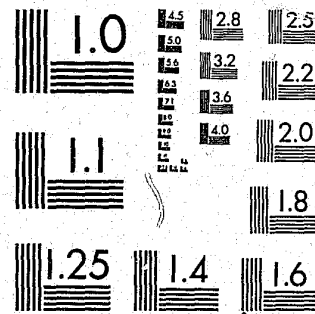


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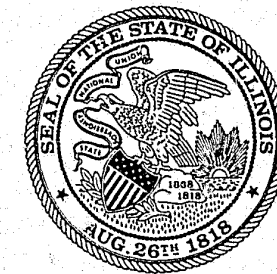
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12/9/82

MF-1

Illinois Corrections

An Interim Report to the
Illinois General Assembly



by the
Illinois Legislative Investigating Commission

300 West Washington Street, Chicago, Illinois 60606
Telephone (312) 793-2606

April, 1982

Printed by the Authority of the State of Illinois
(1,500 Copies)

Printing Order Number 23371

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Illinois General Assembly

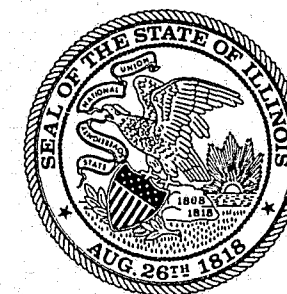
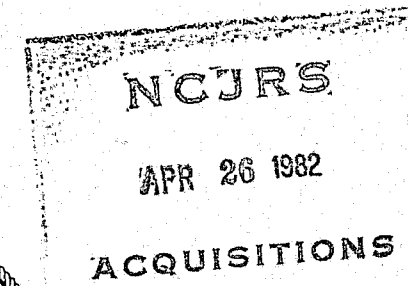
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THIS REPORT IS RESPECTFULLY
SUBMITTED PURSUANT TO COMMISSION
SPECIFIC RESOLUTION 9
ADOPTED DECEMBER 4, 1981.

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ILLINOIS LEGISLATIVE INVESTIGATING COMMISSION
SPECIFIC RESOLUTION 9

WHEREAS, Recent public attention has been focused on the epidemic increases in crime and the specific related problems of juvenile crime and its increase; and

WHEREAS, These considerations logically extend to the important and obvious problem of prisons for adults, including their size, costs, and locations, as well as alternatives to incarceration and the proper functions of the Juvenile Court and the juvenile justice system; and

WHEREAS, Studies have been initiated on the federal level and in some states that might offer themselves as guides to prison problems in Illinois; and

WHEREAS, Any analysis of justice and correctional systems must take into account appropriate judicial functions, including sentencing options, bail, probation, and parole, as well as creative sentencing and other alternatives to prison; and

WHEREAS, Certain policy planners see an immediate and future need for additional prison space within the state; and

WHEREAS, The Illinois Legislative Investigating Commission has already been directed to investigate gang crime, gang influence in state correctional facilities, gang influence on juvenile crime, and the recruitment of juveniles for the commission of crime; therefore, be it

RESOLVED, that pursuant to the Illinois Legislative Investigating Commission Act, Ill. Rev. Stats. Ch. 63 §301 (1973), et. seq., the undersigned members of this Commission hereby authorize the Executive Director and members of the staff to undertake an investigation into the increase in juvenile crime, the juvenile justice system, the judicial system in Illinois, and the correctional system, as its Commissioners deem applicable; is directed to consider parallel systems in other states, including the location and architecture of correctional facilities as well as the use of creative sentencing and other sentencing options; is further directed to elicit the cooperation of any applicable local, state, and federal agencies that may be of assistance; is directed to issue interim reports on specific subject areas cited above; is directed to conduct public hearings as needed to inform the public; and is further directed to report to the General Assembly as soon as possible with its findings and legislative recommendations.

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Jane M. Barnes
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TO: HONORABLE MEMBERS OF THE GENERAL ASSEMBLY

This is our first interim report on our investigation into corrections in Illinois. Commission Specific Resolution 9 directs us to investigate many important areas of Illinois' corrections system. This first interim report deals only with one aspect of the system: the prison itself (or "physical plant"). All other issues of concern to our investigation will be addressed in subsequent interim reports and in our final report.

We issue this first report primarily because of the timeliness of its subject. Over two dozen municipal and county governments have asked to be considered for the site for a new state prison. Lawsuits are pending against several of our prisons, and one against Pontiac, Smith v. Fairman, is now being appealed. The initial decision held involuntary double celling unconstitutional; if upheld on appeal, this decision could greatly exacerbate the crowding problem in Illinois' prisons. Crowding is made worse by the bad physical condition of many of our prisons. These many problems reduce to two: Illinois' prisons are mostly too old, and the corrections system does not have enough room for a steadily increasing prison population.

In this first interim report, we attempt to provide background to the problems so that the decisions pressing upon the General Assembly may be better informed. Chapter One speaks to the current thinking in prison architecture as it reflects correctional philosophies. This thinking has brought about comprehensive standards to be applied to prisons in their physical structures and in their administration. Inseparable from a consideration of the physical plant is an outline of costs. Though costs vary from situation to situation, we can have some idea of the general trends in costs of construction.

Chapter Two is an overview of the past decade's upsurge in prison population. We do not posit any particular origin of this trend. Most experts are cautious in proposing causes. This chapter merely illustrates the population trend and its effect on crowding. Together, the two chapters should provide members of the General Assembly with a basis on which to make the decisions concerning corrections in months to come.

We repeat that this is an interim report. As such, it does not contain legislative or administrative recommendations. In future reports and in our final report, we intend to address many more aspects

of the criminal justice system and make specific recommendations where they are pertinent. Here we present our preliminary findings in one specific area, prison architecture.

Respectfully submitted,

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Chapter 1

Introduction

Commission Specific Resolution 9 directs the Commission to investigate many areas of the corrections situation in Illinois. In the past ten years there has been an increase in the crime rate; this has been especially serious in the area of juvenile crime. Also, with an even steeper increase in the rate of convictions and with longer sentences being given under determinate sentencing, our prisons are becoming more and more overcrowded. The situation has been called critical for several years.

Exacerbating this huge problem is the poor physical condition of most of Illinois' prisons. Four--Joliet, Menard, Menard Psychiatric, and Pontiac--are over a century old. These house just under half of Illinois' adult male prison population. Two others, Stateville and Vandalia, are over 50 years old; these bring the population to over two thirds. The Department of Corrections (DOC), established in 1970, inherited an obsolete, deteriorating system of institutions. The increasing overcrowding of the past decade has become an almost all-consuming problem, which the DOC has made considerable effort to control.

Yet renovation projects, addition of community-based correctional facilities, and the construction of two new prisons--Centralia and Graham--have not kept pace with the increasing number of incarcerations. In a recent newspaper interview, DOC Director Michael Lane estimated that by 1985 about 3,500 new beds will be needed. Besides new construction, the DOC is attempting at present to handle the situation by the early release of carefully screened inmates. Since June, 1980, approximately 4,600 inmates have been released from one to four months before their terms were to expire.

