

**SB**

**1**

0-LS0024L  
Luckhaupt  
1/27/97

Sen. Taylor  
ATTN: Lanna

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**CS FOR SENATE BILL NO. 1(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

Offered:  
Referred:

Sponsor(s): **SENATORS DONLEY, Halford, Pearce**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to living and working conditions of prisoners in correctional  
2 facilities operated by the state, and authorizing the commissioner of corrections  
3 to negotiate with providers of detention and confinement services under contract  
4 to apply those conditions and limitations on services to persons held under  
5 authority of state law at facilities operated under contract or agreement; relating  
6 to services provided to prisoners; amending the definition of 'severely medically  
7 disabled' applicable to prisoners seeking special medical parole; amending  
8 provisions of the correctional industries program; and extending the termination  
9 date of the Correctional Industries Commission and the program."

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 \* Section 1. Sections 4 - 6 of this Act may be known as the "Alaska No Frills Prison Act."

12 \* Sec. 2. INTENT. It is the intent of secs. 4 - 6 of this Act that conditions in facilities for

1 prisoners within the Department of Corrections not be substantially more favorable than  
2 required by the constitutions of this state and the United States unless the commissioner of  
3 corrections has reasonable grounds to believe such conditions are consistent with fostering  
4 rehabilitative programs or rewarding good behavior within state prisons.

5 \* Sec. 3. AS 33.16.900(11) is amended to read:

6 (11) "severely medically disabled" means that a person has a medical  
7 condition that substantially eliminates the physical ability to commit an offense  
8 similar to the offense for which the person was convicted or to commit an offense  
9 in violation of AS 11.41 that is punishable as a felony, [REQUIRES THE PERSON  
10 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person  
11 is likely to

12 (A) remain subject to the medical condition [BE CONFINED  
13 TO BED] throughout the entire period of parole; or

14 (B) die from the medical condition;

15 \* Sec. 4. AS 33.30.011 is amended to read:

16 **Sec. 33.30.011. Duties of commissioner.** The commissioner shall

17 (1) establish, maintain, operate, and control correctional facilities  
18 suitable for the custody, care, and discipline of persons charged or convicted of  
19 offenses against the state or held under authority of state law; each correctional  
20 facility operated by the state shall be established, maintained, operated, and  
21 controlled in a manner that is consistent with AS 33.30.015;

22 (2) classify prisoners;

23 (3) for persons committed to the custody of the commissioner, establish  
24 programs, including furlough programs that are reasonably calculated to

25 (A) protect the public and the victims of crimes committed  
26 by prisoners;

27 (B) maintain health;

28 (C) create or improve occupational skills;

29 (D) enhance educational qualifications;

30 (E) support court-ordered restitution; and

31 (F) otherwise provide for the rehabilitation and reformation of

1 prisoners, facilitating their reintegration into society;

2 (4) provide necessary

3 (A) medical services for prisoners in correctional facilities or  
4 who are committed by a court to the custody of the commissioner, including  
5 examinations for communicable and infectious diseases;

6 (B) psychological or psychiatric treatment if a physician or  
7 other health care provider, exercising ordinary skill and care at the time of  
8 observation, concludes that

9 (i) a prisoner exhibits symptoms of a serious disease or  
10 injury that is curable or may be substantially alleviated; and

11 (ii) the potential for harm to the prisoner by reason of  
12 delay or denial of care is substantial;

13 (5) establish minimum standards for sex offender treatment programs  
14 offered to persons who are committed to the custody of the commissioner; and

15 (6) provide for fingerprinting in correctional facilities in accordance  
16 with AS 12.80.060.

17 \* Sec. 5. AS 33.30 is amended by adding new sections to read:

18 **Sec. 33.30.015. Living conditions for prisoners.** (a) On and after the date that  
19 is two years after the effective date of this Act, the commissioner may not

20 (1) make per capita expenditures for food for prisoners in a state  
21 correctional facility operated by the state that exceed 90 percent of per capita  
22 expenditures for food that is available to enlisted personnel in the United States Army  
23 stationed in the state;

24 (2) provide in a state correctional facility operated by the state

25 (A) living quarters for a prisoner into which the view is  
26 obstructed; however, the commissioner may not be required to renovate the  
27 cells of a correctional facility that, on the effective date of this Act, confines  
28 prisoners in cells equipped with doors that do not have bars or windows;

29 (B) equipment or facilities for publishing or broadcasting  
30 material the content of which is not subject to prior approval by the department  
31 as consistent with keeping order in the institution and prisoner discipline;

32 (C) cable television service other than a level of basic cable

1 television service that is available as a substitute for services that are broadcast  
2 to the public in the community in which a correctional facility is located;

3 (3) allow a prisoner held in a state correctional facility operated by the  
4 state to

5 (A) possess in the prisoner's cell a cassette tape player or  
6 recorder, a video cassette recorder (VCR), or a computer or modem of any  
7 kind;

8 (B) view movies rated "R," "X," or "NC-17," or that do not  
9 have a rating;

10 (C) possess printed or photographic material that

11 (i) is obscene as defined by the commissioner in  
12 regulation;

13 (ii) could reasonably be expected to incite racial, ethnic,  
14 or religious hatred that is detrimental to the security, good order, or  
15 discipline of the institution or violence;

16 (iii) could reasonably be expected to aid in an escape or  
17 in the theft or destruction of property;

18 (iv) describes procedures for brewing alcoholic  
19 beverages or for manufacturing controlled substances, weapons, or  
20 explosives; or

21 (v) could reasonably be expected to facilitate criminal  
22 activity or a violation of institution rules;

23 (D) receive instruction in person, or by broadcast medium, or  
24 engage in boxing, wrestling, judo, karate, or other martial art or in any activity  
25 that, in the commissioner's discretion, would facilitate violent behavior;

26 (E) possess or have access to free weights or other equipment for  
27 use in the activities listed in (D) of this paragraph;

28 (F) possess in the prisoner's cell a coffee pot, hot plate, appliance  
29 or heating element for food preparation, or more than three electrical appliances  
30 of any kind;

31 (G) possess or appear in a state of dress, hygiene, grooming, or  
32 appearance other than as permitted as uniform or standard in the correctional

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facility;

(H) use a computer other than those approved by the correctional facility; the use of a computer under this subparagraph may be approved only as part of the prisoner's employment, education, or vocational training and may not be used for any other purpose;

(I) smoke or use tobacco products of any kind.

(b) The commissioner may determine whether the provisions of (a) of this section shall apply to correctional facilities that are not operated by the state and may negotiate with a provider of services for the detention and confinement of persons held under authority of state law under contract or agreement whether the living conditions set out in (a) of this section shall apply to persons held under authority of state law at a facility operated under contract or agreement.

(c) On and after January 1, 1998, the commissioner may not allow a prisoner to possess a television in the prisoner's cell if the prisoner is classified as maximum custody under AS 33.30.011(2).

(d) ~~Subject to (c) of this section, on and after January 1, 1999,~~ the commissioner may allow a prisoner who, under AS 33.30.011(2), has been classified as other than maximum custody to possess a television in the prisoner's cell only if the prisoner

(1) either is incapable of obtaining or has attained a high school diploma or general education development diploma or the equivalent;

(2) is actively engaged in an educational, vocational training, or employment program;

(3) has satisfied or is on a regular and current payment schedule for all restitution orders entered by the court as part of the prisoner's sentence and, if applicable, is actively engaged in a treatment plan or counseling, psychiatric, or rehabilitation program ordered by the court or the department as part of the prisoner's sentence; and

(4) pays for the expense of providing the television and, in addition to the utility service fee required by AS 33.30.017, pays for the expense of providing any cable television service.

(e) The commissioner shall use appropriate technology to screen programs received by prisoners under (d) of this section.

*Amend.  
8*

1           **Sec. 33.30.017. Fees for utilities services for prisoners.** (a) The commissioner  
2 shall establish a reasonable utility fee for electrical utilities that are used by prisoners  
3 who are confined in a state correctional facility. The fee may not exceed \$2 a month.

