

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

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The next chart shows how population increases translate into significant percentage increases. Percent increases in the West were the highest of the nation's four regions.

**Percent Change in Prison Population**

	<u>from 12/31/81 to 5/30/82</u>	<u>from 3/31/82 to 6/30/82</u>
UNITED STATES	6.9	3.3
NORTHEAST	7.6	4.1
NORTH CENTRAL	3.5	1.0
SOUTH	7.7	3.4
WEST	10.5	5.6
Montana	5.3	1.9
Idaho	7.2	2.4
Wyoming	11.4	5.7
Colorado	9.2	6.3
New Mexico	14.7	6.3
Arizona	8.0	3.5
Utah	4.3	0.8
Nevada	20.6	9.8
Washington	10.5	5.9
Oregon	9.0	3.4
California	10.2	5.9
Alaska	27.5	13.6
Hawaii	9.2	4.0

The third chart highlights additional statistics about prison populations in the West:

<u>States with Increases of 10% or More Since 1981</u>		<u>States with Increases of 500 or More Since 1981</u>		<u>States with Incarceration Rates of 200 or More per 100,000 U.S. Population</u>	
North Dakota	32.1	California	2,980	Nevada	295
Alaska	27.3	Washington	560	Alaska	200
Nevada	20.6				
New Mexico	14.7				
Wyoming	11.4				
Washington	10.5				
California	10.2				

### Causes of Continued Population Growth

Many factors have contributed to the trend of increasing admissions to and declining releases from state prison. Some are readily apparent, others are the source of disagreement. Causes identified by corrections analysts include:

- o widespread adoption of new sentencing and parole laws has lengthened prison stay;
- o new and tougher laws on drunk driving;
- o economic conditions contribute to increased commitments for property offenses;
- o the continued growth of the most prison-prone population.

(Source: Bureau of Justice Statistics Bulletin, "Prisoners at Midyear 1982, October/November 1982," NCJ 84875)



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# America's Prisons:

## No Vacancy

BY ELAINE S. KNAPP, editor

A no vacancy sign could be posted in front of many state prison systems because of overcrowding. And, on the other side of the coin, courts are increasingly ordering prisons to improve conditions and reduce populations.

State prisons in America (including Washington, D.C.) hold 283,070 adults, while another 7,612 state inmates are housed in local jails, according to *The Corrections Yearbook*, published by Criminal Justice Institute, Inc. Criminal justice experts say that the prison population is climbing due to: the "baby-boom" generation reaching crime-prone ages; an increase in crime; a retributive public mood resulting in mandatory and longer sentences; conservative parole policies, and an increase in the number of persons per capita committed to prison.

The reason for overcrowding is the fact that the criminal justice system is not a system, but a series of isolated groups. C. Paul Phelps, secretary of the Louisiana Department of Corrections, told a meeting of southern legislators last year. He said reassessment of the entire system was needed.

Overcrowding is blamed for violence and poor conditions in prisons. Moreover, if present trends continue, a drop in prison population is not expected until the mid-1990s.

### Imprisonment Questioned

Various experts and studies, most recently one by ABT Inc. Associates of Cambridge, Mass., for the U.S. Department of Justice, question the value of imprisonment for nonviolent and less

serious offenders. The suggestion is that states should take a systematic approach to deciding which offenders should use valuable prison space. Ways of keeping less serious offenders out of prison include sentencing guidelines, pre-trial release and diversion, restitution, probation and community correction.

Once an inmate is in prison, there are ways to speed release—parole, good time, work release, pre-parole release, furloughs, clemency, commutations, half-way houses and community corrections. In 1980, there were 12,000 state prisoners in work-release programs; some 73,000 furloughs granted; 174,690 persons on state-supervised parole and 198 community treatment centers and 153 half-way houses, according to *The Corrections Yearbook*.

### Construction Expensive

The other choice to deal with overcrowding is to build more prisons. However, this is expensive and controversial, as often communities don't want to host and taxpayers don't want to pay for a prison. Michigan voted down a .1 percent hike in property taxes last November to fund new prisons. The Department of Corrections argued that prisons were substandard and overcrowded, and the department estimated it would take five years and \$30 million to build a 550-bed facility.

According to data in *The Corrections Yearbook*, it costs from a low of \$11,000 in Idaho to a high of \$130,000 in Alaska to build a new cell. About half the states opened new or additional prison facilities totaling \$133.5 million last fiscal

year (1979-80). Another \$816.2 million is being spent on construction for 25,121 new prison beds. Keeping an inmate costs about \$10,000 per year in many states.

According to the ABT study, it would cost \$8 billion just to build new prisons to meet current needs. The study found that community sentencing and release alternatives do not slow growth of prison populations. (The five-volume study is available from the U.S. Superintendent of Documents.)

### Prisons Don't Curb Crime

The public's insistence on incarceration has led to overcrowding in prisons and has not been successful in reducing crime, according to Don Hutto, director of the Virginia Department of Corrections. He questioned the worth of spending \$10,000 annually to lock up non-violent offenders and urged alternatives to imprisonment.

Kenneth Schoen, program officer for criminal justice of the Edna McConnell Clark Foundation, also sees no relationship between crime and prison population. More effective in reducing crime, Schoen said, would be surer apprehension of criminals. Prisons should be used to quarantine the dangerous and punish the persistent and serious offender, so these types must be sorted out from non-dangerous offenders, Schoen said.

The per-capita rate of imprisonment is high in the U.S. compared to other Western countries. Overall in the U.S., there are 138 prisoners per 100,000 state population, according to *The Corrections Yearbook*. The lowest is New

Hampshire at 32 and the highest is South Carolina at 274 per 100,000. The rate per 100,000 population is 97 in Canada, 80 in Great Britain and 66 in France.

### Longer Terms Costly

The swing from flexible to inflexible sentences is partly to blame. For a time, indeterminate sentences were imposed with the idea that criminals would be set free when rehabilitated. The practice was criticized as unworkable and unfair, resulting in passage of determinate and mandatory sentencing. Determinate sentences establish flat terms or set strict guidelines for sentences, while mandatory minimum sentences require certain lengths of prison terms.

Tougher sentences can be expensive. One study, by the Urban Systems Institute of the Carnegie-Mellon University's School of Urban and Public Affairs, showed a proposed mandatory sentencing law would increase prison costs by 40 percent in Pennsylvania. In California, where 283 bills were received this session by the Assembly Criminal Justice Committee, the Department of Corrections estimated that adding one year to robbery sentences would result in 1,100 more prisoners by 1985, because inmates would be kept in the system longer.

### Parole Important

One of the quickest ways to reduce prison overcrowding is to move offenders through the system more rapidly, asserts Becki Ney, vice president of the American Institute of Criminal Justice. One reason the system doesn't work smoothly is that it is fragmented among police, prosecution, judges, corrections and legislatures, Ney commented.

Parole boards which feel responsible for alleviating overcrowding (often in response to court order) are the most important factor in moving prisoners through the system, according to a study prepared by Ney and others in 1980, *Release Procedures*. States which are liberal with good time for sentence reduction and allow parole at the minimum sentence are most effective.

Work release is another method of letting prisoners leave early. The largest work release programs are in Florida, North Carolina and South Carolina. Iowa also uses work release extensively.

Pre-parole release, giving an inmate time to find a job and housing, is also used. North Carolina allows release as much as a year early under a Pre-Release and Aftercare Program (PRAC) which offers service centers but not residential housing to help inmates adjust. Furloughs may also be used prior to parole, with Connecticut and Maryland grant-

ing extended furloughs. Another method is Michigan's Emergency Powers Act, which mandates release of prisoners when the system exceeds capacity.

Community corrections acts have also been passed to keep offenders in the community and out of state prisons in Kansas, Minnesota and Oregon.

Ney believes that community corrections hasn't worked because of the "widening of the net"—people who previously would have gotten probation are being placed in community correc-

## Doubling-up Inmates Gets Approval from High Court

Placing more than one prisoner in a cell is constitutional, as long as other prison conditions are adequate, the U.S. Supreme Court ruled June 15 in an Ohio case, *Chapman v. Rhodes*. Although 1,400 inmates at the Southern Ohio Correctional Facility in Lucasville were doubled-up in cells with 63 to 68 feet of space, the trial court hadn't found any other unhealthy or dangerous conditions.

Justice Lewis Powell wrote, "The Constitution doesn't mandate comfortable prisons." Powell further wrote that courts cannot assume that state legislatures and prison officials are insensitive to the requirements of the Constitution regarding prisoners.

Entire state prison systems in eight states were under court order for overcrowding or total conditions, according to a Feb. 1 report by the National Prison Project of the American Civil Liberties Union. These states were Alabama, Arkansas, Florida, Mississippi, Oklahoma, Rhode Island, Tennessee and Texas. One or more state prisons were under court order or had been declared unconstitutional in another 18 states: Colorado, Delaware, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Utah, Virginia, Washington and Wyoming. Prisons were under court challenge in still another nine states: Arizona, California, Indiana, Iowa, Maine, Massachusetts, North Carolina, South Carolina and Wisconsin. The state prison is closed in Vermont. Prisons are also under court order in Puerto Rico and the Virgin Islands, as are District of Columbia jails.

tions facilities instead. Unless use of community corrections is tied to the number of prison beds available, the problem will continue, Ney predicted.

Other administrative options to reduce prison population include reclassification to make more inmates eligible for parole, release or community corrections. Clemency or commutations can also be effective—Maryland recently released 1,000 prisoners this way. Court orders to reduce overcrowding can also result in volume releases, as recently occurred in Georgia and Texas.

"The basic choice," Ney noted, "is probation or prison." Indeed, there were 1.25 million persons under probation supervision in the U.S. in 1976, according to the *Sourcebook of Criminal Justice Statistics, 1979*, published by the Law Enforcement Assistance Administration.

### Minnesota Guidelines

Minnesota has seen a 20 percent drop in new prisoners since adoption of sentencing guidelines in May 1980. The guidelines recommend short or no prison time for property crimes (especially by first offenders) and longer terms for violent crimes (even by those without criminal histories).

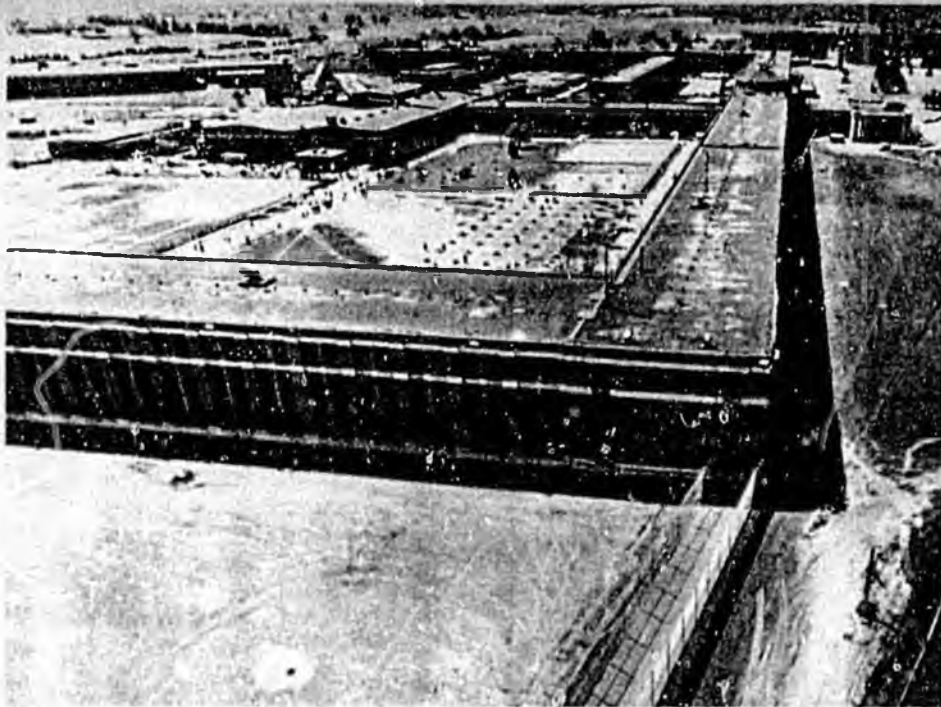
The guidelines were authorized by the legislature to reduce disparity in sentencing and to keep the prison population within capacity. A nine-member commission developed the guidelines, which are presumptive, meaning the judge must consider the guidelines, but may depart from them, reports Dale Parent, director of the Sentencing Guidelines Commission.

Although Minnesota's new prison admissions have dropped 20 percent, the overall decline in prison population has only been 7 percent. This may indicate that the parole board no longer feels under pressure since the prison system is below capacity, Parent commented.

Members of the commission are the chief justice or his designee, two trial court judges, a county attorney, a public defender, the commissioner of corrections, the parole board chairman and two citizens—bringing together many elements of the criminal justice system.

The sentencing guidelines, by determining who goes to prison and who doesn't go, are a "more promising approach to controlling prison population" than Minnesota's community corrections, because the guidelines affect judges directly, declares Gerald Strathman, director for research and information systems of the Department of Corrections.

(continued)



**LARGEST**—The world's largest walled prison, the State Prison of Southern Michigan in Jackson, was the scene of May riots.

## No Vacancy

(continued)

A 1980 evaluation of the Minnesota Community Corrections Act by the Department of Corrections found that the act had not diverted many people from state prison nor increased public safety, and that local jail populations were increasing and costs were rising. It did find that counties were doing a better job of administering corrections and providing more services.

The Community Corrections Act, passed in 1973, provides subsidies to counties or combinations of counties with 30,000 or more population to establish a centralized corrections program. The participating counties assumed responsibility for probation, parole, residential and other community programs. The state subsidy for fiscal 1980 was \$13 million. Some 27 of Minnesota's 87 counties, representing 70 percent of the population, have joined the program. The state decided to continue the program for two more years, but not allow more counties to join.

A problem has been that those sentenced to community corrections were those who might previously have been released on probation. Strathman noted that although the evaluation showed major problems, it did not say that treating offenders in the community doesn't work.

### Oregon Reduces Population

Oregon courts have increased use of probation from 68 percent to 80 percent

since passage of the Community Corrections Act in 1977, reports Niel Chambers, executive assistant of the Department of Corrections.

Oregon recently reduced its state penitentiary population by 500 through expanded work release, changes in parole procedures, and boarding a few women at a county jail to free space for many male inmates.

One of the steps Oregon took was to switch to non-residential work release. The 47 staffers who once supervised 100 inmates in state residences now supervise 300 inmates in the community at large. Work release can be granted within 90 days of parole or discharge.

### Iowa Goes to Communities

Although Iowa's prison population has climbed, persons who went into community corrections would have filled another couple of institutions, comments Eugene Gardner, chief of the Bureau of Community Corrections of the Division of Adult Corrections.

In response to a lawsuit for overcrowding at the state penitentiary, Iowa has reduced its population from 900 two years ago to 645. It is classifying inmates to lesser security levels, has converted a mental hospital to a corrections facility and is dividing up its prison into more units of 100 cells.

Community corrections includes pre-trial release, probation, work release and parole. Each of Iowa's eight judicial districts has a community corrections program under a board of directors. The programs are accredited annually by the state, which has provided \$13.5 million for next year. Community corrections

staff interview offenders and may recommend their release while awaiting trial. If the offender complies with a self-help program, probation may be recommended. Offenders may also be sentenced to one of 17 residential facilities in communities. The residences are also used for work release. Rent is charged to those using the facilities.

Community corrections is doing a good job, but the public attitude is not receptive and judges don't always use it, Gardner said.

### Hawaii Uses Community Service

Hawaii's Community Service Sentencing Program (CSSP) is not considered an alternative to incarceration, according to a recently completed study. Community service usually is required of first-time offenders who might otherwise be candidates for probation or deferred acceptance of a guilty plea.

The study showed that 1,286 offenders were ordered to perform 40,635 hours of community service from June 1, 1979, to May 31, 1980. Donated services were estimated at \$125,698 at the minimum wage.

The CSSP operating budget is \$52,500 with staff supplemented by volunteers. The CSSP arranges for offenders to serve at 63 qualifying organizations. Some areas of concern, reports Earl J. Yonehara, volunteer services administrator, are liability protection and medical protection.

### Michigan Speeds Release

Michigan expects to release about 800 inmates 90 days early under an Emergency Powers Act invoked by Gov. William G. Milliken May 20. The governor declared that "a prison overcrowding emergency" existed because the population exceeded capacity for 30 consecutive days. Michigan prisons were designed to hold 12,874, but had a population of 13,111.

The order shortened minimum sentences by 90 days, meaning that most of those released early were eligible for parole or living in community half-way houses.

The emergency releases, which began May 20, will continue for 90 days, and some 400 had been released early as of mid-June. The released spaces in minimum security and community corrections mean that other inmates can now move through the system faster, said Luella Burke of the Department of Corrections.

Meanwhile, disciplinary action, including firing, was taken in June against several guards and administrators as a result of an internal investigation of riots in May at three Michigan prisons. A task force on the causes of the riots is due to report by August 1.

## Other Methods

State legislation to deal with prison overcrowding was the subject of a recent 50-state survey by CONTACT (P.O. Box 81826, Lincoln, Neb. 68501). The survey was prompted by a 1980 Oklahoma law (H.J. Res. No. 1064) which requires the Pardon and Parole Board to consider all non-violent offenders for parole six months prior to their scheduled release in case of overcrowding. During an overcrowding emergency, inmates cannot be transferred to the state from county facilities without permission and the state must pay counties for keeping such inmates. The maximum capacity of correctional facilities, based on 60 square feet per inmate per cell and 75 square feet per inmate for dormitories, will be determined by the director of corrections and the Employment Review Board.

A Connecticut law (P.A. 80-442), effective July 1, allows the commissioner of corrections, in case of overcrowding of pre-trial inmates, to petition courts to reduce bond to a written promise to appear for inmates awaiting trial. The commissioner may petition the superior court to modify any inmate's sentence in case of overcrowding.

Other survey responses included payment to local jails to keep state inmates in Georgia, Louisiana and New Jersey. Mississippi in 1981 renewed its law allowing the state to pay for state prisoners in local jails—there are now over 1,000. Nationwide, there are as many as 7,612 state inmates backed up in local jails due to overcrowding, according to *The Corrections Yearbook*.

### For More . . .

Among CSG reports on corrections available free to state officials are:

✓ *Planning for Changes in Corrections Populations*, RM613, \$3.50.

✓ *State Subsidies to Local Corrections: A Summary of Programs*, RM614, \$3.50.

Write: Order Dept., The Council of State Governments, Iron Works Pike, P.O. Box 11910, Lexington, Ky. 40578.

*The Corrections Yearbook*, 1981 pocket guide, is available for \$1.75 from the Criminal Justice Institute, Inc., 60 E. 42nd St., Suite 956, New York, N.Y. 10165.

The ABT study is available in five volumes from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Publication numbers are consecutive: 027-000-01085-7, 86-5, 87-3, 88-1 and 89-0.

The address for CONTACT is P.O. Box 81826, Lincoln, Neb. 68501.

PRISON POPULATION AND ANNUAL COST PER INMATE, BY STATE, AS OF 1/1/81\*

State	Total inmate population: + (excess)	Male	Female	Total rated capacity†	Annual cost per inmate
Alabama	4,658 (1,373)	4,472	186	3,768	\$ 8,997
Alaska	643	613	30	611	24,338
Arizona	3,391 (29)	3,215	176	3,489	13,040
Arkansas	2,591	2,507	84	2,735	5,011*
California	23,508 (729)§	22,430	1,078	23,514	12,000
Colorado	2,308	2,249	59	2,525	9,475
Connecticut	2,231	2,059	172	2,294	12,128
Delaware	1,342	1,292	50	1,199	13,425
Florida	20,237 (285)	19,405	832	19,896	7,037†
Georgia	9,271 (894)	8,874	397	9,188	6,245*
Hawaii	783	761	22	726	12,771
Idaho	836	810	26	819	9,200
Illinois	11,846	11,540	306	11,964	10,035
Indiana	6,709	6,466	243	4,795	10,577
Iowa	2,347	2,252	95	2,190	13,400
Kansas	2,495	2,384	111	2,479	10,622
Kentucky	3,608	3,477	131	3,042	6,375
Louisiana	7,319 (1,267)	7,016	303	7,299	8,873
Maine	653	632	21	749	11,660
Maryland	7,443 (282)	7,216	227	6,082	7,284
Massachusetts	3,249 (128)	3,119	130	2,371	12,000
Michigan	12,458 (73)	12,007	451	13,013	10,000
Minnesota	1,884	1,823	61	2,000	13,000
Mississippi	3,391 (1,200)	3,303	88	2,819	7,665
Missouri	5,379	5,213	166	4,655	5,409
Montana	704	679	25	722	11,680
Nebraska	1,175	1,132	43	1,250	15,059
Nevada	1,833	1,721	112	1,391	10,000
New Hampshire	290	284	6	282	18,000
New Jersey	5,366 (200)	5,168	198	6,385*	10,100
New Mexico	1,406	1,361	45	1,797	6,387†
New York	21,579	20,969	610	21,132	11,963
North Carolina	15,485	14,868	617	14,498	7,665
North Dakota	259	257	2	350	10,333
Ohio	13,135	12,534	581	10,720	6,000
Oklahoma	3,906	3,795	111	3,748	10,000
Oregon	2,594	2,518	76	2,210	10,000
Pennsylvania	8,070	7,810	260	8,723	10,933
Rhode Island	672	650	22	838	20,169
South Carolina	7,936 (609)	7,609	327	5,387	5,666
South Dakota	651	633	18	610	8,030
Tennessee	6,111	5,902	209	5,860	7,088
Texas	29,637	28,390	1,247	26,573	2,920
Utah	817	797	20	862	10,000
Vermont	442	426	16	**	13,076
Virginia	8,677 (543)	8,389	288	8,952	9,602
Washington	4,342	4,188	154	3,527	8,587
West Virginia	1,308	1,266	42	1,250	7,000
Wisconsin	3,800	3,666	134	3,548	13,000
Wyoming	419	389	30	380	7,742
<b>Total state</b>	<b>281,194 (7,612)</b>	<b>270,536</b>	<b>10,658</b>	<b>265,017††</b>	<b>...</b>
Local jails—state inmates (excess)	(7,612)	...	...	...	...
Dist. of Columbia	1,876	1,876	0	1,870	**
Federal system	23,783	22,528	1,255	24,786	13,503
<b>U.S. Total</b>	<b>314,463</b>	<b>294,960</b>	<b>11,893</b>	<b>291,673</b>	<b>...</b>

\*Source: *The Corrections Yearbook, 1981*, published by Criminal Justice Institute, Inc., New York, N.Y.  
†Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).

††Includes direct services such as food and bedding only.

§Includes convicted narcotics addicts.

§§Includes facilities to house youthful offenders under 18 who are not included in the 1/1/81 adult population figures.

\*\*Information not available.

†††Total state inmate population on 1/1/81 for all 50 states combined exceeded the total rated capacity by approximately 16,000, or 6 percent.

Note: The annual cost per inmate figures generally represent the average cost per inmate in all types of prison facilities. But individual costs can vary from one institution to another in a state and from one individual to another, depending on the type of services provided (such as work/study release), e.g., actual cost for an inmate in maximum security may be higher than for one in minimum security because more money is needed to maintain a higher level of supervision.

# Kentucky Settles Prison Suit

BY MICHAEL KANNENSOHN, Kentucky Bureau of Corrections

Kentucky is operating its two largest penal institutions under stipulations of a consent decree which settled a consolidated class action suit by inmates.

The negotiated settlement, which became final in May 1980, avoided protracted and costly court proceedings, as well as possible expenditures such as have been ordered in court suits in other states.

The case dates back to 1976 when independent suits filed by inmates at Kentucky State Penitentiary (KSP) were consolidated into a class action suit against the Kentucky Department of Justice (DOJ) and Bureau of Corrections. The chief complaint was the need to reduce overcrowding to meet American Correctional Association cell space standards. Other concerns included meeting ACA physical, safety and environmental standards; providing specialized care for inmates with non-acute psychiatric and psychological problems; improving rehabilitation programs and health, food and sanitation services; and upgrading personnel and training procedures for correctional staff.

U.S. District Judge Edward Johnstone consulted with U.S. District Judge Frank Johnson on a similar inmate suit in Alabama and with the U.S. Department of Justice's Civil Rights Division. In May 1979, the issue was joined by Kentucky State Reformatory (KSR) inmates.