Many of our prisons are used for more than their intended capacity. This is achieved largely by putting two men into a cell designed for one or by increasing the number of men in a dormitory; also, disciplinary and hospital units may be used for housing. Several national organizations in recent years have adopted sets of prison and jail standards that condemn double-celling because it denies basic needs of privacy and of minimum square footage per inmate. Such situations increase the potential for violence, rape, and rioting.

In the first interim report on our corrections investigation, we will present basic information on the situation in Illinois today as well as the current state of prison architecture and costs. We do not propose to make specific recommendations, nor do we give a thorough, detailed account of prison architecture; this huge topic would be best addressed on a case by case basis (for instance, if it were decided to build a maximum-security prison in Chicago). Specific architectural recommendations and cost projections would then best be obtained from prison and architecture experts. Instead, we intend to present the nature and extent of the problem in our prisons as it relates to the need for more space, and to outline some of the alternatives that might be considered.

Of course, the prison problems in our state go far beyond overcrowding and inadequate facilities. Gang activity in prisons is a major problem that we will address in our final report and in our Gang Crime investigation. We will examine the juvenile correctional system along with the adult system. Because our courts, and the entire criminal justice system, have an enormous impact on corrections, we will look at adult and juvenile justice. As with many of our investigations, we will be looking at parallel and alternate systems in other states. Alternative sentencing, creative sentencing, pretrial diversion, parole, and probation will also be assessed.

We expect to issue our final report in late 1983. As the need arises, we will hold public hearings and issue further interim reports.

To understand the Illinois prison system, a very brief history of prison architecture would be beneficial. This is by no means exhaustive or comprehensive; rather, it should give a firm base to our discussion of the structural problems in Illinois prisons and clarify the reasoning behind current ideas in correctional architecture.

History

Until the eighteenth century, crimes were punished by public whipping, torture, the pillory, deportation, and death. The body was considered the most important if not sole possession of the individual, so that punishment was mostly corporal. With the beginning of the "Enlightenment," however, the public spectacle of torture became intolerable to the government and to the people. Philosophers such as Rousseau, Locke, and Voltaire held that personal liberty was the ideal; taking away liberty by penal servitude became the most egalitarian, the least barbaric, form of punishment.¹

The earliest prisons were more on the order of the classic dungeon: often the basement of a public building was used. These were largely for short-term holding before sentencing, punishment, or deportation. There was no segregation by sex, offense, or age; the poor, the insane, and the criminal were housed together. Such early examples show no synthesis between architecture and philosophy of punishment, as the facilities were not built specifically for punishing or reforming prisoners. The use of the undesirable (basement) space bespeaks the main goal of incarceration in those times: the shutting away of those who could not be tolerated.²

Perhaps the first prisons built as such were opened in 1704 and 1735. These were buildings in the Hospice of San Michele, Rome, ordered by Pope Clement XI to be used for juvenile delinquents. These buildings used the outside cell design with single occupancy (Figure 1).

The next important example of prison design was the Maison de Force at Ghent in Austrian Flanders, built in 1771-1773. Constructed on an octagonal layout, this prison expressed the importance given to the cellular plan, using the inside cell design that has been the prototype of most American prisons (Figure 1). Prisoners were segregated by cellblock according to general criminal status and sex.²

An important aspect of the cellular plan was its goal of reforming the prisoner. Alone, he could contemplate his mistakes and resolve

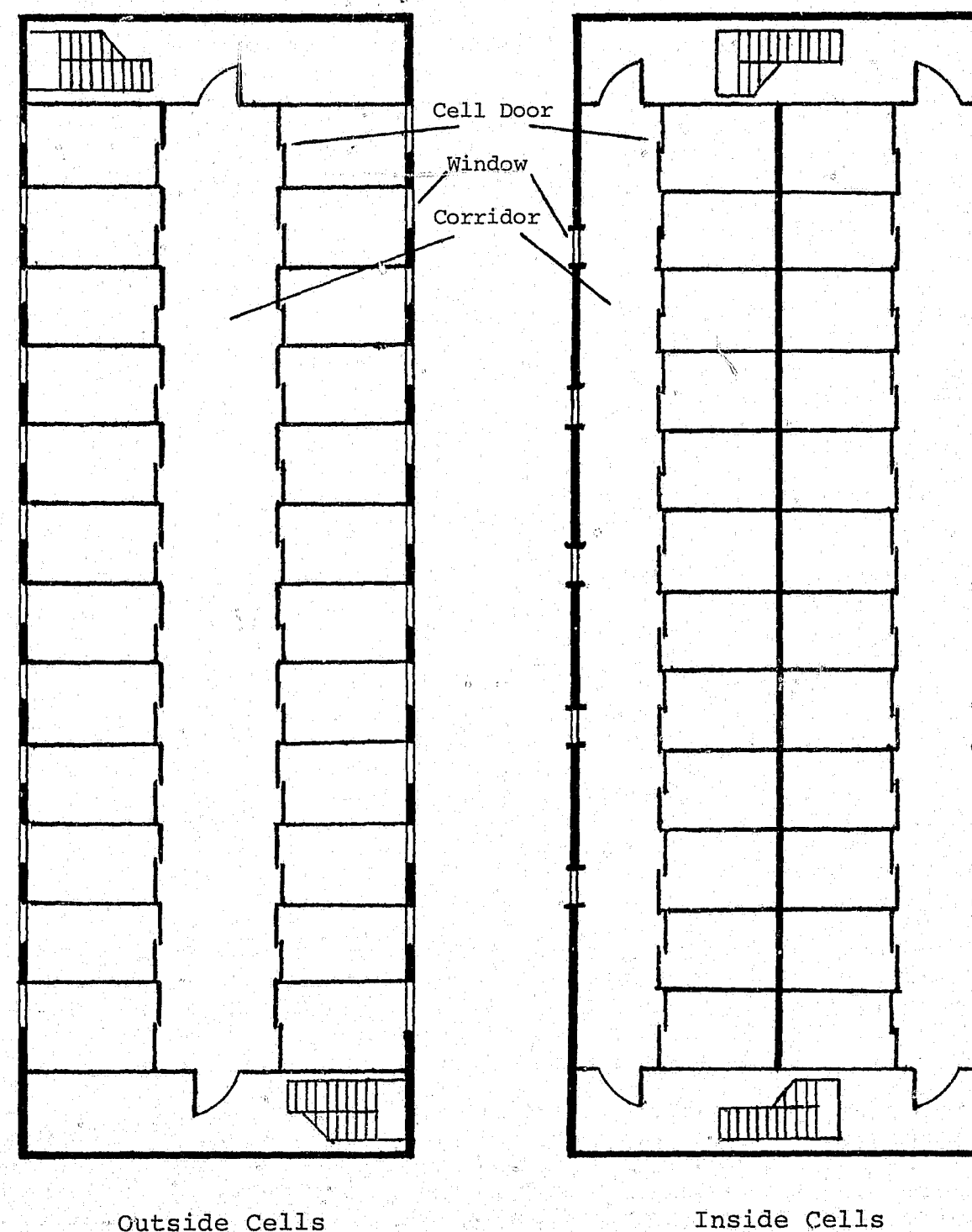


Figure 1

to lead a law-abiding life. Solitary confinement was not seen as inhumane or unusually harsh; rather, it enabled the prisoner to mend his ways. Also, hardened criminals could be segregated.

