, they get to leave the grounds to attend court."

For others, glamour plays a role. If the case catches the eye of the media, reaches the appellate stage, or changes prison policy, the convict wins celebrity status. Sometimes a suit filed from prison ends up rewriting the law. The best-known examples are *Escobido* (where suspects won the right to have counsel present at questioning) and *Miranda* (the case that inspired the familiar litany of "rights" now read to someone upon arrest).

Granted, the legislation resulting from those cases is considered an important addition to civil rights. But too often the men at the heart of such cases become jailhouse legends whose crimes, and victims, tend to be forgotten.

Even when the results are less dramatic, the suit can pay huge chest-thumping dividends. For many cons, lawsuits constitute payback time, an opportunity to turn the tables on cops, guards, wardens and others who enjoy authority over them.

"They want to stick it to the system," says Nevada Attorney General Frankie Sue Del Papa, citing reasons that frivolously hang on the verge of

Please turn to page 11

WHAT THEY SUE FOR

- Special meats and shellfish
- Access to automobiles
- Premium mattresses
- Controlled substances
- Chunky-style peanut butter
- Male strippers and prostitutes
- Salad at lunch
- Better shoes and clothing

JAILHOUSE

Continued from page 33

a birthday cake or the color of a pair of prison-issued long johns.

"We've had one inmate state publicly that his purpose was to break the State of Nevada." In 95 percent of the cases, these "frequent filers" get no damage awards for themselves, says Del Papa, "so that tells you something about their motives. It's recreational litigation."

According to a special report by ABC's 20/20, the modern-day record for jailhouse litigation is held by Florida's Robert Procup, who has filed more than 300 nuisance lawsuits costing the state a total of some \$15 million. Procup, serving a life sentence for killing his business partner then cementing him into a storage cubicle, has sued because he didn't get a salad at lunch, because his shoes wore out, because he didn't have a TV in his room.

Of course, some convicts have a more pragmatic agenda, making their prison stays more comfortable by enhancing the "country club" atmosphere that has taxpayers up in arms. A sampling of the top items on the convicts' wish list:

Expanded conjugal visit privileges. One prisoner successfully sued to have his trysts at a local hotel because he felt the accommodations provided by the prison were "not conducive to romance."

Special meals, including castles, shellfish and prime cuts of beef. These suits typically are brought on the grounds that standard prison fare is either unhealthy, incompatible with a convict's "special dietary needs" or against someone's religious beliefs.

Access to automobiles. An inmate with six months remaining on his sentence sued for the right to drive a car outside the prison compound twice a week. He said he feared that his driving skills had deteriorated markedly during his seven years in prison, and he didn't want to be a "public menace" once he got out. He won his case, providing actions by other inmates suddenly concerned about their driving.

Controlled substances. Some inmates have had success demanding powerful prescription narcotics like Ritalin and Demerol from the prison

handing them stuff for free that's better than what they had to steal on the street!"

And so it goes. Unhappy with being dubbed "the B.O. bandit" by the FBI, a bank robber sues the agency for defamation of character. A convicted child molester goes to court because prison officials wouldn't let him receive a publication glorifying sex between adults and children. Another con alleges brutality after a guard conks him with a flashlight; what the con neglects to mention in his complaint was that at the time of the incident, he had just stabbed the guard with an ice pick. An Indianapolis man sues to collect the life-insurance proceeds of the woman he was sent to jail for murdering.

"The audacity of some of these characters is amazing," says Sam Knott, a leading voice in the victims' rights movement since his daughter was murdered in 1986. "They're turning hard time into play time, and we're letting them get away with it."

THE OBVIOUS question is — why? Why do we sit still for it? "The Constitution is on their side," explains eminent San Diego appeals court Judge Richard Huffman. "The right to bring suit for some perceived injustice supersedes almost every other consideration."

Several states that tried to plug the dice by stipulating that no prisoner be allowed to have more than two suits pending at one time saw their meager efforts run aground in the higher courts. When Florida sought relief from Robert Procup's nonstop litigating, the state's position was upheld in the lower court, then overturned on appeal.