## Settlement Preferred

Kentucky DOJ staff in 1979 employed consultants to assist with a response to findings filed by federal experts following a tour of KSP and KSR. A Kentucky DOJ national survey showed most states incurred extraordinary legal and compliance costs in similar court cases. DOJ attorneys advised that settlement was preferable to proceeding to trial. However, the 1979 election year stymied negotiations toward an out-of-court settlement since a new administration and newly elected General Assembly would not enter office until January 1980.

Newly elected Gov. John Y. Brown Jr. and the Kentucky General Assembly, in a unique action, agreed to appropriate funds to meet the terms of a reasonable negotiated settlement. The terms of the consent decree required a \$50 million appropriation (\$42 million in new construction and renovation; \$8 million in programs and operations). This amount was appropriated. The Kentucky DOJ was able to successfully negotiate and encompass in the decree most of the outstanding issues from the suits. Of

numerous allegations, only those dealing with harassment of inmates and guard brutality at KSP have gone to trial. No decision has been rendered as of this writing.

The consent decree established various compliance timetables within a year's period, with the exception of certain provisions for new construction and renovation. The Bureau of Corrections met all the six-month stipulations except for the mandate to reduce the combined KSP and KSR inmate populations by 600.

## Steps Taken

The major problem was that labor and construction delays prevented the scheduled fall opening of a new medium security facility, the Luther Lockett Correctional Complex. Even a responsive parole board, which dramatically increased the number of inmates paroled from May 28 to Nov. 23, 1980, could not make up the difference. However, the original six-month deadline was extended to Feb. 28, 1981, by Judge Johnstone.

Also during this period, DOJ Secretary Neil Welch and Bureau of Corrections Commissioner George Wilson appealed to judges to reduce the number of convicted felons committed to the state until either the Lockett facility was completed or another population reduction strategy could be devised.

Either because of this appeal or for coincidental reasons, the succeeding months saw a significant decrease in judicial rates of commitment to the Bureau of Corrections, particularly for less serious offenders. In addition, relatively high rates of parole continued, but the key element in the bureau's eventual ability to meet the population reduction deadlines was a suggestion offered by several circuit court judges to increase use of local jails with vacant beds.

## Prison Standards Revised

The American Correctional Association has issued a new and revised second edition of its *Standards for Adult Correctional Institutions*. The mandatory standards for purposes of accreditation, address conditions affecting life, health or safety of inmates and staff. Copies are available for \$10 from ACA, 4321 Harwood Rd., College Park, Md. 20740.

The bureau contracted with several jails at a rate of \$11 per day for each state pre-release inmate held. This was an advantage for local jailers who otherwise had empty cells, but fixed operational costs, and who received \$6.75 per day for local prisoners. It was also a bargain for the state compared with the average institutional cost of \$19 a day.

The extended mid-year deadline was met through these new policies even though the Lockett facility was still delayed. The facility did open in time to meet the one-year deadline set by the court.

Meanwhile, the Kentucky Correctional Psychiatric Center experienced construction delays. The inmates asked that officials be held in contempt for failure to meet consent decree stipulations related to the Psychiatric Center. A hearing is set for July 22. In the meantime, a personnel assessment was completed, authorizing the bureau to fill positions at the Psychiatric Center.

## Negotiated Settlement Succeeds

In summary, the cooperation of the governor and the legislature permitted the state to negotiate an amicable settlement, without a fractious and extended court conflict, to the litigation brought by the inmates. This contrasts with the experiences of other states which were not provided with the resources or the political support necessary for a negotiated settlement of litigated issues. The consent decree, while entailing inevitable difficulties of implementation, has served to stimulate long-deferred action by state policymakers to correct the substandard conditions in Kentucky's two major penal institutions. Finally, the state has succeeded in meeting most of the consent decree stipulations. This accomplishment despite Kentucky's financial problems makes the state's efforts to achieve compliance even more remarkable.

Kentucky plans to cope with the projected further growth in inmate population through a variety of initiatives, including development of community correctional facilities and regionalized jail systems, and introduction of legislation to divert minor offenders from the state correctional system. The upgrading of institutional facilities required by the decree should be completed by 1984 according to the bureau's schedule.

## Private Prisons?

Private enterprise should be allowed to try running a prison on an experimental basis, suggests Peter Greenwood, head of the criminal justice research program at the Rand Corp., in a *Los Angeles Times* article.

**1981**  
POCKET GUIDE

# THE CORRECTIONS YEARBOOK

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## THE CORRECTIONS YEARBOOK™

By S. David Hicks

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*Allen F. Breed is one of the nation's leading authorities on corrections. He is Director of the National Institute of Corrections; formerly, he was Director of the California Youth Authority. His views are respected by his colleagues throughout the correctional field, and his experience has given him a unique perspective on adult corrections, juvenile justice and their interaction. THE CORRECTIONS YEARBOOK™ asked for his views on four vital questions. His replies are given below.*

1) In 1976, the total number of adult inmates in state and Federal prisons was 250,000. This year, THE CORRECTIONS YEARBOOK™ finds that the total has jumped to 314,000, an increase of 64,000 in five years. Do you foresee this trend continuing through the '80's, which would mean approximately 416,000 inmates by the end of the decade? And, if you do, what are the consequences for America?

There is little accurate data that projects prison populations into the 80's on a nationwide basis. However, projections completed at the School of Urban and Public Affairs at Carnegie-Mellon University for the State of Pennsylvania give some of the most accurate clues of what lies ahead. The study concludes that:

Just as the changing age mix of population interacting with age-specific differences in crime rates seems to have accounted for much of the increased crime in recent years, a similar interaction with age-specific

differences in imprisonment probabilities probably accounts to a large extent for the pattern of change in prison populations in the '60's and '70's. Thus, even if crime starts to decline in the future because of continued aging of the post-war cohort, it might be expected that the prison population would continue to increase, since the baby-boom cohort will remain in the somewhat older prison-prone ages after they begin moving out of the high-crime-prone ages.

They go on to state that for Pennsylvania, at least, white inmates will peak in 1986, while the non-white inmate population will peak in 1996. Further, these conditions will lead to 55 per cent of the prison population being non-white by the year 2000. The fact that the inmates are receiving longer sentences tends to aggravate the overcrowding problem. The consequences of these projections are staggering in dollars and for the conditions of future confinement. For example, overcrowding gives rise to a host of acute problems and occasionally to grossly inhumane conditions such as the following:

Primitive or often non-existent classification and segregation procedures permit the commingling of the immature, sometimes juvenile, offender with the most criminalistic or violent-prone predators. Assaults, homosexual rape, knifings, and occasional killings result. The abused, fearful of retribution, fail to report their plight. The medical needs, sometimes

acute, frequently go untended. "Tank" or dormitory type housing, provide double deck bunks that preclude adequate surveillance by staff.

In the prison environment, tense and insecure conditions derived from overcrowding are typically countered with greater security measures. These include occasional "lock downs," which not only entail greater repression and regimentation, but also force work or training programs to a near halt with commensurate increases in hostility and frustration among even the compliant and conforming inmates.

Racial and ethnic gang formations, with the increased hazards they generate, exacerbated by overcrowding, frequently defy administrative countermeasures. Even though the staff may be able to contain the prisoners, the effective control of what goes on within the facility frequently passes to the inmate population. Too many prisoners in too little space, either in jail or penitentiary, not only increases the problems for management, but also multiplies the hazards for both staff and inmate.

Given the continuation of existing practices and policies, there appears to be little prospect of early reduction in prison and jail populations, although some drop may be felt by the mid '90's, largely as a result of shifts in age groups within the general population.

The dimensions of the need for additional and replacement bed space in jails and prisons is a matter of considerable

controversy among correctional administrators and other experts. A current study by ABT Associates, a prestigious national research firm, argues that additional construction will permanently exacerbate the problems of unnecessary confinement with its accompanying high costs (more beds attract more bodies thereby increasing the threshold and acceptance of confinement as the main solution to overcrowding). With prison construction costs now at sixty thousand dollars per bed, and annual operating costs at ten thousand dollars per inmate, there can be little argument as to the costliness of a high level of incarceration. There can also be considerable doubt about construction as an immediate solution since the length of time required to fund, design, construct and operationalize a facility is generally at least five years.

Without a doubt, the issue of prison overcrowding is the most critical problem facing corrections in the '80's.

2) Do you think that rehabilitation programs for adult inmates can work within the prison setting? If you do, what kinds of programs do you think are most effective? Should participation be mandatory?

The answer to this depends on what is meant by rehabilitation. If it refers to the traditional change therapies, by whatever name, the answer is 'no' for the majority and 'yes' for some smaller percentage. The so-called 'medical model' of rehabilitation for criminal offenders doesn't work be-

cause most offenders aren't sick. Those few who are classic cases of the mentally ill are sometimes responsive to treatment strategies for the ill.

The issue is – and has been for years – why we feel compelled to call certain survival skills, or capacity to perform necessary tasks, rehabilitation. It is questionable that any link will ever be found between education and reduced criminal behavior. That doesn't mean that the state is freed of an obligation to improve the capacity of its inmates educationally. Inmates who have difficulty in communication skills like reading and writing have a right to learn how to read and write that is independent of their confined status or future possible behavior. Effective vocational training for those who need it should be an entitlement whether in or out of prison. Recreation, a necessary human endeavor, is a normal reasonable requirement for everyone, criminals included.

The point is, these services and others like religion, health, etc., are offered because free people need them, not just prisoners. When we link these needed services to the concept of rehab and/or reduced criminal behavior we doom ourselves to defeat – they cannot prevent future acts of criminal behavior. We may correct deficiencies, like a doctor fixes a broken leg, but the doctor gives no guarantees regarding further broken legs. We should offer, voluntarily, those programs that most offenders need to improve their health, edu-

cation, etc., but not as rehabilitation. Instead, they should be made available as reasonable needs everyone has. Incidentally, providing these services, including real work opportunities, reduces the management problems we have with those we confine if we do not insist that participation is compulsory. The facts of learning make it clear that we learn best without duress.

This doesn't deny that for some small percent of our prison population, traditional psychiatric or therapeutic strategies may be appropriate. Again, however, we can offer these services, even promote, encourage, be aggressive in offering, but when 'push comes to shove' we can't make someone well who doesn't want to be. We can contain them, however, in a safe, fair, humane environment that does not make unreasonable or unrealistic demands.

3) THE CORRECTIONS YEARBOOK™ shows that there are approximately 27,000 juveniles being held in state correctional facilities. Thousands of other juveniles who got in trouble with the law reside in a wide variety of community facilities. What major changes, if any, would you like to see in the way juvenile justice is administered in the U.S.?

Juvenile Justice has come full circle. Once 'small adults' who were punished, subsequently 'children' to be protected, now juveniles are once again being seen as small adults, responsible for their actions and deserving of the full weight of adult court action with its powers of

punishment and deterrence.

The facts are, not all juveniles are children and not all children are young adults. The arbitrary lumping of youth by chronological age does not address the significant differences between the young adolescent and the more mature youth with one foot in a violent adult world. We need a juvenile justice system that limits itself to juvenile justice and not the larger issues of children's problems and needs.

Non-criminal behaviors and problems should be dealt with outside the justice system, and if services don't exist they should be created or the needs let go unmet. Don't intervene when you don't have solutions and don't use the court process and its controls for an absence of social programs.

Criminal behaviors should be dealt with in a juvenile court that limits its concerns and programs to young persons who have broken adult laws.

Generally speaking, I believe children, i.e., those under 10 years of age, should be dealt with by a family court or preferably a non-justice administrative agency.

Children between 10-16 who commit adult crimes should be dealt with by a juvenile justice court having at its command a full range of dispositions or punishments ranging from community work, probation, etc., to weekend custody and/or longer confinement in community-based institutions.

Young persons between 16-21 (18 if you

prefer) who commit illegal adult acts should be handled in a youthful offender court with a full range of punishments from community service to extended custody. This implies a state system for young persons like a youth authority, with multiple options for differential programming.

I'd like to see some of the theoretical models developed in the 1930's for children and youth actually tested as they were intended.

A Youth Corrections Authority Act, as proposed by the American Law Institute, makes as much sense today as it did in the late 1930's.

4) YEARBOOK statistics show that there are 15,000 adults and 6,000 juveniles in community-based facilities operated directly by state correctional agencies and the U.S. Bureau of Prisons. Other community facilities for offenders are run under different arrangements. What is your view on the use of community-based facilities in corrections?

The basic theory behind community corrections argues for increased program opportunities, accountabilities, visibility, local control, family involvement, etc. Although rarely stated, it also sets the scene or creates the opportunity for coordination and cooperation in the use of Federal resources. (Most Federal money emerges from the system at the county level; it is here that the coordinated use of Federal resources can occur if it can occur at all.)

The use of community-based facilities should be expanded. Lower security needs

reduces unnecessary expenditures for maximum security facilities. Lower per-capita costs of operation through the coordinated use of Federal resources can occur. The most important issue, however, is responsibility, i.e., holding the community accountable for its prejudices and preferences in criminal justice by not permitting the significant participants in the justice enterprise to shift the cost and consequence of their decisions to a higher level of government. Community corrections also permits the offender's family and the victim to be directly related to the correctional process in a positive way.

Prisons were invented to replace capital punishment, not to confine misdemeanants or even "just" felony offenders. Their invention permitted communities to make decisions about behavior and then shift the consequence of those decisions to different places within government to be paid for in someone else's dollars, personnel and time. Community corrections forces us to face up to the problems, limitations and costs of a larger correctional system that has been unable to demonstrate its value in controlling crime, costs or correcting behavior.

Whether contracted for from the private sector or operated by government, community corrections permits us to employ what we know about what works best with offenders, government and ourselves.

## INTRODUCTION

More Americans than ever before seem to realize that corrections is a matter of considerable importance. It's awfully hard, they've learned, to make the punishment fit the crime. How we finally resolve that dilemma will play a key role, it has become clear, in determining the kind of society we pass on to the Twenty-First Century.

Newspapers, TV and magazines report constantly on correctional affairs – creating more interest and leading to an increased desire for current, reliable and readily accessible data on the nation's prison systems. THE CORRECTIONS YEARBOOK™ was designed to meet that need. It was introduced in 1980 and was greeted enthusiastically by correctional administrators, legislators, community groups, teachers and students. The 1980 edition (called INSTANT ANSWERS TO KEY QUESTIONS IN CORRECTIONS™) covered only adult corrections; the 1981 volume adds sections on juvenile and foreign corrections.

Most information was collected from the Criminal Justice Institute's own telephone and mail surveys conducted from October 1, 1980 to January 5, 1981. Any other sources are credited in the text. Special thanks must go to the commissioners and research personnel in all 50 state correctional agencies, as well as to top officials in the U.S. Bureau of Prisons, for their encouragement, help and cooperation.

**Richard Kwartler**  
Editor

## SECTION ONE/ADULT OFFENDERS

*How many prisons are there in the U.S.?*

There are 503 state and 43\* Federal.

### Prison Construction

State correctional systems opened 23 new institutions between July 1, 1979 and June 30, 1980, at a total cost of more than \$100 million. In the same period, 45 additions to existing facilities were opened, at a cost of more than \$50 million. The openings and additions added approximately 7,100 new beds to state corrections. Three of the new state institutions were designated maximum security.

The Federal Prison System added four new institutions, representing 1,748 beds.

In addition, 42 new state correctional institutions and 22 additions were under construction as of June 30, 1980. They are expected to add 20,932 new beds at a total cost of more than \$710 million. One Federal prison is being built, providing 200 new beds.

Plans for new prisons that are not yet under construction but have been approved include 34 facilities and additions providing at least 10,680 beds at a cost of more than \$450 million.

\*The 1980 Pocket Guide incorrectly listed the number of Federal prisons. In January, 1980, there were 39.

How many people were confined in state and Federal prisons on January 1, 1981?

<b>U.S. TOTAL</b>	<b>314,465</b>
Federal	23,783
State*	283,070
State inmates in local jails (excess) due to overcrowding	7,612
Male**	294,960
Female**	11,893
<b>Total population in January, 1980:</b> (revised)	<b>303,000</b>

\*Includes 1,876 Washington, D.C. inmates.

\*\*Does not include the 7,612 state inmates in local jails.

Note: On an average day, about 160,000 men and women are held in locally operated jails.

**PRISON POPULATION BY STATE**

STATE	TOTAL INMATE POPULATION + (EXCESS)	MALE	FEMALE	TOTAL RATED CAPACITY**
ALABAMA	4,658 (1,373)	4,472	186	3,768
ALASKA	643	613	30	611
ARIZONA	3,391 (29)	3,215	176	3,489
ARKANSAS	2,591	2,507	84	2,735
CALIFORNIA	23,508 (729*)	22,430	1,078	23,514
COLORADO	2,308	2,249	59	2,525
CONNECTICUT	2,231	2,059	172	2,294
DELAWARE	1,342	1,292	50	1,199
FLORIDA	20,237 (285)	19,405	832	19,896
GEORGIA	9,271 (894)	8,874	397	9,188
HAWAII	783	761	22	726
IDAHO	836	810	26	819
ILLINOIS	11,846	11,540	306	11,964
INDIANA	6,703	6,466	243	4,595
IOWA	2,347	2,252	95	2,190
KANSAS	2,495	2,384	111	2,479
KENTUCKY	3,608	3,477	131	3,042
LOUISIANA	7,319 (1,267)	7,016	303	7,299
MAINE	655	632	21	749

\*Civily convicted narcotics addicts.

\*\*Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).

STATE	TOTAL INMATE POPULATION + (EXCESS)	MALE	FEMALE	TOTAL RATED CAPACITY*
MARYLAND	7,443 (282)	7,216	227	6,082
MASSACHUSETTS	3,249 (128)	3,119	130	2,371
MICHIGAN	12,458 (73)	12,007	451	13,013
MINNESOTA	1,884	1,823	61	2,000
MISSISSIPPI	3,391 (1,200)	3,303	88	2,819
MISSOURI	5,379	5,213	166	4,655
MONTANA	704	679	25	722
NEBRASKA	1,175	1,132	43	1,250
NEVADA	1,833	1,721	112	1,391
NEW HAMPSHIRE	290	284	6	282
NEW JERSEY	5,366 (200)	5,168	198	6,385
NEW MEXICO	1,408	1,361	45	1,797
NEW YORK	21,579	20,969	610	21,132
NORTH CAROLINA	15,485	14,868	617	14,498
NORTH DAKOTA	259	257	2	350
OHIO	13,135	12,554	581	10,720
OKLAHOMA	3,906	3,795	111	3,748
OREGON	2,594	2,518	76	2,210
PENNSYLVANIA	8,070	7,810	260	8,723
RHODE ISLAND	672	650	22	838

\*Includes facilities to house youthful offenders under 18 who are not included in the 1/1/81 adult population figure.

STATE	TOTAL INMATE POPULATION + (EXCESS)	MALE	FEMALE	TOTAL RATED CAPACITY**
SOUTH CAROLINA	7,936 (609)	7,609	327	5,387
SOUTH DAKOTA	651	633	18	610
TENNESSEE	6,111	5,902	209	5,860
TEXAS	29,637	28,390	1,247	26,573
UTAH	817	797	20	862
VERMONT	442	426	16	†
VIRGINIA	8,677 (543)	8,389	288	8,952
WASHINGTON	4,342	4,168	154	3,527
WEST VIRGINIA	1,308	1,266	42	1,250
WISCONSIN	3,800	3,666	134	3,548
WYOMING	419	389	30	380
TOTAL STATE	281,194 (7,612)	270,556	10,638	265,017
DIST. OF COL.	1,876	1,876	0	1,870
FEDERAL	23,783	22,528	1,255	24,786
U.S. TOTAL	314,465			

Total state inmate population on 1/1/81 for all 50 states combined exceeded the total rated capacity by approximately 16,000, or six percent.

\*\*Refers to the maximum number of inmates that each state's system is designed to hold as determined by the state corrections agency (criteria may vary from one state to another).

† Information not available.

What states have opened new prison facilities between July 1, 1979 and June 30, 1980?

	NUMBER OF FACILITIES*	NUMBER OF BEDS ADDED	TOTAL DOLLAR COST
ARIZONA	1 add.	120	\$12,000,000
ARKANSAS	1	208	9,000,000
	1 add.	184	3,700,000
COLORADO	1	75	750,000
FLORIDA	1	195	**
	2 add.	207	1,745,332
GEORGIA	1 add.	266	7,000,000
HAWAII	2	252	18,736,345
	1 add.	**	**
IDAHO	1 add.	96	1,000,000
ILLINOIS	3	154	2,105,000
	7 add.	350	5,600,000
MAINE	1	33	**
	1 add.	10	48,000
MARYLAND	1 add.	128	1,200,000
MICHIGAN	1	320	5,400,000
MISSOURI	1	200	1,400,000
	2 add.	100	275,000
NEBRASKA	2	(484, replacement of obsolete facilities)	14,000,000
NEW HAMPSHIRE	1 add.	10	**

	NUMBER OF FACILITIES*	NUMBER OF BEDS ADDED	TOTAL DOLLAR COST
NEW JERSEY	3 add.	(kitchen & visiting areas)	2,000,000
NEW MEXICO	1	288	13,000,000
NORTH CAROLINA	1	480	14,000,000
	6 add.	282	7,000,000
OKLAHOMA	1	305	**
	1 add.	49	**
SOUTH CAROLINA	1 add.	52	\$63,052
TENNESSEE	2	800	18,200,000
	3 add.	90	96,000
TEXAS	6 add.	440	**
VIRGINIA	2	216	10,017,768
WASHINGTON	2	180	880,000
	3 add.	97	175,000
WISCONSIN	1	12	181,500
	2 add.	205	2,519,000
WYOMING	1 add.	37	287,000
<b>TOTAL STATE</b>	<b>23 inst.</b>	<b>3,718</b>	<b>93,658,500</b>
	<b>45 additions</b>	<b>3,361</b>	<b>39,907,052</b>
		<b>7,079</b>	<b>\$133,563,552</b>
FEDERAL	4	1,748	**

\*\*Add. signifies additions to existing facilities. Other figures represent new institutions.

\*\*information not available.

**How many new prison facilities were under construction or were planned and approved as of January 1, 1981?**

**FACILITIES UNDER CONSTRUCTION**

	NUMBER*	BEDS ADDED	TOTAL COST
ALABAMA	1	600	**
ALASKA	1	12	\$3,500,000
	2 add.	0	2,198,000
ARIZONA	1	120	12,000,000
	1 add.	1,200	54,000,000
ARKANSAS	1 add.	18	324,000
CALIFORNIA			
COLORADO	2	0	18,000,000
	1 add.	30	150,000
CONNECTICUT	1	360	20,000,000
DELAWARE	2	424	28,491,000
FLORIDA	1	624	18,143,195
	6 id.	1,463	8,640,000
GEORGIA	4	2,097	56,000,000
	1 ren.	0	10,000,000
HAWAII	3 add.	96	4,500,000
IDAHO			
ILLINOIS	3	1,700	64,200,000
	2 add.	100	2,000,000
INDIANA	1 add.	84	**
IOWA	1 ren.	120	1,900,000
KANSAS			
KENTUCKY	1	480	27,000,000
	1 add.	**	**
LOUISIANA	1	500	19,858,750
MARYLAND	2	912	43,200,000

**PLANNED CONSTRUCTION**

	NUMBER	BEDS ADDED	TOTAL COST
	3	60	\$24,408,300
	1	200	24,000,000
	1	200	3,250,000
	1	1,000	80,000,000
	1	624	30,000,000
	1	30	1,168,000
	1	96	1,400,000
	1	56	1,065,000
	1	500	27,700,000
	1	528	36,500,000

\*"Add." signifies addition; "ren." signifies renovation.

\*\*Information not available.

### FACILITIES UNDER CONSTRUCTION

	NUMBER *	BEDS ADDED	TOTAL COST
MASSACHUSETTS	1	160	3,200,000
MICHIGAN	1	400	20,000,000
MINNESOTA	1	400	32,000,000
MISSISSIPPI	1 add.	1,000	19,000,000
MISSOURI	1	500	25,000,000
	3 add.	206	6,700,000
NEBRASKA	1	320	14,000,000
NEVADA	1	612	**
	1 add.	306	**
NEW JERSEY	1	(800) †	60,000,000
NEW YORK	2 ren.	**	**
NEW MEXICO	1 ren.	**	**
NORTH CAROLINA	3	1,248	47,000,000
	7 add.	428	12,500,000
RHODE ISLAND	2	276	14,085,648
SOUTH CAROLINA	3	1,200	24,212,096
	2 add.	336	2,694,757
TENNESSEE	2	800	18,200,000
TEXAS	1	4,000	37,000,000
VERMONT	2	90	8,000,000
VIRGINIA	3	804	25,827,625
WASHINGTON	2	244	11,500,000
	2 add.	245	3,400,000
WISCONSIN	2	92	2,815,000
WYOMING	1	520	35,000,000
	48 inst.	19,495	688,233,314
	39 add. & ren.	5,626	128,006,757
<b>TOTAL STATES</b>	<b>87</b>	<b>25,121</b>	<b>816,240,071</b>
<b>FEDERAL</b>	<b>1</b>	<b>200</b>	<b>**</b>

\*\*Add. \* signifies addition; "ren." signifies renovation.  
† Replacing obsolete bedspace.