The first American use of the solitary confinement cell came in Pennsylvania. The Quakers were a major factor in prison reform throughout the eighteenth century. Shocked by the brutality of corporal punishment, the Quakers passed the "Great Law" of 1682, by which the majority of crimes would be punished by "hard labor" in a house of correction³ (by contrast, in England in 1760 there were 160 different crimes punishable by death; by 1819 this number had risen to 2231). In 1718 the British compelled the Quaker colony to conform in its code of punishment to the harsher, Puritan methods used in the other colonies. The preference for confinement again became law in 1776 with the Pennsylvania Constitution. An act of 1790 recognized imprisonment with hard labor as the normal method of punishment and required segregation of the sexes and of different classes of prisoners.³

To realize this, Philadelphia rebuilt its Walnut Street Jail in the same year. No longer were the insane, the indigent, and the various classes of criminals thrown together. A cellblock for solitary confinement of the worst criminals was the first of its kind in America.

Pennsylvania's first prison, Eastern State Penitentiary or Cherry Hill (opened in 1829), was modeled on the Walnut Street Jail.* Prison architecture now reflected the philosophy of confinement. At Cherry Hill, seven wings radiated out from a central rotunda. Four were one story high and three were two stories. Each wing had a central corridor giving access to the cells. Each cell had its own small exercise yard with a high wall and no roof. The prison had 400 cells, all relatively large: 11'9" by 7'6" by 16' high. The idea was to keep the prisoner in solitary confinement; he would work in his cell to occupy his time, to nurture habits of work and reflection, and to provide recompense for his keep. One hour was allowed for exercise. To ensure that prisoners did not communicate with one another, no two consecutive exercise yards would be used at once.

However, prisoners did communicate. To train a newer inmate in a "prison industry," wardens would house him with a prisoner who had the appropriate skill. Overcrowding, too, caused doubling in cells. Thus, the problem of lack of adequate space began with America's first prison.³

The other prison type in nineteenth century America, which eventually became the model for most prisons built since, was based on Auburn Prison in New York. The failures of the Pennsylvania system seemed to many to center around the low productivity of the inmates. Thus, they were not paying their way. The answer was thought to lie in congregate (as opposed to solitary) work in shops, with the cells being merely for housing. The prison's structure would then be quite different: cells could be smaller, without separate exercise yards,

*Jails are distinguished from prisons in holding those awaiting trial and those with sentences of less than a year. They are usually run by counties or cities, whereas prisons are run by the state or federal government.

and did not need to be located on the exterior of the building since light would not be needed for work. Inside cells would be more secure.³

The Auburn Prison was at first built with double-occupancy cells and small dormitory units, a carry-over from the old congregate system. The Pennsylvania system's emphasis on single cells won out, however, and subsequent wings were built on the inside-cell plan that directed American prison architecture for the next 125 years (Figure 1). The cells were tiny, 7' by 3'6" by 7' high, unsuitable for confinement except at night. Because the cells had no access to windows and thus light, the zoo-like steel bars typical of subsequent prisons were used to maximize lighting and ventilation and to allow easy surveillance. Though cells were so small, New York reformers pressed through an act mandating a classification plan by which hardened criminals were placed in continuous solitary confinement. A second class were kept in their cells for three entire days each week, whereas younger inmates were allowed to work each day in the congregate workshops. The cruelty of this system led to widespread insanity and suicide; after two years it was abandoned, and those who had been in continuous solitary confinement were released with a governor's pardon.^{2,3}

Still, authorities feared the "demoralizing influence" of prisoners on one another, so a rule of silence was instituted, giving this system the alternative name of "the silent system" (as opposed to the Pennsylvania or "solitary system"). Prisoners were not to speak at all, marched in lockstep, and faced all in one direction during meals. Violators were flogged.

The Auburn system triumphed because of its greater economy: costs were lower and prison labor was more productive. Construction of Sing Sing prison was begun with prison labor from Auburn in 1825 and completed in 1828. The two long cellblocks and the size of cells became the actual model for subsequent prisons, so that this system is often called the Auburn-Sing Sing system.

One alternative to these two prison types was proposed three decades earlier by Jeremy Bentham. His Panopticon plan, published in 1791, had a guard tower in the center of a large round building; the cells lined the outside. With skylights and with windows in each cell, prisoners were easily and constantly visible to the guard. Though this plan was used a few times, it soon was found to be impractical and inflexible. However, it should seem familiar, as its most extravagant example occurred with our own Stateville Prison, built in 1919. The original plan called for eight huge roundhouses, four levels each, but after four were built the plan was abandoned and cellhouse B, an Auburn-style unit, was constructed instead.² Alfred Hopkins, one of the leading prison architects of our century, labeled the round cellhouses "the most awful receptacles of gloom which were ever devised and put together with good stone and brick and mortar."³

The only major innovation in prison design since Auburn was the "telegraph pole" design first used in Fresnes, France; this joins several large cellblocks by a central corridor but otherwise follows the same basic patterns. Unfortunately, the majority of prisons built since Sing Sing have been based on it not only in following its design but in being maximum security facilities. Though only up to

25% of prisoners are believed to require such extreme measures,^{3,4} most American prisons have been built to be more and more secure. The U.S. Bureau of Prisons in 1949 pointed out that most "innovations" in prison building involved "ever more tool-resisting steel bars added under the sales promotion efforts of the steel makers."³

Another major problem with the traditional Auburn style of prison is its size. Though some examples are relatively manageable with capacities of around 400, the tendency has been to build large prisons, housing up to 5,000 or more men. Our own Stateville prison is one such enormous institution, as is Menard. Three of Stateville's round cellhouses contain 248 cells each; the fourth has cells and dormitories. The huge cellhouse B is the largest Auburn-style cellhouse ever built in the United States.³ It alone is large enough to be a good-sized prison, with over 400 inside cells.* It has long been recommended that prisons not exceed 500 men³ (though some sources allow for up to 1,000 inmates); the current standard, to be discussed shortly, is 400.

Such large prisons tend to make their keepers feel like "commanders of fortresses" rather than reformers.³ As the Federal Bureau of Prisons pointed out as early as 1949,

The very existence of gloomy, thick-walled bastilles inevitably produces mental attitudes and behavior patterns on the part of both administrators and inmates alike which militate strongly against the possibility of putting rehabilitation foremost among the aims of correctional administration or the interest of inmates....