Making matters worse, the normal constraints that work to mitigate this syndrome in society-at-large are absent in the prison environment. A private citizen who undertakes litigation has to pay filing fees, attorneys' per diems and other associated expenses. Most of us won't say the courts unless the issue is one of grave personal concern. Too, in most jurisdictions, a private citizen faces penalties for bringing frivolous litigation. At the very least, he will be compelled to pay court costs for the other side.

None of this is much of a factor in jail. For convicts, the filing process is as painless as signing an affidavit claiming innocence. The same women

at stake," says Arizona's Woods, "they can go file their lawsuits and who knows, maybe they'll hit the jackpot."

As for legal expertise, the U.S. Supreme Court in 1977 ordered every state prison to provide inmates access to an up-to-date law library. As one attorney general laments, "Prisoners in this state have a better law library than I have in my office." Incoming prisoners are shown the ropes by seasoned cons who practically live their lives studying case law. The savvy old-timers circulate standardized legal forms, teaching novices to simply white out the name of the previous litigant and fill in their own name whenever applicable.

The result is a system turned on its ear. As one state attorney general puts it, "The worst of the worst in our society get special privileges across the board."

Recently, high-ranking officials of several states hardest hit by prison litigation formed a task force. Their activities show some early promise. Not at least in a handful of jurisdictions, if the court decides that a suit is frivolous—as in the case of the inmate who tried to sue because he didn't get his dental floss—officials can dock the inmate's so-called good time. Nevada officials have come up with an "early intervention" approach where the courts take a preliminary peek at the case to determine if it's off the wall. Del Papa also is hopeful about new federal legislation, the Prison Litigation Reform Act, that was wending its way through Congress at press time. Sources in the Nevada attorney general's office said in early January that the legislation had passed the Senate and was temporarily stalled in the house. (The bill had been attached to budget legislation and thus got bogged down in the partisan gridlock and take over the government's balancing act.) The legislation came out of several meetings Del Papa and some of her disgruntled colleagues have had with Utah Sen. Orrin Hatch and other sympathizers to the problem.

Meanwhile, things get cutthroat and cutthroat. Prison administrators are wringing their hands over a landmark June 1984 Supreme Court ruling that annual sacrifice is legal, whether as it's part of a religious ceremony. Presumably it's only a matter of time before prisoners start asking for the guests to bill, and the knives to bill them with.

At some point, concludes Sam Knott, "we're going to have to

<u>Institution</u>	<u>TV</u>	<u>Cable</u>	<u>VCR</u>	<u>Books</u>	<u>Magazines</u>
6th Avenue	dayrooms	no	no	5	5
Anvil Mountain	dayrooms	yes (basic)*	no	no limit	no limit
Cook Inlet Pretrial	dayrooms	no	no	5	5
Fairbanks	dayrooms (basic)*	no yes (basic)*	no	5	5
Hiland Mountain	honor status	no	no	limit varies w/program	
Ketchikan	dayrooms	yes (basic)*	no	5	5
Lemon Creek	buy own	yes (prem)	no	10	
Natnu Pretrial	dayrooms	no	no	5	5
Palmer (medium)	honor status	no	yes	varies	varies
Palmer (minimum)	buy own	yes (prem)	yes	varies	varies
Spring Creek	yes buy own	yes (basic)*	no	10	10
Wildwood	yes buy own	yes (prem)	no	no limit	no limit
WV Pretrial	no dayrooms	no	no	5	5
YECC (Bethel)	no Dayrooms	yes (basic)*	no	5	5

* basic cable is used at these sites because broadcast tv is either unavailable or unable to penetrate the structure of the facility.

NB: One inmate at FCC has his own tv by court order.

ALASKA DEPARTMENT OF CORRECTIONS
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CYCLE 4