### PLANNED CONSTRUCTION

	NUMBER ††	BEDS ADDED	TOTAL COST
	1	256	13,144,000
	9 ren.	2,989	**
	3	960	36,000,000
	5	1,392	31,752,190
	1	**	40,000,000
	1	500	25,625,000
	1	500	32,000,000
	2	790	44,000,000
	34	10,681	\$452,012,490
	**		

\*\*Information not available.  
†† Includes both new institutions and additions.

**What is the current average cost of prison construction per cell?**

The cost in the Federal system is about \$35,000. In state systems (of the 28 states that reported this figure), the cost ranged from a low of \$11,000 in Idaho to a high of \$130,000 in Alaska. Here's a sampling of other responses: Arizona—\$55,000; Delaware—\$67,196; Illinois—\$54,000; Louisiana—\$19,396; New York—\$45,000-\$80,000; Tennessee—\$22,000. (This figure is affected by the security level of particular institutions under construction and by such factors as the use of inmate labor, commercial labor costs, etc.)

**How many corrections employees are there in the U.S.?**

There are approximately 121,000 state corrections employees and 10,000 Federal. About 52 percent of them are corrections officers: there are 61,570 state corrections officers and approximately 6,000 Federal officers.

**What is the cost per year for maintaining an inmate in confinement?**

ALABAMA	\$ 8,997	MONTANA	11,680
ALASKA	24,338	NEBRASKA	15,059
ARIZONA	13,040	NEVADA	10,000
ARKANSAS	5,011*	NEW HAMPSHIRE	18,000
CALIFORNIA	12,000	NEW JERSEY	10,100
COLORADO	9,475	NEW MEXICO	6,387*
CONNECTICUT	12,128	NEW YORK	11,963
DELAWARE	13,425	NORTH CAROLINA	7,665
FLORIDA	7,037*	NORTH DAKOTA	10,333
GEORGIA	6,245*	OHIO	6,059
HAWAII	12,771	OKLAHOMA	10,615
IDAHO	9,200	OREGON	10,400
ILLINOIS	10,035	PENNSYLVANIA	10,983
INDIANA	10,577	RHODE ISLAND	20,169
IOWA	13,400	SOUTH CAROLINA	5,666
KANSAS	10,622	SOUTH DAKOTA	8,000
KENTUCKY	6,375	TENNESSEE	7,088
LOUISIANA	8,873	TEXAS	2,920
MAINE	11,660	UTAH	10,000
MARYLAND	7,284		20,000
MASSACHUSETTS	12,000	VERMONT	13,976
MICHIGAN	10,000	VIRGINIA	9,600
MINNESOTA	13,000	WASHINGTON	8,587
MISSISSIPPI	7,665	WEST VIRGINIA	7,000
MISSOURI	5,409	WISCONSIN	13,000
		WYOMING	7,742
		FEDERAL SYSTEM	13,500

\* Includes direct services such as food and bedding only.

Note: The above figures generally represent the average cost per inmate in all types of prison facilities. But individual costs can vary from one institution to another in a state and from one individual to another, depending on the type of services received (such as work/study release). E.g., actual cost for an inmate in maximum-security may be higher than for one in minimum-security because more money is needed to maintain a higher level of supervision.

**What is the racial composition of the U.S. inmate population?**

Based on information provided by the following states for 1980, the approximate percentages are:

	% BLACK	% WHITE	% HISPANIC	% INDIAN	% OTHER
ALABAMA	61	39			
ALASKA	9	52		35	3
ARIZONA	21	49	28		2
ARKANSAS	51	48			
CALIFORNIA	35	41	22		2
COLORADO	19	52	24	1	4
CONNECTICUT	46	42	12		
DELAWARE	56	44			
FLORIDA	45**	55			
GEORGIA	60	40			
HAWAII*					
IDAHO	2	85	10	3	
ILLINOIS	60	37	3		
INDIANA	27	72			1
IOWA	19	78	2		1
KANSAS	33	61	3	2	1
KENTUCKY	28	71			1
LOUISIANA	72	28			
MAINE	1	99			
MARYLAND	76	23			1
MASSACHUSETTS	35	62	3		
MICHIGAN	56	38	2		4
MINNESOTA	18	71	2	8	1
MISSISSIPPI	67	32			1
MISSOURI	38**	62			
MONTANA	2	81		12	5
NEBRASKA	33	58	3	4	2

	% BLACK	% WHITE	% HISPANIC	% INDIAN	% OTHER
NEVADA	29	66	3	1	1
NEW HAMPSHIRE	5	93			2
NEW JERSEY	60	30	3		2
NEW MEXICO	10	44	45	1	
NEW YORK	52	28	19		1
NORTH CAROLINA	54	42			
NORTH DAKOTA	1	63	1	35	
OHIO	49	51			
OKLAHOMA	29	64	1	6	
OREGON	12	80			8
PENNSYLVANIA	54	46			
RHODE ISLAND	23	76			1
SOUTH CAROLINA	57**	43			
SOUTH DAKOTA	1	73		26	
TENNESSEE	43	53			4
TEXAS	43	38	18		
UTAH	9	74	14	2	1
VERMONT	1	99			
VIRGINIA	57	39			4
WASHINGTON*					
WEST VIRGINIA	13	87			
WISCONSIN	38	56		3	3
WYOMING	4	84	6	6	
FEDERAL	26	62		1	1

\*Information not available  
\*\*Non-white

*What is the average age of prison inmates?*

In state systems, the average age of inmates ranged from 24 to 30 years. Of 42 states reporting, half had an average inmate age of 27.5 or less. In the Federal system, the average age was 33.

*What is the average length of time served in state prisons?*

Thirty-five states provided information in this area. The figures for 1980\* show the following range in the average length of time served:

A high of 46 months in Hawaii to a low of 11 months in North Dakota.

Half of the states reporting had an average length of time served of 26 months or less. The Federal system indicated an average of 20.6 months.

\*Based on lengths of time served by inmates released due to expiration of sentence, parole, probation, mandatory release or commutation of sentence. This figure is influenced by a state's sentencing policies and does not necessarily reflect the average length of time that will be served by offenders entering into a particular state correctional system today, since some states have changed their sentencing policies in recent years.  
Note: In 1979, Nebraska's correct figure was 19 months.

*How many prisoners are serving life sentences in the U.S.?*

There are approximately 26,000 in state correctional systems. In the Federal system, there are 644.

Inmates serving life sentences constitute roughly nine percent of all state prisoners and approximately three percent of all Federal inmates.

*How many prisoners are on death row?*

There are approximately 730.

*What is their racial/ethnic composition?*

54% White; 42% Black; 4% Hispanic.

*How many are women?*

8.

*How many people were executed in the past year? (Between June 30, 1979 and July 1, 1980.)*

One male was executed by gas chamber in Nevada in Oct., 1979.

Thirty-seven states have capital punishment laws,\*\* including three that were challenged and then found constitutional by the U.S. Supreme Court. They are: Florida, Georgia and Texas.

\*\*Source: NAACP Legal Defense and Educational Fund Report, "Death Row, U.S.A.," December 20, 1979.

***How many prisoners died violently in state and Federal prisons in the first six months of 1980?***

**Approximately 150.**

This figure, which includes suicides, is roughly the same as the number of prisoners who died violently in all of 1979.

***How many prison staff were killed while on duty in state and Federal prisons in the first six months of 1980?***

**2.**

In all of 1979, four staff members were killed while on duty.

***How many state prison inmates were in protective custody?***

**Approximately 8,500. This is about 3.6 percent of the population of all state prisons in the U.S.**

Protective custody is defined as segregation of an inmate from the general prison population, usually as an attempt to protect the inmate from potential physical injury by other prisoners. The above figure indicates those people physically present in protective custody on June 30, 1980.

***How many prisoners escaped from secure institutions during 1980?***

**Approximately 2,500.**

Escapes from secure institutions are defined as cases of prisoners breaching the walled or fenced areas of prison facilities without authorization from the institutional administration. Not included, for example, are inmates who flee while on work release.

***How many escapees are returned to custody?***

No national statistics could be obtained on the number of escapees from secure institutions who have been returned to custody. However, for all types of escapes from state and Federal correctional institutions (including inmates who fled while on work or study release, or furloughs, or escaped from non-walled and non-fenced facilities), 8,427 were reported in 1977. In the same year, 8,068 escapees were returned.\* (Returnees include individuals who were not among the 8,427, such as escapees from previous years.)

\*Source: *National Prisoner Statistics Bulletin*, Dec. 31, 1977, Law Enforcement Assistance Administration.

**What percentage of state prison inmates have served sentences for prior felony convictions?**

ALABAMA	34%	MONTANA*	
ALASKA	54%	NEBRASKA	28%
ARIZONA	36%	NEVADA	40%
ARKANSAS	35%	NEW HAMPSHIRE	58%
CALIFORNIA	36%	NEW JERSEY	42%
COLORADO	32%	NEW MEXICO	50%
CONNECTICUT	59%	NEW YORK	32%
DELAWARE*		NORTH CAROLINA	30%
FLORIDA	41%	NORTH DAKOTA	44%
GEORGIA	33%	OHIO	45%
HAWAII	16%	OKLAHOMA	48%
IDAHO	42%**	OREGON	51%
ILLINOIS	60%	PENNSYLVANIA*	
INDIANA	26%	RHODE ISLAND	41%
IOWA	36%	SOUTH CAROLINA*	
KANSAS	37%	SOUTH DAKOTA	43%
KENTUCKY	50%	TENNESSEE	39%
LOUISIANA	50%	TEXAS	33%
MAINE	50%	UTAH	53%
MARYLAND*		VERMONT*	
MASSACHUSETTS	58%	VIRGINIA	37%
MICHIGAN	45%	WASHINGTON	11%
MINNESOTA*		WEST VIRGINIA	32%
MISSISSIPPI	27%	WISCONSIN	47%
MISSOURI	34%	WYOMING	67%

\*Information not available.

\*\*Based on figures for 1979.

**How many inmates were enrolled in work release programs\* in 1980?**

Approximately 12,000 prisoners in state institutions, or 4.3 percent. In the Federal system, 250 inmates participated in work and study-release programs throughout 1980.

\*Defined as programs enabling an inmate to leave prison during the day for the purpose of holding a job in the community.

**How many inmates work in prison industries?**

Nearly 29,000 inmates work in industrial programs set up within state institutions. That's about 10 percent of all state prison inmates. The Federal System employs approximately 6,000 prisoners, or 25 percent of its population.

**How many furloughs\* were granted in 1980?**

In state systems, inmates went out on about 73,000 separate furloughs. The Federal system granted 20,103.

Five states did not have furlough programs during 1980. They are New Hampshire, Oklahoma, West Virginia, Wisconsin and Wyoming.

\*Defined as temporary releases of an inmate for activities other than work or school; e.g., family visits. Some inmates may take more than one furlough per year. The figure does not indicate the number of inmates involved.

*How many state prisoner rights suits were filed in the Federal courts in 1980?*

Approximately 12,400. The number of suits that are filed has increased steadily during the past decade. In 1975, 6,128 were filed, less than half the number filed in 1980. In 1979, there were about 11,800.

Prisoner rights suits constitute roughly seven percent of all civil cases filed in Federal court.

*Source: Annual Report of the Administrative Office of the U.S. Courts, FY1980.*

*How many prisons have formal grievance procedures or committees for responding to written complaints from inmates?*

443 state (88 percent of all state prisons) and all 43 Federal prisons. In addition, 19 state correctional systems employed ombudsmen to help deal with inmate complaints.

*How many prisons permit conjugal visitation?\**

21 state prisons: 12 in California, one in Mississippi, four in New York and four in South Carolina.

\*Defined as private visitation between inmate and family in a special building on institutional grounds.

*How many state-owned community treatment centers and halfway houses are there in the U.S.?*

There are 198 community treatment centers and 153 halfway houses in 30 states.

Community treatment centers are defined as facilities whose main function is to provide housing and treatment in a non-prison environment, usually near local business and industrial settings. Halfway houses are buildings whose main function is to act as a transitional setting for offenders leaving prison to re-enter the community. Many states house some of their offenders in community centers or halfway houses that are owned and operated by local governments or private organizations. This is often done on a contract basis, whereby the state provides partial funding for the program.

The Federal prison system operates nine community treatment centers of its own (which also perform half-way functions) and contracts with 400 facilities in local communities.

*How many people resided in these community facilities?*

Approximately 6,000 resided in state-owned community treatment centers and 4,800 in halfway houses (as of June 30, 1980). The Federal system housed 312 on January 1, 1981.

*What are the basic annual starting salaries for correctional officers?*

ALABAMA	\$13,117	MONTANA	10,574
ALASKA	16,800	NEBRASKA	9,949
ARIZONA	14,400	NEVADA	11,700
ARKANSAS	9,256	NEW HAMPSHIRE	10,500
CALIFORNIA	16,216	NEW JERSEY	12,160
COLORADO	12,900	NEW MEXICO	13,020
CONNECTICUT	13,753	NEW YORK	11,746
DELAWARE	10,977	NORTH CAROLINA	10,476
FLORIDA	10,315	NORTH DAKOTA	11,148
GEORGIA	9,090	OHIO	9,048
HAWAII	10,656	OKLAHOMA	10,740
IDAHO	11,040	OREGON	12,972
ILLINOIS	12,540	PENNSYLVANIA	12,414
INDIANA	11,284	RHODE ISLAND	13,010
IOWA	12,750	SOUTH CAROLINA	9,545
KANSAS	11,472	SOUTH DAKOTA	9,610
KENTUCKY	9,384	TENNESSEE	10,092
LOUISIANA	10,200	TEXAS	10,178
MAINE	11,003	UTAH	11,943
MARYLAND	12,450	VERMONT	9,802
MASSACHUSETTS	12,532	VIRGINIA	10,270
MICHIGAN	14,064	WASHINGTON	14,148
MINNESOTA	13,900	WEST VIRGINIA	9,852
MISSISSIPPI	10,020	WISCONSIN	12,049
MISSOURI	10,176	WYOMING	12,696
		FEDERAL	13,672

*How many people are on parole?*

There are approximately 174,690 on state-supervised parole (including 2,280 in Washington, D.C.) and 20,815 on Federally supervised parole.

**U.S. TOTAL 195,505**

(as of June 30, 1980)

*What is the cost per year of maintaining one person on parole?*

Thirty-four states supplied data. The costs that they reported ranged from a high of \$1,376 in Nebraska to a low of \$185 in Mississippi. The average of the figures given by the states was approximately \$610 per parolee per year.

Other responses included: California - \$1,100; Delaware - \$404; Iowa - \$876; Louisiana - \$369; Pennsylvania - \$1,000.

**What are the budgets of the state and Federal correctional systems?**

For Fiscal Year 1979-1980, the budgets are as follows:

(figures are for adult correctional services unless otherwise noted)

ALABAMA	\$41,657,000
ALASKA	25,323,000*
ARIZONA	56,000,000*
ARKANSAS	13,900,000
CALIFORNIA	380,000,000
COLORADO	45,700,000
CONNECTICUT	42,000,000
DELAWARE	13,882,000
FLORIDA	89,000,000
GEORGIA	95,721,000†
HAWAII	12,360,000*
IDAHO	8,923,000
ILLINOIS	111,581,000*
INDIANA	90,000,000*
IOWA	40,000,000
KANSAS	24,684,000
KENTUCKY	32,948,000
LOUISIANA	57,641,000
MAINE	7,000,000
MARYLAND	60,000,000
MASSACHUSETTS	59,988,000
MICHIGAN	170,000,000

\*Indicates combined adult and juvenile budgets.

(actual expenditures.)

†Includes estimated cost of rebuilding penitentiary following Feb. 2, 1980 riot.

MINNESOTA	71,000,000*
MISSISSIPPI	18,700,000
MISSOURI	37,150,000
MONTANA	17,500,000*
NEBRASKA	43,537,000*
NEVADA	16,000,000
NEW HAMPSHIRE	5,400,000
NEW JERSEY	92,322,000*
NEW MEXICO	70,000,000*
NEW YORK	251,919,000
NORTH CAROLINA	122,606,000
NORTH DAKOTA	10,865,000*
OHIO	97,800,000
OKLAHOMA	40,447,000
OREGON	52,143,000
PENNSYLVANIA	92,000,000
RHODE ISLAND	17,730,000
SOUTH CAROLINA	41,652,000
SOUTH DAKOTA	5,500,000
TENNESSEE	61,457,000
TEXAS	153,840,000
UTAH	17,694,000
VERMONT	9,000,000
VIRGINIA	80,076,000
WASHINGTON	65,400,000
WEST VIRGINIA	12,868,000*
WISCONSIN	51,761,000
WYOMING	4,493,000
FEDERAL	333,244,000
TOTAL STATE	3,139,168,000
U.S. TOTAL	3,472,412,000

What are the 10 largest jails in the U.S.?

The 10 largest jails, by population, in January, 1981, are:

FACILITY	POPULATION
Los Angeles County Jail (Central Jail) Los Angeles, CA	5,300
Cook County Jail (Six Divisions) Chicago, IL	4,332
New York City House of Detention for Men East Elmhurst, NY	2,669
Parish Prison New Orleans, LA	1,950
Dallas County Jail (New, Old and Woodlawn facilities) Dallas, TX	1,790
Orange County Jail Santa Ana, CA	1,602
District of Columbia Detention Facility Washington, DC	1,328
Baltimore City Jail Baltimore, MD	1,307
Fulton County Jail Atlanta, GA	1,173
Holmsburg Prison (City Jail) Philadelphia, PA	1,036
<b>Total</b>	<b>22,487</b>

Total population for the 10 facilities is slightly more than 3,000 higher than it was in January, 1980.

## SECTION TWO/ JUVENILE OFFENDERS

How many juvenile correctional facilities are there in the U.S.?

The numbers of state-operated juvenile correctional facilities of various types are:

Detention centers (short-term holding)	70
Training schools (long-term confinement), including Youth Development Centers	149
Ranches, camps, farms (long-term, minimum security confinement)	74
Community treatment centers	213
Halfway houses	58
Group homes	281
Special security and treatment facilities	3
Separate reception and diagnostic centers	10
<b>TOTAL</b>	<b>858</b>

Please note: In order to obtain the most comparable data possible from the various state juvenile correctional systems, THE CORRECTIONS YEARBOOK™ defines juveniles as individuals between the ages of 12 to 18, which are the age limits that most states use. Some states, such as Connecticut, New York and South Carolina, define individuals over 16 as adults and therefore have some 16 and 17-year-olds in their adult correctional systems. Other juvenile offenders are committed to adult institutions in many states due to convictions for highly serious offenses. Juveniles in adult correctional institutions have not been included in the figures for juvenile offender populations.

**How many juvenile offenders are confined in state-administered institutions?**

On January 1, 1981, the number of juveniles held in secure and semi-secure long-term facilities (i.e., training schools and ranches, camps and farms) was:

	26,698
Male	23,969
Female	2,729
(1980 total = 25,911)	

In other types of state-administered facilities, on January 1, 1980, the last date for which national figures have been gathered, the number of juvenile offenders was :

Detention centers	1,988
Community treatment centers	3,135
Halfway houses	537
Group homes	1,962
Special security/treatment	146
Separate reception/diagnostic	942
	<u>8,710</u>

Note: In addition to these numbers, substantial populations of juvenile offenders are housed in institutions administered by local governments and private organizations in many states. The last Juvenile Detention and Correctional Facility Census conducted by the U.S. Census Bureau for the Law Enforcement Assistance Administration (1975) reported that a total of 42,459 juveniles were being held in such facilities as of June 30, 1975.

**The number of juveniles in state-administered, secure and semi-secure (long-term) facilities on January 1, 1981 was:**

	TOTAL	MALE	FEMALE	RATED CAPACITY*
ALABAMA	366	308	58	322
ALASKA	136	113	23	135
ARIZONA	319	298	21	290
ARKANSAS	216	194	22	309
CALIFORNIA	5,358 <sup>1</sup>	5,157	201	5,170
COLORADO	330	310	20	402
CONNECTICUT	118	95	23	150
DELAWARE	206	184	22	242
FLORIDA	648	593	55	864
GEORGIA	816	694	122	1,378
HAWAII	107	97	10	97
IDAHO	128 <sup>..</sup>	111	17	150
ILLINOIS	967	929	38	1,040
INDIANA	825	639	186	490
IOWA	769 <sup>2</sup>	666 <sup>2</sup>	103 <sup>1</sup>	260
KANSAS	397	346	51	522
KENTUCKY	469	416	53	561
LOUISIANA	888	794	94	..
MAINE	207	187	20	..
MARYLAND	780	686	94	915
MASSACHUSETTS	202	164	38	219
MICHIGAN	636	576	60	648
MINNESOTA	222	185	37	265

\*Note: Not all state figures for rated capacity include ranches, camps and farms, which are represented in population totals.  
<sup>..</sup> Information not available.  
<sup>1</sup>California includes youthful offenders over 18 years of age.  
<sup>2</sup>Admissions throughout FY1979-1980.

	TOTAL	MALE	FEMALE	RATED CAPACITY*
MISSISSIPPI	293	268	25	**
MISSOURI	315	255	60	**
MONTANA	153	113	40	170
NEBRASKA	194	151	43	275
NEVADA	252	160	92	306
NEW HAMPSHIRE	105	80	25	121
NEW JERSEY	516	503	13	**
NEW MEXICO	273	240	33	300
NEW YORK	971	811	160	2,254
NORTH CAROLINA	629	533	96	863
NORTH DAKOTA	96	68	28	**
OHIO	1,249	1,157	92	1,481
OKLAHOMA	294	294	0	230
OREGON	661	575	86	664
PENNSYLVANIA	663	624	39	790
RHODE ISLAND	68	62	6	94
SOUTH CAROLINA	538	482	56	424
SOUTH DAKOTA	125	109	16	127
TENNESSEE	881	780	101	1,311
TEXAS	978	900	78	1,004
UTAH	90	90	0	300
VERMONT	21	21	0	**
VIRGINIA	876	721	155	825
WASHINGTON	602	588	34	709
WEST VIRGINIA	166	156	10	470
WISCONSIN	495	460	35	588
WYOMING	180	114	66	240
TOTAL STATE	26,698	23,969	2,729	28,217

\*Note: Not all state figures for rated capacity include ranches, camps and farms, which are represented in population totals.

\*\* Information not available.

*What is the average length of time served by juveniles in secure and semi-secure institutions?*

The average length of time served ranged from a low of one month, seven days in Rhode Island to a high of 11 months in Michigan. Half of the forty-four states reporting in this area had an average length of time served of seven months or less.

*What states have opened new juvenile correctional facilities in the past year?*

(Between July 1, 1979 and June 30, 1980)

	NUMBER OF FACILITIES*	NUMBER OF BEDS ADDED	TOTAL DOLLAR COST
CALIFORNIA	1	75	**
MARYLAND	4 add.	72	\$1,230,000
MONTANA	1 add.	0	900,000
NEW YORK	1	29	**
NEW MEXICO	12	30	2,000,000
	4 add.	18	500,000
PENNSYLVANIA	2 add.	28	**
TEXAS	1	28	230,395
UTAH	1 add.	15	700,000
TOTAL	15 inst. 12 add.	291	5,560,395

\*"Add." signifies addition.

\*\* Information not available.

What states were building or were planning to build new juvenile correctional facilities as of January 1, 1981?

**FACILITIES UNDER CONSTRUCTION**

	NUMBER †	BEDS	DOLLAR COST
ALABAMA			
ALASKA	2	40	\$4,000,000
	1 add.	0**	1,300,000
ARIZONA			
ARKANSAS	1	26	750,000
GEORGIA	1	30	1,000,000
IDAHO	1 add.	8	*
IOWA	1	5	*
MAINE	1 add.	30	995,000
MARYLAND	1	15	863,300
MASSACHUSETTS			
MISSISSIPPI	4 add.	100	*
NEW YORK	2 add.	90	*
NEW MEXICO	9	56	2,000,000
OKLAHOMA	1	58	5,000,000
RHODE ISLAND			
TENNESSEE	2 add.	46	*
VIRGINIA	1	40	1,392,200
WASHINGTON	1	16	500,000
<b>TOTAL</b>	18 inst. 11 add.	558	\$17,800,500

† "Add." signifies addition.  
 \* Information not available.  
 \*\* gymnasium.