If the architecture of a correctional institution gives the impression of being primarily, if not entirely, designed to prevent escapes, then the administrators, however enlightened in theory, are bound to succumb in greater or less degree to the habits and patterns of the purely 'jailing' function. Similarly, if the inmates are mentally overwhelmed and dejected by forbidding and repressive surroundings, they can hardly be expected to respond to reformatory policies with zest or understanding.³

Regardless of the psychological effects of such prisons on warden and inmate alike, the cost to society is greater. Rates of recidivism have been said to be higher under such systems.²⁻⁴ Housing an inmate two or three times, even if per diem costs or capital expenditures are slightly less, is obviously far more costly than housing him once, effectively. Furthermore, the cost to society is greater in terms of damaged or stolen property, not to mention bodily harm. Narrowing this consideration of costs down to dollars expended just in prison construction, we again may turn to the Federal Bureau of Prisons:

*Our research has brought some degree of confusion along with valuable information. The exact capacity of Stateville is one example. From three different sources, we found capacity figures of 1,392, 1,418,⁵ 2,250,⁶ and 3,250.³ Cellhouse B alone was said to contain from 400⁵ to 580³ cells, and some sources said that these had been designed for two men each whereas others claimed that they were meant for single occupancy. We will make every effort to point out discrepancies in figures and to account for differences in capacity and cost estimates that might result.

It is illogical to spend [large amounts] to provide maximum-security facilities for a group of life termers and, at the same time, compel those who are sure to be returned to the community to remain under conditions that can do nothing but embitter and demoralize them. There is no sense or logic in building expensive, massive, tool-resisting steel cell blocks merely to lighten the burdens of the jailer of hardened criminals and make his vigilance less necessary, and, at the same time, continue to keep the more promising young men in an archaic institution which impedes correctional treatment at every step.³

Standards

Though the idea of incarceration for rehabilitation rather than punishment was established at the turn of the century, prison architecture did not reflect this idea until the 1950s. The idea was generally accepted by the 1930s, evidenced by the existence in most states of indeterminate sentencing codes⁷; a prisoner's length of stay was largely dependent on his capacity for reform. Programs and counseling were, at least in theory, considered integral to corrections.

Prison authorities felt that the prisons themselves severely hampered such efforts at reform. Built to withstand supposed attempts at escape, prisons also withstood natural decay more than most buildings and so continued to be used. Also, especially after World War II, states and municipalities funneled monies into schools and hospitals; prisons were thought to be sufficient in size and quality. What prisons were built followed for the most part the traditional Auburn style and continued to house thousands of men.

Since the thirties, many commissions have published comprehensive recommendations for improving prison conditions, including:

- The National Commission on Law Observance and Enforcement (the "Wickersham" Commission, 1931);
- The American Correctional Association (1946-1966);
- The United Nations' Economic and Social Council (1957);
- The American Law Institute (1962);
- The National Council on Crime and Delinquency (1966);
- The President's Commission on Law Enforcement and Administration of Justice (1967);
- The American Bar Association's Project on Standards for Criminal Justice (1968-1973);
- The Joint Commission on Corrections Manpower and Training (1969);
- The National Sheriff's Association (1970);
- The President's Task Force on Prisoner Rehabilitation (1970);
- The Advisory Commission on Intergovernmental Relations (1971);
- The National Advisory Commission on Criminal Justice Standards and Goals (1973).

Most of these recommendations, however, were more policy and philosophy statements and lacked enforcement guidelines.⁷

The rehabilitative goal of corrections did not take on comprehensive operational character until the late 1950s. Architectural recommendations became more and more a part of the rehabilitative model; smaller prisons with more residential aspects became the new ideal. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that correctional facilities be small, adjacent to urban centers, and based upon a collaborative regime between staff and prisoners.⁷

Such recommendations met with little enthusiasm from state legislatures and prison administrators. New or renovated facilities, and programs for rehabilitation, cost large amounts of money. Prison conditions continued to deteriorate--the prisons themselves were more and more costly to maintain, and increased crowding speeded up the physical deterioration as well as spreading thin what programs existed. Where state legislatures neglected to address this increasingly serious problem, the courts finally stepped in. During the 1950s, the federal courts had a hands-off attitude toward prisons; in the 1960s, a growing number of petitions by prisoners for relief prompted the courts to intervene, a trend that continues today. The courts condemned bad prison conditions, saying that criminals are incarcerated as punishment, not for punishment. Most such lawsuits have involved the "due process" and "equal protection" clauses of the Fourteenth Amendment, and the "cruel and unusual punishment" prohibition of the Eighth Amendment, of the United States Constitution.⁸ Federal courts measured prison conditions against these provisions and found them wanting.

With the Attica riots of 1971, prison conditions came jarringly to public attention and became more firmly the courts' concern. By the 1970s, every state in the union had been affected by this movement. In 1976, there were 19,000 petitions for relief filed in the federal courts, which accounted for over 15% of the entire civil case filings; fewer than 1,000 of these reached trial. In 1977, 13 states operated their prisons under orders from the federal courts. By 1980, institutions in 19 states were under court orders to improve conditions of confinement. Cases were pending in 12 other states.⁷

A large proportion of these cases involved crowding. In different rulings, courts ruled that single occupancy cells be no less than 35 to 88 square feet; ruled that overall inmate population not exceed the design or normal capacity; and accepted different professional standards as to the minimum amount of space for sleeping quarters, these standards ranging from 48 to 75 square feet.⁹

One of the most widely accepted sets of standards today (and often used in the court cases) is that of the Commission on Accreditation for Corrections. The thinking embodied in such standards is often called the "alternative" or "advanced practices" approach to corrections. Established by the American Correctional Association (ACA) in 1974, and supported primarily by funds from the Law Enforcement Assistance Administration (LEAA) of the Department of Justice, the Commission in 1979 established its fiscal and administrative independence from the ACA.⁷

Where earlier commissions had set forth standards of varying thoroughness, the standards of the Commission on Accreditation for Corrections encompass all aspects of prison function, including facility and fiscal management, staff training, record keeping, physical plant, safety and emergency procedures, security and control, food services, laundry, sanitation and hygiene, medical and health care services, inmate rights, discipline, communications, mail, visiting, classification of inmates, work release programs, academic and vocational education, library services, religious services, release preparation, parole, and citizen and volunteer involvement.

Several other groups have established sets of guidelines similar to those of the ACA in many details, including the American Medical Association, the American Bar Association, the American Public Health Association, the American Institute of Architects, and the National Sheriff's Association. The National Advisory Commission on Criminal Justice Standards and Goals issued its Report on Corrections in 1973. One of the largest efforts at standard setting involved the University of Illinois in developing the National Clearinghouse for Criminal Justice Planning and Architecture, also with the support of the LEAA. The National Clearinghouse issued a 1,300-page set of guidelines for planning and design in 1971; this was to be used by the LEAA in assessing facilities to be constructed or renovated with LEAA grants. Though comprehensive, it was still not considered the last word but a "tentative step toward a unified, flexible program of treatment and rehabilitation."¹⁰ Later in the decade, the Clearinghouse completed a detailed study of Illinois' correctional system and made numerous suggestions for changes in specific institutions and in the correctional system as a whole. We will discuss this study shortly. Finally, the Department of Justice in 1978 issued a draft, and in 1980 a final, version of its standards for prisons.¹¹ They are substantially the same as the widely accepted ACA standards. In fact, almost all sets of standards we assessed followed basically the same guidelines with only minor variations.*

A major reason for prison systems following ACA standards is the Commission on Accreditation for Corrections' program for voluntary accreditation. The best description of this process is from the National Institute of Justice's first volume⁷ of its five-volume study, American Prisons and Jails:

[The] process begins with a letter of intent from an interested corrections agency to the Commission's Executive Director. Following the submission and acceptance of a formal application, accreditation costs are determined and a contract is executed. At this point, the agency is granted "correspondent" status and undertakes a six-month period of self-evaluation. Upon submission of the self-evaluation report, which includes a plan for correcting known deficiencies, the agency is admitted to "candidate" status for a period not to exceed two years. A request for a standards compliance audit is submitted at any time

*For example, standards for minimum square footage in a cell are as follows: National Advisory Commission on Criminal Justice Standards and Goals, 80 sq. ft.; Federal Bureau of Prisons, 80 [sometimes 75] sq. ft.; National Clearinghouse, 70 sq. ft.; and United Nations, 65 sq. ft.

that the agency believes it has met the required compliance levels. A Visiting Committee, composed of one or more consultant-examiners, is responsible for verifying compliance with the standards and making a recommendation to the Board of Commissioners about granting the agency "accreditation" status. To receive a three-year accreditation, the agency must comply with [100 percent of all "mandatory" standards,] 90 percent of all "essential" standards, 80 percent of all "important" standards and 70 percent of all "desirable" standards.

The standards we are most concerned with in this first interim report are those pertaining to the physical plant. These cover everything from sound levels (as prisons are known for their incredibly high noise levels, until recently being built with brick and steel and having two- to five-story high corridors and huge work and dining rooms, all conducive to echoing) to window shape and size to overall size of the prison. We will outline below an illustrative selection of the most important of these. For the most part these are LEAA standards¹²; where differences in federal and ACA standards are pertinent, these are mentioned in brackets, as are explanatory comments. It should be kept in mind that the key concepts of these standards are to create normal environments; to create residential facilities; to establish community-based sites for facilities; to create facilities for different programmatic needs; and to increase manageability and control. It should also be noted that these standards are for the most part accepted by all standard-setting groups.

--Facilities should be community-based to serve the needs of the inmates, their family and friends, and the staff. Additionally, they should utilize community services such as hospitals and fire departments. [Facilities should be within 50 miles of urban areas to be served.]

--Facility capacity should be based on a projected size of its "clientele" after all the alternatives to detention and incarceration have been considered. Facilities should be flexible to future changes and expansion plans. However, they should not exceed 400 [500] beds.

--Facilities should be divided into discrete "residential clusters" to aid in housing similar inmates together and to prevent potential inmate-inmate and inmate-staff aggression; such clustering is also more normal and residential in character. Groups should be no more than 24 [standards vary from 5 to 35]. Basic security should be unobtrusive.

--Facilities should be divided into different security levels, each with an architectural design suitable to its "clientele."

--Facilities should maintain single-occupancy rooms with 70 square feet of floor space, a minimum floor dimension of 7 ft., and a minimum ceiling height of 8 ft. [Federal guidelines state the following criteria: in existing facilities, 60 sq. ft. if the inmate is in his cell less than 10 hours each day; 70 sq. ft. in detention units if the inmate is in the cell more than 10 hours each day; and 80 sq. ft. in long-term facilities, i.e., prisons, if the inmate is in his cell more than 10 hours each day. Occupancy should be single if so designed. In new facilities, all cells should be single-occupancy and have a minimum of 80 sq. ft. of floor space.] Eighty sq. ft. of floor space is recommended in rooms with plumbing fixtures. Single rooms should contain a bed, a desk, a shelf, a clothes hook, seating, a break-resistant mirror, and

unbreakable lighting fixtures mounted to the ceiling. A toilet and sink should be provided in isolation rooms. Single rooms should have a window (detention glazing) with an outdoor view. It should be 5% [some standards cite 10%] of the floor area. Doors should be outswinging in high- and medium-security levels.

--Rooms should be adjacent to day-activity areas. These areas should provide a minimum of 45 [35] sq. ft. for each resident using them. At each level, the day-activity area should serve a maximum of eight high-security residents, 16 medium-security residents, or 24 low-security residents. The areas should include shower, sink, toilet, water fountain, seating, tables, television, radio, and windows.

--Disciplinary segregation rooms should be designed like high-security single-occupancy rooms: 80 sq. ft. floor space.

--Facilities should maintain infirmary space.

--Space should be provided for private and group counseling. [Guidelines give square footage requirements for various intended use of counseling rooms. Same with classrooms, visiting areas, etc.]

--Facilities should maintain space and equipment for religious services, educational services, and vocational training.

--Facilities should provide separated and contact visiting areas including a visitor reception and waiting room, a coat-room, a visitor search room, restrooms, and resident search rooms.

--Indoor and outdoor recreation areas should be separated and large enough for the maximum number of residents using them.

--Facilities should maintain a library with access to legal materials.

--Facilities should provide conference rooms, training rooms, lounges, and locker rooms for the staff.

--Facilities should provide separate dining areas for residents. These should accommodate a maximum of 50 people each with 18 sq. ft. per person.*

There are in these guidelines scores of standards that we will not mention here for lack of space and because they are important more in the actual planning of an institution. Our purpose here has been to illustrate the alternative approach to prison construction.

The alternative or "advanced practices" approach is, of course, not without its critics. Some point out its greater cost, in programs and in greater space required. Others criticize the "lack of security": normal-appearing, though greatly reinforced, building materials are

*Ill. Rev. Stat. ch. 38, §1003-7-2 provides that all inmates must be provided with a law library, barber facilities, toilet and bathing facilities, access to television or radio system (with exceptions), and permission to receive visitors. Ill. Rev. Stat. ch. 38, §1003-7-3(b) mandates that all new, remodeled, or newly designated DOC facilities provide at least 50 sq. ft. of cell, room, or dormitory floor space for each person.

used instead of steel-reinforced walls and cage doors. Single occupancy is, reportedly, the most controversial standard, along with the minimum of 70 sq. ft. per inmate.⁹

We should pause to consider just what these occupancy and square footage standards mean. The National Institute of Justice, in its American Prisons and Jails (vol. I), relates that units in traditional cellblocks (which have constituted the majority of cells in the nation) are typically 48 to 54 sq. ft. in size. They contain a hanging bed, a toilet, a sink, a chair, a table, and shelves. Thus, the actual space is reduced to only 16 to 22 sq. ft. A man 5'5" tall can extend both arms and easily touch the walls.⁷ Little imagination is needed to understand the devastating effects of double-celling. Yet crowding results not merely from small physical space; noise, little access to natural light, long times spent in the cell, noxious odors, and lack of constructive activity contribute greatly to the psychological effects of crowding (for detailed accounts of overcrowded living, see Appendix A).

Locating correctional facilities in or near urban centers has also been hotly criticized. The benefits of such location include easier contact for prisoners' family and friends; a greater workforce from which to attract personnel; the involvement of community resources such as academic, research, social service, medical, and voluntary citizen groups; the availability of already developed electrical, water, and sewage systems; and the greater potential for a variety of effective work release programs. The drawbacks of urban settings include the high cost of land in the city; the difficulty of maintaining security arrangements; almost inevitable crowding; and the easier contact between gang members in and out of prison. Furthermore, the standard that prisons not exceed 400 inmates necessitates that many be built in areas accounting for large numbers of inmates. This is more expensive. The smaller size might, however, decrease gang activity within the prison and between free and incarcerated gang members, though it could be argued that this problem is unavoidable.