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
Turkey Ham 3oz Eggs 2ea Cereal 1oz Toast 2sl Milk, 2 percent 8oz Margarine or butter 1pt Jelly 1pk Juice 8oz	109 Sausage Sandwich on English Muffin 1ea 98 Cereal 1oz 135 Fruit 1ea 121 Milk, 2 percent 8oz 36 Margarine or butter 1pt 50 Jelly 1pk 180 Beverage 8oz	211 Crisp Bacon 2sl 98 Eggs 2ea 98 Cereal 1oz 62 Toast 2sl 121 Fruit 1ea 36 Milk, 2 percent 8oz 50 Margarine or butter 1pt 112 Jelly 1pk Beverage 8oz	72 Pork Sausage 2oz 190 Pancakes 2ea 98 Cereal 1oz 135 Fruit 1ea 62 Milk, 2 percent 8oz 121 Margarine or butter 1pt 36 Syrup 1/2oz 112 Beverage 8oz	210 Crisp Bacon 2sl 120 Hash Browns 4oz 98 Toast 2sl 62 Cereal 1oz 121 Fruit 1ea 36 Milk, 2 percent 8oz 124 Margarine or butter 1pt 50 Jelly 1pk Beverage 8oz	72 Turkey Sausage 3oz 236 French Toast 2sl 135 Cereal 1oz 98 Fruit 1ea 62 Milk, 2 percent 8oz 121 Margarine or butter 1pt 36 Syrup 1/2oz 50 Beverage 8oz	144 Scrambled Eggs 2ea 306 Potato Pancakes 2ea 98 Cereal 1oz 62 Apple Sauce 2oz 121 Milk, 2 percent 8oz 36 Margarine or butter 1pt 124 Juice 8oz
Total Calories 919	Total Calories 843	Total Calories 876	Total Calories 883	Total Calories 922	Total Calories 1003	Total Calories 1111
Lunch	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch
Chicken Noodle Soup 6oz Grilled Ham and Cheese Sandwich 1ea Salad Bar 4oz Salad Dressing 1pk Banana Pudding 1/2cp Crackers 2pk Beverage 8oz	64 Beef barley Soup Taco Salad Casseroles 8oz 18 Oatmeal Cookies 2ea 67 Crackers 2pk 113 Beverage 8oz	92 Minestrone Soup Chicken Cordon Bleu on Bun 1ea 100 Dressing/Onion Salad 4oz 50 Vanilla Pudding 1cp 112 Crackers 2pk Beverage 8oz	58 Tomato Rice Soup Hoagie Sandwich 1ea 392 Frito Chips 1pk 37 Salad Bar 4oz 216 Salad Dressing 1pk 50 Flavored Yogurt 1cp 112 Mayonnaise 1oz Crackers 2pk Beverage 8oz	83 Chili Macaroni 6oz 83 Pizza 4oz 148 Cornbread 1ea 18 Cookies 2ea 67 Ice Cream 1cp 231 Beverage 8oz	290 Chicken Gumbo 6oz 83 Pizza 4oz 108 Salad Bar 4oz 100 Salad Dressing 1pk 100 Rice Krispie Treat 1ea 112 Crackers 2pk Beverage 8oz	60 Pepper Pot Soup 6oz 304 Barbecued Beef Pizza 2sl 18 on Bun 1ea 67 Salad Bar 4oz 105 Salad Dressing 1pk 50 Flavored Pudding 1cp 112 Crackers 2pk Beverage 8oz
Total Calories 777	Total Calories 784	Total Calories 875	Total Calories 1078	Total Calories 795	Total Calories 716	Total Calories 812
Dinner	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner
Meat Loaf 5oz Scalloped Potatoes 6oz Steamed Broccoli 4oz Salad Bar 4oz Salad Dressing 1pk Cornbread 1ea Gingerbread Cake 1sl Margarine or butter 1pt Beverage 8oz	344 Chicken Pot Pie 1ea 158 Steamed Wax Beans with Pimiento 4oz 18 Salad Bar 4oz 67 Salad Dressing 1pk 108 Dinner Roll 2ea 175 Rice Pudding 4oz 36 Margarine or butter 1pt 112 Beverage 8oz	345 Corned Beef 5oz Steamed Red Potatoes 6oz 37 Potatoes 6oz 18 Steamed Cabbage and Carrots 4oz 170 Salad Bar 4oz 165 Salad Dressing 1pk 36 Cornbread 2ea 112 Cherry Pie 1sl Margarine or butter 1pt Beverage 8oz	284 Turkey Stir Fry 1rv Fluffy Rice 6oz 146 Whole Kernel Corn Salad Bar 4oz 31 Salad Dressing 1pk 18 Dinner Roll 2ea 67 Angel Food Cake 1sl 108 with Sauce 1sl 350 Margarine or butter 1pt 36 Beverage 8oz	351 Beef Stroganoff 6oz 165 Omelet Noodles 6oz 106 Steamed Zucchini 4oz 18 Salad Bar 4oz 67 Salad Dressing 1pk 170 Dinner Roll 2ea 170 Dinner Roll 2ea 142 Margarine or butter 1pt 36 Beverage 8oz	298 Beef Liver with Onions 5oz 18 O'Brien Potatoes 6oz 18 French-style Stewed Tomatoes 4oz 67 Green Beans 4oz 170 Salad Bar 4oz 257 Salad Dressing 1pk 36 Dinner Roll 2ea 112 German Chocolate Cake 1sl Margarine or butter 1pt Beverage 8oz	5oz Salisbury Steak 6oz Parslaid Potatoes 2oz Gravy 4oz Stewed Tomatoes 4oz Salad Bar 1pk Salad Dressing 2ea Dinner Roll 1sl Fruit Tart 1pt Margarine or butter 8oz Beverage
Total Calories 1049	Total Calories 1150	Total Calories 1152	Total Calories 1167	Total Calories 1188	Total Calories 1144	Total Calories 1244
Grand Total Calories 2745	Grand Total Calories 2777	Grand Total Calories 2793	Grand Total Calories 2128	Grand Total Calories 2995	Grand Total Calories 2862	Grand Total Calories 2862