**PLANNED CONSTRUCTION**

NUMBER	BEDS	DOLLAR COST
1	25	\$ 750,000
1	7	1,500,000
2	48	1,000,000
2	0	6,400,000
1	25	700,000
2	50	2,000,000
1	40	3,000,000
<b>10</b>	<b>195</b>	<b>\$15,350,000</b>

*What are the costs per year of maintaining one juvenile offender in different types of institutions?*

The cost per year in custody institutions such as training schools ranged from a high of \$42,779 in Rhode Island to a low of \$6,419 in Kentucky. (Costs vary within states and institutions due to specific characteristics of custody and treatment provided for different individuals.) The following is a sampling of responses from other states: Alaska—\$32,737; Delaware—\$16,461; Georgia—\$13,475; Illinois—\$20,000; Massachusetts—\$30,000; New York—\$20,075-\$37,230; Oklahoma—\$15,000; Tennessee—\$11,315-\$25,915; Wyoming—\$12,775. Forty-seven states responded to this question.

Twenty-four states provided figures for the annual cost of maintaining a juvenile in a group home. These ranged from \$22,995 in New York to approximately \$3,800 in Florida. Other figures reported for group homes included: Arizona—\$15,000; Kentucky—\$7,372; Maryland—\$14,538; Michigan—\$7,700; Oklahoma—\$14,000; Tennessee—\$10,175; Washington—\$15,403; Georgia—\$17,333; Massachusetts—\$14,000; Illinois—\$6,000.

*How many full-time state juvenile correctional employees are there in the U.S.?*

Approximately 42,000.

*What is the basic starting salary for state juvenile correctional personnel who have titles equivalent to a correctional officer in the adult system?*

This figure ranged from \$18,396 in Alaska to \$6,942 in Arkansas. (Figures include salaries for youth counselors, group leaders, dormitory supervisors and other titles comparable to the position held by correctional officers in adult systems.) Other states: Alabama—\$10,200—\$11,600; Idaho—\$13,450; Maine—\$12,000; New York—\$10,210; Ohio—\$10,130.

*How many juvenile offenders and correctional staff members died violently in state institutions during 1980?*

Five offenders. \* Two staff members (between July 1, 1979 and June 30, 1980).

\*Includes suicides.

*How many juveniles are on aftercare or parole in the U.S.?*

States reported a total of approximately 38,000 juveniles on parole or aftercare in their systems as of June 30, 1980.

## SECTION THREE/ LEGISLATIVE

**What are the budgets of the state juvenile corrections systems for FY 1979-80?**

ALABAMA \$ 9,413,363	MONTANA \$ 3,781,602
ALASKA 7,477,700	NEBRASKA 4,066,284
ARIZONA 11,427,700*	NEVADA 7,300,000
ARKANSAS 8,374,489	NEW HAMPSHIRE 3,250,000
CALIFORNIA 182,200,000	NEW JERSEY 10,219,000
COLORADO 14,984,864	NEW MEXICO 2,353,000
CONNECTICUT 4,228,000*	NEW YORK 120,000,000
DELAWARE 3,995,000	NORTH CAROLINA 19,245,508
FLORIDA 43,875,000*	NORTH DAKOTA 1,791,000
GEORGIA 26,000,000	OHIO 64,747,121*
HAWAII 1,786,209	OKLAHOMA 29,230,837
IDAHO 4,500,000	OREGON 14,828,306
ILLINOIS 30,000,000	PENNSYLVANIA 28,957,000
INDIANA 7,815,000*	RHODE ISLAND 3,678,957
IOWA 7,000,000	SOUTH CAROLINA 9,922,794*
KANSAS 5,470,000*	SOUTH DAKOTA 1,729,013
KENTUCKY 13,593,928	TENNESSEE 17,533,551
LOUISIANA 14,000,000	TEXAS 30,858,656
MAINE 2,711,000	UTAH 7,000,000
MARYLAND 38,408,298	VERMONT 2,734,060*
MASSACHUSETTS 2,800,000	VIRGINIA 11,513,000
MICHIGAN 21,000,000	WASHINGTON 25,000,000
MINNESOTA 7,700,000	WEST VIRGINIA 3,164,023
MISSISSIPPI 6,000,000	WISCONSIN 10,858,918
MISSOURI 14,171,989	WYOMING 2,300,000

\*Direct expenditures in Fiscal Year 1977, the last date for which data was available. (Source: Expenditure and Employment Data for the Criminal Justice System, Law Enforcement Assistance Adm., 1977.)

\*Does not include cost of intake.

\*Total Youth Commission Budget (includes other services such as foster care, shelters for homeless and abused children, etc.)

\*Excludes community division monies.

**Who are the key state senators and assemblymen concerned with correctional affairs?**

STATE	SENATE	HOUSE OR ASSEMBLY
ALABAMA	Reo Kirkland (205) 867-6644	Brooks Hines (205) 867-5418
ALASKA	Charles Parr (907) 465-4907	
ARIZONA	Jim Kolbe (602) 255-4136	Peter Dunn (602) 255-5977
ARKANSAS	Morrell Gathright (501) 372-6211	Charles W. Stewart (501) 372-6211
CALIFORNIA	Omer Rains (916) 445-5957	Terry Goggin (916) 445-3268
COLORADO	William Hughes (303) 839-3006	John Hamlin (303) 839-3006
CONNECTICUT	Mary Martin (203) 566-7639	Naomi Otterness (203) 566-7684
DELAWARE	James T. Vaughn (302) 736-4610	Jeffrey G. Mack (302) 736-4294
FLORIDA	Joseph Carlucci (304) 733-8888	James Ward (904) 488-4649
GEORGIA	Joe Kennedy (404) 656-5035	Forest Hays (404) 931-2328
HAWAII		Herbert J. Honda (808) 548-6432
IDAHO	Mike Mitchell (208) 334-2000	Larry Knigge (208) 334-2000
ILLINOIS	Frank Orsigo (312) 422-6051 Vince Demuzio (317) 854-3922	
INDIANA	William C. Dunbar (317) 269-3501	John W. Donaldson (317) 269-3786

STATE	SENATE	HOUSE OR ASSEMBLY
IOWA	Lucas DeKoeter (515) 281-3371	Nancy Shimanek (515) 281-3221
KANSAS	Elwine Tomeroy (913) 357-0311	Joe Hoagland (913) 342-1999
KENTUCKY	Robert R. Martin (606) 623-3617	Gerta Bendel (502) 459-4759
LOUISIANA	Fritz Windhorst (504) 568-6097	Charles Grisbaum (504) 887-6571
MAINE	Dana Devoe (207) 289-2740	Barry Hobbins (207) 289-2740
MARYLAND	Joseph Curran (301) 841-3623	Joseph Owens (301) 841-3488
MASSACHUSETTS	Jack Backman (617) 727-7295	A. Joseph DeNucci (617) 727-8137
MICHIGAN	Basil Brown (517) 373-7748	Jeff Padden (517) 373-0140
MINNESOTA	Sam G. Solon (612) 296-4188	Robert Vanasek (612) 296-4229
MISSISSIPPI	Theodore Smith (601) 354-4604	Robert G. Huggins (601) 354-7224
MISSOURI	John Dennis (314) 751-2455	Robert L. Fowler (314) 751-3240
MONTANA	Mike Anderson (406) 449-6888	Jerry Keyser (406) 449-4828
NEBRASKA	(Unicameral Legislature)	William Nichol (402) 471-2808
NEVADA	Susan Wagner (702) 885-5801	Melvin D. Clegg, Jr. (702) 885-5886
NEW HAMPSHIRE	Vesta Roy (603) 271-2715	Minnie Caswell (603) 424-3655
NEW JERSEY	W. J. Hamilton, Jr. (201) 248-5345	George I. Lowski (201) 828-7996
NEW YORK	Ralph Marino (518) 455-2911	Melvin Miller (518) 455-4477
NEW MEXICO	Caleb Chandler (505) 769-1921	George Fettingler (505) 437-6620

STATE	SENATE	HOUSE OR ASSEMBLY
NORTH CAROLINA	Joe Raynor (919) 733-5665	Wilma Woodard (919) 733-4111
NORTH DAKOTA	Clayton Lodoen (701) 224-2000	Bob Martison (701) 224-3388
OHIO	Paul Pieller (614) 466-8049	C.J. McLin (614) 466-8038
OKLAHOMA	Bill Crutcher (405) 521-3421	Carl Twidwell (405) 521-2711
OREGON	Jan Wyers (503) 379-8833	Tom Mason (503) 378-5962
PENNSYLVANIA	George Gekas (717) 787-6801	Warren H. Spencer (717) 787-8989
RHODE ISLAND	John C. Revens, Jr. (401) 277-6625	Jeffrey J. Teitz (401) 277-2258
SOUTH CAROLINA	Horace Smith (803) 758-5088	B.L. Hendrick, Jr. (803) 758-5202
SOUTH DAKOTA	Mary McClure (605) 224-1972	Jerry Lammers (605) 224-5951
TENNESSEE	John Ford (615) 741-3304	Lois DeBerry (615) 741-3830
TEXAS	Roy Farabee (512) 475-4446	Billy Hall (512) 475-2777
UTAH	Bryce Flamm (801) 533-5701	Paul P. Meehan (801) 533-4823
VERMONT	Kathie Sorrell (802) 828-2228	William Allen (802) 828-2228
VIRGINIA	Fred T. Gray (804) 786-6797	John D. Gray (804) 786-6609
WASHINGTON	Ray Moore (206) 753-7670	Joan Houchen (206) 753-7824
WEST VIRGINIA	Jaines Davis (304) 348-2272	Joseph Albright (304) 348-2239
WISCONSIN	Carl Thompson (608) 266-3518	David Davis (608) 286-5340
WYOMING	Res Arney (307) 777-7711	Ellen Crowley (307) 777-7011

## SECTION FOUR/ FOREIGN

### CANADA

The Correctional Service of Canada operates 61 adult Federal institutions, including 16 community correctional centers. Most offenders committed to the Federal system are those with sentences longer than two years. Offenders who receive sentences of less than two years are generally committed to one of 105 adult and 11 juvenile facilities run by 10 Provinces. Among the 105 adult facilities are 45 community correctional centers, 17 jails and short-term detention centers, 34 camps and farms, five women's institutions, three work/study centers and one penitentiary.

#### Prison Population

Federal facilities: 9,529 (as of March 31, 1980). Provincial facilities: 13,658 (as of March 31, 1979). Juvenile facilities: approximately 1,500 (as of July 1, 1979). Total civilian population: 23,870,000 (April, 1980).

#### Average length of time served

Federal system: 3.5 years. Provincial system: 3 months (estimate).

#### Adult Prisoners per 100,000 Population

97 (for both systems combined).

#### Capital Punishment

The death penalty for crimes committed by civilians was abolished in 1976.

Source: *The Cost of Maintaining Offenders, Correctional Service of Canada, 1979-1980.*

### GREAT BRITAIN (England, Wales, Scotland & Northern Ireland\*)

The Prison Department of the Home Office of Great Britain administers jails and prisons in England and Wales. In Scotland, the governing body for corrections is the Home and Health Department. Prison sentences are used less frequently now than in the past: about 59 percent of adults convicted of indictable offenses were sent to prison in 1948, whereas only 34 percent were given prison terms in 1975. Probation and required community service have been used increasingly over the past several decades in lieu of incarceration. But prison sentences still constitute a substantial portion of the penalties imposed for individuals convicted of serious crimes.

#### Prison Population

48,000 males and 1,700 females in prisons and detention centers (average daily population as of November, 1979).

#### Total Civilian Population

50,000,000 (November, 1979).

#### Length of Time Served

Approximately one in 20 adult offenders spends more than two years in prison.\*\*

#### Adult Prisoners per 100,000 Population

80 (includes detention centers).

#### Capital Punishment

There are no capital punishment statutes.

\*Figures for N. Ireland not available.

Sources: *Prison Statistics, Home Office of Great Britain, 1979.*

\*\**British Prisons, M. Fitzgerald and J. Sim; Basil Blackwell and Oxford.*

## DENMARK

The Department of Prison and Probation of the Danish Ministry of Justice operates 15 adult prisons and eight youth "hostels" for juvenile offenders. Most adults convicted of serious offenses are sentenced to one of the 15 institutions (referred to as "state" prisons) for periods ranging from 30 days to 16 years. Life sentences are given in only a few unusual cases. Many offenders receiving prison sentences are committed to "open" prisons, which permit liberal conjugal visiting, frequent association among inmates in common meeting rooms as well as in work and study programs. Many other offenders are given sentences consisting of fines and required participation in halfway house programs. In addition, the Department oversees several "local" prisons, smaller facilities similar to local jails in the United States.

### Prison Population

1,245 adults, of which 98 percent were males (state prisons, as of January 1, 1979).

### Total Civilian Population

5,204,000 (1975).

### Adult Prisoners per 100,000 Population

25 (state prisons, as of 1979).

### Capital Punishment

There is no capital punishment in Denmark. The last execution was in 1891.

Sources: *Danish Statistical Yearbook, 1980*,  
*The Penal System of Denmark, Dept. of Prison  
and Probation, 1975*.

## FRANCE

The Penitentiary Administration is the central body responsible for administering prisons and jails in France. Correctional facilities are operated directly by nine regional divisions and each division administers several types of institutions: short-term detention centers; jails for those sentenced to periods up to one year; training schools geared to provide "professional" training for offenders under 28 years old; "open" prisons, which permit inmates to work unguarded and to leave the facilities during the day, special facilities for inmates considered mentally or physically ill and central maximum-security facilities.

### Prison Population

35,655, of which 97 percent were males (as of January 1, 1980).

### Total Civilian Population

53,583,000 (1980).

### Length of Sentence

During 1979, 36.5 percent of all inmates were serving sentences of less than one year; 28 percent were sentenced to 1-3 years; 8.5 percent for 3-5 years and 25 percent to more than 5 years.

### Adult Prisoners per 100,000 Population

66 (all facilities).

### Capital Punishment

The French Penal Code permits a death sentence for murder and some crimes threatening the state's external security.

Sources: *Annuaire Statistique de la France 1979*,  
*Le Monde, December 20, 1980*.

## **JAPAN**

The Correction Bureau of the Ministry of Justice administers all prisons. Jails and detention centers are operated locally by 47 different jurisdictions (called "prefectures").

### **Prison Population**

11,319, of which 97 percent were males, in 155 prisons and short-term detention centers (as of December, 1978).

### **Total Civilian Population**

117,000,000 (December, 1978).

### **Prisoners per 100,000 Population**

35 (all facilities).

### **Capital Punishment**

The death penalty is imposed for certain crimes. As of December, 1978, there were 17 individuals sentenced to die.

*Source: Office of the Japanese Consulate General,  
280 Park Avenue, New York, NY.*

## **SOUTH AFRICA**

### **Prison Population**

102,000 (as of January 1, 1981).

### **Prisoners per 100,000 Population**

440 (includes all confinement facilities).

### **Total Civilian Population**

23,772,000 (1980).

*Source: Annual Report of the South African National  
Institute for Crime Prevention and Rehabilitation  
of Offenders.*

## **WEST GERMANY**

Prisons and jails are under the jurisdiction of each of 11 states. There is no central federal prison administration.

### **Prison Population**

41,289, of which 97 percent were males. 36,631 were adults; 3,778 were between the ages of 16 and 18 and 880 were 12-16 years old (as of March 31, 1978).

### **Total Civilian Population**

61,400,000 (December 1978).

### **Length of Sentence**

Approximately 36 percent of adult inmates were serving sentences of nine months or less; 34 percent were serving nine months to two years; 19 percent, two to five years; eight percent five to fifteen years, and three percent, life sentences.

### **Adult Prisoners per 100,000 Population**

60 (does not include jails).

### **Capital Punishment**

The death penalty was abolished in 1949.

*Source: Statistical Yearbook of West Germany, 1980.*

## **SWEDEN**

The National Prison and Probation Administration is the central authority responsible for correctional facilities. There are 20 Federal prisons, 21 independent "remand" prisons, 51 local institutions, and numerous centers for non-institutional correctional activities such as counseling, probation and parole. All these facilities are located in 13 "correctional care regions" and 63 "non-institutional care districts."

### **Prison Population**

4,407 in institutions and local jails and 16,130 under non-institutional treatment (as of December 31, 1979).

### **Total Civilian Population**

8,000,000 (1979).

### **Length of Sentence**

In 1978, the last period for which data was available, 72 percent of admissions to institutions were for less than four-month sentences; 17 percent for between four and twelve months and 11 percent for one year or more.

### **Adult Prisoners per 100,000 Population**

55 (all facilities).

### **Capital Punishment**

Swedish law does not provide for the death penalty.

*Source: Correctional Care in Sweden, from Fact Sheets on Sweden, The Swedish Institute, 1979.*

## **...ABOUT CJI**

The Criminal Justice Institute, Inc. (CJI) conducts national, regional and local projects covering a wide range of activities — including operation of the National Center for Correctional Mediation (NCCM) and publication of "The Correctional Industries Association Newsletter."

NCCM is the nation's first agency devoted exclusively to using the voluntary process of mediation to resolve correctional conflicts. The "Newsletter" provides the only regular and comprehensive national coverage of prison industry operations.

CJI, a non-profit agency, is devoted to innovative projects. Dr. George M. Camp, former Corrections Commissioner in Missouri, is President. Richard Kwartler, founder and the first Editor of "Corrections Magazine," is Executive Vice President. He is Editor of the Yearbook.

For more information about NCCM, the industries "Newsletter" or other CJI programs, please write: Criminal Justice Institute, 60 East 42nd Street, Suite 956, New York, N.Y. 10165.

To order THE CORRECTIONS YEAR-BOOK™ for 1982, please fill out and return the separate order form included with this volume.

**\*\*PLEASE NOTE\*\***

THE ORIGINAL FILE CONTAINS AN OVERSIZED DOCUMENT THAT IS UNSUITABLE FOR FILMING. PLEASE REFER TO THE ALASKA STATE ARCHIVES TO VIEW THE ORIGINAL.

*NEWSPAPER*

*"NATIONAL TREND TO KEEP HARDENED  
CRIMINALS BEHIND BARS"*

*DAILY NEWS MIRROR*

*Nov 3, 1982*

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS  
CENTRAL OFFICE ANCHORAGE

Pouch 6333  
3601 C Street  
Anchorage, Ak. 99502-0333  
Phone: 338-7621

November 9, 1982

Senator Charlie Parr,  
950 Cowles Street, Room 224  
Fairbanks, Alaska 99701

Attn: Cynthia Clepaski

Dear Ms. Clepaski,

I am writing as a followup to our telephone conversation of November 8, 1982 regarding the current state of our prisoner population. For your information, I have compiled the following figures for the twelve institutions that are operated by the Alaska Division of Adult Corrections. The actual count is provided for the date of November 4, 1982. Although the figures may fluctuate one way or the other on any given day, the general trend is definitely in an upward direction.

<u>Facility</u>	<u>Operating Capacity</u>	<u>Actual Count</u>	
Anchorage Annex	100	97	13
Anchorage Correctional Center	70	76	46
Ridgeview Correctional Center	90	117	107
Hiland Mountain Correctional Center	160	193	133
Meadow Creek Correctional Center	28	32	41
Palmer - Minimum	106	149	143
Palmer - Medium	100	94	4
Fairbanks Correctional Center	104	189	145
Nome Correctional Center	30	39	39
Juneau Correctional Center	90	131	151
Ketchikan Correctional Center	22	22	0
Johnson Center	4	4	0

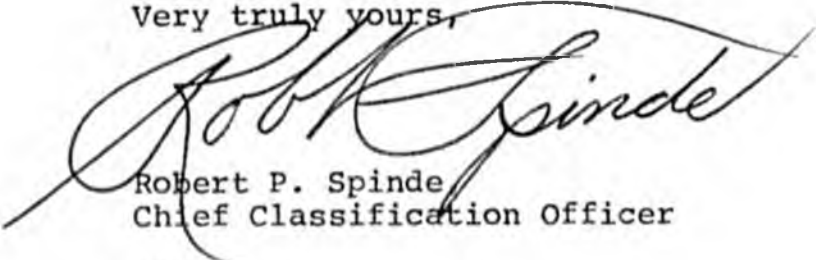
In addition to the foregoing, we have 188 prisoners placed out-of-state, mostly with the Federal Bureau of Prisons. As of the present time, the Bureau of Prisons has imposed a maximum limit

SENATOR PARR  
November 9, 1982  
Page Two

of 200 long-term inmates that they will accept from Alaska for placement. As with the other figures, the Federal Bureau of Prisons count goes up and down, but mostly up. My guess is that, if present trends continue, we shall be at the 200 mark with our Federal Bureau of Prisons prisoners within a matter of a few months. I am unable to say at this point whether there is any likelihood that the 200 limit might be increased.

I hope that the foregoing information is of some use to you. As I suggested on the phone, however, I believe that Dr. Richard Mohr would be the best Division of Corrections contact person for you to obtain information of a statistical nature. Dr. Mohr can be reached in Juneau at 465-3088. If I may be of further assistance at any time, please feel free to contact me.

Very truly yours,



Robert P. Spinde  
Chief Classification Officer

RPS:as

# corrections

# COMPENDIUM

VOL V NO 8

KNOWLEDGE IS POWER

FEBRUARY 1981

## OVERCROWDING: BLIGHT OF A NATION

In July of 1980, Iowa asked CONTACT if we were aware of any other states with overcrowding legislation similar to a law passed in Oklahoma in April of 1980.

To answer this question we circulated copies of the Oklahoma resolution to our contacts in the 50 states and asked them to identify similar legislation, or any other recent legislation or legislative movements that would impact on the crucial issue of overcrowding.

Our response was good, and we received replies that have enabled us to identify which states face severe overcrowding difficulties, and how they are dealing with them.

The survey, case law and legislation sections of this issue all deal with overcrowding. *Courts and Corrections* provides excerpts from the recently decided, infamous *Ruiz v. Estelle* case which brought the entire Texas Prison System under fire for overcrowding and related ills. *Legislation and Corrections* includes the complete text of Oklahoma House Resolution No. 1064 and excerpts from other states legislation, all of which illustrate some of the various methods they are employing to combat overcrowding.

A vast variety of means are being utilized by states in an attempt to right their crowded institutional wrongs. These include: new construction; renovation; early release; guidelines for sentencing; capping of institutional capacities; housing sentenced prisoners in county facilities; wide use of alternatives, such as pre-trial diversion, community service orders, probation and restitution, work release centers, rehabilitation centers and other community corrections related alternatives.

But, even with these legislative efforts, and in spite of state systems being nailed to the wall by the courts, what kind of support do states receive from their constituency? In some cases good, in some cases adequate and in many cases spectacularly apathetic. On the following page is Proposal E, promoted by the Michigan Department of Corrections, and designed to give them relief from their overcrowding difficulties via a slight tax increase. It was defeated by the voters of Michigan November 4, 1980, but we include it here because in a well presented and logical fashion, it lays before the voters the history and future of a correctional system in trouble — the miasma of problems and the grim future it faces.

### Highlights

CHART:	Overcrowding Legislation
COURTS:	<i>Ruiz v. Estelle</i>
LEGISLATION:	Overcrowding
WINDOW ON THE WORLD:	United Nations Conference in Caracas
SUCH A SMALL PERCENT:	Study of Delinquent Girls Funded
INTER ALIA:	National Institute for Sentencing Alternatives
CALENDAR:	"Is There Mental Health Behind Bars?"
PUBLICATIONS:	<i>Alabama Bound</i>

## THE BALLOT ISSUE

On November 4, Michigan voters will be asked to increase their income tax by one-tenth of one percent (4.6% to 4.7%) to pay for new prisons and to improve local corrections programs.

Proposal E was put on the ballot by the Michigan Legislature in an attempt to get the money needed to increase the capacity of the state prison system.

The income tax increase, which will cost the average taxpayer \$11.85 a year, is expected to raise \$55 million the first year and as much as \$72 million a year if the state's economic picture improves. The tax increase would run for five years (January 1, 1981 through December 31, 1985). During this time it could generate between \$275 million and \$360 million.

The tax increase will be removed January 1, 1985, unless a reauthorization is approved by the voters.