4           (b) The commissioner shall

5                   (1) charge each prisoner who possesses at least one major electrical  
6 appliance the utility fee established in (a) of this section; the commissioner may deduct  
7 the utility fee monthly from the account established for a prisoner into which money due  
8 the prisoner for labor is paid; if a prisoner is indigent, the commissioner shall make the  
9 deduction from any amount credited to the indigent inmate's account;

10                   (2) if available from legislative appropriation, expend money deducted  
11 and collected under (1) of this subsection to offset the cost of the department's utility  
12 expenses; the commissioner shall annually report on the amounts that are collected and  
13 expended under this paragraph.

14           (c) The provisions of (b) of this section do not apply to prisoners

15                   (1) who are

16                           (A) developmentally disabled; or

17                           (B) severely medically disabled, as that term is defined in

18 AS 33.16.900;

19                   (2) who are housed in a mental health unit or psychiatric unit of a state  
20 correctional facility; or

21                   (3) while placed in a state correctional facility awaiting classification  
22 under classification procedures for the purpose of making the appropriate assignment of  
23 the prisoner.

24 \* Sec. 6. AS 33.30.071(c) is amended to read:

25           (c) Medical services for a prisoner who is unconscious or in immediate need of  
26 medical attention before admission to a correctional facility or commitment by a court  
27 to the custody of the commissioner of corrections shall be provided by the law  
28 enforcement agency having custody of the prisoner. The law enforcement agency may  
29 require the prisoner to compensate the agency for the cost or for a portion of the cost  
30 of medical services provided for any [A] preexisting medical condition [NOT ARISING  
31 OUT OF THE PRISONER'S ARREST].

32 \* Sec. 7. AS 33.30.191(a) is amended to read:

1 (a) It is the policy of the state that prisoners be productively employed for as  
2 many hours each day as feasible [, NOT TO EXCEED 40 HOURS A WEEK UNLESS  
3 OVERTIME HAS BEEN SPECIFICALLY APPROVED BY THE COMMISSIONER].

4 \* Sec. 8. AS 33.30 is amended by adding a new section to read:

5 **Sec. 33.30.193. Standard applicable to allowing prisoners access to and use**  
6 **of legal reference materials and legal assistance.** If the commissioner imposes a  
7 restriction on access to and use of legal reference materials by or legal assistance of  
8 a prisoner in a state correctional facility, a court may not enter an order giving relief  
9 to the prisoner unless the court first finds, by a preponderance of the evidence, that  
10 enforcement or application of the restriction hinders the prisoner from having access  
11 to and use of the legal reference materials or legal assistance

12 (1) in order to gain meaningful access to a court for the purpose of  
13 challenging

14 (A) the prisoner's sentence; or

15 (B) the conditions of the prisoner's confinement; or

16 (2) in circumstances in which a state court has specifically determined  
17 that a provision of the state constitution necessarily requires a prisoner to have access  
18 to and use of the legal reference materials or legal assistance.

19 \* Sec. 9. AS 33.30.231(c) is amended to read:

20 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to preserve the  
21 security and orderly administration of the correctional facility and to protect the public,  
22 the commissioner shall monitor or record the [MAY AUTHORIZE THE USE OF  
23 MONITORING OR RECORDING EQUIPMENT TO LISTEN TO A] telephone  
24 conversations [CONVERSATION] of prisoners. The commissioner shall post a  
25 [PRISONER INCARCERATED FOLLOWING CONVICTION OF A CRIME, IF A]  
26 warning [IS POSTED] by each [THE] telephone informing prisoners [THE  
27 PRISONER] that calls [A CALL] may be monitored or recorded. The monitoring or  
28 recording may be conducted on all calls or selectively or in some other limited  
29 manner as determined by the commissioner to be appropriate. A recording of a  
30 telephone call made under this subsection shall be kept confidential, and access to the  
31 recording and its contents is limited to persons who are acting within the scope of their

1 official duties and whose access to specific recordings has been authorized by the  
2 facility superintendent. A telephone call between an attorney and a prisoner or  
3 between the office of the ombudsman and a prisoner may not be monitored or recorded  
4 except when authorized by a court. A person may not bring a civil action for  
5 damages for the failure to monitor or record a telephone conversation or for the  
6 failure to take action based upon a telephone conversation that was monitored or  
7 recorded.

8 \* Sec. 10. AS 33.32.010 is amended to read:

9 **Sec. 33.32.010. Purpose of chapter.** It is the purpose of this chapter to [:]

10 (1) develop and operate agricultural, industrial, and service enterprises  
11 employing prisoners under the jurisdiction of the commissioner of corrections;

12 (2) provide realistic work experience and vocational training for  
13 prisoners under conditions as much like those that prevail in private industry as possible,  
14 consistent with proper penal administration, and to direct their efforts toward financial  
15 responsibility, acquiring or improving effective work habits and occupational skills, and  
16 increasing the probability of opportunities for employment after release; and

17 (3) operate a work program for prisoners that will be as nearly self-  
18 supporting as possible by generating a sufficient amount of money from the sale of  
19 products and services to pay all or most of the expenses of the program.

20 \* Sec. 11. AS 33.32.015(b) is amended to read:

21 (b) The commissioner of corrections may

22 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,  
23 equip, and maintain buildings, machinery, and other equipment, and may purchase  
24 materials and enter into contracts that [, WHICH] may be necessary for the correctional  
25 industries program;

26 (2) provide for prisoners to be employed in rendering services and  
27 producing articles, materials, and supplies needed by a state agency, a political  
28 subdivision of the state, an agency of the federal government, other states or their  
29 political subdivisions, or for use by nonprofit organizations;

30 (3) if the Correctional Industries Commission established in AS 33.32.070  
31 approves, employ prisoners to provide services or products as needed by private industry  
32 if the services or products have potential for contributing to the economy of the state and

1 will have minimal negative impact on an existing private industry or labor force in the  
2 state;

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 (5) subject to the provisions of AS 36.30 (State Procurement Code), enter  
9 into joint cooperative ventures with private industry for the establishment and operation  
10 of "Free Venture" industries under AS 33.32.017 [,] if the Correctional Industries  
11 Commission determines at the time of inception that the "Free Venture" industry will not  
12 compete with an existing private industry or labor force in the state.

13 \* Sec. 12. AS 33.32.015 is amended by adding a new subsection to read:

14 (c) This section does not require the commissioner of corrections to establish and  
15 administer a vocational training program under the correctional industries program.

16 \* Sec. 13. AS 33.32.050(c) is amended to read:

17 (c) The commissioner of corrections shall disburse a prisoner's [PRISONERS']  
18 payments in amounts determined to be appropriate under procedures adopted by the  
19 commissioner based on the following order of priority:

20 (1) for support of the prisoner's [PRISONERS'] dependents, if any;

21 (2) to reimburse the state for compensation awarded under AS 18.67  
22 resulting from the prisoner's criminal conduct;

23 (3) to pay a civil judgment resulting from the prisoner's criminal conduct;

24 (4) for the payment of fees for the prisoner's utilities services under

25 AS 33.30.017:

26 (5) for the purchase of clothing and commissary items for the prisoner's  
27 personal use;

28 (6) [(5)] to pay a restitution or fine of the prisoner ordered by a  
29 sentencing court.

30 \* Sec. 14. Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec. 4,  
31 ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

32 Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 1

- 1 Page 2, line 28:
- 2 Delete "subject to AS 33.30.028."
  