Bank Washley

Food Audit Survey										
Cost Per Meal Per Inmate Per Day										
January thru July 1995										
Facility	Jan-95	Feb-95	Mar-95	Apr-95	May-95	Jun-95	Jul-95	Average		
Avnil Mountain, Nome	\$1.99	\$1.99	\$1.86	\$2.21	\$1.89	\$2.04	\$2.31	\$2.04		
Cook Inlet Pre-Trial	\$1.29	\$1.24	\$1.20	\$1.32	\$1.19	\$1.24	\$1.23	\$1.24		
Fairbanks Correctional	\$1.30	\$1.47	\$1.28	\$1.33	\$1.20	\$1.64	N/A	\$1.37		
Hiland Mountain, Eagle River	\$1.39	\$1.47	\$1.28	\$1.38	\$1.20	\$0.91	N/A	\$1.27		
Ketchikan Correctional	\$1.94	\$1.82	\$2.00	\$1.78	\$2.12	\$1.80	\$1.81	\$1.89		
Lemon Creek, Juneau	\$1.34	\$1.37	\$1.31	\$1.39	\$1.45	\$1.39	N/A	\$1.37		
Mal-Su Pt. Mckenzie	\$1.65	\$1.97	N/A	\$1.77	\$1.70	\$1.76	\$1.52	\$1.72		
Mal-Su Pre-Trial Facility, Palmer	\$1.87	\$1.79	\$1.09	\$1.91	\$1.22	\$1.41	N/A	\$1.46		
Palmer Correctional	\$1.57	\$1.47	\$1.73	\$1.32	\$1.88	\$1.65	\$1.59	\$1.60		
Spring Creek, Seward	\$1.59	\$1.83	\$1.54	\$1.46	\$1.65	\$1.45	N/A	\$1.58		
Sixth Avenue Annex	\$1.24	\$1.12	\$1.22	\$1.30	\$1.12	\$1.52	N/A	\$1.25		
Wildwood Correctional, Kenai	\$1.47	\$1.40	\$1.59	\$1.59	\$1.59	\$1.59	N/A	\$1.53		
Yukon-Kuskokwim, Bethel	\$2.00	\$1.54	\$2.07	\$2.43	\$1.81	\$2.46	N/A	\$2.05		

The Meal Cost Per Inmate amounts have been supplied by the Food Service Managers.

I have not audited the amounts and have included them to give an overall picture of our current meal cost per institution.

N/A refers to Numbers that are not available at the time I questioned the Institution.

CHAIN GANG REVIVAL
By Adelia Yee and Donna Lyons

The old-time prison chain gang has returned.

Several states recently have reinstated the prison chain gang system, and others are considering it. FLORIDA and IOWA recently passed legislation to allow chain gangs, and in ALABAMA and ARIZONA administrative regulations are reviving the practice, made infamous by movies such as *Cool Hand Luke*. Inmates shackled together in leg irons remove trash, repair fences, cut and trim brush from roadsides or work on a rock pile for 12 hours each day. Although inmate road crews never have disappeared completely from American penology, chains were dropped in the 1940s amid stories of abuse and brutality.

