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Attorney General of the United States

Department of Justice
National Institute of Justice
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Department of Justice

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2:30 P.M. E.S.T., TUESDAY,
JANUARY 12, 1988

ADDRESS

OF

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

AT THE

AMERICAN CORRECTIONAL ASSOCIATION CONFERENCE

NCJRS

JAN 12 1988

12:30 P.M.
TUESDAY, JANUARY 12, 1988 ACQUISITIONS
PHOENIX, ARIZONA

NOTE: Because Mr. Meese often speaks from notes, the speech as delivered may vary from the text. However, he stands behind this speech as printed.

Attorney General Meese addressed the Conference on the need
for increased prison and jail construction. The theme of the
conference is "Broadening the Correctional Agenda."

Today Americans are paying more and more attention to the quality of life in their communities. Almost every major issue we must deal with -- such as drugs, obscenity and AIDS -- involves public health or public safety or both. It is time we directed our efforts toward improving the public health and safety of our communities.

In thinking about public safety our first thoughts are usually of our criminal justice system, where the first things that come to mind are likely to be our law enforcement agencies and our courts. For many Americans, a defendant's conviction is usually seen as the final act in a sordid real life drama. Jails and prisons are, at best, an afterthought.

Jails and prisons, however, are far more than an afterthought. Indeed, they are essential to achieving the public safety we all seek. I am reminded of what Andrew Carnegie once said when he was asked what he considered most important in industry: labor, capital, or brains. Carnegie replied, "Which is the most important leg of a three legged stool?" Similarly, our criminal justice system has three co-equal legs: law enforcement, the courts, and corrections. None is any less important than the other.

The individuals and organizations represented here are the lifeblood of professional corrections in the United States. The

American Correctional Association has taken an active part in advocating the expansion of public and legislative awareness of corrections importance. It has also provided a forum for workers at all levels in this vital field to learn and grow as professionals, and to improve their institutional programs. The professional standards that ACA promulgates, through the Commission on Accreditation for Corrections, have been major factors in spurring improvements nationwide.

The standards you as an organization set are critical to the continued improvement of corrections in this country, and even around the world. Providing clean, humane, well-managed prison and jail facilities is the goal to which each of us should aspire. I know that the professionally recognized standards that ACA advocates produce that kind of environment. I think it is particularly commendable that more and more of you are working to improve the quality of life within the institutions you administer.

In this respect, I am particularly pleased to see more and more attention being paid to prison industries and prison work programs. Most people still have the idea that the only work prisoners do is pressing license plates. This is certainly obsolete. The Federal UNICOR program, for example, now employs 33% of all Federal inmates, and 45% of all those qualified to work, in some meaningful job. There are, at present, 78 factories in 43 Federal correctional institutions. These

factories and their prison workers make a wide variety of goods including modular furniture, optical equipment, and apparel for the military. These goods are then sold to Federal agencies. In 1987 the UNICOR program had sales totalling \$300 million.

The industrial training courses that these workers receive for their prison jobs equip them with skills they can use once they have left the facilities. And by engaging in meaningful work, inmates are instilled with the work ethic that they will need if they are to lead productive lives.

In addition to the UNICOR program on the Federal level, I am glad to see the states are experimenting with the concept of private sector involvement in prison work programs. Today there are 35 prison industries with substantial private sector involvement operating in 12 states. The businesses involved include some of the biggest in the country. Best Western International hotel chain, for instance, has employed female prisoners here in Arizona to staff their toll-free telephone booking line. By last year more than 2.5 million reservations representing more than \$72 million in sales had been booked by these inmates. In becoming paid employees these inmates also became taxpayers -- some \$182,000 was withheld in taxes. To look at this in another way, these inmates were helping pay the costs of their own confinement.

These successes must be built upon. We should inform businesses of the possibilities. And it should be explained that

just because these workers are inmates does not mean that their workmanship is shoddy. Control Data Corporation's inmate-workers, for example, won both productivity and quality awards from that company.

The bottom line is that when prisoners are employed everyone gains. Companies gain a valuable labor source. The public gains from the taxes paid by prisoners. Correctional institutions gain by reducing idleness among inmates. And lastly, the prisoners gain from the wages they earn and the work experiences they obtain.

The Department of Justice is strongly committed to the idea of prison work. Our National Institute of Justice is currently sponsoring a nationwide training and demonstration project in four states to encourage the development of new prison industry partnerships.