### WHAT WOULD ALL THE MONEY BUY?

For the state system, it would buy at least four 550-bed prisons for male offenders at a five-year cost of about \$132 million or 36.7 percent of the total money available.

The legislation putting Proposal E on the ballot also calls for demolition of the 100-year-old Michigan Reformatory in Ionia by 1990. This antiquated and overcrowded facility houses young offenders in conditions which are the worst in the prison system.

The balance of the money can be used for improved jails and lockups and other local and state correctional purposes, as determined by the Legislature.

There has been legislation introduced to allow judges to extend the length of available jail time in conjunction with probation from six months for certain felons to one or more years and extend local jail sentencing options from one year to two or three years.

Passage of this legislation would require financial assistance to local units but would help to reduce prison population on the state level.

Passage of Proposal E could possibly provide the money for that purpose. There have been some estimates that extending jail time could reduce prison commitments by 1,000 or more.

### WHY IS ALL THIS NECESSARY?

The Russian author Feodor Dostoevski once said a society can be judged by the condition of its prison. Many of Michigan's prisons are substandard, and all have been overcrowded since 1975.

Although it's impossible to know all the exact causes of prison crowding, one of the major reasons can be traced to the public's reaction to fear of crime. Another cause is the increase in serious, violent crime.

The criminal justice system has responded to this by sending more offenders to prison for longer periods of time.

A decade ago, minimum prison terms in Michigan averaged 22 months; now they are over 32 months.

In 1974, Michigan's prison system held less than 8,000 prisoners. Today it contains 15,200 men and women in a prison system designed for 13,500.

A long look into the future does not show any substantial relief for the state's crowded system.

Voter-approved elimination of "good time" on the minimum sentences of most offenders will probably further burden the system by 2,600 by the year 2000. It is also predicted that the prisons will hold 500 more prisoners as a result of the felony firearm statute.

If current sentencing practices remain unchanged, the system will eventually have to contain 19,000 prisoners. Unforeseen events such as protracted recession or harsher sentencing laws could drive the population even higher.

The capacity of the system has grown by nearly 4,000 beds since 1975 but it has not been enough.

We have not kept pace because of the extreme difficulty in acquiring prison sites and good facilities which can be converted to prisons in a reasonable time frame and at a reasonable price.

Prisons are very expensive — about \$30 million for a 550-bed facility — and they take a long time to build — from three to five years.

All construction is expensive, but prisons are especially expensive because of the special materials that must be used in their construction to make them secure and because of federal and state standards that must be met.

These standards have been developed, in part, by examining the outcome of court suits throughout the country on crowding and prison conditions.

Most standards call for 60 square feet of living space for every prisoner. In Michigan, some prisoners have less than 35 square feet. Most standards call for one toilet for each eight prisoners. In some Michigan prisons, there is only one toilet for as many as 20 prisoners.

Because conditions in many Michigan prisons fall far short of these standards, this state will almost certainly face a court ruling sometime in the near future which will force us to take drastic and immediate action to reduce the number of inmates in our prisons. Several lawsuits are currently pending against the state because of the overcrowding and other prison conditions. If prisons are not built and improved, these court actions can have results more costly to the taxpayer than this proposal.

By: Department of Corrections, Office of Public Information, P. O. Box 30003, Stevens T. Mason Building, Lansing, MI 48909; 517/373-2410.

OVERCROWDING --- January 1981

State	Does your state have any legislation passed or pending concerning how to combat overcrowding?
ALABAMA	No legislation; however, the Dept. of Corrections is still operating under the Federal Court's decision in the 1976 <u>Pugh vs Locke</u> case. The Federal Court has required that the number of inmates in each institution shall not exceed the design capacity for that institution.
ALASKA	No legislation, passed or pending.
ARIZONA	No Response
ARKANSAS	While under court order not to exceed the population limit set by Federal Court, we have no legislation nor is it anticipated in the near future.
CALIFORNIA	There have been three recent legislative measures introduced as part of efforts to face the problems of overcrowding and deterioration. SB 1342 was chaptered into law in 1978, followed by SB 196 in 1979. SB 1340, a measure authorizing new construction and modifications to existing facilities was passed effective January 1, 1981. (Copies of this bill is available from CONTACT upon request.)
COLORADO	No such legislation pending.
CONNECTICUT	Public Act #80-442, Substitute House Bill No. 6021 states that if the commissioner of correction determines that the number of pre-trial inmates exceeds the maximum number permissible to preserve the health, safety and welfare of all inmates in his custody, said commissioner may petition the court in which a criminal charge is pending against any inmate for a reduction of bond to a written promise to appear. Also states if the commissioner of correction determines that the number of sentenced inmates in all the correctional institutions of this state exceeds the maximum number permissible to preserve the health, safety and welfare of such inmates he may petition the superior court for modification of any inmate's sentence. (Copies of the complete bill are available from CONTACT upon request.)
DELAWARE	No legislation is pending at this time nor has there been any recent legislation passed.
DISTRICT OF COLUMBIA	While under court order to reduce the population of the District of Columbia's Department of Correction's facilities, there has been no legislation passed and there is none pending.
FLORIDA	No legislation passed or pending at this time.
GEORGIA	There have been no general bills or resolutions introduced in the General Assembly of Georgia that would broadly address the issue. However, Act 42 (GA Laws 1979, p. 376) does amend the 1956 Act revising laws relating to prisons so as to provide that after receipt of proper documentation from the Clerk of the Court the Department of Offender Rehabilitation shall reimburse counties for the cost of incarceration of felony prisoners beyond 30 days after the time at which there exists no further right of appeal. This law addresses those convicted offenders who are left in local jails after a period of time and closely parallels an earlier statute that provides for payment to counties to house state inmates in county correctional institutions.
HAWAII	To date there has been no legislation; however, we hope to introduce a bill to address this issue in 1981 legislative session.
IDAHO	No legislation.
ILLINOIS	No legislation passed or pending.
INDIANA	No Response
IOWA	Requested Survey
KANSAS	No Response
KENTUCKY	No legislation passed or pending designed to set specific limits on the inmate population; however, the Bureau of Corrections agreed in a consent decree resulting from litigation to reduce and maintain prison population at a specific number.

State	Does your state have any legislation passed or pending concerning how to combat overcrowding?
LOUISIANA	Act 776 of 1980 increases the amount paid by the Department of Corrections to sheriff or governing authority operating the jail for prisoners who are convicted and sentenced to the Department of Corrections but held in jail because we are unable to take custody. (A copy of this Act is available from CONTACT upon request.)
MAINE	No Response
MARYLAND	New Community Adult Rehabilitation Centers (CARC) laws definitely will impact overcrowding. (A copy of these laws are available from CONTACT upon request.)
MASSACHUSETTS	No Response
MICHIGAN	Proposal E--voters were asked to increase their income tax by .1 of 1 percent (4.6% to 4.7%) to pay for new prisons and to improve local corrections programs. This proposal was voted on last November (1980) and failed. (A copy of this proposal is available from CONTACT upon request.)
MINNESOTA	Sentencing Guidelines which have been developed and are now in effect take institutional capacities into consideration. (A copy of this legislation is available from CONTACT upon request.)
MISSISSIPPI	No Response
MISSOURI	Planning to incorporate the Oklahoma resolution (H.J. Res. No. 1064 Correctional Institutions-Population) in the current revision of the Missouri statute authorizing the Missouri Division of Corrections.
MONTANA	Hope to draft a proposal for the next legislative session to consider when they meet in 1981.
NEBRASKA	Do not have any legislation; but we are working towards ACA Accreditation and some of the standards we must comply with are an effort to prevent overcrowding. For example, single cells that are a certain size, etc. Nebraska is currently constructing a new Penitentiary and a new minimum-medium security unit. In 1979, we opened the new Diagnostic & Evaluation Center and the Lincoln Correctional Center which all use the single cell concept.
NEVADA	Our new facilities were part of the budget request and approved by the legislature in that manner.
NEW HAMPSHIRE	No such statute; New Hampshire is not now overcrowded.
NEW JERSEY	There is currently no legislation pending; however, the Department of Corrections presently has contracts with several county jails which provide for the holding of state sentenced inmates in those facilities upon payment of per diem to the counties which are signatories to these contracts.
NEW MEXICO	No legislation is planned. Concent decree for major institutions will be limited on square footage according to the ACA Standards. We are going to single cells, this will automatically help with combating overcrowding.
NEW YORK	Legislation is neither pending or past. The State of New York is dealing with the problem of inmate overcrowding by rehabilitating existing facilities and building three new facilities.
NEW YORK CITY	No legislation pending; however, we are in the process of renovating one of our closed facilities that is expected to house 426 inmates. This facility is scheduled to be opened some time in 1981 or early 1982. Additionally, the Departmental master plan includes the building of another facility in Manhattan, this facility will be for detention inmates and should alleviate some of our overcrowding problems.
NORTH CAROLINA	No Response
NORTH DAKOTA	No legislation is pending.
OHIO	No legislation passed or pending.

State	Does your state have any legislation passed or pending concerning how to combat overcrowding?
OKLAHOMA	H.J. Res. No. 1064 (Correctional Institutions-Population) A joint resolution concerning the capacity of Oklahoma correctional facilities; permitting certain persons to determine maximum capacity of correctional facilities; providing certain alternatives if correctional facilities reach maximum capacity; directing distribution; and declaring an emergency. (A copy of this resolution is available from CONTACT upon request.)
OREGON	No legislation passed or pending.
PENNSYLVANIA	No current plans to construct facilities or to refuse to receive inmates currently being sentenced; although state correctional system has an increasing population, we have not yet reached the state of being overcrowded. The Bureau of Correction, however, has recently heightened former policy which allowed the City of Philadelphia to transfer inmates awaiting trial or sentencing to the State Correctional Institution at Gaterford. We still accept county transfers on the basis of emergency need upon judicial request. There is no pending legislation.
RHODE ISLAND	No legislation passed or pending.
SOUTH CAROLINA	There have been several Acts passed in recent years with regard to combating overcrowding (i.e., extending work release programs, giving good time, restitution programs, etc.) (Copies of these acts are available from CONTACT upon request.)
SOUTH DAKOTA	No Response
TENNESSEE	Chapter 805, Public Acts of 1980 will, in part (if successful) provide some relief from overcrowding, although that was not its signed purpose. It is an Act to provide a method of calculating time reductions from certain prisoners' penitentiary sentences according to certain considerations. During the next legislative session (1981) the Administration may propose a bill which will offer monetary incentives to the counties to care for their own convicts who receive sentences of 5 years or less. It would be similar in purpose and effect to the Minnesota Community Corrections Statute. (Copy of Chapter 805, Public Acts of 1980 is available from CONTACT upon request.)
TEXAS	No legislation passed or pending.
UTAH	No Response
VERMONT	The subject of overcrowding has been litigated at least once involving our facility in St. Albans. In that case, the Court said that the living situation met constitutional minimum standards and the Department of Corrections prevailed.
VIRGINIA	No legislation passed or pending. (Copies of several pieces of legislation which deal with the reimbursements to localities and the most recently passed legislation establishing the Community Diversion Incentive Act for diversion of non-violent offenders to keep them in the community are available from CONTACT upon request.)
WASHINGTON	December 1979 Adult Corrections Master Plan was prepared to publicly respond to the crowding problem and to prepare a long-range plan for the operation of adult corrections. Some of the items covered that deal with the critical problem of institutional overcrowding are "Strategies for Resolution" (additional capacity, population review, diversion, capital plan, ACA recommendations re overcrowding), "Impact of Strategies" (population projection), and "Long-Range Forecast" (outline of policy alternatives).
WEST VIRGINIA	No Response
WISCONSIN	No legislation has been passed; however, a new 448 bed adult medium/maximum security institution was authorized. The legislation also passed language which states that once the new institution is operational we cannot exceed the rated bed capacity for three of our maximum security institutions unless an emergency exists. (A copy of the statute is available from CONTACT upon request.)
WYOMING	No Response

State	Does your state have any legislation passed or pending concerning how to combat overcrowding?
FEDERAL BUREAU OF PRISONS - DC	No legislation passed or pending. The Federal prisons are not currently overcrowded.
GUAM	No legislation passed or pending.
PUERTO RICO	No legislation passed or pending.
<u>CANADA</u>	
ALBERTA	No legislation passed.
BRITISH COLUMBIA	During the past five years, we have been very active in developing programs to ensure that alternatives were available to courts rather than incarceration. These efforts have been successful, in that our institutional population has <u>decreased</u> during this period of time.
MANITOBA	No legislation passed or pending.
NEW BRUNSWICK	No Response
NEWFOUNDLAND	The problem of overcrowding does not present itself here primarily because courts rely very much on non-incarceral types of sanctions and, as well, sentence lengths appear to be less than the national average. No legislation is passed or pending.
NOVA SCOTIA	No Response
ONTARIO	We are at 82% of capacity, so we do not have an overcrowding problem.
PRINCE EDWARD ISLAND	Overcrowding has not been a problem. If it was, prisoners would be released on temporary absence (renewable) as provided for under the Federal "Prisons and Reformatories Act." (A copy of this Act is available from CONTACT upon request.)
QUEBEC	The Correctional Service of Canada operates under a single statute known as the Penitentiary Act which was passed in 1961. From time to time there have been amendments to that Act in order to bring it up to date, introduce new concepts, modify existing provisions or delete sections that are obsolete. Basically, however, the Penitentiary Act serves as a piece of enabling legislation while specific details regarding implementation of new programs are either provided for in regulations which are approved by Cabinet, or the individual Minister responsible makes the necessary decisions to proceed or not to proceed. Be that as it may, the Correctional Service of Canada is not currently experiencing an overcrowding situation in its federal institutions. If, however, we were experiencing such a situation, we would not proceed by way of new legislation; rather, we would prepare a submission to our Treasury Board outlining our needs and our plans regarding new accommodation and we would request the necessary resources to construct new facilities. In addition, if the proposed construction program entails the expenditure of rather significant resources and/or the construction program implies some dramatic changes of policy (i.e., 200 man institutions as opposed to 600 man institutions), we would also approach Cabinet for a decision.
YUKON TERRITORY	No legislation in place or pending.

# corrections COMPENDIUM

VOL. VI, NO. 6

KNOWLEDGE IS POWER

DECEMBER 1981

## PRISON RIOTS AND VIOLENCE

In August of this year we contacted the State Departments of Corrections and the Federal Bureau of Prisons regarding prison riots and other prison violence.

Thirty-eight (38) states, Guam, and the Federal Bureau of Prisons responded to the survey. Of those, Kentucky, Michigan, Minnesota, Nebraska, Nevada, Oklahoma, and Guam reported that a riot or serious disturbance occurred within their systems during the period October 1, 1980 to July 1, 1981.

Considerable differences were evident in the severity of the incidents reported. The disturbances in Kentucky, Minnesota, and Oklahoma were, as prison disturbances go, relatively minor since there were no injuries or deaths, and since dollar damages were minimal. The disturbances in Nebraska resulted in four correctional officers receiving stab wounds. In a Nevada reported riot incident, two inmates were injured, three officers were taken hostage, and damages of \$10,000 were sustained. A Guam prison riot resulted in two inmate deaths, one inmate injury, and \$10,000 damage. The most severe riots reported were the May 22 and May 26, 1981 incidents at the State Prison of Southern Michigan, the Michigan Reformatory, and the Marquette Branch Prison which involved fires, vandalism, and assaults. A total of 71 staff persons and 108 inmates were injured, and damages and addi-

tional operating costs totaled nine million dollars.

According to the data provided by our respondents, 92 inmates were killed by inmates in 1980. Thirty-five (35) of these killings were during prison disturbances/riots, 33 of which occurred during the New Mexico prison riot in February 1980. Our 1981 (January 1 to July 1) figures indicate that 42 inmates have been killed by inmates. For 1980 our survey respondents gave no reports of staff persons being killed by inmates; however, four such staff deaths have been reported for the first half of 1981 — one in New Mexico, one in New York, and two in Texas.

Since CONTACT has frequently been asked about assaults on female correctional officers and has had no data available on the subject, our survey included the question: "At anytime have you ever had an incident/assault (involving injury or death) of a female correctional officer?" Approximately 40% of the jurisdictions responding reported incidents involving female correctional officers. Only two deaths, however, were reported. Two respondents pointed out that most assaults of female correctional officers occur in female institutions.

A complete breakdown of violence statistics from the responding jurisdictions follows.

### Highlights

CHART:

LEGAL ISSUES:

INTER ALIA:

PRISON VIOLENCE STATISTICS

RICHARD CRANE'S CASE REPORTS  
SUPREME COURT NEWS

JUVENILE CRIME STUDIES

CRIME ANALYSIS RESOURCE MATERIALS

ACJS ANNUAL MEETING

STATE	Average Total Population		Number of Inmates Killed by Inmates		Number of Inmate Suicides		Number of Inmates Killed During Riots		Number of Staff Killed by Inmates		Number of Staff Killed During Riots	
	1980	1981*	1980	1981*	1980	1981*	1980	1981*	1980	1981*	1980	1981*
ALASKA	300	700	0	0	Unknown	3-4	0	0	0	0	0	0
ARIZONA	3,700	4,000	1	Not Avail.	1	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.	Not Avail.
ARKANSAS	2,889	2,870	2	1	1	0	0	0	0	0	0	0
COLORADO	2,751	2,769	3	0	3	0	0	0	0	0	0	0
CONNECTICUT	2,146	2,333	1	0	2	0	0	0	0	0	0	0
DIST. OF COLUMBIA	3,628	3,729	2 (One inmate killed by outside intruder at minimum security facility)	1	0	1	0	0	0	0	0	0
IDAHO	856	922	0	1	0	1	0	0	0	0	0	0
ILLINOIS	11,699	12,426	0	2	6	9	0	0	0	0	0	0
IOWA	2,391	2,891	2	2	0	1 (While on furlough)	0	0	0	0	0	0
KENTUCKY	3,727	3,078	1	0	1	1	0	0	0	0	0	0
LOUISIANA	7,227	7,784	1 (FY 79-80)	1 (FY 80-81)	0	1	0	0	0	0	0	0
MAINE	550	550	0	0	0	0	0	0	0	0	0	0
MARYLAND	7,924	7,856	5	4	3	1	0	0	0	0	0	0
MASSACHUSETTS	3,067	3,308	0	0	1	2	0	0	0	0	0	0
MICHIGAN	15,060	15,102	0	2 (1981 thru June 1)	5	1 (1981 thru June 1)	0	0	0	0	0	0
MINNESOTA	1,914	1,911	3	0	2	0	0	0	0	0	0	0
MONTANA	678,47	704,89	0	0	0	0	0	0	0	0	0	0
NEBRASKA	1,064	1,287	0	0	0	0	0	0	0	0	0	0
NEVADA	1,709	1,908	1	0	3	---	0	0	0	0	0	0
NEW HAMPSHIRE	270	335	0	0	0	1	0	0	0	0	0	0
NEW JERSEY	6,646	7,112	0	1	1	1	0	0	0	0	0	0
NEW MEXICO	1,444	1,475	40	3	0	0	33	1	0	1	0	1
NEW YORK	22,166	23,380	2	4	3	0	0	0	0	1	0	0
NORTH CAROLINA	18,470	18,243	1	0	2	0	0	0	0	0	0	0
NORTH DAKOTA	294	318	0	0	---	---	0	0	0	0	0	0
OKLAHOMA	4,460	4,702	4	1	2	0	0	0	0	0	0	0

(Estimated Average daily at facility based on Monday count data. Includes Community Correctional Center population.)

STATE	Average Total Population		Number of Inmates Killed by Inmates		Number of Inmate Suicides		Number of Inmates Killed During Riots		Number of Staff Killed by Inmates		Number of Staff Killed During Riots	
	1980	1981*	1980	1981*	1980	1981*	1980	1981*	1980	1981*	1980	1981*
OREGON	2,912	2,590	0	0	1	2	0	0	0	0	0	0
PENNSYLVANIA	8,114	8,563	0	0	4	0	0	0	0	0	0	0
RHODE ISLAND	765.80	856.69	0	0	2	1	0	0	0	0	0	0
SOUTH CAROLINA	7,165	7,436	1	2	3	1	0	0	0	0	0	0
SOUTH DAKOTA	622	659	0	0	0	0	0	0	0	0	0	0
TEXAS	28,175	30,487	3	4	2	1	0	0	0	2	0	0
UTAH	1,014.5	1,066	0	1	1	1	0	0	0	0	0	0
VERMONT	449.1	471.0	0	0	1	1	0	0	0	0	0	0
VIRGINIA	---	8,444	---	2	---	1	0	0	---	0	---	0
WEST VIRGINIA	1,557	1,527	0	0	0	0	0	0	0	0	0	0
WISCONSIN	3,634	3,933	0	0	0	0	0	0	0	0	0	0
WYOMING	470	490	1	0	0	0	0	0	0	0	0	0
FEDERAL BUREAU OF PRISONS	23,779	25,638	9	9	7	3	0	0	0	0	0	0
GUAM	107	86	2	1	0	0	2	0	0	0	0	0

--- No answer provided  
 N/A Not applicable  
 \*Through July 1, 1981

Questions:

1. Average total state correctional population: 1980; 1981 through July 1
2. The number of inmates killed by inmates: 1980; 1981 through July 1
3. The number of inmate suicides: 1980; 1981 through July 1
4. The number of inmates killed in disturbances or riots: 1980 through July 1
5. The number of staff killed by inmates: 1980; 1981 through July 1
6. The number of staff killed in disturbances or riots: 1980; 1981 through July 1
7. Since October 1980 (to July 1, 1981) have any riots or serious disturbances occurred at any of your correctional

facilities? If yes, please list institution, date and a brief description.

Were any hostages taken? If yes, how many and who were they (staff, inmates, etc.)?

Total amount of dollar damage.

Number of staff injured.

Number of inmates injured.

Number of staff killed.

Number of inmates killed.

8. At anytime have you had an incident/assault (involving injury or death) of a female correctional officer? Please describe.
9. Do you have any reason to fear the possibility of a riot in the near future? Please explain.

States not responding:

Alabama	Mississippi
California	Missouri
Florida	Ohio
Hawaii	Tennessee
Indiana	Puerto Rico
Kansas	

Information for the following states is available from CONTACT but was received after completion of the Survey Chart.

Delaware  
 Georgia  
 Washington

STATE	Any Riots or Disturbances from October 1980 to July 1981	Amount of Dollar Damage	Hostages Involved	Number of Staff Injured	Number of Inmates Injured	Number of Staff Killed	Number of Inmates Killed	Injury/Death of Female CO at Anytime	Do You Fear Possibility of Riot?
ALASKA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No	No
ARIZONA	No	N/A	No	N/A	N/A	N/A	N/A	No	In this business, the possibility is always there.
ARKANSAS	No	N/A	N/A	N/A	N/A	N/A	N/A	No	No
COLORADO	No	N/A	N/A	N/A	N/A	N/A	N/A	No	No
CONNECTICUT	No	N/A	N/A	N/A	N/A	N/A	N/A	Yes. Female Correctional Officers have incurred injuries on occasion as the result of accidents or assaultive inmates.	---
DISTRICT OF COLUMBIA	No	N/A	N/A	N/A	N/A	N/A	N/A	No	No
IDAHO	No	N/A	N/A	N/A	N/A	N/A	N/A	No	Yes. The possibility of a riot always exists in the correctional setting.
ILLINOIS	No	N/A	No	N/A	N/A	N/A	N/A	Yes. During the July 1979 Pontiac Prison Riot in which 3 male correctional officers were killed, a female officer was severely beaten and left for dead. She survived the assault.	Yes. With continued growth in prison population and limited capacity to house more inmates tensions rise.
IOWA	No	N/A	No	N/A	N/A	N/A	N/A	Yes. A female inmate held a fork to the throat of a female correctional officer but the incident ended without injury.	No
KENTUCKY	Yes. One incident that may be classified as a disturbance occurred on March 17, 1981 at Blackburn Correctional Camp, a minimum security institution. This incident involved 9 residents and originally began with two inmates fighting. There were no serious injuries to either staff or residents.	Windshields of 3 vehicles damaged.	No	0	0	0	0	No	No

STATE	Any Riots or Disturbances from October 1980 to July 1981	Amount of Dollar Damage	Hostages Involved	Number of Staff Injured	Number of Inmates Injured	Number of Staff Killed	Number of Inmates Killed	Injury/Death of Female CO at Anytime	Do You Fear Possibility of Riot?
LOUISIANA	No	N/A	N/A	N/A	N/A	N/A	N/A	There have been no incidents of this type within our adult male institutions; however, there have been numerous incidents involving injury (no deaths) at our adult facility for women.	No. At present, general atmosphere within LDOC facilities does not indicate an uprising in immediate future.
MAINE	The Maine State Prison was "locked down" to prevent anticipated inmate disturbances.	N/A	No	N/A	N/A	N/A	N/A	No	No
MARYLAND	No	N/A	N/A	N/A	N/A	N/A	N/A	No	Yes. The Division's facilities are overcrowded and the possibility exists because of the density of the inmate population.
MASSACHUSETTS	No	N/A	No	N/A	N/A	N/A	N/A	Yes. Usually simple assaults in the officers regular routine. The majority of injuries are treated at local hospital and released.	---
MICHIGAN	Yes. Riots involving fires, vandalism and assaults occurred May 22 and May 26, 1981 at the State Prison of Southern Michigan, Michigan Reformatory, and Marquette Branch Prison.	\$5 million damages to facilities, plus approximately \$4 million more operating costs as a result of riots.	No	Total - 71	Total - 108	0	0	Yes. There have been at least two assaults involving injury - but no details available. No deaths in last five years.	Yes. Always, but no more than usual except recuperating from last disturbances takes time.
MINNESOTA	Yes. Minnesota Correctional Facility - St. Cloud, Feb. 19, 1981. Tear gas was used to quell a disturbance in which 29 Indian inmates barricaded themselves in a room.	N/A	Yes - 4 visitors	N/A	N/A	N/A	N/A	Yes. An inmate overpowered an officer at Minnesota's facility for women.	No
MONTANA	No	N/A	No	N/A	N/A	N/A	N/A	No	No. However, disturbances or riots can happen at any time.