One of the main reasons policymakers and corrections officials have decided to bring back this type of punishment is to deter would-be criminals. Many people view life in prison today as too soft and easy, and officials want to change that image by revoking some of the so-called comforts from inmates. A number of states have enacted laws or administratively changed the rules of correctional institutions to eliminate or restrict inmate access to telephones, visitors, weight rooms, coffee, computers, stereo equipment, games and television.

Critics of chain gangs maintain that they are dangerous, inhumane and violate the Constitution.

Opponents claim that shackling inmates and placing them along highways is dangerous because of the possibility of traffic accidents or inmate violence. Critics also claim that such programs may give rise to inmate violence when criminals possess work tools.

At least one organization has filed suit and another is considering action against states that are using chain gangs. The Southern Poverty Law Center represents ALABAMA inmates who have sued, claiming that the practice is barbaric and inhumane, violates the Eighth Amendment by denying inmates reasonable safety, and violates their dignity and humanity. The ACLU National Prison Project (NPP) is considering filing suits against other state programs. Alvin Bronstein, executive director of the NPP, argues that prison chain gangs will not prevent people from committing crimes and that deterrence never has been achieved with the threat of punishment. The National Association for the Advancement of Colored People also opposes the chain gang programs.

Inmates' rights groups maintain that chain gangs are unconstitutionally cruel and unusual punishment. In statements made to the media, inmates have said they feel degraded and humiliated when locked together like animals or slaves, and some say they never want to return. But this is exactly what advocates of this punishment want to hear: Prisoners are so humiliated that they will not commit more crimes. Other inmates, however, have admitted to the press that they will commit more crimes once they leave prison.

State Action

Alabama was the first to resurrect the chain gang.

Last May, ALABAMA reinstated the chain gang. Corrections Commissioner Pon Jones said that the system would help to lower the state's \$12 million budget deficit. Inmates would accomplish twice as much work, he maintained, since one guard with a shotgun can watch 40 chained prisoners, twice as many as unchained inmates. The chain gang members are selected based on their criminal histories; most of them are repeat offenders or low- or medium-security offenders who have violated parole or probation. Jones maintains that this

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type of labor will leave a strong impression on inmates, deterring them from committing more crimes. A recent poll indicated that approximately 70 percent of Alabamans endorse the use of chain gangs.

The ARIZONA Department of Corrections implemented chain gangs at the state prison two weeks later. Twenty to 30 groups of inmates perform labor along state highways. Prisoners with behavior and attitude problems often are chosen for the program. The constant, armed supervision they receive instills discipline and a work ethic, according to Department of Corrections officials. Further, they maintain, the chain gangs stigmatize inmates and signal to the public and potential criminals that prison life is hard.

IOWA and FLORIDA passed enabling legislation in 1995. Iowa House File 215 (1995) (S 904.701) requires that all inmates under the control of the Corrections Department perform hard labor suited to age, gender, physical and mental condition, strength and attainments. The bill defines hard labor as physical or mental labor that is performed for a period of time and may include chain gangs. The Department of Corrections has two years to implement the program and develop 5,000 jobs so that every able-bodied prisoner can work 40 hours per week.

FLORIDA passed Senate Bill 2944 during the 1995 session. It requires the Department of Corrections to have prisoners work under armed supervision while wearing individual leg restraints; they are not chained to one another. Related legislation requires the department to display distinctive signs at all inmate work locations in the community. Each chain gang squad consists of 20 or fewer inmates supervised by one unarmed correctional sergeant and two armed correctional officers. The prisoners are assigned to a squad because of poor behavior in disciplinary confinement, as an alternative to confinement or loss of gain time or both, or because they need a higher degree of supervision.

At least six states—CALIFORNIA, INDIANA, MISSOURI, OKLAHOMA, WASHINGTON and WISCONSIN—have introduced legislation so far this year. Corrections officials in these and other states have expressed interest as well. Critics, however, charge that such harsh treatment places corrections officers and other prison workers at risk if inmates become violent. Between determined corrections officials who welcome the idea of returning to chain gangs and those who challenge the practice, it appears that this debate will continue to capture attention for awhile.

Selected References

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Two states
passed laws
to use chain
gangs.