While improving the quality of prison life for both inmates and corrections personnel is rightly a primary goal for all of us, it is becoming an increasingly difficult goal to achieve because of the most serious problem facing our prison systems today -- that of overcrowding.

To understand the overcrowding problem, we must first consider the commendable efforts of legislatures that have sought to protect the public safety and strengthen the hands of law enforcement and prosecutive agencies. On the Federal level, in response to public concerns, Congress enacted the Comprehensive

Crime Control Act of 1984 and the Anti-Drug Act of 1986. These laws have been very effective in assisting our efforts to crack down on crime in general, and drugs in particular. The Anti-Drug Act, for example, created the so-called "mandatory minimums" that stipulated mandatory minimum prison sentences ranging from five years to life imprisonment for various classes of drug offenses.

Also, the new Federal Sentencing Guidelines went into effect last November. These Guidelines will have the dual effect of reducing the disparity in sentencing between the various Federal districts, and increasing the length of time served by criminals, due to the abolition of parole and the reduction in the amount of good time credits an inmate can earn.

For our part, the Justice Department and other federal law enforcement agencies have stressed vigorous enforcement and have developed new initiatives, such as the Organized Crime Drug Enforcement Task Forces, begun in 1983.

Because of the effectiveness of these efforts, we have seen more and more criminals brought into court to answer for their misdeeds. The Federal courts, for instance, reported a 115% increase in the number of drug cases they heard from just 1985 to 1986 alone. Thus, whereas in 1970, 16% of inmates were incarcerated for drug law violations, 37% were imprisoned for such violations last year. The Bureau of Prisons anticipates that this number will grow to 50% within the next few years.

The states have also promulgated tougher laws and stepped up their enforcement efforts. Consequently, a large number of offenders have been entering the local criminal justice system.

The data indicates that we have been very successful in getting criminals off the streets and into prison where they will no longer be a threat to the public's safety. During this past year the Federal prison population increased 6% to a record high of 44,000. The prisons that house these inmates, however, were designed to handle only 28,000. Similar situations prevail on the state level as well.

And therein lies the problem. While we have succeeded in committing additional resources to law enforcement and prosecution, corrections has not received the same treatment. Since 1982 the Federal Bureau of Prisons has been involved in the largest prison expansion program in its history, adding space for over 4,000 inmates, with space for another 7,000 under construction. But this has not been enough. We still need more prisons.

There are, of course, some who argue for alternatives to prison such as community service. While a variety of alternatives deserve to be explored, it is a simple fact that in certain cases there is no alternative to separating a dangerous criminal from society in order to ensure public safety. And that means prisons.

Today we face a combined Federal, state, and local shortfall of over 84,000 bedspaces. This is a large jump from the total shortfall of 53,000 bedspaces just two years ago.

The consequences of this growing shortfall are well known to all of you. The loss of discretionary authority due to court intervention is a prime example. Right now thirty-six states, including the District of Columbia, operate under court orders. Suits are pending in five more.

Court-imposed "caps" at the Federal level could potentially require the government to release prisoners earlier than current incarceration policies -- and common sense -- dictate. We would be unable, in all likelihood, to follow our current enforcement, detention, sentencing, and incarceration policies. We may be forced to decline to prosecute many types of cases simply because there would be no place to incarcerate those convicted. This is a refrain that is all too familiar to many of you.

In addition to the potential for court intervention, prisons overcrowded with convicted criminals have affected our capacity to detain those arrested and awaiting trial or sentencing. This is a seldom noticed, but major problem.

The United States Marshals Service has the responsibility of detaining Federal arrestees. The Service currently jails these Federal detainees in 750 state and local jails. These jails hold 60% of Federal pre-trial detainees, with prison satellite facilities holding the rest. Because of the dramatic increase in

state prison and local jail populations over the past decade, however, the amount of suitable detention space in these institutions has shrunk.

Today one-fourth of Federal judicial districts are experiencing what is termed a "serious" detention space problem. Under these conditions jail space is available, but travel and other logistical problems require an inordinate diversion of U.S. Marshal resources for prisoner handling. Another one-fourth of Federal judicial districts are operating under "critical" conditions. Here the Marshals are forced to use multiple jails to house detainees and juggle the space shortages among them. And finally, 16% of Federal detainees are being held under "emergency" conditions. In these cases the primary jail space has been terminated by the local government, its capacity exhausted, or its population "capped".