- 3 Page 6, lines 13 - 23:
- 4 Delete all material.
- 5 Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 1

- 1 Page 4, lines 13 - 14:
- 2 Delete ", in bodybuilding,"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 1

- 1 Page 3, lines 13 - 14:
- 2 Delete "In implementing this chapter"
- 3 Insert "On and after the date that is two years after the effective date of this Act"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 1

- 1 Page 4, line 6:
- 2 Delete "compact disc player"
- 3 Insert "cassette tape player or recorder"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 1

1 Page 4, lines 10 - 11:

2 Delete all material and insert:

3 "(D) possess printed or photographic material that

4 (i) is obscene as defined by the commissioner in  
5 regulation;

6 (ii) could reasonably be expected to incite racial, ethnic,  
7 or religious hatred that is detrimental to the security, good order, or  
8 discipline of the institution or violence;

9 (iii) could reasonably be expected to aid in an escape  
10 or in the theft or destruction of property;

11 (iv) describes procedures for brewing alcoholic  
12 beverages or for manufacturing controlled substances, weapons, or  
13 explosives; or

14 (v) could reasonably be expected to facilitate criminal  
15 activity or a violation of institution rules;"

AMENDMENT

OFFERED IN SENATE JUDICIARY

BY:

TO: Senate Bill 1

Page 4 Line 26 after employment Insert: ". education"

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 1/13/97

FURTHER: Finance

Date of 5-Day Notice: 1/16/97  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 1/29/97

Judiciary Committee considered SENATE BILL NO. 1

Relating to living and working conditions of prisoners in correctional facilities operated by the state; amend definition of 'severely medically disabled'; extend termination date of Correctional Industries Commission, etc.

and recommends:

- be replaced with CS SBI (JUD)
- adopt previous CS ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	✓				
<i>Sean Darnell</i>	✓				
<i>France</i>	✓				
CHAIR: <i>John L. Taylor</i>	✓	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>CS - LAW</i>	<i>1/29/97</i>	<i>0</i>	<i>-</i>
<i>CS - PUBLIC SAFETY</i>	<i>1/28/97</i>	<i>0</i>	<i>-</i>
<i>CS - CORRECTIONS</i>	<i>1/28/97</i>	<i>-</i>	<i>20.0</i>
<i>SB only CORRECTIONS</i>			

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.** SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
 Title: ... relating to living and working conditions of BRU: Criminal Division  
prisoners in correctional facilities operated by the state . . . Component: Criminal Division  
 Sponsor: Senator Donley  
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2085

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

To be known as the "Alaska No Frills Prison Act," this bill would amend Title 33, relating to probation, prisons and prisoners, to place specific limitations on the living and working conditions of prisoners in correctional facilities operated by the state, and negotiate for those same conditions and limitations in contract facilities. Further, the bill would require fees for utility services for prisoners, and fees for medical unit visits by prisoners. The bill would also amend the definition of "severely medically disabled" applicable to prisoners seeking special medical parole.

The purpose of the Alaska Correctional Industries Program would be amended to include vocational training, but would not require a vocational training program be established. The termination date for the Correctional Industries Commission and the program would be extended from 1999 to 2005 under this bill.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho *Bruce M. Botelho*, Attorney General  
 Agency: Department of Law

Phone: 465-5370  
 Date: 1/20/97  
 Date: 1/20/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO: SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "No Frills" Prison Act BRU: Alaska State Troopers  
 Component: Detachments  
 Sponsor: Senator Donley  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b> 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						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) 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: 269-5412  
 Division: Alaska State Troopers Date: January 21, 1997  
 Approved by Commissioner: *Ronald L. Otte* Date: 1/21/97  
 Agency: Ronald L. Otte, Department of Public

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## FISCAL NOTE

STATE OF ALASKA

BILL NO: SB 1

1997 LEGISLATIVE SESSION

Revision Date: 1/21/97

Dept. Affected: Public Safety

### ANALYSIS CONTINUED:

Section 6 is the only section of this bill that has a potential fiscal impact on the Division of Alaska State Troopers. This section expands the situations when a law enforcement agency may require a prisoner to reimburse the agency for medical expenses that the agency paid for because the treatment was required before the prisoner would be accepted into a correctional facility.

During FY 96 the Alaska State Troopers paid about \$16,820 in medical expenses. This figure includes expenses of medical examinations relating to investigations as well as those for arrested persons prior to being turned over to a correctional facility. The amount spent only on arrested persons is not available. However, if half of the medical expenses went to arrested persons that would mean about \$8,410 would be the maximum that the state could recover. There would be costs (administrative, legal, etc.) to recover that amount and those cost would vary with each case. Without knowing how much is recoverable and how much it will cost to recover those funds it can not be estimated how much this bill will save the division in medical expenses.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 1

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An act relating to living and working  
conditions of prisoners..." BRU: Institutions  
 Sponsor: Senator Donley Component: \_\_\_\_\_  
 Requester: Judiciary Committee COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	20.0	20.0	20.0	20.0	20.0	20.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

CAPITAL EXPENDITURES	705.0					
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	725.0	20.0	20.0	20.0	20.0	20.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>725.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

Estimate of any current year (FY97) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

As written, Section 4 of the bill would prohibit the Commissioner of the Department of Corrections from allowing prisoners to make unmonitored telephone calls, except for calls between the prisoner and his or her legal counsel. The Department lacks staff resources to physically monitor prisoners' telephone calls, and therefore, would need to install electronic monitoring and tape recording equipment at every institution except Spring Creek Correctional Center. Preliminary investigation with a private vendor familiar with the Department's institutions indicates the equipment would cost \$705,000. The price could be discounted to as low as \$575,000, but the discount would be contingent on the vendor receiving a contract to install the equipment in the entire system. Because the Department cannot yet know whether it is possible to undertake the project with a single vendor, the higher cost is cited here.

The work required to track which inmates are using electrical appliances and to initiate and process each transaction in the Offender Accounting System will require 6C hours of overtime annually for the twelve institutions in this BRU.

Prepared by: Bruce Richards  
 Division: Commissioner's Office  
 Approved by Commissioner: Margaret M. Donley  
 Agency: Department of Corrections

Phone: 465-3307  
 Date: 1/21/97  
 Date: 1-21-97

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# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sponsor Statement for Senate Bill 1 "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.**

Last year a similar version of "The Alaska No-Frills Prison Act" passed the State Senate 14-4 and passed State House 26-11 on the last day of session. However the Senate did not take action to concur with changes made to the bill in the House and it did not become law.

Senate Bill 1 seeks to implement the requirements of the new state constitutional provisions in several ways.

Senate Bill 1 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.

Senate Bill 1 enhances rehabilitation opportunities for prisoners by increasing vocational training opportunities.

Senate Bill 1 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 1 include compact disc players, VCRs and computers in inmate living quarters, premium cable television, and possession of pornographic material.

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SPONSOR STATEMENT

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee  
• Senate Community & Regional Affairs Committee

Produced in House

Senate Bill 1  
Sponsor Statement  
Page 2

The legislation adds a new cost saving provision by instituting a fee (not more than \$2 a month) for use of electrical utilities. The bill also allows the department to recoup costs for certain health care services provided to prisoners.

Senate Bill 1 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 1 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.

The legislation incorporates standards regarding the possession of televisions in inmate's cells which clearly define the circumstances for possessing a television. Inmates who pay for their own television and cable service and are incapable of obtaining or have 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 complying with a regular and current payment schedule for all restitution orders entered by court as part of the prisoner's sentence and, if applicable, actively engaging in a rehabilitation program ordered by the court.

The legislation also prohibits prisoners in pre-trial facilities from making unmonitored phone calls, except for calls to their legal counsel. An additional provision mandates that prisoners shall be productively employed for as many hours each day as feasible.

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 facilities if they didn't feel that prisons were currently too soft.

Senate Bill 1 is a balanced cost saving proposal in compliance with the Alaska Constitution's requirements for public safety, community condemnation, and rehabilitation.



# SENATOR DAVE DONLEY

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## ALASKA STATE LEGISLATURE

### Sectional Analysis for Senate Bill 1 "The No Frills Prison Act"

**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" inmates. Parole could 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.

**Rationale:** expands the definition of "severely medically disabled" inmates to 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. The parole of only one such prisoner could save the state as much as \$500,000.

**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. This section also adds language requiring the commissioner to incorporate policies that will protect victims of crime in addition to other existing programs.

**Rationale:** defines the duties of the Commissioner with respect to section #4 of the bill which places limits on certain luxuries including access to premium cable television, free weights and pornographic material. The section also requires the Commissioner to establish programs to better protect the rights of crime victims.

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Section #4 - mandates that the Commissioner shall:

when providing food service, not exceed 90% of what the United States Army expends for food service to its enlisted personnel stationed in Alaska.