It is not our purpose at this time to recommend any or all of these standards. Many of these criteria have been followed in Illinois' newer prisons, which will be discussed shortly. Instead, we present the current thinking in prison design so that more informed decisions may be made. The most basic recommendation this alternative approach holds is in its acceptability to the federal courts and the federal government. There are no direct legal or financial incentives for following this style of architecture; however, many experts pointed out to us that in the event of a lawsuit adherence to such standards may be weighed heavily in the prison system's defense. Furthermore, federal grants for construction and renovation projects often involve the application of such standards. Richard G. Brown, Chief of Legislative Affairs for DOC, said that the accreditation process has nothing to do with increased funding; rather, the benefits are better standards, improved facilities and programs, and better fiscal management. Still, there might be a funding benefit; several pieces of legislation before the U.S. Congress are designed to aid states in improving correctional systems. These are described in Appendix B.

Besides the litigation and grant seeking arguments, proponents of the advanced practices approach cite many practical considerations in

designing prisons on a more human scale. In a 1977 article in Prison Journal,¹³ David Marrero observes:

The inmate's continual exposure to group situations in which many of the participants are viewed as hostile and in which personal accessibility is uncontrollable, provides him with constant apprehension over personal safety. This often promotes the establishment of gangs and other relationships of mutual protection which not only serve to magnify the threat of violence, but establish communication barriers between groups. Moreover, once fellow inmates are viewed by an inmate as threats to his personal security, trying to encourage group cooperation becomes difficult if not impossible. This suggests that correctional facilities be designed to accommodate smaller populations. When not possible, spaces should be provided within the prison that enable an inmate to feel safe from others. For example, single sleeping quarters or special isolation units located next to social activity areas can be provided... Denying the inmate privacy can potentially promote social and psychological withdrawal which may act as a prelude to more extensive antisocial behavior.

Certainly, Illinois' large maximum-security prisons and alleged serious prison-gang problems manifest this analysis.

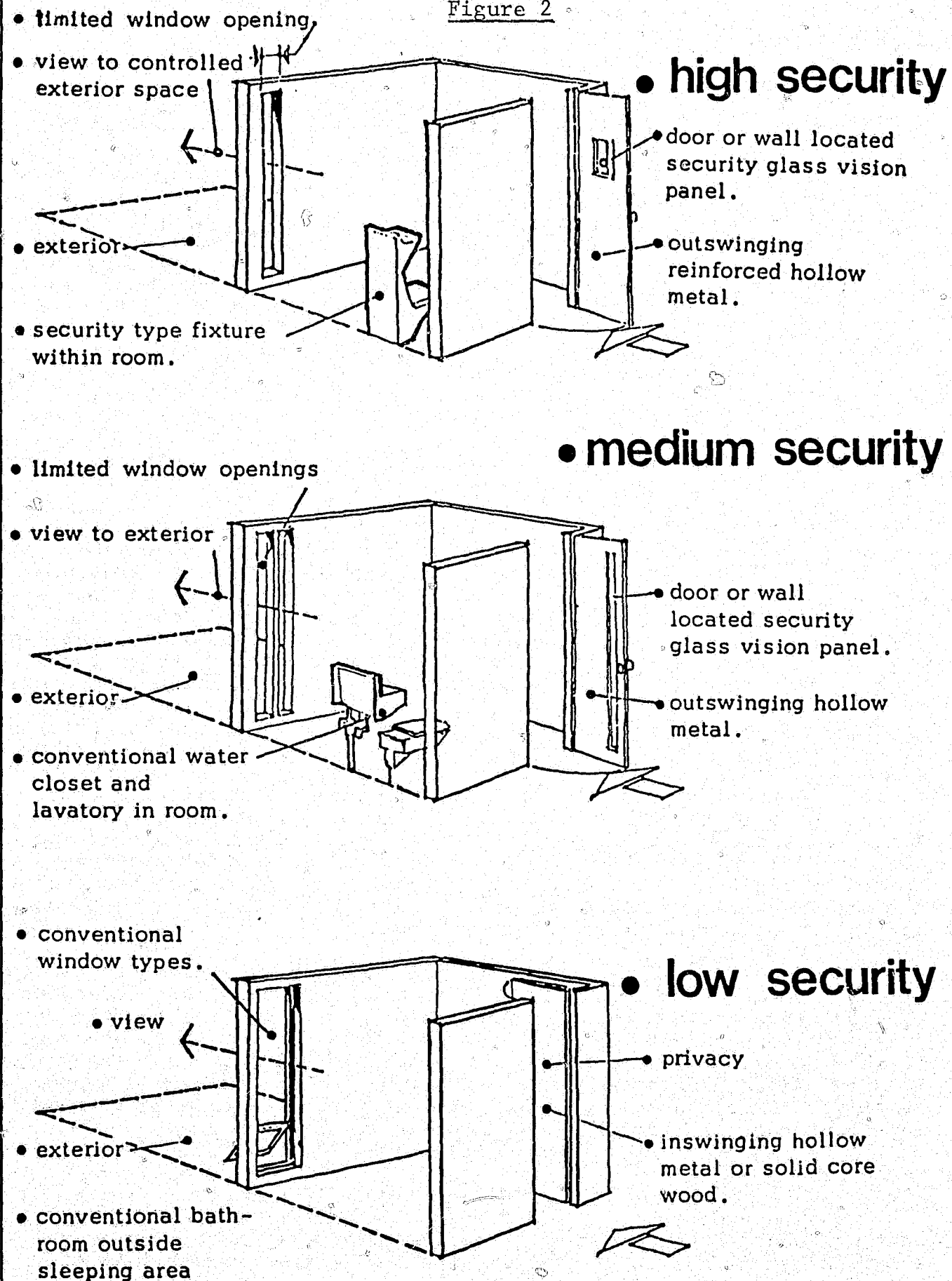
Many experts claim that the advanced practices approach to corrections is indeed effective. They say that recidivism decreases, that overall costs are the same or lower, and that long-term maintenance costs are lower.^{2, 4, 10, 12} Criticism of the newer-style facilities usually focuses on faulty materials and construction. Melted and broken windows, flimsy window frames, walls without reinforcement, and other such weaknesses in construction are often pointed to by those who urge that prisons and jails be built in traditional manner. However, in interviews with architects, with former directors of the National Clearinghouse, and with federal government officials, and in reviewing literature from these and from the National Institute of Corrections (NIC), we learned that the design of such facilities was never at fault. Furthermore, the standards for alternative facilities often include material specifications that would prevent such destruction. Apparently, the problem has arisen when local agencies adopt the design for new prisons and jails but do not use appropriate materials. Interestingly, the proponents of alternative design do not hesitate to mention instances of structural failure; they point out that the design is sound but materials are at fault.

The design and construction of such alternative facilities alone will not ensure security, prevent escapes, or rehabilitate offenders any more than the design and construction of a traditional style prison. An adequate and well-trained staff is necessary to the success of the alternative approach. Because an integral part of these prisons is programs, and because the clustering of cells necessitates more staff for surveillance, the alternative approach costs more by requiring more staff than do traditional penitentiaries.