STATE	Any Riots or Disturbances from October 1980 to July 1981	Amount of Dollar Damage	Hostages Involved	Number of Staff Injured	Number of Inmates Injured	Number of Staff Killed	Number of Inmates Killed	Injury/Death of Female CO at Anytime	Do You Feel Possibility of Riot?
RHODE ISLAND	No	N/A	No	N/A	N/A	N/A	N/A	No	No
SOUTH CAROLINA	No	N/A	N/A	N/A	N/A	N/A	N/A	Yes. Officer injured during an unsuccessful escape attempt in October 1978.	No
SOUTH DAKOTA	No	None	No	N/A	N/A	N/A	N/A	No	No. Always a remote possibility. current militant leadership is temporarily in segregation.
TEXAS	No	N/A	No	N/A	N/A	N/A	N/A	No	No
UTAH	No	N/A	No	N/A	N/A	N/A	N/A	Yes. A brief attempted assault, but did not cause injury or death.	No
VERMONT	No	N/A	No	N/A	N/A	N/A	N/A	Yes. Several female CO's have been the subject of assaults by inmates with injuries resulting. This in no way implies that female CO's are any more or less victims of assaults than male CO's. Most assaults on female CO's are by female inmates.	No. Vermont is a community-based system with no centralized maximum security prison.
VIRGINIA	No	0	No	N/A	N/A	N/A	N/A	No	No
WEST VIRGINIA	No	N/A	No	N/A	N/A	N/A	N/A	No	As corrections officials everywhere are aware, this question is nearly impossible to answer.
WISCONSIN	No	N/A	No	N/A	N/A	N/A	N/A	No	Yes. It's always possible.
WYOMING	No	N/A	No	N/A	N/A	N/A	N/A	No	No
FEDERAL BUREAU OF PRISONS	No	N/A	No	N/A	N/A	N/A	N/A	Yes. There have been assaults on female correctional officers; however, our statistics are not broken down. We keep statistics on assaults on all institution staff, including volunteers.	No
GUAM	Yes. November 1980, different factions of inmates rioted resulting in two inmate deaths.	\$10,000	No	0	1	0	2	No	No

# corrections COMPENDIUM

*corrections file*

VOL VI NO 9

KNOWLEDGE IS POWER

MARCH 1982

## CONSTRUCTION AND OVERCROWDING

In November, 1981, CONTACT initiated a survey to update existing information on construction and overcrowding of prisons. Forty-six states, the District of Columbia, Guam, the Federal Bureau of Prisons, the Correctional Service of Canada, and ten Canadian provinces responded to the survey.

Despite interest in alternatives at both the sentencing and institutional levels, construction of more institutions as a means to ease overcrowding appears to be widely accepted among correctional policy-makers. The overwhelming majority of systems responding to the survey are constructing or renovating or planning to construct or renovate a correctional facility in 1982 — and at staggering costs. The estimated cost per cell is generally at \$50,000 and up. Medium security institutions are the most frequently being constructed or planned for, with minimum and maximum security new or renovated institutions also common. In addition, several states mentioned that their construction activity includes juvenile facilities, road camps, and areas of institutions used for such purposes as visiting or food service.

According to our data, there are twenty-six states currently under a court order to

correct an overcrowding situation. Of those states, Missouri is the only one we found not constructing or renovating to add bed space at this time. Thirty-one states, many of those under a court order already, are also currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue. The Federal Bureau of Prisons is not under a court order, but is currently renovating one institution which will add bed space.

Despite the fact that no Canadian respondents reported being under a court order regarding overcrowding, the majority of jurisdictions are constructing. In general, however, the Canadians are opting for institutions with less inmate capacity than most new institutions reported by our U.S. respondents.

The chart which follows provides a complete breakdown of construction activity, cost, and capacity. Following that is a listing of states currently under a court order for overcrowding and those involved in overcrowding-related litigation. Please also notice that as a supplement to our regular Legal Issues content, this month we also feature a review of court decisions on both jail and prison overcrowding.

### Highlights

#### SURVEY:

Construction

Overcrowding, Court Orders and Litigation

#### LEGAL ISSUES:

Review of Court Decisions on Overcrowding

by Richard Crane

Case Reports

Supreme Court News

**CONSTRUCTION - NOVEMBER 1981**

STATE	Current Construction/Renovation or Planning to Construct/Renovate Correctional Facility in 1982	Type of Facility(ies)	New	Renovation of Old	Estimated Date of Completion	Estimated Cost of Entire Project	Estimated Cost Per Cell	Capacity
ALABAMA	Yes	2, possibly 3, new medium to maximum prisons.	All	To some degree every year.	1983 and 1984	\$45 million for 2, \$75 million for 3.	---	1,000 - Inmate facilities.
ALASKA	Yes	Sentenced Male Housing.	Yes - 1	Yes - 3	1983	\$38.5 Million	\$139,000	All projects under 175 total occupancy.
ARKANSAS	Yes	Maximum Security	Yes	---	1st phase - 1983 2nd phase - 1986	\$13 Million	---	460
ARIZONA	Yes	Juvenile - Arizona Diagnostic Center for Juveniles.	Yes	---	July 1983	\$7.3 Million	\$60,000	120 single cells
CALIFORNIA	Yes	Forestry Camps and both Minimum and Medium Security facilities.	Yes. 3 Forestry Camps, 6 Minimum Security satellite facilities, 3 Medium Security relocatable facilities.	Yes. 1 Medium Security facility, 1 Ranch Dorm, 13 Camps.	January 1, 1982 through June 30, 1983.	\$43 Million	\$12,000	3,700
COLORADO	Yes	Minimum Security	Yes, Inmate Service Building.	Minimum Housing Units	November 1982 and March 1982.	New - \$600,000 Renovation - \$150,000	Renovation - \$5,357	Renovation - 28 additional cells.
CONNECTICUT	Yes	Maximum/Medium Security for 18-21 year old males.	Yes	Yes (additional)	New - Spring 1982 Renovation - September 1982	\$30 Million	Approximately \$41,000	736 (336 new, 400 renovated)
DISTRICT OF COLUMBIA	Yes	Medium Security facility for misdemeanor offenders.	No	Yes - conversion of existing facilities.	May 1982	\$1.5 Million	---	398
DELAWARE	Yes	Multi-purpose facility which will house detentioners. The services of the Public Defender, Attorney General, Magistrate Court, and others will be provided here also.	Yes	---	June 1982	\$25 Million	\$89,444	360 beds
FLORIDA	Yes	Major institutions, community correctional centers, road prisons.	Expansion of housing at 6 institutions; one new road prison; 3 new community correctional centers.	Some renovations at almost all facilities.	1982 - 1983	1981 - 82 appropriation - \$28 Million.	\$37,500/bed based on total institution construction and land cost divided by number of beds.	1,198 new beds by January 1983.
GEORGIA	Yes	Two new facilities and renovation of one existing facility.	Yes - One medium security with 400 beds, one medium security with 400 correctional and 135 medical beds.	Yes - Remodeling one facility for 600 medium security inmates. (Facility was formerly a State Hospital)	December 1982	\$30 Million for all projects.	\$32,000 new construction, \$883 for renovation.	1,535 for all three facilities.

CONSTRUCTION - NOVEMBER 1981

STATE	Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982	Type of Facility(ies)	New	Renovation of Old	Estimated Date of Completion	Estimated Cost of Entire Project	Estimated Cost Per Cell	Capacity
HAWAII	Yes	Community correctional centers, medium security facility, youth correctional facility.	Yes - Medium security.	Yes - Community facilities, youth facility.	1984 - 1985	\$75 - 90 Million	\$75,000 - \$90,000/cell.	Approximately 1,000
IDAHO	Yes	Visiting center, guard towers, cellhouse, misc. remodeling.	Yes	Some	Ongoing operation.	About \$2 Million.	\$26,978	80 men in cellhouse.
ILLINOIS	Yes	Adult and juvenile, all security classifications.	Yes	Yes	Late 1983	East Moline - \$10.75 Million. Vienna - \$45 Million. Sheridan - \$24 Million.	Average of new construction - \$61,346.	1,300 total.
IOWA	Yes	Two medium security facilities.	Yes - 200 new beds.	Yes - 528 beds at former mental health hospital.	Late 1984	---	---	---
KANSAS	Yes	New medium security housing unit.	Yes - Honor Camp Eldorado.	Yes - renovation of cellhouses at Kansas State Penitentiary & Kansas State Industrial Reformatory.	January - July 1984	\$15.3 Million.	\$53,242	288 - new medium security facility.
KENTUCKY	Yes	New institution, security class not yet determined.	Yes - New institution, plus additions to existing facilities.	Yes - Renovations at maximum and medium security facilities.	New institution - 36 months after contract awarded. New additions and renovations - 1982-1984.	New institution - \$25 Million.	---	New institution 500.
MAINE	Yes	Maine State Prison (maximum/medium security).	No	Yes - Renovation of East Wing old housing area.	By fiscal year 1982 to meet fire and safety code standards).	Not projected at this time.	---	180
MARYLAND	Yes	720 bed medium security facility and 250 bed maximum security facility.	Yes - both.	---	1985 and 1986.	\$55.8 Million.	\$56,000	970 beds.
MICHIGAN	Yes	2 multi-security level regional facilities, & 1 minimum security camp.	Yes - the regional facilities.	Yes - camp.	March 1984 and January 1985.	\$35 Million each for regional facilities, & \$12.1 Million for camp renovation.	\$63,000	500
MINNESOTA	Yes	Maximum security institution for adult males.	Yes	---	December 1981	\$31 Million.	\$77,500	400
MISSISSIPPI	Yes	3 medium custody adult dorm residential facilities.	No	Yes	Fiscal Year 1983	\$329,000	---	3 units - 100 bed capacity each unit.



CONSTRUCTION - NOVEMBER 1981

STATE	Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982	Type of Facility(ies)	New	Renovation of Old	Estimated Date of Completion	Estimated Cost of Entire Project	Estimated Cost Per Cell	Capacity
PENNSYLVANIA	While no plans are currently on paper, the current administration proposes to create 2205 new prison cells, all are male prison facilities encompassing minimum, medium, and maximum security facilities.	---	---	---	---	---	---	---
RHODE ISLAND	Yes	Maximum security	---	Yes - renovation of 126 cells in the old maximum building.	July 1983	\$540,000	\$4,286	126 cells being remodeled.
SOUTH CAROLINA	Yes	Cross Anchor Minimum Facility and Francis Lieber Medium Facility.	Yes - both.	---	Cross Anchor - December 1982. Francis Lieber - September 1984.	Cross Anchor - \$10.4 Million. Francis Lieber - \$25.3 Million.	Cross Anchor - \$19,715. Francis Lieber - \$43,924.	Cross Anchor - 528. Francis Lieber - 576.
SOUTH DAKOTA	Yes	Maximum security for adult male felons.	No	Yes	1 - 3 years.	\$1.5 - 2.5 Million.	---	440 single cells.
TENNESSEE	Yes	Prisons and community service centers - requested but not approved at this time.	Yes - Request the building of new dorms at existing facilities.	Yes - Requested for Fort Pillow.	---	Approximately \$1 Million.	\$10,645	192
TEXAS	Yes	Complete units, cell-blocks and dormitories.	Yes - Four new units.	None	Fiscal Year 1985.	---	\$52,000 (support services included).	43,418 total.
UTAH	Yes	Adult regional secure facility, community corrections center, renovation of medium security culinary, and various renovation and repair projects.	Yes	Yes	1983	\$10.3 Million.	\$10,330	1,000
VERMONT	Yes	Medium/Maximum security adult facility.	Yes	Replacement	February 1982	\$3.5 Million	\$36,000	97
VIRGINIA	Yes	Two medium security institutions currently under construction; two more in 1982.	Yes	Plan to in the future.	January 1983 for the first two; January 1985 for the next two.	\$105 Million for the four institutions.	\$52,500	760 each facility.

CONSTRUCTION - NOVEMBER 1981

STATE	Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982	Type of Facility(ies)	New	Renovation of Old	Estimated Date of Completion	Estimated Cost of Entire Project	Estimated Cost Per Cell	Capacity
WASHINGTON	Yes	Penitentiary, Corrections Centers, Reformatory, Medium Security Prison under construction and one being planned.	Yes - two medium security prisons.	Yes - Purdy Treatment Center for Women, Corrections Center, Penitentiary, Reformatory.	New facilities - January 1984 and December 1985. Renovations - 1984 and 1985.	New facilities - \$49.2 million each. Renovations - approximately \$49 million.	New facilities - \$35,000.	New facilities - 500 beds each.
WEST VIRGINIA	Yes	Maximum security.	No	Yes	Under study.	Under study.	Under study.	Under study.
WISCONSIN	Yes	Maximum, medium, and minimum security facilities.	Yes - one new maximum, two new medium, one new minimum.	Yes - at two maximum security institutions.	1983 - 1986	For new facilities - Maximum - \$36 million; medium - \$7 million and \$28 million; minimum - \$700,000.	Maximum - \$80,000; medium - \$48,000 and \$93,000; minimum - \$35,000.	9 total new beds.
WYOMING	No	---	---	---	---	---	---	---
FEDERAL BUREAU OF PRISONS	Yes	U.S. Penitentiary in Leavenworth, KS.	No	Yes	Unknown due to funding uncertainties.	\$10.7 Million	\$11,580	924
GUAM	Yes	New correctional confinement units, plus renovations.	Yes	Yes	June 1984	\$10 Million	---	160 male and 40 female.
CANADA CORRECTIONAL SERVICE OF CANADA - FEDERAL	Yes	Long range plans provide for construction of six new institutions and the expansion/upgrading of 17 existing facilities.	Yes	Yes	---	Total of new institutions, 1981 dollars - \$153.2 Million. Total of renovations, 1981 dollars - \$172.6 Million.	---	Total planned capacity of new institutions - 1,164. Will increase capacity of renovated institutions from 2,986 to 3,472.
ALBERTA	Yes	Six new correctional facilities and one renovation.	Yes	Yes	1982 - 1986	Total of all projects - \$197 Million.	---	An additional 450 beds planned; another 330 beds under consideration.
BRITISH COLUMBIA	Yes	Remand Centre - secure (will offer full range of pre-trial services).	Yes	No	December 1982	\$22 Million	Approximately \$146,000.	150
MANITOBA	Yes	Medium security for adult sentenced and remand prisoners.	---	Yes	1982 - 83	\$1.5 Million	---	---
NEW BRUNSWICK	Yes	One regional correctional center, one detention center.	Yes	No	1985	\$14 Million	Approximately \$75,000	140

**CONSTRUCTION – NOVEMBER 1981**

STATE	Current Construction/ Renovation or Planning to Construct/Renovate Correctional Facility in 1982	Type of Facility(ies)	New	Renovation of Old	Estimated Date of Completion	Estimated Cost of Entire Project	Estimated Cost Per Cell	Capacity
NEWFOUNDLAND	Yes	Minimum security detention centers in Clerville and Bishop Falls, and minimum security center in Labrador.	Yes	Yes - will renovate prison in St. Johns to provide more program space.	New prisons - 1982. Renovation - 1983.	\$4.2 Million	Detention centers - \$35,000. Labrador - \$62,500.	Detention centers - 24 each. Labrador - 40.
NOVA SCOTIA	Yes	---	---	---	---	---	---	---
ONTARIO	No	---	---	---	---	---	---	---
PRINCE EDWARD ISLAND	Yes	---	---	---	---	---	---	---
QUEBEC	No	---	---	---	---	---	---	---
YUKON TERRITORY	Yes	Contemplating the renovation and addition to Whitehorse Correctional Center, and a possible renovation of property to create a minimum security facility.	---	Whitehorse - in 3-5 years. Minimum facility - April 1982.	Whitehorse - \$17 Million. Minimum facility - \$100,000.	---	Whitehorse would increase capacity from 46 to 110. Minimum facility - 34.	---

7

**SURVEY QUESTIONS:**

1. Is your state currently constructing or renovating, or planning to construct/renovate a correctional facility in 1982?
  - a. Type of facility(ies)
  - b. New?
  - c. Renovation of old?
  - d. Estimated date of completion
  - e. Estimated cost of entire project  
Estimated cost per cell
  - f. Capacity
2. Is your state currently under court order to correct an overcrowding situation?
3. Is your state currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue?

**SYSTEMS NOT RESPONDING:**

- |               |                             |
|---------------|-----------------------------|
| Indiana       | Puerto Rico                 |
| Louisiana     | Northwest Territory, Canada |
| Massachusetts | Saskatchewan, Canada        |
| Ohio          |                             |

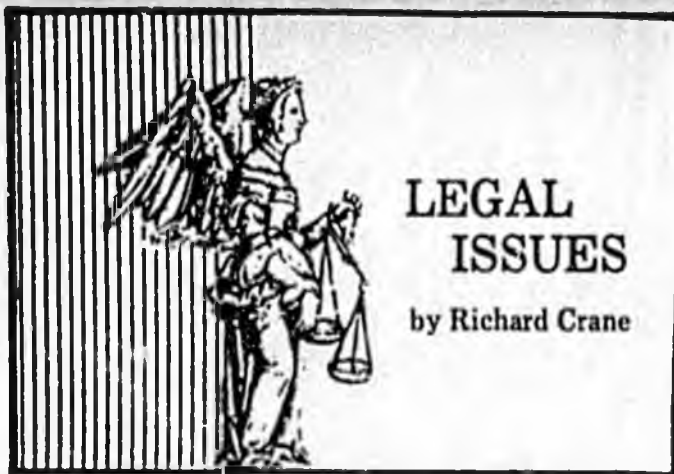
States currently under a court order to correct an overcrowding situation.

- |               |                |
|---------------|----------------|
| Alabama       | Louisiana      |
| Alaska        | Maryland       |
| Arizona       | Michigan       |
| Arkansas      | Mississippi    |
| Connecticut   | Missouri       |
| Dist. of Col. | Nevada         |
| Delaware      | New Mexico     |
| Florida       | Oklahoma       |
| Georgia       | Rhode Island   |
| Illinois      | South Carolina |
| Indiana       | Texas          |
| Iowa          | Washington     |
| Kentucky      | Guam           |

States currently involved in litigation in which the question of overcrowding, bed space, or area per inmate is an issue:

- |               |                |
|---------------|----------------|
| Alabama       | Missouri       |
| Alaska        | Nevada         |
| Arizona       | New York       |
| Arkansas      | North Carolina |
| Colorado      | Ohio           |
| Connecticut   | Oklahoma       |
| Dist. of Col. | Oregon         |
| Florida       | Pennsylvania   |
| Georgia       | Rhode Island   |
| Illinois      | South Carolina |
| Indiana       | South Dakota   |
| Kentucky      | Tennessee      |
| Louisiana     | Washington     |
| Maine         | Wisconsin      |
| Maryland      | Guam           |
| Michigan      |                |

(Survey data gathered from November 1981 - January 1982. States listed as not responding at the end of the Construction Chart received follow-up calls so as to include this information on them as well.)



## LEGAL ISSUES

by Richard Crane

### TWO'S COMPANY, BUT THREE'S A CROWD . . . A BRIEF REVIEW OF COURT DECISIONS ON JAIL AND PRISON OVERCROWDING

In 1977, prison officials in Ohio and Alabama bemoaned the fact that they had been ordered to provide every inmate with sixty or more square feet of living space and that they were not to house more than one inmate to a cell. Jail officials in Platte County, Missouri could understand their anguish . . . they had just been ordered to provide seventy square feet of space for each inmate. In 1979, the mood had changed and jail officials were rejoicing. In 1981, they were followed by prison officials. The reason: the U. S. Supreme Court in 1979 ruled that pre-trial detainees weren't entitled to single cells and, two years later, that convicted inmates could be double-bunked in cells which provided only thirty-one and a half square feet of space per man.

Two questions come quickly to mind: WHY THE CHANGE and IS THERE REALLY A CAUSE FOR REJOICING? What follows is a brief and, by necessity, incomplete answer to those questions.

The first major "conditions of confinement" cases involved barbaric conditions including overcrowding to the extent that inmates had ten to fifteen square feet of space each, shared one poorly functioning toilet with twenty inmates, and one doctor with a thousand others. When inmates did get to see a doctor the medication they were prescribed either wasn't available or there wasn't sufficient staff to ensure they got it. In addition, preventive medical care and psychiatric help were non-existent. Inmates walked around in the same clothes for weeks at a time and the living areas were fire traps. Inmates were often guarded by other inmates and were subjected to physical assaults and homosexual attacks. All of this occurred under the gaze of old-time correctional officials who either didn't have the funds or the inclination to correct the problems.

Faced with these conditions, the courts, applying the longstanding test for cruel and unusual punishment, found the conditions of these facilities "shocked the conscience." Once a constitutional violation was shown the courts had the power to fashion relief

"coterminous with the scope of the constitutional violations." (*Newman v. Alabama*, 503 F.2d 1320 [5th Cir. 1974]).

Judges who were faced with the deplorable conditions outlined above ordered sweeping reforms in the institutions involved. Among the improvements ordered was that each inmate be given a certain amount of space to call his own, usually in the fifty to eighty square feet range. As time passed, suits were filed against prisons which did not provide fifty to eighty square feet of space, but which otherwise had little resemblance to the institutions previously described. Nevertheless, confirming the adage that "bad facts make bad law," many lawyers and judges applied the decisions in these older cases to determine whether the prison or jail under scrutiny was unconstitutionally overcrowded. It was these later cases which eventually reached the Supreme Court in 1979 and 1981.

In the 1979 case (*Bell v. Wolfish*, 99 S.Ct. 1981) and the 1981 prison case (*Rhodes v. Chapman*, 101 S.Ct. 2392), the Supreme Court had before it institutions which were a far cry from those described earlier in this article. Both facilities had been built in the 1970's and both were modern in every respect. However, it was also true that both exceeded their "design" capacity and that neither met the minimum square footage requirements established by such groups as the American Bar Association and the American Correctional Association. Nevertheless, the Court did not find these facts alone sufficient to amount to cruel and unusual punishment.

The Court noted that while the opinions of architects and public interest groups might be instructive in certain cases, they didn't establish the constitutional minima below which institutions could not fall. Further, the Court stated that judges are human (perhaps a debatable point), and are inclined to think that their solutions to prison problems are best. However, the Court stated that it was not the court's responsibility to initially devise plans to correct constitutional violations. This was the responsibility of the prison officials.

Perhaps more instructive was the Supreme Court's reliance on other factors, in addition to square footage, to determine whether the institutions in *Wolfish* and *Chapman* were violative of the Eighth Amendment. Facts the Court considered important were: inmates spent most of their waking hours outside the cells, the facilities were modern in construction, the institutions provided acceptable levels of security and medical care, food and sanitation were good, and, in *Wolfish*, inmates usually spent no more than sixty days at the jail.