**Rationale:** gives the Department clear parameters when budgeting for food services costs. Currently, the Department of Corrections spends less on food service costs per capita than the United States Army. In 1995 the Department of Correction spent \$4.71 per person on food service costs while \$5.91 was spent on per day food services costs at Elmendorf Air Force base.

This section also mandates that the Commissioner may not provide:

- 2a) living conditions and access to recreational opportunities that substantially exceed what is required under the Constitution of the United States or the state constitution.
- b) living quarters in which the view into the quarters is obstructed; certain state facilities already in operation would be exempt from this language.
- c) access to equipment or facilities for publishing or broadcasting material whose content is not consistent with facility guidelines or discipline.
- d) access to premium cable television service.

This section also prohibits:

- 3a) making unmonitored telephone calls, except for calls to the prisoner's legal counsel.
- b) possessing a compact disc player or video cassette recorder in individual living quarters.
- c) viewing of "R", "X", or "NC-17" rated movies.
- d) possessing pornographic material.
- e) participating or receiving instruction in any activity, in the opinion of the commissioner, that would facilitate violent behavior.
- f) using or possessing free weights.
- g) possessing a coffee pot, hot plate, appliance, or heating element in their living quarters or more than three electrical appliances.
- h) possessing apparel or appearing in a state of dress that is not consistent with the guidelines of the facility.
- i) using a computer other than those approved by the institution, the use may only be part of an education, vocational or employment program.
- j) use of tobacco products.

The commissioner determines whether the provisions of this section apply to half-way houses and correctional facilities not run by the state.

On January 1, 1998 the commissioner may not allow televisions in a prisoner's cell if that prisoner has been classified as maximum custody.

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.

**Rationale:** helps better implement the constitutional standards adopted in 1994 of "community condemnation" and "victim restitution" for penal administration by limiting certain "frills" and making court order restitution to victims.

This language also permits the Commissioner of Corrections to allow television in personal living quarters as an incentive for good behavior. Television is a powerful incentive to motivate prisoners compliance with important rehabilitation programs. Under existing law, little can be done to force inmate compliance with court ordered restitution or rehabilitation programs. The potential removal of a very visible, powerful behavioral reward like television will increase inmate compliance with court orders.

This section also mandates that the commissioner shall charge a fee of \$2 a month for prisoners who possess electrical appliances to help offset the costs of providing electrical utilities. Prisoners who are developmentally disabled, severely medically disabled, housed in a mental health or psychiatric unit or awaiting classification are exempt from this provision.

**Rationale:** conveys a message to the public that the department is fiscally responsible and makes inmates responsible for themselves.

**Section #5** - This section requires inmates to pay two dollars for each primary visit to sick calls initiated by the inmate. The two dollar fee would only be charged for initial visits for a complaint or condition. Those prisoners lacking the necessary resources to pay for the fee, at a minimum, will be required to pay a portion of the costs based on their ability to pay. No inmate will be refused medical treatment for an inability to pay the fee.

**Section #6** - 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 #7** - states that it is the policy of the department to have prisoners be productively employed for as many hours each day as feasible.

**Rationale:** establishes a strong work ethic which will better prepare inmates for their post-institution life. "Reformation" is one component of penal administration used to rehabilitate inmates. This section helps implement this principle by requesting that the department actively employ as many inmates as feasible.

**Section #8** - allows the commissioner to limit access and use of legal materials and legal assistance in a correctional facility. The section further stipulates the court may not enter an order to gain relief from such limits without first finding the restrictions hinder the inmate from gaining meaningful access to the court for the purpose of challenging:

- a) the prisoner's sentences; or
- b) the conditions of the prisoner's confinement.

The court may also provide relief to these restrictions if a state court specifically determines that a provision of the state constitution necessarily requires a prisoner to have access to and use of the legal reference materials or legal assistance.

**Rationale:** places clear guidelines on when inmates may file lawsuits in an effort to curtail "recreational litigation". Numerous states have been facing astronomical increases in law suits filed by prisoners. No monetary damages are awarded in 95% of these suits.

**Section #9** - requires the department to monitor the telephone conversations of inmates in correctional facilities. Additional language states that a person may not bring a civil action for damages against the department for the failure to monitor or record a telephone conversation or for the failure to take action based upon a telephone conversation that was monitored or recorded.

**Section #10 & 11** - allows the department, at its discretion, to provide vocational training for inmates.

**Rationale:** provides vocational training opportunities to those individuals who lack necessary job skills.

**Section #12** - states that the commissioner of corrections is not required under this bill to establish or administer a vocational training program under correctional industries.

**Rationale:** removes liability from the department in situations where it is not possible to provide vocational training programs.

**Section #13** - gives the commissioner the authority to collect fees for electrical services as referenced in Section #4 of the bill.

**Rationale:** conforms with the requirements set out in Section #4 of the bill regarding charges for utilities.

Section #14 - extends the sunset date for the Correctional Industries Program from the year 1999 to the year 2005.

**Rationale:** allows the department to develop a stable and long range plan to provide more marketable products and work opportunities for inmates.

DD/jja

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*Judee Mettler**Ketchikan*

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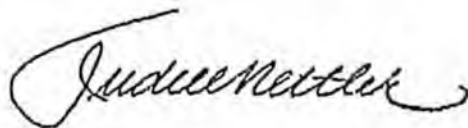
*To: Senator Robin Taylor*  
*From: Judee Mettler*  
*Date: 1/27/97*  
*Subject: Trooper Heck's death*

Dear Senator Taylor:

I am sending the following letter to the Commissioner of the Department of Corrections. I feel very strongly about this. Please be sure and note that I do not know if Trooper Heck's alleged killer had access to any exercise equipment. But if he did, it could be instrumental in his being able to kill Trooper Heck.

I would appreciate your keeping apprised of this man's trial and his background while in prison.

Thank you for you time.



Judee Mettler  
P.O. Box 8493  
Ketchikan, AK 99901

907 225-6157 work  
907 225-6869 home

Ms. Margaret Pugh, Commissioner  
Department of Corrections  
240 Main Street, Suite 700  
Juneau, AK 99801

27 January, 1997

Dear Commissioner Pugh:

My letter concerns the tragic death of Trooper Bruce Heck. I had the pleasure of working at times with Trooper Heck when I volunteered with the Ketchikan Fire Department Emergency Medical Squad. (I volunteered from 1982 until 1993). Trooper Heck was stationed here from 1982 until 1986. When you are on a call and on scene, it is a great comfort to know that the City Police or State Troopers are there to lead the way in on a call, or there beside you to assist you in any way. You would be surprised how attitudes change when some people see these authority figures.

My concern lies with the man accused of killing Trooper Heck. I don't know this man, have never even heard of him. The only thing I can go on are the reports in the paper. According to the Ketchikan Daily News, this man had just been released from prison (jail) the day before he allegedly stole the cab and killed Trooper Heck.

I do not have the details of the actual crime, I cannot figure out how he got Trooper Heck down and either smothered him or strangled him. I think he must have knocked Trooper Heck out. (All this is speculation on my part) It is a documented fact that it takes 4 to 10 minutes to actually strangle or choke someone to death. A person would have to be very strong to be able to maintain strength for this period of time. I watched a special on a serial killer the other night, and he said he had to specifically work out his lower and upper arms and shoulder areas to be able to have the strength to choke his victims, he said 4-10 minutes is a very long time to hold a victim that is for the most part thrashing around. Sad scenario isn't it?

I'm wondering if this alleged killer had access to this type of exercise equipment while in prison or jail. Are we fostering a training ground for would-be murderers. Sometime, somewhere along the line the rights for prisoners have gotten out of hand. Why do they have access to things like this? Unfortunately, I think this is just the tip of the iceberg, but we have to start somewhere.

I ask that you please look into this, and if this equipment was available to this man, I ask that you consider taking a strong step by removing such equipment, it's time we stopped rewarding the "bad" guys and concentrated on their rehabilitation from crime, not whether they exercised or not.

Thank you for your time and consideration.