In essence, then, overcrowding has begotten more overcrowding.

What solutions are available to us? As I said earlier, the issue here is public safety. And the only real option is to build more prisons. The Federal government is right now constructing new prisons in Florida, Pennsylvania, New Jersey, Oregon, and California and new housing units are being added to several existing institutions. Even with these expansion efforts, though, we will be far short of the capacity required. Therefore, one of the things we will need is more money. On the

Federal level we envision that it will take several billion dollars to construct and operate the new prisons which are and will be needed.

While constructing prisons costs money, the cost of allowing offenders to be free in society is much greater. In a just-published economic study by the National Institute of Justice, it was discovered that one hardcore inmate was usually responsible for committing 187 crimes per year at a cost of \$430,000 to society. According to this study, imprisoning 1,000 of these inmates would cost \$25 million per year. However, the savings in social costs to society would total \$430 million. While this might seem staggering, it really makes a great deal of sense since all reliable estimates show that crime costs our society \$100 billion annually.

As important as money, however, is innovation. We must make every dollar appropriated for corrections stretch as far as we can. Last February, I asked Assistant Attorney General Richard Abell to assemble a Corrections Policy Study Team to find new and creative ways to manage rising offender populations while maintaining the core principles of criminal justice. The Study Team compiled some very promising suggestions that we will be reviewing in the coming weeks.

Also in regard to the need for innovation, you may recall that two years ago I asked why a prison facility should cost \$100,000 per prisoner space in one area of the country and

\$30,000 in another area. I felt that this type of disparity could be corrected if we could just coordinate our efforts and examine what the other person was doing to lower costs. That is why I instructed the National Institute of Justice to survey the various construction methods used in different parts of the country to see what was working and what was not.

What James Stewart, Charles DeWitt, and others at NIJ found was that there was a great deal of successful innovation taking place in prison construction in a number of states. In Oklahoma, for example, rather than build a prison from scratch, corrections officials there expanded an existing institution by building a new minimum-security prison housing unit. A minimum-security facility was built because officials studiously scrutinized and reviewed classifications and discovered that a lower cost minimum-security facility, not the predictable maximum security prison, would best meet their overcrowding problems. The design was adapted from a previous project, and the construction method used uncomplicated prefabrication. All these decisions resulted in a 90-cell housing unit, completed in only nine months for a cost of less than \$17,000 per inmate.

Other states have also come up with innovative ideas and concepts. California and Florida have made great advances in the use of prefabricated components, such as concrete cells, in their prisons. Ohio has made important strides forward in the area of prison and jail financing.

To get these stories out to the entire corrections community we put together a National Directory of Corrections Construction that contains a virtual treasure trove of information on construction methods and costs for prisons built since 1978. With this Directory as a central source, one can immediately find the most inexpensive construction methods, and we avoid having to re-invent the wheel every time we build a jail.

I am extremely gratified that the American Correctional Association has found this initiative so helpful. I am also glad that ACA will be cooperating with us in producing this year's Directory. What we need is cooperation among all of us, in government, in the private sector, on the Federal level, and on the state and local level, if we are to overcome the problems facing corrections today.

And this type of cooperation is what we are going to need if we are to meet the public safety concerns of the American people. Ensuring our citizens' public safety in this day and age is a challenge, but we can do it with a concerted team effort.

Let me close by saying how much I admire the professionalism of all those involved in corrections. During my personal involvement in managing the recent crises regarding the Cuban detainees at Oakdale and Atlanta, I was able to meet your fellow corrections employees at those sites. It was a unique honor for me to meet these staff members who risked their lives in all types of situations. From those who were held hostages, to those

who rescued inmates trapped in burning buildings, or who managed to free trapped staff, these were heroes in every sense of the word. I was proud of them, and I was proud of their profession.

Ambrose Bierce once defined a prison as "a place of punishments, and rewards." To most people this would seem paradoxical. To those of us in corrections, however, there is great truth in this description. Prison is a place where the guilty are punished. But it is also a place where they may learn as well. It is also a place where some of the most dedicated people in the world work and toil. For society this is certainly a great reward, indeed.

Thank you very much for inviting me, and best wishes for a successful conference.