What these cases teach is not that the "hands off" doctrine is back or that no amount of overcrowding will be found unconstitutional. But they do make it clear that double celling and crowding beyond the facility's design capacity do not automatically mean

the unit will be found unconstitutional and that uncomfortable and even harsh conditions may be tolerated by the courts. They also point that factors within the control of prison administrators — food, medical care, security, length of time in cell — are of significant importance in determining whether a facility violates the cruel and unusual punishment clause of the Constitution.

If there is a cause for rejoicing by corrections officials it is over the fact that they have regained the right to manage their institutions, but this must be tempered with the realization that the courts will still ensure that the constitutional rights of prisoners are scrupulously observed.

#### \*\*\*\*\* CASE REPORTS \*\*\*\*\*

### NO MONEY IS NO EXCUSE

Inmates at the Buchanan County Jail in St. Joseph, Missouri, will be seeing improved prison conditions as the court found that conditions had fallen below constitutional standards. The district court ordered some changes to be put into effect immediately, but others will come about only after the parties meet, attempt to reach an agreement, and then submit proposals to the court.

Although all the parties and the court recognized that the county is in a financial bind, they all admitted that costs cannot prohibit the elimination of unconstitutional prison conditions. The judge stated he would order expenditures necessary to bring the jail to a decent minimum standard, not to make it a model prison.

Practices in the jail which the judge ordered stopped immediately included:

1. Confining more than one inmate to each cell.
2. Using stand-up cells for confinement of inmates for any period of time.
3. Confining any inmate for longer than one hour in any locked cell which does not have working plumbing.
4. Confining inmates to cells used as communal toilets.
5. Restricting any inmate (except for health or security reasons, reduced to writing) to less than three hours per week of physical exercise outside the tier on which he or she is confined, to be increased to a minimum of seven hours per week within sixty days.
6. Excluding any inmate from any religious activity or other authorized meeting without written findings of health or security reasons for so doing.

*Heitman v. Gabriel*, 524 F.Supp. 622 (W.D. Mo. 1981)

### WILLINGNESS TO WORK CAUSES INMATE PROBLEMS

A prisoner doesn't have to be given *Miranda* warnings when he is questioned by a suspicious guard, according to the Virginia Supreme Court.

This case arose when a guard became suspicious because an inmate showed an unusual willingness to do his assigned work. The guard followed the inmate and saw him throw something over the fence. After repeated questioning by the guard, the inmate retrieved the object he had thrown. It turned out to be a vial containing cocaine.

The Court held that the on-the-scene questioning was permissible, even though the guard had not given the inmate notice of his rights under *Miranda v. Arizona*.

*Beamon v. Commonwealth*, 30 CrL 2275 (VA Sup. Ct. 1981)

### BLACK IS TICKLED PINK — AWARDED \$5,000 BY COURT

Richard Black, an inmate at Illinois State Penitentiary in Joliet, was given \$5,000 in damages for time spent in isolation and punitive segregation for committing the offense of running in the prison yard.

During a fight at the penitentiary in which one inmate struck another with a pipe, someone yelled, "Stop that man." Black, along with other inmates, chased the offender until stopped by a guard firing into the air. Later that day Black was placed in punitive segregation. Twelve days were spent in isolation before the offense for which he was charged was read to him from the hallway. At no time was hearing held to determine the validity of the charge. After serving the maximum sentence of 15 days in isolation, Black was transferred without explanation to punitive segregation where he remained for 18 months.

The court held that Black had been deprived of procedural due process and subjected to excessive punishment, and ordered to be paid by the prison officials named in the suit.

*Black v. Brown*, 524 F. Supp. 856 (N.D. Ill. 1981)

### BAPTISMAL CERTIFICATES AND OTHER EVIDENCE ADMISSIBLE AT PROBATION REVOCATION HEARING

After receiving anonymous information that Peter Rea was violating the terms of his probation and independently verifying much of this information, Mr. Rea's probation officer was justified in searching Rea's residence without a warrant and asking questions as to the alleged probation violations.

The anonymous caller claimed that Rea was in possession of cocaine and forged baptismal certificates, that he had left the state without permission, that he was involved in a conspiracy regarding false

claims on American Express travelers checks, and that he had recently been in an automobile accident. The New York City police department verified the automobile accident and American Express indicated that an investigation was being initiated and that Rea was suspected of being involved in such a conspiracy.

Upon searching Rea's residence, probation officers discovered a loaded pistol, rounds of ammunition and accessories for handguns, tear gas pellets, a stiletto knife, marijuana, drug paraphernalia, and blank baptismal certificates.

The court recognized the rehabilitative purpose of probation and held that evidence of a probation violation should not be excluded from the revocation hearing even if a warrant would be required in order to use the evidence for a separate criminal prosecution. The court held further that the statements Rea made to the officer after requesting an attorney would be allowed into evidence at the revocation hearing because a probationer does not enjoy the full constitutional rights of other citizens.

The court noted that a probationer is protected from harassment and untoward conduct by his probation officer through the use of civil suits for injunction or monetary damages.

*United States v. Rea*, 524 F. Supp. 427 (E.D. N.Y. 1981)

#### **INMATE MUST BE ADVISED OF INFORMATION WHICH MAY ADVERSELY AFFECT PAROLE**

Dr. Earl Evans, a one-time resident of the federal penitentiary, had a letter in his behalf sent to the Parole Commission which appeared to be written by Arkansas' 39th governor, Dr. Bob Riley. He now claims that the regional parole commissioner's failure to accept the commission's recommendation of parole was based on false information from the U. S. Attorney in Arkansas to the effect that Dr. Riley was never governor and was dead at the time the letter was written. In fact, Dr. Riley was Arkansas' 39th governor, serving twelve days from January 3, 1975, to January 14, 1975, and he is still alive.

Although the court observed that the information given the commissioner seemed to be that Dr. Riley was not governor at the present time and a letter was sent by the U. S. Attorney correcting the information that Dr. Riley was dead, the case was sent back to the trial court to be heard in its entirety. The appeals court held that Dr. Evans should have been given notice of and an opportunity to respond to the misinformation concerning the governor.

*Evans v. Dillehuntz*, 662 F.2d 522 (8th Cir. 1981)

#### **BOGUS RELIGIOUS PRACTICES NEED NOT BE ALLOWED**

The denial of conjugal visits, banquets on designated church holidays, payment for services as

chaplain of his church, being allowed to have long hair and a beard, and the right to distribute the church newspaper were found not to be a denial of First Amendment right to religious freedom for Clovis Green, an inmate in the Missouri Training Center for Men in Moberly. Green had raised these claims based on his membership in the Human Awareness Life Church.

The court found that prison officials believed in good faith that this was a bogus religion concocted by Green solely for the purpose of obtaining privileges not available to the general population. The court went on to discuss Green's attitude in general, noting in particular his testimony that he would dismiss the hundreds of lawsuits he has pending in return for his release from custody. The court dismissed the case due to its "frivolous and malicious nature."

*Green v. White*, 525 F.Supp. 81 (E.D. Mo. 1981)

#### **CITY FORCES STATE DEPARTMENT TO TAKE MENTALLY INCOMPETENT INMATES**

City officials, who are under a court order not to keep mentally incompetent inmates more than 48 hours at the Duval County Jail in Florida, have won in their attempt to force the State Department of Health and Rehabilitative Services (HRS) to take these inmates.

After analyzing state law, the court decided that HRS does have the responsibility of caring for and keeping custody of inmates who have been declared mentally incompetent to stand trial. In the event that HRS lacks adequate bed space, it still has the duty to provide constitutionally fit facilities through such means as contracting with private hospitals, as the city sometimes has to do.

The court refused to give the city money damages for the expenses it incurred when it had to house some inmates at University Hospital in Jacksonville when HRS refused to take them in custody.

*Miller v. Carson*, 524 F.Supp. 1174 (M.D. Fla. 1981)

#### **GUARD MUST PAY \$30,000 FOR FAILURE TO PROTECT INMATE**

Daniel Wade, while in administrative segregation at the Alton, Missouri reformatory, was allegedly beaten and sexually assaulted by both his cellmates. His suit against three correctional officers, the superintendent of the reformatory, and the Director of Corrections resulted in a judgment against only one of the correctional officers, Officer Smith.

The district court dismissed the Director of Corrections and one officer on its own and the superintendent and another officer won by jury verdict. However, the jury ordered Officer Smith to pay \$30,000 in damages.

The officer who was exonerated by the jury had initially placed Wade in segregation with another

prisoner. Later, Officer Smith came on duty and placed a third inmate in the same cell.

On appeal, the court found that there was sufficient evidence for the jury to find that Smith acted with reckless and total disregard for the safety of prisoners in his care for the following reasons:

1. Smith knew that the third inmate placed in the cell had been ordered separated from the other inmates for his own safety and that of others.
2. Evidence showed that Smith made little or no effort to determine whether another cell was available.
3. There was no evidence that Smith checked on the inmates during his shift.
4. There had been a beating death in another cell during Smith's shift only a few weeks before.

*Wade v. Haynes*, 663 F.2d 778 (8th Cir. 1981)

## OREGON 22 . . . . . FRANKLIN 11

Harry Franklin, a prolific writ writer serving time in Oregon's prison system, was only partially successful recently when he appealed the dismissal of 33 lawsuits he had filed. The U. S. Court of Appeals for the Ninth Circuit ruled that the lower court had overreacted in dismissing all of Franklin's suits. They found that 11 of the 33 should have gone to trial to determine if the claims presented were true.

Among Franklin's claims which the appeals court returned for hearings were whether:

- (1) A female guard violated Franklin's right to privacy by conducting a strip search on him.
- (2) He was not allowed outdoor exercise on a regular basis.
- (3) He was not protected from inmates throwing harmful things into his cell.
- (4) His cell was bugged so that "his talk with God through prayers may have been overheard."

Among the suits which the appeals court found were properly dismissed were claims that two of Franklin's letters were lost because inmates handled the mail; that he did not receive a well-balanced breakfast following his insulin injections; and that the taking of twelve instead of two x-rays was an undue invasion of his body in violation of his religious beliefs.

*Franklin v. Oregon*, 662 F.2d 1337 (9th Cir. 1981)

## \*\*\*\*\* SUPREME COURT NEWS \*\*\*\*\*

\* In a close 5-4 decision, the Supreme Court set aside the death sentence which had been imposed on an Oklahoma defendant who murdered a police officer at the age of 16. Opponents of the death penalty were disappointed that the Court did not base its decision on the offender's age. They had hoped that the Court would state that the execution of a person who was 16 or younger at the time of his offense would automatically be prohibited under the U. S. Constitution. Instead, the Court ruled that the trial judge had erred by refusing to consider the youth's family background and emotional problems in mitigation of the death penalty. Thus, the Court did not say whether age alone could bar imposition of the death penalty.

\* The Court held that a Virginia man was not subjected to cruel and unusual punishment even though he received a forty year sentence and a \$20,000 fine for possession and distribution of less than nine ounces of marijuana. The Court's ruling came despite the fact that even the prosecuting attorney felt the offender should have been released after three years, given the gross disparity between his sentence and those received by comparable offenders. (The average sentence was three and one-half years.)

\* The Court recently heard oral arguments in a case involving institutionalized mental retardants. The Court's rulings on the level of treatment required and the use of physical restraints could have an effect on the operation of adult and juvenile correctional centers. The decision will probably be made public in the near future.

## COMING ATTRACTIONS . . . . .

- Must the parents of a juvenile be present when the child is questioned about his involvement in criminal activity?
- Can statements from confidential informants be used in prison disciplinary proceedings?
- May inmates placed in solitary confinement be deprived of all clothing?
- Can a jailor escape liability solely by showing he was "just following orders"?
- Is it constitutional to serve an inmate only one meal a day?
- Are pre-trial detainees entitled to contact visits?

# Subscribe



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July 22, 1982

REPORT NO. 22

GOVERNOR'S ACTION

- Safety  
Advisory  
Council SENATE CS FOR CS FOR HOUSE BILL NO. 835 (L&C), (see pages 288;445;597;731;778;815;884;922;971). Signed by the Governor on June 14 - Chapter 90, SLA 1982 (relating to the Alaska Safety Advisory Council).
- AK Employment  
Security Act  
(exemptions) CS FOR HOUSE BILL NO. 726 (L&C)(AMENDED SENATE), (see pages 149;445;557;606;866;922;971). Signed by the Governor on June 14 - Chapter 91, SLA 1982 (providing an exemption from the Alaska Employment Security Act for certain employees of certain corporations).
- School  
Construction  
(transferring  
admin.) SENATE CS FOR CS FOR HOUSE BILL NO. 279 (FIN), (see pages 916;954;970). Signed by the Governor on June 14 - Chapter 92, SLA 1982 (relating to school construction and transferring the administration of school or education-related facility construction from the Dept. of Transportation and Public Facilities to the Dept. of Education; effective date).
- Workers'  
Compensation SENATE CS FOR CS FOR HOUSE BILL NO. 159 (L&C), (see pages 384;398;581;670;714;861;915;954;970). Signed by the Governor on June 14 - Chapter 93, SLA 1982 (relating to Workers' Compensation; effective date).
- Limited Entry  
Permits  
(penalties) SENATE CS FOR CS FOR HOUSE BILL NO. 637 (JUD)(AM, SENATE), (see pages 33;589;649;717;730;814;877;942). Signed by the Governor on June 15 - Chapter 94, SLA 1982 (relating to the taking, purchase, or sale of certain fishery resources; effective date). The following message from the Governor accompanied the bill:

"While I am signing SCS CS HB 637 (Jud) am 8 into law, I am concerned that language in sec. 1 allowing a permit holder to be absent from the site to sell fish may create a situation wherein the section becomes unenforceable. I am requesting the commissioner of public safety to advise me as to whether this new language creates an enforcement problem this fishing season so that I may submit corrective legislation to the next legislature."

GOVERNOR'S ACTION

- Chilkat Bald Eagle Preserve/Haines Forest Mgmt. Area HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 796 (RES), (see pages 249;359;748;756;841;903;924). Signed by the Governor on June 15 - Chapter 95, SLA 1982 (providing for the management of state-owned land in the Haines area; establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area; effective date).
- Real Estate Commission HOUSE CS FOR SENATE BILL NO. 816 (L&C), (see pages 325;681;692;761;841;903;924). Signed by the Governor on June 14 - Chapter 96, SLA 1982 (continuing the existence of the Real Estate Commission and amending the statutes relating to the commission's responsibilities and the real estate surety fund; effective date).
- Foster Homes (licensing of) SENATE BILL NO. 650 (AMENDED HOUSE), (see pages 15;333;340;602;853;906;923;939). Signed by the Governor on June 14 - Chapter 97, SLA 1982 (relating to licensing of foster homes, group homes, nurseries, and institutions; effective date).
- Vets' Burial Allowance HOUSE CS FOR CS FOR SENATE BILL NO. 146 (SA)(AM. HOUSE), (see pages 318;845;922). Signed by the Governor on June 14 - Chapter 98, SLA 1982 (relating to veterans' burial allowances).
- Small Loans (interest rates) CONFERENCE CS FOR HOUSE BILL NO. 524, (see pages 614;821;883;909;920;944;971). Signed by the Governor on June 14 - Chapter 99, SLA 1982 (relating to small loans; effective date).
- Special Sessions (outside Juneau) CS FOR HOUSE BILL NO. 184 (JUD), (see pages 115;438;550;557;606;789;829;954). Signed by the Governor on June 14 - Chapter 100, SLA 1982 (authorizing convening special sessions of the legislature at any location in the state).
- State Budget (FY '83 operating & capital) SENATE CS FOR HOUSE BILL NO. 146 (FIN), (see pages 919;960;994;1002;1021). Signed by the Governor on June 16 with partial vetoes - Chapter 101, SLA 1982. The following messages accompanied the bill (the first letter to the House, the second to the Senate):

I have today signed the Fiscal Year 1981 Operating and Capital Budgets (HCS HB 146 Fin) (with vetoes and reductions) into law. Fashioning a budget this session was an extremely difficult task given the rather significant decrease in revenues that confronted us all. Although I appreciated the efforts of the House to decrease the budget in line with the revised revenue estimates, I am nonetheless pleased that the Senate version of the Operating Budget is the one that finally passed the Legislature. I believe the Senate operating budget represents a responsible compromise between reduced revenues and ongoing needs for State services.

Through the mutual efforts of the Senate and my office, we were able to strategically impose cuts of more than \$100 million to my original operating budget request, while at the same time not imposing havoc on programs delivering needed services to Alaskans. The net result of this cooperative effort is that I did not have to take my reliance to any portions of the operating budget.

There were, however, veto/reductions in the Capital Budget totaling \$16.3 million. My vetoes were generally based on one or more of the following features: (1) duplication, (2) designated grants to named non-profit entities, (3) insufficient and/or non-persuasive backup, and (4) lack of an adequate public purpose.

## GOVERNOR'S ACTION

### SCS HB 148 (Fin) (cont'd)

In any case, my total reductions were a rather small fraction of the entire budget, since there seems to be more concentration on basic governmental functions (e.g. roads, schools) this year, as opposed to past budgets.

#### And to the Senate:

I have today signed the Fiscal Year 1983 Operating and Capital Budgets (SCS HB 148 Fin) (with vetoes and reductions) into law. Fashioning a budget this session was an extremely difficult task and I deeply appreciate the assistance you, members of the Senate Finance Committee and other members of the Senate extended to me and my staff. Without your concern and cooperation, the Fiscal Year 1983 Operating Budget passed by the House could conceivably have passed the Legislature. The drastic reductions imposed by the House were often illogical, ill-founded and targeted at those segments of Alaska's population least able to help themselves.

However, through the mutual efforts of the Senate and my office, we were able to strategically impose cuts of more than \$100 million to my original operating budget request, while at the same time not imposing havoc on programs delivering needed services to Alaskans. The net result of this cooperative effort is that I did not have to take my red pen to any portions of the operating budget.

There were, however, veto/reductions in the Capital Budget totaling \$16.3 million. My vetoes were generally based on one or more of the following factors; (1) duplications, (2) designated grants to named non-profit entities, (3) insufficient and/or non-persuasive backup, and (4) lack of an adequate public purpose.

In any case, my total reductions were a rather small fraction of the entire budget, since there seems to be more concentration on basic governmental functions (e.g. roads, schools) this year, as opposed to past budgets.

Again, I want to thank you for your assistance this year on the budget and other matters. As always, it has been a pleasure to work with you and other members of the Senate.

- Permanent Fund Dividends (alternative)      HOUSE CS FOR CS FOR SENATE BILL NO. 842 (FIN)(AM. HOUSE), (see pages 401;681;687;692;894;944;1011;1020). Signed by the Governor on June 16 - Chapter 102, SLA 1982 (providing for permanent fund dividends; effective date).
- Computer Network (statewide schools)      SENATE BILL NO. 719 (AMENDED HOUSE), (see pages 134;672;825;834;893;959;984). Signed by the Governor on June 14 - Chapter 103, SLA 1982 (providing that the Dept. of Education conduct a computer network study; effective date).
- Child Protection Laws      HOUSE CS FOR CS FOR SENATE BILL NO. 89 (FIN)(AM. HOUSE), (see pages 196;224;534;933;957;972). Signed by the Governor on June 14 - Chapter 104, SLA 1982 (amending the child protection laws; effective date).
- Appropriation (special) (birth defects)      SENATE BILL NO. 737, (see pages 180;415;524;529;547;701;767;807;931;984). Signed by the Governor on June 14 - Chapter 105, SLA 1982 (making a special appropriation to the

GOVERNOR'S ACTION

SB 737, (cont'd)

Dept. of Health & Social Services to be used to combat the causes and effects of birth defects; effective date).

Appropriation  
(special)  
(DNR plant  
quarantine  
center)      SENATE BILL NO. 772, (see pages 239;567;632;639;703;840;  
907;985). Signed by the Governor on June 14 - Chapter 106,  
SLA 1982 (making a special appropriation to the Dept. of  
Natural Resources for construction of a plant quarantine sta-  
tion at the plant materials center (AS 03.22) operated in  
cooperation with the Institute of Agricultural Sciences; effective  
date).

Coroners  
(duties/  
inquests)      CS FOR SENATE BILL NO. 692 (JUD), (see pages 92;334;340;  
604;700;893;983). Signed by the Governor on June 14 -  
Chapter 107, SLA 1982 (relating to the duties of coroners and  
the coroner's inquest).

Contractors  
(bonds/regis-  
tration)      SENATE BILL NO. 45 (E.D. ADDED)(AM. HOUSE), (see pages  
559;753;799;834;835;942;957;972). Signed by the Governor on  
June 14 - Chapter 108, SLA 1982 (relating to contractors and  
to registration of contractors; effective date).

Hunting &  
Fishing Lic.  
& Tag Fees      CS FOR 2ND SS FOR SENATE BILL NO. 275 (RES)(AMENDED), (see  
pages 267;336;423;434;696;837;980). Signed by the Governor on  
June 14 - Chapter 109, SLA 1982 (relating to the compensa-  
tion of persons collecting hunting and fishing license and tag  
fees; effective date).

State Bonds  
& Notes  
(raising  
interest  
rate)      HOUSE CS FOR CS FOR SENATE BILL NO. 748 (FIN), (see pages  
184;623;680;691;840;959;985). Signed by the Governor on  
June 14 - Chapter 110, SLA 1982 (relating to interest on  
state bonds and notes; effective date).

In-Bond  
Merchandise  
(regulation of)      SENATE BILL NO. 824 (AMENDED HOUSE), (see pages 362;480;633;  
639;704;903;944;959;986). Signed by the Governor on June 14  
- Chapter 111, SLA 1982 (relating to sale and delivery of in-  
bond merchandise at international airports; effective date).

State  
Personnel Act  
(amending)      HOUSE CS FOR CS FOR SENATE BILL NO. 193 (JUD)(AM. HOUSE),  
(see pages 616;679;691;757;934;957;979). Signed by the  
Governor on June 14 - Chapter 112, SLA 1982 (amending state  
personnel laws; effective date).

State Loan  
Programs  
(amendments  
to)      CONFERENCE CS FOR SENATE BILL NO. 666, (see pages 55;140;  
270;334;340;489;535;602;605;635;658;884;906;931;943;962;983  
1008). Signed by the Governor on June 24 - Chapter 113, SLA  
1982 (relating to certain state loan and grant programs;  
effective date).

Appropriations  
(state loan  
programs)      CONFERENCE CS FOR SENATE BILL NO. 322, (see pages 550;600  
605;634;658;930;943;957;980). Signed by the Governor on June  
24 - Chapter 114, SLA 1982 (making appropriations for various  
state loan and grant programs; amending a 1981 appropriation for  
senior citizen housing; effective date).

GOVERNOR'S ACTION

- Unemployment Insurance/ Child Care Workers      CONFERENCE CS FOR SENATE BILL NO. 552, (see pages 477; 529; 546; 641; 758; 884; 898; 943; 958; 982). Signed by the Governor on June 24 - Chapter 115, SLA 1982 (relating to unemployment insurance and exempting certain child care workers from the Alaska Wage and House Act; effective date).
- Train Crews (minimum)      CS FOR SENATE BILL NO. 849 (TRSP), (see pages 405; 568; 634; 639; 772; 807; 854; 1021). Signed by the Governor on June 24 - Chapter 116, SLA 1982 (relating to minimum crew requirements for the operation of railroad trains and engines; effective date).
- Driving While Intoxicated      HOUSE CS FOR SENATE BILL NO. 611 (FIN)(AM, HOUSE), (see pp. 2; 194; 329; 377; 381; 699; 760; 958; 983). Signed by the Governor on June 24 - Chapter 117, SLA 1982 (relating to operating a motor vehicle, aircraft or watercraft while intoxicated).
- Child Support Enforcement (penalties & interest)      CS FOR SENATE BILL NO. 741 (FIN)(AM, HOUSE), (see pages 181; 379; 479; 825; 834; 907; 984; 1009). Signed by the Governor on June 24 - Chapter 118, SLA 1982 (relating to child support enforcement; effective date).
- Munic. Aid Program (muni. & unincorporated communities)      SENATE BILL NO. 836, (see pages 369; 420; 484; 509; 604; 843; 964; 987; 1020). Signed by the Governor on June 24 - Chapter 119, SLA 1982 (extending appropriations made for entitlements to municipalities and unincorporated communities and extending appropriations for administering the entitlements; effective date).
- Munic. Aid Program (extending time limit)      SENATE BILL NO. 830, (see pages 367; 420; 484; 509; 604; 842; 964; 986; 1019). Signed by the Governor on June 24 - Chapter 120, SLA 1982 (extending the time during which assistance for municipalities and unincorporated communities is paid under ch. 60, SLA 1981; effective date).
- Life Insur. Policy Loans (int. rate & reinstatement)      CS FOR SENATE BILL NO. 841 (L&C), (see pages 401; 628; 687; 751; 756; 763; 969; 1020). Signed by the Governor on June 24 - Chapter 121, SLA 1982 (relating to insurance policy provisions on policy loans and reinstatement of policies; effective date).
- Tampering With a Witness      CONFERENCE CS FOR HOUSE BILL NO. 573, (see pages 78; 99; 119; 471; 821; 883; 909; 955; 971). Signed by the Governor on June 24 - Chapter 122, SLA 1982 (relating to the crime of tampering with a witness).
- Big Game & Wild Fowl (waste of)      CONFERENCE CS FOR HOUSE BILL NO. 47, (see pages 383; 468; 505; 787; 812; 871; 883; 908; 953; 970). Signed by the Governor on June 24 - Chapter 123, SLA 1982 (relating to the prohibition against waste of meat of big game animals and wild fowl).
- Appropriation (special) (Avalanche Warning System)      HOUSE BILL NO. 348 (AMENDED SENATE), (see pages 64; 1022). Signed by the Governor on June 24 - Chapter 124, SLA 1982 (making a special appropriation to the Dept. of Public Safety for the Alaska avalanche warning system; effective date). The Governor attached the following message:

GOVERNOR'S ACTION

HB 348 (AM S), (cont'd)

"While I have reduced the appropriation from \$446,000 to \$275,000 to reflect a single-year operation of the Avalanche and Fire Weather Forecast System, the intent of the legislation remains unchanged."