Regards,



Judes Mettler  
P.O. Box 8493

Ketchikan, AK 99901 work 907 225-6157 home 907 225-6869

RECEIVED JAN 27 1997

Daniel Hykes  
Spring Creek Correctional Center  
POB 5001  
Seward, AK 99664

January 23, 1997

The Honorable Senator Taylor:

Congratulations on your re-election. I've been hopeful your chairmanship of the Judiciary Committee would accomplish much to promote constitutional liberties and the principles that made America and Alaska great. At this time, you can make one small decision that will greatly promote those objectives. I refer to SB 1 ("No Frills Prison Act").

As you know, last year the House removed the prohibition of computers (for good reasons). Because the spirit of SB 1 seeks to promote rehabilitation, it doesn't take a rocket scientist to understand rehab is greatly promoted by encouraging inmates to cultivate their computer skills into marketable job skills. That way, after their inevitable release, they'll be employable, hence less likely to "support themselves" by relying on crime as a way of life.

Computers in schools have already proven themselves to be one of the greatest educational tools ever. Even their games are frequently designed to be educational in nature. But you know they are far more a "work tool" than a "toy". Hence one wonders how they could be considered a "luxury" for purposes of SB 1.

Therefore I'd ask your committee to greatly enhance inmates learning of marketable job skills by modifying SB 1 to explicitly allow computers so they are easier to get where DOC already prohibits them. You see DOC, who knows their job best, already has the power to limit such at their discretion. Only as the executive branch abuses that discretion do I see any need for Legislative action; and now might be one of those situations, as I'll attempt to explain later.

You see, contrary to what you said, there are people in here for "singing too loud in the choir". You would know that if you examined the hidden details of my case. I've met you personally, and considered myself a friend and supporter of you before my incarceration on false charges. You may recall my "outspoken" ("singing too loud" if you will) style of communication was offensive to some, (particularly to those engaged in illegality, and afraid I'd "blow the whistle", even though I had no intentions of doing so).

Since my incarceration, I've been shocked to realize how many others are being held illegally by abuses of executive and judicial power in blatant violation of the guidelines established by the legislature. It is only a matter of time before the people find out; and meanwhile the injustice of it all is only breeding convicts with a greater contempt for the system and those who allow such injustices to happen. In an effort to keep prisoners who don't have the money for an attorney, but who could nevertheless with the help of a computer and printer, compose an intelligible presentation for the court, the executive branch has pressured DOC to outlaw printers. The reason is obvious since the units in the educational department are expressly prohibited for "legal work". The excuse of prohibiting "frivolous" suits is bogus since courts have the power to reject frivolous claims. The real reason is to prevent prisoners from presenting legitimate constitutional claims in court.

So if SB 1 is truly designed to benefit the public, the Committee should include a provision specifically permitting inmates to have printers. Such a provision would be consistent with policies in the Federal prisons, and with court rulings that have been made on the issue. Courts will still have the power to dismiss frivolous claims, and DOC would still have the discretion to punish those who abuse the privilege. The difference would be that punishing inmates for exercise of their legal and constitutional rights could be subject to legal review. As it is now, it's only a matter of time until there will be a lawsuit against those who are using these lame excuses to prevent prisoners from fighting for their legally entitled freedom.

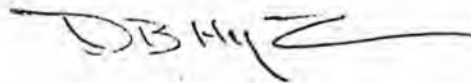
Prisoners are in a better position than anyone to fight for the rights all people hold dear. Hence the Legislature authorizing them to have the tools to do so would greatly benefit society. Hitler knew by depriving a despised class of persons their rights, that he could ultimately deprive everyone of those same rights. Today, contrary to what the liberals would have us believe, people are more concerned with an increasingly oppressive government than they are with common crime. If the Legislature focuses more on promoting conservative liberties, rather than restricting them, there would be many positive benefits. It could even solve the problem(s) of prison overcrowding and hence budgetary concerns.

It would also have more subtle benefits. Besides promoting education as mentioned, inmates could also design nice greeting cards for their friends and families, thus promoting goodwill. As for people like me who have not fallen prey to the anger caused by injustice, I still seek to sacrifice my time to help improve the State. I type things to help keep the legislature and governor informed on important issues. When I had access to a computer and printer, I composed a report on proposed legislative changes for the Lt. Governor at his request, and sent copies to some legislators. Usually proposed legislation warrants input from those who may be affected by it. Does that apply in this case? If so I could within a week (if I had access to a computer and printer) give you a far more detailed report on the provisions of SB 1. In short it prohibits things already prohibited, and sanctions things already sanctioned, hence appears to be a peice of unresponsive legislation, wasting precious legislative time by trying to micro-manage DOC. (Hence they who know their job best, they grudgingly support it.)

But if you add the explicit provisions for computers and printers it could accomplish much good. Hence it would be opposed by those who really don't want positive changes, seeking only instead to increase bureaucratic power, while practicing ineffective "feel-good" politics and stifling those who know the truth.

But I write you because you are reputed by people I respect to be a man concerned with the truth, and doing what is right. Therefore I impore you to include these provisions to enable us to share the truth with you. I can assure you that you will then hear of these well intended provisions of SB 1 being boiled down in practice to "If you don't confess to a crime, we won't let you watch TV." (Already the executive denies manditory parole to those who maintain their innocence, thus aggravating overcrowding.) If you seek more info, I'll send what I can, although without a printer, it will take me longer. I pray you'll promote freedom and justice for all Alaskans. Keep up the good work.

Truly,



# 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 hasn't 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 Ron 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 Fob 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 1995, 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 today, constituting nearly 10 percent of the average state's spending in 1994.

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

*Garry Bollard, a free-lance writer from New Orleans, writes regularly for the Los Angeles Times, the Christian Science Monitor and State Legislatures magazine.*

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 36 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. "If 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, then 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 hardline 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 Gondoles, 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," Gondoles 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

1996

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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 all of 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 creamy. 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....*

**T**HAT 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 50,000 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

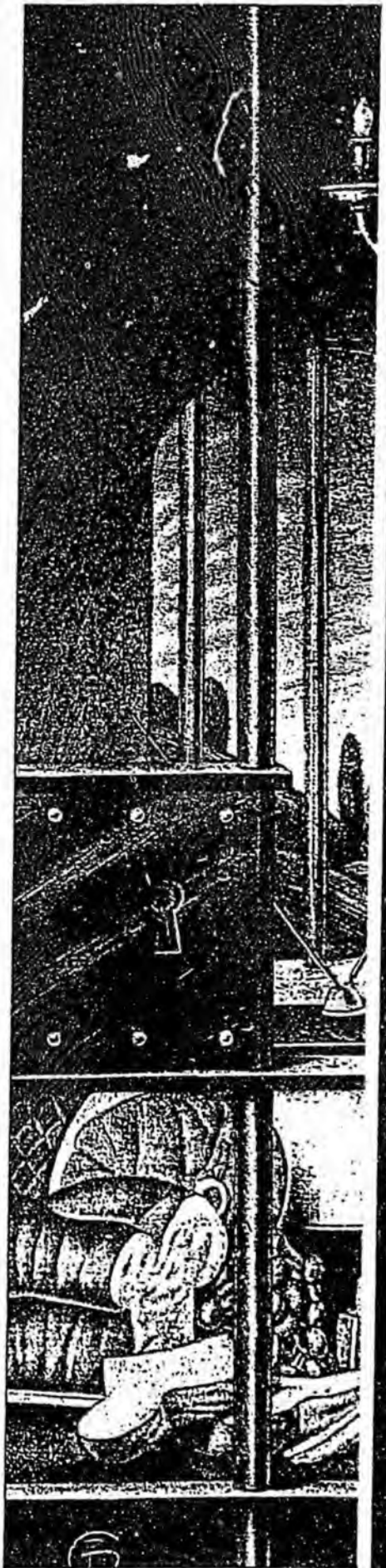
in at 46 and 42 percent, respectively. At one point in mid-1994, Illinois had over 1,200 ongoing cases.

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 pinch 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."