Costs

Construction costs proved to be rather elusive data. We report what we found with the caveat that costs will vary according to the location of the facility, the size, the style, the availability of

Figure 2



developed utilities, and many other factors. Furthermore, owing to inflation these cost estimates will be largely obsolete in a short time. Still, they have their use.

An advanced practices facility costs less to build on a square foot basis than a traditional prison. Among many factors influencing this lower cost, two are major. First, we have mentioned already the use of more "normal" materials, such as reinforced concrete blocks and hollow-core steel doors, without a significant sacrifice in security. An additional benefit of such construction, in concert with the more varied layout of the advanced practices facility, is the enhanced potential for expansion. The traditional prison is quite inflexible in design and in its use of all-steel construction. Second, the cost is much lower in terms of greater use of medium and minimum security. Maximum security naturally costs more. Traditional prisons are almost 100% maximum security institutions,³ yet up to 25% of inmates require such high-security supervision.^{3,4} Thus, the alternative practices design saves money in realistically reflecting the needs of the "clientele." Figure 2 is a sketch of the LEAA's concept of maximum-, medium-, and minimum-security cells.

However, the overall costs of building such a facility can be higher. Though square-footage costs may be less, the total square footage required because of use of outside cells, programs, activity space, and clustering of cells is much greater, raising the total cost of construction.

Cost figures were, as we have mentioned, difficult to come by and varied greatly. Having only partial figures for current costs, we will present estimates from different years. Therefore, the reader should interpret these in light of recent and future inflation.

The National Clearinghouse for Criminal Justice Planning and Architecture, funded by the LEAA, published the following figures in 1977:

COST OF CONSTRUCTION, CELL ONLY
Based on 70 sq. ft.

TRADITIONAL	ALTERNATIVE
Maximum Security \$101.20/sq. ft.	Maximum Security \$76.93/sq. ft.
	Medium Security \$63.84/sq. ft.
	Minimum Security \$54.09/sq. ft.

These costs are for the room only.⁸ As it is the most costly part of the prison to construct, construction of other areas--staff lounge, cafeteria, etc.--would be less costly per square foot.

Information from NIC National Information Center on facilities newly constructed or under construction as of March, 1981, showed "per bed" construction costs from \$34,500 in Colorado to \$77,148 in New York for maximum-security facilities. Most of the examples given were over

\$70,000 per bed. As to medium-security institutions, cost per bed ranged from \$16,145 in Colorado to \$50,000 in Missouri; here the average of the nine examples was about \$31,000 per bed. The NIC adds the caveat that these cost examples varied in that some prisons were built on land already owned by the government; some costs include architectural fees, site preparation, etc.; and definitions of maximum and medium security might vary from one jurisdiction to another.

Generally, estimates of construction costs per bed in advanced practices prisons range from \$30,000 to about \$40,000 (less for minimum security).^{9, 14} The Metropolitan Correctional Center, a federal detention center located in Chicago's south Loop, was completed in 1975, costing then about \$30,000 per inmate (\$55 per sq. ft.). Completed before the federal standards were compiled, it nonetheless follows advanced practices criteria in its urban location, capacity (just under 400), residential character, clustering of cells (in groups of 44 and 22), outside location of cells, and emphasis on programs.¹⁵

Two newly built prisons in Illinois, Graham and Centralia, were opened in 1980 for 750 inmates each. Both are medium-security institutions. The DOC estimates that each cost \$29,069,400, or about \$38,760 per inmate. A 750-bed medium-security facility to be built at Vienna will cost about \$35.5 million (including planning), according to the DOC. This cost is exclusive of equipping the plant. Extrapolating the cost of movable equipment at Centralia and Graham, \$2,325,000 (and not accounting for inflation), we estimate that this facility will cost roughly \$37.8 million, or about \$50,000 per inmate.

At Stateville, two new cellhouses are under construction and are expected to be completed in March, 1983, and October (or later), 1983, respectively. Each will hold 300 men; they are reportedly intended for the most difficult inmates. The first will cost about \$10.8 million; the second, about \$10.2 million.* Per inmate cost is then roughly \$35,000. This relatively low cost for maximum security results from the state already owning the land, utilities already being developed, and the wall and guard towers already being in place. Except for capacity, these new prisons and cellhouses largely follow advanced practices criteria, averaging 70 sq. ft. per cell (80 sq. ft. per segregation unit), having single occupancy and clustering of cells in separated groups of 25 with day and activity areas for each, and solid doors.

Though cost estimates vary greatly, we can assume that the per inmate cost of an advanced-practices medium-security prison would be roughly \$40,000 to \$50,000. The DOC estimates that a new maximum-security, 750-man prison would cost from \$67,000 to \$80,000 per inmate, which is in accord with NIC estimates as cited. A traditional prison cell, on the other hand, will cost upwards of \$70,000; program and activity space are not integral to a traditional prison, so the overall cost may be lower. Additions to existing facilities will cost less in either case since utility development, land purchase, perimeter construction, etc., are already taken care of, as with Stateville's two new cellhouses. A 1978 estimate of cost of additions to existing

*These cost estimates are from the Capital Development Board. Since the completion dates are at least a year away, total costs may in the end be somewhat higher.

structures is \$3,000 to \$7,000 per bed.⁹ These figures should not, however, be considered in isolation. Over a thirty-year period, capital costs are only 5% to 8% of the overall cost of running a prison. The bulk of cost is in salary to correctional officers. The initial construction cost, then, should be viewed in light of its effect on ongoing cost, i.e., how the physical plant affects staff (and inmate) attitudes, effectiveness of programs, and--ultimately--recidivism. It would be naive to deny that architecture can have psychological effects. If the goal of corrections is to prevent as much as possible the return to prison of the convict, then all aspects of the correctional system, from staff to programs to physical plant, must be coordinated toward that end.

But even if the prevailing position is that criminals must be punished, not reformed (which appears to be the current public attitude), there are reasons for following the advanced practices criteria. We again come back to the role of the courts. There is always the potential for litigation against a prison that fails to meet basic standards for humane treatment, and the trend has been for stricter judicial interpretation of such standards. The cost of renovation to comply with court orders can almost double the construction cost of a prison; the National Clearinghouse estimates that bringing a newly built facility up to current standards can cost as much as 75% to 100% of the original construction cost.⁸ It would then seem cheaper to follow accepted standards in the first place.

Another cost consideration is the financial burden to the taxpayer caused by recidivism. Housing a prisoner several times will obviously cost far more than one effective incarceration. Current estimates are that housing a prisoner for one year can cost about \$14,000.¹⁶ Efforts to prevent second and third incarcerations could be well worth the initial investment.