- Fed. Budget Impact Fund      CONFERENCE CS FOR HOUSE BILL NO. 876, (see pages 303;446; 718;731;803;867;922;961;995;1005;1023). Signed by the Governor on June 24 - Chapter 125, SLA 1982 (providing for a federal budget impact fund; effective date).
- Testamentary Transfers (reenacting marital deduction)      HOUSE BILL NO. 848, (see pages 292;598;608;718;731;866;955). Signed by the Governor on June 24 - Chapter 126, SLA 1982 (reenacting the law relating to the marital deduction in testamentary transfers; effective date).
- Interstate Corrections Compact (adopting)      SENATE BILL NO. 186 (AMENDED HOUSE), (see pages 64;139;422; 434;534;845;943;957;979). Signed by the Governor on June 24 - Chapter 127, SLA 1982 (adopting the Interstate Corrections Compact; effective date).
- AK Railroad Transfer Advisory Commission      HOUSE CS FOR CS FOR SENATE BILL NO. 212 (RLB), (see pages 753;822;814;889;967;1008;1014). Signed by the Governor on June 24 - Chapter 128, SLA 1982 (relating to the Alaska Railroad Transfer Advisory Commission; effective date).
- Agricultural Development Projects      HOUSE CS FOR CS FOR SENATE BILL NO. 418 (RLB), (see pages 981;1008;1024). Signed by the Governor on June 24 - Chapter 129, SLA 1982 (relating to the disposal of land for agricultural development; effective date).
- Royalty Oil (sale of to Tesoro)      HOUSE BILL NO. 888, (see pages 577;657;713;723;731;779; 816;1008). Signed by the Governor on June 24 - Chapter 130, SLA 1982 (relating to the sale of royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; effective date).
- Royalty Oil (sale of to Doyon, Ltd.)      CS FOR HOUSE BILL NO. 889 (FIN), (see pages 577;657;713; 723;731;779;817;1006). Signed by the Governor on June 24 - Chapter 131, SLA 1982 (relating to the sale of royalty oil by the State of Alaska to Doyon, Ltd.; effective date).
- Medicaid (eligibility/ services)      CS FOR SENATE BILL NO. 817 (FIN), (see pages 325;626;826; 835;893;964;986;1010;1019). Signed by the Governor on June 24 - Chapter 132, SLA 1982 (relating to medical assistance for needy persons; effective date).
- AK Power Authority/ Power Projects      CONFERENCE CS FOR HOUSE BILL NO. 9, (see pages 671;720;868; 908;925;944;960;991;1000;1021). Signed by the Governor on June 24 - Chapter 133, SLA 1982 (relating to energy; effective date).
- Campaign Law Violations      HOUSE BILL NO. 89 (AMENDED), (see pages 51;83;1000;1024). Signed by the Governor on June 24 - Chapter 134, SLA 1982 (relating to remedies for violation of campaign laws).

GOVERNOR'S ACTION

Aid to Fam.  
w/Dependent  
Children  
(raising  
amounts)

CS FOR HOUSE BILL NO. 174 (FIN), (733;828;872;1002;1024).  
Signed by the Governor on June 24 - Chapter 135, SLA 1982  
(relating to aid to families with dependent children; effective date). The following message accompanied the bill:

This bill will increase the cash assistance by about \$50.00 per family per month to certain Alaska single parent families with needy children. It permits certain pregnant women who meet stringent need standards to receive cash assistance during their final trimester of the pregnancy.

Many of these less fortunate children and their families will benefit greatly by this limited payment increase. One needs only to look at an Anchorage or Fairbanks paper to realize that food and housing costs are rising steadily, making it difficult for persons on public assistance to purchase life necessities on their limited budgets. It will serve additionally to reduce the disparity in the current state system, which statutorily authorizes a single adult public assistance recipient who is aged, blind, or disabled, to receive monthly state payment significantly greater than that paid to low income AFDC families of two persons.

The passage of the bill was not accompanied by an appropriation which would enable it to pass on the full increase to eligible persons. This may negate some of the relief that this legislation was intended to give to the poor in Alaska. I have directed the Department of Health and Social Services to a administrative regulations to implement these changes in the law given the fact that no appropriation accompanied the bill.

I have also directed the Department of Health and Social Services to begin to implement SR 26 to prepare an additional job training and work experience program for AFDC recipients to enhance their employability and increase their likelihood of achieving economic independence. I want to ensure that we make every effort to develop independence from state public assistance and encourage responsible work attitudes, self-esteem and dignity. Adequate payments should be available on an interim basis to those most in need who are unable to find jobs. This bill would aid in rectifying some of these payment inequities.

Elec. &  
Telephone  
Cooperatives

SENATE CS FOR HOUSE BILL NO. 849 (SLS), (see pages 293;504;662;671;816;866;923;955;995;1023). Signed by the Governor on June 24 - Chapter 136, SLA 1982 (relating to cooperatives).

Public  
Employees  
(retirement &  
benefits)

HOUSE CS FOR CS FOR SENATE BILL NO. 121 (FIN)(AM. HOUSE), (see pages 472;817;880;887;888;973;1007;1013). Signed by the Governor on June 24 - Chapter 137, SLA 1982 (relating to teachers', judicial, national guard, and public employees' benefits,; creating the Public Employees' and Teachers' Disability Review Board; effective date).

Public Health  
Assistance

CONFERENCE CS FOR HOUSE BILL NO. 357, (see pages 536;647;708;722;730;775;863;874;928;944;960;995;1003;1022). Signed by the Governor on June 24 - Chapter 138, SLA 1982 (relating to vision and hearing screening examinations, public assistance, and other assistance provided by the state; effective date).

Appropriations  
(special &  
supplemental/  
extending &  
repealing)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 746 (FIN)(AM. H), (see pages 183;374;423;508;641;702;848;907;1010;1017). Signed by the Governor June 25 - Chapter 139, SLA 1982 (Making special and supplemental appropriations; extending lapse dates; repealing certain appropriations; and providing for an effective date). The following message accompanied the bill, relating to vetoes and reductions (in addition to those sections mentioned the Governor also vetoed an appropriation in the amount of \$150,000 to the Dept. of Commerce and Economic Development,

GOVERNOR'S ACTION

CS SB 746 (FIN)(AM H), (cont'd)

Office of Mineral Development, for the production of a documentary film on Alaska's mining history and potential):

I have signed the following bill (with vetoes and reductions) and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 746 (Fin) am H  
(Making special and supplemental appropriations;  
extending lapse dates; repealing certain appro-  
priations; and providing for an effective date)  
Chapter 139, SLA 1982

Most of my vetoes dealt with the fiscal note section (Section 14). These vetoes resulted from funding not being needed for the fiscal notes, either because the bills did not pass the Legislature, or having passed the Legislature, were vetoed by me.

The one significant non-fiscal note veto concerned Section 17, appropriating \$2.2 million to the University of Alaska, for site preparation and planning for student housing at Anchorage. I vetoed this appropriation because I do not believe that a last minute legislative add-on is the proper method to deal with a long-standing controversy regarding student housing at the Anchorage campus. This is especially true in that the Senate had virtually no choice in dealing with this bill--they had to accept or reject it in its entirety since the House had already adjourned.

I think the student housing situation should be resolved in a more appropriate fashion, involving actions by the Board of Regents.

State  
Geographic Bd.  
(Native place  
names)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 727 (SA), (see pages 173;423;434;761;885;901;907;968;1017). Signed by the Governor June 28 - Chapter 140, SLA 1982 (Relating to the duties of the State Geographic Board; and providing for an effective date).

Appropriations  
(prior year  
adjustments)

SENATE CS FOR CS FOR HOUSE BILL NO. 643 (FIN) (re-eng), (see pages 35;120;138;634;921;961;969;1005;1022). Signed by the Governor June 28 - Chapter 141, SLA 1982 (Repealing, amending, making, and extending lapse dates on appropriations; and providing for an effective date). The following message accompanied the bill:

I have signed the following bill (with vetoes and reductions) and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 643 (Fin) re-engrossed  
(Repealing, amending, making, and extending  
lapse dates on appropriations;  
and providing for an effective date)  
Chapter 141, SLA 1982

This was a rather difficult bill to deal with, given its rather potpourri nature of operating items, capital items, re-appropriation items, new items, etc. However, I have completed my action, with the net effect of a reduction of some \$3 million dollars, once all things are taken into account.

Since there were so many items, I will not list the reasons for each specific veto/reduction, but rather I will provide the general factors that caused vetoes. I vetoed/reduced sections where:

- (1) the legislature inappropriately tried to transfer funding from projects that were ongoing, or where the funds had already been spent;

GOVERNOR'S ACTION

SCS CS HB 447 (FIN)(re-eng), (cont'd)

- (2) there was insufficient backup to justify the project, or the level of funding for the project;
- (3) funding for a project was provided to an inappropriate entity--for instance, funding was given to a municipality to perform functions which were outside the scope of the municipality's charter;
- (4) there was duplicate funding in other bills;
- (5) the use of the appropriation was not an appropriate State function;
- (6) the funding level was excess to the current needs; and
- (7) the program should have received funding from another source.

AK Renewable Resources Corporation

HOUSE CS FOR CS FOR SENATE BILL NO. 697 (FIN), (see pages 95;563;746;756;839;1009;1017). Signed by the Governor June 30 - Chapter 142, SLA 1982 (Establishing the Alaska Resources Corporation in place of the Alaska Renewable Resources Corporation (AS 37.12); and providing for an effective date).

Criminal Laws (amending)

HOUSE CS FOR CS FOR SENATE BILL NO. 535 (2d JUD)(AM H), (see pages 474;531;572;577;640;758;906;967;1005;1014;1027). Signed by the Governor July 3 - Chapter 143, SLA 1982 (Relating to criminal law and procedure and amending the revised criminal code; changing Rule 37, Rules of Criminal Procedure and Rule 901, Alaska Rules of Evidence). The following message accompanied the bill:

Among the most significant sections of this bill are provisions that (1) redefine and restrict the scope of the insanity defense, (2) specify the type of immunity that must be afforded witnesses who are compelled to testify in criminal trials, (3) increase the penalty for sexual assault in the first degree, and (4) establish presumptive sentences for all class A felony offenses.

Since this bill was adopted by the legislature, several concerns have arisen pertaining to the procedures surrounding the formulation and passage of the bill. I requested the Department of Law to review these concerns to determine whether the bill contained legal deficiencies.

In part because this bill was voted on during the final days of the legislative session, concerns have been raised by some that the bill did not receive sufficient public review before passage. This concern is frequently raised when legislation passes during the final days of a session. A review of the legislative history of this bill, however, reveals that it received substantial committee attention.

The Senate Judiciary Committee, for example, held approximately 10 committee hearings over a two-year period on the original version of the bill. The House Judiciary Committee reviewed the Senate Committee Substitute at also approximately ten hearings and held nearly as many meetings to separately consider the revisions to the insanity laws. Several statewide teleconference hearings were held by the House Judiciary Committee on this bill. That committee also held a separate hearing on the immunity sections of the bill. Sections revising the penalties for sexual assault and authorizing telephonic search warrants received hearings on separate bills, in both judiciary committees.

Before voting to concur with the version of the bill that passed the House, the Senate Judiciary Committee met to review the House changes. An extensive commentary and sectional analysis accompanying the bill was prepared and distributed to all legislators before the vote, and that commentary was adopted by both houses.

GOVERNOR'S ACTION

HCS CS SB 535 (2d JUD)(AM H), (cont'd)

Far from supporting the conclusion that this bill was not exposed to sufficient committee work and public review, the legislative history of the bill demonstrates that the individual sections in this bill received considerable attention.

Concerns have also been raised that the bill pertains to more than a single subject. However, all the sections in the bill pertain to one general subject as required by art. II, sec. 13 of the Alaska Constitution: refinements in Alaska's recently revised criminal code.

In interpreting the requirements of the single subject rule, the Alaska Supreme Court has held that the rule must be construed with considerable breadth to prevent the legislature from being unduly restricted in scope and permissible subject matter, thereby multiplying the number of necessary enactments and their interrelationships. Gallert v. State, 522 P.2d 1120 (Alaska 1974). See also, Brunt v. State, \_\_\_ P.2d \_\_\_, Op. No. 98 (Alaska App. June 25, 1982). As the supreme court observed in Gallert:

Ultimately the decision in cases of this kind must be made on a basis of practicality and reasonableness. In determining whether a bill is confined to one subject, we agree with the statement:

'All that is necessary is that act [sic] should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.'

Id., at 1123 (citation omitted; emphasis added).

Although this legislation contains two provisions that purportedly change court rules, the sections noting that effect, secs. 43 and 44, were never brought up for separate votes after the bill was concurred in by the Senate on a 13-6 vote. Section 43 notes that the effect of sec. 18 of the bill is to change Rule 17, Rules of Criminal Procedure, by allowing for the issuance of telephonic search warrants. Section 44 notes that sec. 40 of the bill amends Rule 901, Alaska Rules of Evidence, by specifying requirements for the authentication of photographic evidence of property unlawfully taken.

Article IV, sec. 15 of the Alaska Constitution requires a two-thirds vote for a statute to "change" the court rules, and Rule 19(e) of the Uniform Rules of the Alaska Legislature requires a separate vote on rule-change provisions. Since the vote by the Senate to concur with HCS CS SB 535 (2d Jud) as it received the necessary 11 votes required by Rule 41 for concurrence, but fell short of the 14 votes necessary to effect a rule change, secs. 43 and 44 of the bill are of no effect under Rule 19(e). The third sentence of Rule 19(e) provides that "[i]f the section effecting a change in the court rule fails to receive the required two-thirds vote, the section is void and without effect and is deleted from the bill." It is not clear whether secs. 43 and 44, or their respective companions (18 and 40), are the ones "effecting" the change.

There is some argument that a two-thirds vote was not necessary on either secs. 43 or 44, because the two new statutes are not in conflict with and did not have the

K Section 43 appeared as sec. 4 in SB 687, An Act relating to the issuance of search warrants, which passed the Senate on February 11, 1982, on a 17-0-3 vote. 1982 Senate Journal, 269. Section 44 appeared as sec. 3 in CS SB 686 (Jud), An Act relating to the return of property seized by law enforcement agencies, which passed the Senate on April 27, 1982, on a 20-0 vote. 1982 Senate Journal, 1048.

GOVERNOR'S ACTION

HCS CS SB 535 (2d JUD)(AM H), (cont'd)

effect of changing court rules. However, even if a two-thirds vote was necessary, the Senate's vote to concur in the House amendments was not affected by the subsequent failure to adopt the rule changes. The vote to concur passed by the required 11 votes, and that vote was to adopt the identical bill that had passed the House. Under Rule 39(e) the failure of the Senate to take a separate vote on the rule change simply meant only that secs. 43 and 44 (and potentially their respective companions -- 18 and 40) are now "void and without effect."

The issue that is presented is very similar to one which has arisen when one house votes to concur in amendments made by the other house, but then fails to adopt, for example, an immediate effective date included in the bill by a two-thirds vote as required by Rule 39(f). The procedure specified in Rule 39(e) pertaining to votes on court rule changes is virtually identical to the language in Rule 39(f) pertaining to votes on special effective date clauses. There is ample authority in support of the rule that a failure to adopt a special effective date by a two-thirds vote after concurring in a bill by a majority vote means that the bill has been adopted with an ordinary 90-day effective date. This authority rests on a construction of the effective date as not being a material factor influencing the favorable vote. This rule should apply by analogy to the failure of the Senate to vote separately on the rule change provisions in this bill. Consequently, I have concluded that HCS CS SB 535 (Jud) AM H has been adopted by the legislature but without the effect of changing the court rules cited in secs. 43 and 44.

Public  
Contracts

SENATE CS FOR CS FOR HOUSE BILL NO. 156 (FIN)(AM S), (see pages 25;926;953;1021). Signed by the Governor July 21 - Chapter 144, SLA 1982 (Relating to public contracts; and providing for an effective date).

REAA Budget  
Oversight  
Committee  
(extending  
life of)

SENATE CS FOR HOUSE CONCURRENT RESOLUTION NO. 23 (FIN), (see pages 613;930;956;971). Read by the Governor on June 14 - Legislative Resolve No. 15, 1982 (extending the life of the Regional Educational Attendance Area Budget Oversight Committee).

Vets' Housing  
(g.o. bond  
indebtedness)

CS FOR HOUSE JOINT RESOLUTION NO. 71 (SA), (see pages 48; 157;489;599;605;612;867;929;956;996;1007). Read by the Governor June 28 - Legislative Resolve No. 18, 1982 (Proposing an amendment to the Constitution of the State of Alaska relating to incurring general obligation indebtedness for veterans housing).

U.K.'s Embargo  
on AK Salmon

SENATE RESOLUTION NO. 29, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 7, 1982 (requesting Congress and the President to urge the United Kingdom to lift its embargo of Alaska canned salmon).

## GOVERNOR'S ACTION

Aid to Sen. Ziegler  
(legislative employees)

SENATE RESOLUTION NO. 30, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 8, 1982 (recognizing McKie Campbell, Bobby Carroll, Glenn Svendsen and Russ Josephson for their efforts in coming to the aid of Senator Robert H. Ziegler, Sr.).

Aid to Sen. Ziegler  
(Juneau Fire Dept.)

SENATE RESOLUTION NO. 31, (see pages 999;1011). Read by the Governor on June 14 - Senate Resolve No. 9, 1982 (recognizing members of the Juneau Fire Department for their quick and efficient response to a crisis in the Alaska Senate).

## BILLS VETOED BY THE GOVERNOR

Water, Sewer & Solid Waste Facilities

HOUSE CS FOR CS FOR SENATE BILL NO. 252 (FIN)(AM, HOUSE), (see pages 793;824;834;891;957;979). Vetoed by the Governor on June 16. The following message accompanied the bill:

Under the authority of art. II, sec. 15, of the Alaska Constitution, I have vetoed House Committee Substitute for Committee Substitute for Senate Bill 252 (Fin) an H. relating to grants for water supply, sewerage and solid waste facilities; and providing for an effective date. While I support the basic thrust of this bill - increasing the state's grant proportion of water, sewer and solid waste facilities - there are several provisions which are objectionable.

The bill would allow replacement of obsolete facilities to be grant eligible. In the past, the Department of Environmental Conservation has funded only new construction, expansion, and modification of facilities. Replacement of obsolete facilities should be funded by revenues accumulated from user charges. In this way, communities and users are encouraged to provide adequate operation and maintenance or they will foot the bill for costs to replace projects which have become "obsolete" through neglect.

The bill would also apparently allow funding of water delivery and honey bucket collection vehicles. The Attorney General has ruled that these vehicles cannot be eligible for funding through general obligation bond financing, as the Constitution restricts general obligation bonds to capital projects. General fund moneys could be used for vehicles; however, the principle source of funds for water and sewer projects has been general obligation bonds.

Finally, the bill would mandate that the Department of Environmental Conservation provide grants to communities with village safe water projects to assist in operation and maintenance of these projects. Presently, the authority to provide these grants is contained in the Village Safe Water Act and is discretionary. If the department determines that a community must have a state grant for the project to survive, and if the operation is sufficiently cost-efficient and funds are available, the department can fund grants in these villages. The proposed revisions would mandate these grants regardless of the community's ability to pay, the operating history of the project, or how well it is run. To the extent possible, these projects should pay their own way without relying on the state to subsidize them.

A veto of this bill would have little effect over the next year. No funds were appropriated by the legislature to implement the provisions of the bill; in fact, the Department of Environmental Conservation does not have sufficient funds to award grants under the existing formula to the extent it has grant applications. There is also no funding available for operation and maintenance grants to communities with village safe water facilities.

I am requesting the Commissioner of Environmental Conservation to work on draft legislation addressing these issues for me to consider for submission to the next legislature.

## GOVERNOR'S ACTION

Parole of  
Offenders/  
Parole Bd.

HOUSE CS FOR CS FOR SENATE BILL NO. 327 (FIN)(AM. HOUSE),  
(see pages 410;618;679;691;697;837;897;923;961). Vetoed by the  
Governor on June 16. The following message accompanied the  
bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed MCS CSSB 327(Fin) an H which continues the existence of the Board of Parole. I have vetoed this bill for two reasons. The first is because of several irreconcilable legal conflicts between this bill and MCS CSSB 535 (2d Jud) SM H, the comprehensive crime bill which also passed the Legislature. The second reason is that continuation of a discretionary parole system is in direct contradiction with the presumptive sentencing scheme in the criminal code and my long-held philosophy in favor of certainty in sentencing.

The major legal problem with this legislation, considered in conjunction with the comprehensive crime bill and provisions in existing law, is that it would have the unintended effect of making rapists eligible for release on parole when they would not be eligible for release under existing law or under the provisions of the crime bill. Another equally serious problem is that the parole bill, considered in conjunction with provisions in the crime bill, would have the effect of making eligible for parole defendants with two prior felonies who commit class A felony offenses such as armed robbery or assault in the first degree.

Still another legal problem in this bill is that an amendment adopted on the House floor does not effect the change intended. That amendment was offered with the clear intent to require a prisoner to serve at least one-half of his sentence before he would be eligible for parole. The amendment was not properly drafted, and unless a court specifically provides otherwise, a prisoner would still be eligible for parole after serving only one-third of his sentence.

These legal problems were clearly not intended by the legislature but were inadvertently caused by oversights in drafting or as a consequence of two bills passing the legislature which did not cross-reference to each other. In addition to these legal problems, however, there are fundamental public policy reasons why I have vetoed this bill.

Continuation of a discretionary parole system administered by the parole board is in direct contradiction to my long-held philosophy in favor of determinate sentencing and certainty in the length of a sentence served. The central premise of Alaska's criminal justice system should be that punishment is based on the type of crime committed by the defendant and his prior criminal history. The revised criminal code went a long way to accomplish that goal by specifying presumptive sentences with no parole for repeat felony offenders. To allow a parole board to continue with discretionary authority to release an offender after serving only one-third of his sentence based upon a prediction as to whether the offender has been rehabilitated, is in direct conflict with the sentencing scheme in the criminal code and the sentencing philosophy my administration has strenuously advocated.

My veto does not mean that the parole board will cease to exist on July 1, 1982. Rather, the board will have one additional year to function and the legislature will have ample opportunity to consider the issue again next year. AS 44.66.181(b). A veto will, however, prevent an unintended loosening of the law on parole eligibility for rapists and defendants with two prior felonies who commit class A felonies.

Insurance  
Contracts  
(issuance of)

CONFERENCE CS FOR SENATE BILL NO. 831, (see pages 367;420;  
530;547;604;641;719;762;850;885;903;924;940). Vetoed by the  
June 15. The following message accompanied the bill:

Under art. II, sec. 15, of the Alaska Constitution, I have vetoed Conference Committee Substitute for Senate Bill # 1, relating to insurance; and providing for an effective date. While there is some merit to the "housekeeping" portions of the bill, sec. 3, which would prohibit the State from using so-called "wrap-up" insurance programs, could cost the state large sums of money and, at the same time, serve no public purpose.