**M**UCH 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 appeals 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 actions that frivolously hinged on the shape of  
*Please turn to page 51*

#### 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 cons' 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 costly shellfish and prime cuts of beef.* These suits typically are brought on the grounds that standard prison fare is either unhealthy, incompatible with a con'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, provoking actions by other inmates suddenly concerned about their driving.

*Controlled substances.* Some inmates have had success demanding powerful prescription narcotics like Percodan and Demerol to treat a variety of dubious medical conditions. Says one bemused jailer, "We end up

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."

**T**HE 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 dike 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 stay the course 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 insolvency. The state waives all fees—and even pays postage. For the same reasons, cons couldn't care less about losing cases. "With nothing

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 wherever 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. Now, 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 give-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 others sympathetic to the problem.

Meanwhile, things get curiously and curiously. Prison administrators are wringing their hands over a landmark June 1994 Supreme Court ruling that animal sacrifice is legal, so long as it's part of a religious ceremony. Presumably it's only a matter of time before prisoners start asking for live goats to kill, and the knives to kill them with.

At some point, concludes Sam Knott, "we as a society better say, this bull must stop."

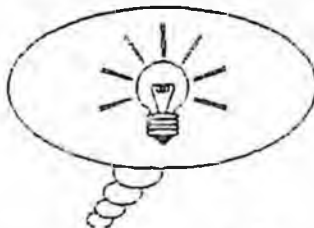
—By Steve Salerno

<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)*	## yes (basic)*	no	5	5
Hiland Mountain	honor status	no	no	limit varies w/program	
Ketchikan	dayrooms	yes (basic)*	no	5	5
Lemon Creek day <sup>100</sup> buy own	buy own	yes (prem)	no	10	
Matsu 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
WW Pretrial	## dayrooms	no	no	5	5
YKCC (Bethel)	## 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.~~

# IDEAS THAT WORK



On July 8, 1996, at the National Governors' Association Annual meeting, Wisconsin Gov. Tommy Thompson announced the release of *Ideas That Work*, a series of seven publications.

*Ideas That Work* began last year, when Governor Thompson asked the members of the National Governors' Association to submit programs (current programs or new reforms) that they felt worked in their home state. Subject areas included: Crime/Public Safety; Business/Environment; Self-Supportive (Welfare); Job Creation; Tax Policy; Infrastructure; and Education Reforms.

*Ideas That Work* has more than 500 ideas from around the country. The cost of a single publication is \$30, or \$180 for a complete volume set. *Ideas That Work* can be ordered at 1-301-498-3738.

## How to keep prison healthy

Inmates in Nevada are required to pay \$4 for initial "walk-in" appointments with institutional physicians, nurse practitioners, dentists, optometrists, or psychiatrists. After health care has been provided, charges are posted to the inmate's account and are reflected in monthly statements sent to the inmate. If an inmate does not have sufficient funds to cover the charges, his or her account is frozen until enough funds are submitted (through work programs) to cover the charge. The collection rate is approximately 52 percent.

Savings have resulted primarily from reduced demand for health care services. Since the program conception, there has been a 50 percent decrease in the demand for health care services by inmates statewide and a 76 percent decrease at the maximum-security prisons.

In Alaska last year, the Department of Corrections spent \$14,739,700 for "Inmate Health Care".

Source: *Managing Prison Health Care and Costs*, National Institute of Justice, May 1995

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## Copayment System Reduces Sick Call Visits in Kansas

The Kansas Department of Corrections has a contract for medical services with a private provider at an annual cost of roughly \$16.6 million. So when it implemented a system of copayments for its inmates, the DOC didn't expect those copayments to offset the costs of the medical contract. But it did want to put individual inmates in a position of accountability and responsibility for their decisions to visit sick call.

In the year since the \$2 copayment for a visit to a primary care provider was implemented, the DOC has seen a significant reduction in the number of sick call visits it experiences each month.

"In fiscal year 1994, the Department experienced an average of 15,172 sick call visits every month," says Bill Miskell, public information officer for the Kansas DOC. "In the first month that we implemented

### Savings at a Glance...

**Idea:** Require inmate copayments for medical services.

**Result:** Inmates are held accountable for sick calls.

**Bottom line:** Sick call visits are reduced by 65 percent.

these fees, that number decreased to 5,003 sick call visits."

Although Miskell says that the major costs of medical care in the prison population are not related to sick call visits, they are a very time- and staff-consuming aspect of the operation.

"You're still going to have to treat cancer, AIDS, and other major conditions, but you do limit the number of people who are standing in line waiting to go to sick bay who really don't need to be there," he says. "When inmates only make \$5 a

month, they're going to be less likely to spend \$2 unless they have a real reason to go to sick call."

Miskell stresses, however, that no inmate is ever denied access to medical service because of an inability to pay. If an inmate initiates a visit to sick call but does not have the \$2 for the copayment, they are still able to see the health care provider and the charge is debited to their accounts. In addition, the DOC does not charge inmates when they are referred to sick call by a member of the correctional staff or medical personnel.

Kansas has an inmate population of 7,180 housed in nine facilities throughout the state. Eight of these institutions have medical facilities on-site. The one facility that houses offenders on work-release does not have a medical component and inmates are responsible for obtaining and paying for their own routine medical care.

## Copayment for Creature Comforts

In Arizona, inmates who want to watch television or listen to the radio must own their own equipment to do so — because the state no longer furnishes its institutions with these appliances. Now the Arizona Department of Corrections has received legislative approval to start charging inmates a fee to offset the utility costs for operating such appliances.

According to Public Information Officer Michael Arra, this latest fee imposition is a way to defray costs as well as impose some responsibility on the inmates for paying their own way. Once the initiative is finalized, the DOC will begin to charge a flat fee of \$2 a month for all inmates who own electrical appliances, regardless of the number of appliances they own. Such appliances include television sets, radios, and cassette players, as well as oscillating fans and hair dryers. The fees will be deducted directly from inmate trustee accounts. The legislation that allows these fees to be imposed was enacted in 1995.

"We've done a number of things to convey the message to inmates that they have to learn to take responsibility for themselves as well as to convey the message to the public that we are a fiscally responsible corrections department," says Arra. "The public knows that the Arizona prison system is a place where there are few creature comforts for inmates and a place where inmates have to work and pay some of their own way."

Since October 1994, inmates in Arizona have been required to contribute to their own health care costs through a system of copayments. A self-initiated visit to a health care provider costs an inmate \$3.

According to Arra, the copayment was instituted for several reasons, including reducing inmate abuse of the health care delivery system, placing some ownership for medical care with the inmates themselves, and returning some funds to the general fund to reduce the increasing costs of inmate health care.

Arra notes that during the period from October 15, 1994, to June 30, 1995, Arizona collected \$105,700 in inmate medical copayments.

Arizona currently has about 22,000 offenders incarcerated in its system, the majority of whom have jobs either in prison support operations or in the Arizona correctional industries system.

Prison support jobs pay inmates between 10 cents and 50 cents an hour; prison industry jobs pay slightly more. Inmates who work for industries that are a joint venture with private enterprises are paid as much as minimum wage. These inmates are required, however, to give back 30 percent of their wages for room and board, restitution, family support and mandatory savings.

For more information, contact Michael Arra at 602/542-3133.

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WEEK - 2

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	TURKEY HAM	8 oz.	109	PEANUT BUTTER & JELLY SANDWICH	1 ea.	MASHED POTATOES	2 oz.	
	HASH BROWN POTATOES	4 oz.	200	CARROT SALAD	4 oz.	GNAMY	2 oz.	
	COLD CEREAL	2 oz.	100	BEVERAGE	8 oz.	GREEN BEANS ALMONDINE	4 oz.	
	COFFEE or TEA			CRACKERS	2 ea.	SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121			DINNER ROLL w/BUTTER	1 ea.	
	TOAST w/BUTTER	2 sl.	171			APPLE CHIPS	1 ea.	
FRESH FRUIT	1 ea.	02			BEVERAGE	8 oz.		
JELLY	1 pk.	00						
		1021						
TUESDAY	CREAMED BEEF	8 oz.	160	BEEF BARLEY SOUP	8 oz.	FRIED FISH	6 oz.	18
	BISCUITS	2 oz.	210	CHILI	8 oz.	SCALLOPED POTATOES	6 oz.	
	HASH BROWN POTATOES	4 oz.	200	HOT DOG ON A BUN	1 ea.	SPINACH	4 oz.	
	HOT CEREAL	8 oz.	204	POTATO CHIPS	1 oz.	TARTAR SAUCE	1 pk.	
	COFFEE or TEA			TOSS SALAD w/DRESSING	4 oz.	SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	COOKIES	2 ea.	BREAD & BUTTER	2 sl.	
	FRESH FRUIT	1 ea.	02	BEVERAGE	8 oz.	CHEESE CAKE	1 ea.	
			CRACKERS	2 ea.	BEVERAGE	8 oz.		
		1070						
WEDNESDAY	SCRAMBLED EGGS	2 ea.	150	CHICKEN RICE SOUP	8 oz.	Beef Lasagna	1 ea.	19
	BACON	2 ea.	100	Grilled Ham/Cheese Sand.	8 oz.	STEAMED CAULIFLOWER	4 oz.	
	HASH BROWN POTATOES	4 oz.	200	BAKED BEANS	8 oz.	GARLIC BREAD	2 oz.	
	COLD CEREAL	2 oz.	100	TOSS SALAD w/DRESSING	4 oz.	SALAD BAR w/DRESSING	4 oz.	
	COFFEE or TEA			LEMON PUDDING	1 ea.	PUMPKIN PIE w/TOPPING	1 ea.	
	MILK	8 oz.	121	BREAD & BUTTER	2 sl.	BEVERAGE	8 oz.	
	TOAST w/BUTTER	2 sl.	171	BEVERAGE	8 oz.			
FRESH FRUIT Juice	1 ea.	02	CRACKERS	2 ea.				
JELLY	1 pk.	00						
		1184						
THURSDAY	PANCAKES	2 ea.	150	NAVY BEAN SOUP	8 oz.	BEEF STEW	8 oz.	20
	SYRUP	1.5 oz.	124	Chicken Pattie/Bun	1 ea.	STEAMED RICE	8 oz.	
	PORK SAUSAGE	2 oz.	210	OVEN BROWNED POTATOES	2 oz.	ORZOCCA BROUATA	4 oz.	
	HOT CEREAL	8 oz.	204	TOMATO /ONION LETTUCE	2 oz.	SALAD BAR w/DRESSING	4 oz.	
	COFFEE or TEA			TARTAR SAUCE	1 pk.	BREAD & BUTTER	2 sl.	
	MILK	8 oz.	121	PUDDING	1 ea.	Chilled Plums	1 ea.	
	FRESH FRUIT	1 ea.	02	BEVERAGE	8 oz.	BEVERAGE	8 oz.	
			CRACKERS	2 ea.				
		031						
FRIDAY	CHEESE OMLET	8 oz.	200	VEGETABLE SOUP	8 oz.	B B O CHICKEN	14 ea.	21
	BACON	8 oz.	100	Cheeseburger/Bun	1 ea.	O'BRIEN POTATOES	8 oz.	
	HASH BROWN POTATOES	4 oz.	200	FRENCH FRIES	4 oz.	GREEN PEAS	4 oz.	
	COLD CEREAL	2 oz.	100	TOMATO /ONION LETTUCE	2 oz.	SALAD BAR w/DRESSING	4 oz.	
	COFFEE or TEA			COOKIES	2 ea.	BREAD & BUTTER	2 sl.	
	MILK	8 oz.	121	BEVERAGE	8 oz.	CINNAMON ROLL	1 ea.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.	BEVERAGE	8 oz.	
FRESH FRUIT	1 ea.	02						
JELLY	1 pk.	00						
		1182						
SATURDAY	FRENCH TOAST	1.5 oz.	124	CLAM CHOWDER	8 oz.	BWIBB STEAK	6 oz.	22
	SYRUP			Salmon Pattie/Bun	1 ea.	BROWN GRAVY	2 oz.	
	TURKEY SAUSAGE	8 oz.	144	Spanish Rice	8 oz.	BUTTERED POTATOES	8 oz.	
	HOT CEREAL	8 oz.	204	TOMATO /ONION LETTUCE	2 oz.	BUTTERED CORN	4 oz.	
	COFFEE or TEA			BROWNIE	1 ea.	CORNBREAD & BUTTER	1 ea.	
	MILK	8 oz.	121	BEVERAGE	8 oz.	SALAD BAR w/DRESSING	4 oz.	
	FRESH FRUIT Juice	1 ea.	02	CRACKERS	2 ea.	CHOCOLATE CAKE w/ICING	1 ea.	
					BEVERAGE	8 oz.		
		1051						
SUNDAY	FRIED EGGS	2 oz.	100	TOMATO RICE SOUP	8 oz.	ROAST TURKEY	6 oz.	23
	PORK SAUSAGE	2 oz.	210	BOLOGNA & CHEESE SANDWICH	1 ea.	MASHED POTATOES	8 oz.	
	HASH BROWN POTATOES	4 oz.	200	TOMATO /ONION LETTUCE	2 oz.	NATURAL PAN GRAVY	2 oz.	
	COLD CEREAL	2 oz.	100	MACARONI SALAD	4 oz.	Steamed Asparagus	4 oz.	
	COFFEE or TEA			BEVERAGE	8 oz.	SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	CRACKERS	2 ea.	BREAD & BUTTER	2 sl.	
	TOAST w/BUTTER	2 sl.	171			CARROT CAKE	1 ea.	
FRESH FRUIT	1 ea.	02			BEVERAGE	8 oz.		
JELLY	1 pk.	00						
		1180						

STANDARD MENU

This menu is subject to change due to non-availability of product.

C. E. Toland  
FOOD SERVICE MANAGER

[Signature]  
FOOD SERVICE MANAGER

BANKS CORRECTIONAL CEN

SEVEN DAY MENU

DATE: 9-24-95 Through 9-30-95

WEEK - 3

DATE	ITEM	QTY	PRICE	ITEM	QTY	PRICE	ITEM	QTY	PRICE	TOTAL
S	FRIED EGGS	2 oz.	180	POTATO SOUP	8 oz.		BEEF ROUND	8 oz.		24
	TURKEY HAM	8 oz.	108	TURKEY SALAMI & CHEESE SANDWICH	1 ea.		MASHED POTATOES	8 oz.		
	HASH BROWN POTATOES	4 oz.	208	POTATO SALAD	4 oz.		NATURAL GRAVY	2 oz.		
	COLD CEREAL	2 oz.	100	TOMATO / ONION / LETTUCE	2 oz.		GREEN BEANS	4 oz.		
	COFFEE or TEA			BEVERAGE	8 oz.		SALAD BAR w/DRESSING	4 oz.		
	MILK	8 oz.	121	CRACKERS	2 ea.		BREAD & BUTTER	2 ea.		
	TOAST w/BUTTER	2 ea.	171				PEACH COBBLER	1 ea.		
FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.			
JELLY	1 pk.	50								
			1088							
M	SCRAMBLED EGGS	8 oz.	158	VEGETABLE SOUP	8 oz.		BEEF TACO	2 ea.		25
	BISCUITS	2 oz.	210	TURKEY ala KING	1 sp.		BURRITO	1 ea.		
	HASH BROWN POTATOES	4 oz.	208	BUTTERED NOODLES	3/4 cp		SPANISH RICE	8 oz.		
	HOT CEREAL	2 oz.	204	TOBB SALAD w/DRESSING	4 oz.		REFRIED BEANS	4 oz.		
	COFFEE or TEA			BREAD & BUTTER	2 ea.			4 oz.		
	MILK	8 oz.	121	OATMEAL COOKIES	2 ea.		BREAD & BUTTER	2 ea.		
	FRESH FRUIT	1 ea.	82	BEVERAGE	8 oz.		Chilled Plums	1 sp.		
			CRACKERS	2 ea.		BEVERAGE	8 oz.			
			1078							
B	SCRAMBLED EGGS	2 ea.	180	CHICKEN RICE SOUP	8 oz.		BAKED FISH FILLET	8 oz.		26
	BACON	2 ea.	108	BLOPPY JOE ON A BUN	1 ea.		MACARONI & CHEESE	4 oz.		
	HASH BROWN POTATOES	4 oz.	208	FRENCH FRIES	4 oz.		Steamed Asparagus	4 oz.		
	COLD CEREAL	2 oz.	100	TOBB SALAD w/DRESSING	4 oz.		SALAD BAR w/DRESSING	4 oz.		
	COFFEE or TEA			PEANUT BUTTER COOKIE	2 ea.		TARTAR SAUCE	1 pk.		
	MILK	8 oz.	121	BEVERAGE	8 oz.		BREAD & BUTTER	2 ea.		
	TOAST w/BUTTER	2 ea.	171	CRACKERS	2 ea.		LEMON CREAM PIE	1 ea.		
FRESH FRUIT Juice	1 ea.	82				BEVERAGE	8 oz.			
JELLY	1 pk.	50								
			1184							
D	PANCAKES	2 ea.	120	PINTO BEAN SOUP	8 oz.		SPAGHETTI w/MEAT SAUCE	1 cp.		27
	SYRUP	1.5 oz.	124	CHEESEBURGER ON A BUN	1 ea.		BROCCOLI	4 oz.		
	PORK SAUSAGE	2 oz.	210	FRENCH FRIES	4 oz.		GARLIC BREAD	2 ea.		
	HOT CEREAL	8 oz.	204	TOMATO / ONION / LETTUCE	2 oz.		SALAD BAR w/DRESSING	4 oz.		
	COFFEE or TEA			DOWNIES	1 ea.		CHEESE CAKE w/TOPPING	1 ea.		
	MILK	8 oz.	121	BEVERAGE	8 oz.		BEVERAGE	8 oz.		
	FRESH FRUIT	1 ea.	82	CRACKERS	2 ea.					
			931							
T	CHEESE OMELET	8 oz.	208	BEEF NOODLE SOUP	8 oz.		BEEF VEGETABLE STEW	8 oz.		28
	BACON	8 oz.	108	CHILI	8 oz.		BUTTERED ROTINI	4 oz.		
	HASH BROWN POTATOES	4 oz.	208	HotDOG ON A BUN	1 ea.		BUTTERED CAULIFLOWER	4 oz.		
	COLD CEREAL	2 oz.	100	STEAMED RICE	4 oz.		SALAD BAR w/DRESSING	4 oz.		
	COFFEE or TEA			TOBB SALAD w/DRESSING	4 oz.		CORNBREAD & BUTTER	1 ea.		
	MILK	8 oz.	121	WHITE CAKE	1 ea.		CINNAMON ROLL	1 ea.		
	TOAST w/BUTTER	2 ea.	171	BEVERAGE	8 oz.		BEVERAGE	8 oz.		
FRESH FRUIT	1 ea.	82	CRACKERS	2 ea.						
JELLY	1 pk.	50								
			1152							
F	FRENCH TOAST			CLAM CHOWDER	8 oz.		SOUTHERN STYLE CHICKEN	1/4 ea.		29
	SYRUP	1.5 oz.	124	Salmon Pattie/BUN	1 ea.		MASHED POTATOES	8 oz.		
	TURKEY SAUSAGE	2 oz.	144	OVEN BROWNED POTATOE	8 oz.		GRAVY	2 oz.		
	HOT CEREAL	8 oz.	204	TOMATO / ONION / LETTUCE	2 oz.		CORN ON THE COB	4 oz.		
	COFFEE or TEA			TARTAR SAUCE	1 pk.		SALAD BAR w/DRESSING	4 oz.		
	MILK	8 oz.	121	CHOCOLATE CHIP COOKIES	2 cp.		BREAD & BUTTER	2 ea.		
	FRESH FRUIT Juice	1 ea.	82	BEVERAGE	8 oz.		Blueberry Pie	1 ea.		
			CRACKERS	2 ea.		BEVERAGE	8 oz.			
			1051							
A	FRIED EGGS	2 oz.	180	BEEF BAKED SOUP	8 oz.		ROAST TURKEY	8 oz.		30
	PORK SAUSAGE	2 oz.	210	BOLOGNA & CHEESE SANDWICH	1 ea.		MASHED POTATOES	8 oz.		
	HASH BROWN POTATOES	4 oz.	208	TOMATO / ONION / LETTUCE	2 oz.		NATURAL PAN GRAVY	2 oz.		
	COLD CEREAL	2 oz.	100	CARROT SALAD	4 oz.		Steamed Asparagus	4 oz.		
	COFFEE or TEA			BEVERAGE	8 oz.		SALAD BAR w/DRESSING	4 oz.		
	MILK	8 oz.	121	CRACKERS	2 ea.		BREAD & BUTTER	2 ea.		
	TOAST w/BUTTER	2 ea.	171				PUMPKIN PIE w/TOPPING	1 ea.		
FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.			
JELLY	1 pk.	50								
			1288							

STANDARD MENU

This menu is subject to change due to non-availability of product.

CC Adams FOOD STEWARD

MS FOOD SERVICE SUPERVISOR

SEVEN DAY MENU

4-16-95

Through 4-22-95

WEEK-4

DAY	BR	BAKED	FAST	SIZE	CAL	BR	LUNCH	SIZE	CAL	BR	DINNER	SIZE	CAL	DAY
SUNDAY	16	FRIED EGGS	2 oz.	180	CHICKEN NOODLE SOUP	8 oz.	MEAT LOAF	5 oz.	1085		MASHED POTATOES	8 oz.		
		TURKEY HAM	8 oz.	108	BOLOGNA & CHEESE SANDWICH	1 ea.	GRAVY	2 oz.						
MONDAY	17	HASH BROWN POTATOES	4 oz.	288	TOMATO / ONION / LETTUCE	2 oz.	STEAMED BROCCOLI	4 oz.	1070		SALAD BAR w/DRESSING	4 oz.		
		COLD CEREAL	2 oz.	180	MACARONI SALAD	4 oz.	CORNBREAD & BUTTER	1 ea.						
TUESDAY	18	COFFEE or TEA			BEVERAGE	8 oz.	WHITE CAKE w/ICING	1 ea.	1184		FRESH FRUIT	1 ea.		
		MILK	8 oz.	121	CRACKERS	2 ea.	BEVERAGE	0 oz.						
WEDNESDAY	19	TOAST w/BUTTER	2 sl.	171	VEGETABLE SOUP	8 oz.	COUNTY STYLE CHICKEN	1/4 ea.	1184		MASHED POTATOES	8 oz.		
		FRESH FRUIT	1 ea.	82	CHEESEBURGER ON A BUN	1 ea.	CHICKEN GRAVY	2 oz.						
THURSDAY	20	JELLY	1 pk.	50	FRENCH FRIES	4 oz.	BUTTERED CORN	4 oz.	1070		SALAD BAR w/DRESSING	4 oz.		
					TOMATO / ONION / LETTUCE	2 oz.	BREAD & BUTTER	2 sl.						
FRIDAY	21				PEANUT BUTTER COOKIES	2 ea.	BREAD PUDDING w/ VANILLA SAUCE	1 CP.	1184		BEVERAGE	8 oz.		
					BEVERAGE	8 oz.								
SATURDAY	22				CRACKERS	2 ea.	BWISS STEAK	5 oz.	1184		BROWN GRAVY	2 oz.		
SUNDAY	23						BROWN GRAVY	2 oz.	1070		BUTTERED POTATOES	8 oz.		
MONDAY	24						MIXED VEGETABLES	4 oz.	1184		MIXED VEGETABLES	4 oz.		
TUESDAY	25						SALAD BAR w/DRESSING	4 oz.	1070		CORNBREAD & BUTTER	1 ea.		
WEDNESDAY	26						PEACH COBBLER w/ TOPPING	1 ea.	1184		BEVERAGE	8 oz.		
THURSDAY	27								1070					
FRIDAY	28								1184					
SATURDAY	29								1070					
SUNDAY	30								1184					

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FOOD STEWARD

FOOD SERVICE SUPERVISOR