Smaller, more normal-appearing prisons are much easier to manage and are more cost effective. Staff may have more time to work with prisoners rather than functioning simply as guards. As one DOC administrator stated, programs and activities provide a major portion of a prison's security by preventing idleness and redirecting potentially aggressive, predatory behavior.⁵ There is less potential for rioting in smaller, advanced practices prisons, partly because there are fewer prisoners and partly because conditions in and of themselves are not so conducive to violence as in the traditional prison. In a recent panel discussion on prisoner violence, three potentially discordant panelists--a federal court judge, a criminal defense lawyer, and an Assistant State's Attorney--all agreed that conditions in Illinois' maximum-security prisons are so horrendous that inmate tensions run perpetually high, creating the constant potential for rioting. Furthermore, in large, difficult-to-manage prisons, inmate-on-inmate violence and rape are much more likely than in smaller facilities where decency and privacy prevail.

Finally, the greatest cost to society resulting from higher recidivism occurs between incarcerations. The cost from damaged or stolen property, and from violence to persons, is not to be measured against somewhat higher capital, program, and staffing costs.

Illinois' Prisons

All of these considerations are pertinent to the situation in Illinois. We have already mentioned some aspects of our state's prison situation. Several reports in recent years have addressed the crowding problem in Illinois' penitentiaries, and such reports grow more frequent and less optimistic. That we face a potential crisis is not news; our prisons are already full to bursting, and the DOC estimates that by 1985 space for about 3,500 more convicts will be needed. In this interim report, we do not intend to detail the crowding situation, or the poor conditions, of Illinois' prisons. Rather, we present an overview of the situation, so that future decisions might be better informed. In this first interim report we will not make any recommendations because our findings are preliminary. We hope to present the General Assembly with sufficient background material for assessing future proposals dealing with our corrections system.

In spite of considerable efforts toward alleviating crowding and poor conditions in Illinois' prisons, the DOC has not been able to keep pace with the worsening situation. Established in 1970 (formerly part of the Department of Public Safety), the DOC inherited a largely obsolete system of institutions. Our oldest prison, Joliet, dates to before the Civil War. Three others -- Menard, Menard Psychiatric, and Pontiac -- are over 100 years old. Stateville, completed in 1919, is like these four in accommodating huge numbers of inmates. Except for Stateville's four round cellhouses, these five institutions consist primarily of large Auburn-style cellhouses, with tier upon tier of cells built back-to-back along a central chaseway, a long gallery separating them from the windows; some have as many as five tiers of cells. The "rated" capacity of these five penitentiaries, according to the DOC, is: Joliet, 1,250; Menard, 2,620; Menard Psychiatric, 315; Pontiac, 2,000; and Stateville, 2,250 (as of March, 1982).⁶ Except for Menard Psychiatric, these prisons are each three to six times the ACA-recommended capacity of 400, and none has a capacity of less than 500 over the DOC's own standard of 750. Almost, 6,000 maximum-security inmates are in these prisons constructed before 1880. Vandalia, over half a century old and with a rated capacity of 754, brings the total capacity of these old institutions to 8,874, or over two thirds of the rated capacity for men (Dwight, our only prison for women, holds 400 inmates). Furthermore, except for 550 medium-security beds at Menard and Pontiac, and 290 farm inmates at Menard and Stateville, these huge institutions (exclusive of Vandalia) are all maximum security.⁶

Their age and size make conditions bad. Noise levels, odors, heat, and the generally bleak physical nature of these prisons put them into sharp contrast with more modern prisons, such as our own Vienna, Sheridan, Centralia, and Graham. The riots and near-riots of the past decade have all occurred in these huge Auburn-style prisons.

The DOC has made considerable effort to upgrade all its facilities; programs, prison industry, community-based facilities, and other such measures will be addressed in future reports. The effort to upgrade the physical conditions has gone on for over a decade, with repair and renovation of utilities, ventilation, security, windows, program space,

etc. In 1974, the DOC determined its rated capacity to be 6,719, owing to an administrative move to single celling.⁶ Vienna, built in 1971, has for years been considered a model institution. Designed largely following current standards, it was the first U.S. adult prison to win accreditation from the Commission on Accreditation for Corrections.

The DOC, encouraged by this recognition, declared in 1979 that accreditation of all Illinois prisons was its goal.¹⁷ By 1980, Menard,* Menard Psychiatric, Logan, and Vandalia had also achieved accreditation, and Dwight and Sheridan were in the correspondent stage.¹⁸ According to the DOC, these efforts were largely due to staff efforts to make life more bearable in prison and to make the transition back to community life smoother. Also, the DOC recognized accreditation as an effective management tool.

However, such efforts can hardly keep pace with the growing problems in our prisons. The physical condition of the huge, older, maximum-security institutions continues to deteriorate. In a 1980 report, the Capital Development Board described the older prisons as being in "deplorable" condition, all requiring extensive renovation.¹⁹ The Capital Development Board makes in its report recommendations for a five-year, \$205 million renovation program. An earlier report, the Illinois Corrections Master Plan of the National Clearinghouse for Criminal Justice Planning and Architecture,⁵ also made comprehensive recommendations for upgrading Illinois' prison system. The two reports agree that the state's penitentiaries require substantial renovation, remodeling, and replacement. However, the Master Plan includes recommendations that at present are unfeasible, though not undesirable, such as the phased (over about 25 years) abandonment of Joliet, Pontiac, Menard, Menard Psychiatric, and Stateville. Seeing that this is unlikely to happen, the National Clearinghouse details rehabilitation projects for each prison. Inseparable from these architectural recommendations, significant population reductions would occur through pre-trial diversion, increased use of parole and probation, and reduction of sentences. On the whole, the Master Plan is not outlandish financially or politically. However, it is highly unlikely that anything

*It is interesting to note that Menard and Menard Psychiatric, two of the oldest and most often criticized of our prisons, could achieve accreditation. Menard was involved in litigation concerning conditions in 1980. See Lightfoot v. Walker, 486 F. Supp. 504 (S. D. Ill. 1980). By way of partial explanation, we might note that "the standards that establish minimum square footage requirements per inmate have been accorded the status of 'important' but not 'essential' guidelines -- a temporary classification reportedly designed to provide corrections agencies with time to consider major facility improvements."⁹ In scrutinizing ACA standards, we found that few were "mandatory" and most were "essential" or "important." Also, most had to do with administration, not the physical plant. Furthermore, "many of the standards continue to be exceedingly difficult to measure. For accreditation purposes, others can only be verified by the presence of written guidelines specifying institutional policies in conformance with the relevant standards. The fact that common practice may frequently differ from written policy may not be readily observed by a consulting examiner...."⁹

so sweeping would be accepted at present. As the Capital Development Board points out, "population reduction does not appear likely in the near future," and "it is fiscally and politically improbable that the State of Illinois could replace the five [oldest] facilities as long as new bed-spaces are in demand."¹⁹ We emphasize, however, that the Master Plan acknowledges the likelihood that these five prisons will continue to be used owing to the expense of replacement and therefore urges that expenditures for rehabilitation be limited, so that when population growth abates somewhat these obsolete facilities can be destroyed. The proposal for present reductions in population through parole and the like will be assessed in future reports.

Few would deny that conditions in these largest prisons are sub-standard. Such conditions contribute to inmate tensions; the Pontiac riot of 1978 and the later state of emergency declared at Stateville evidence this. Reportedly, gangs are more and more in control of our large prisons, and rape and violence remain endemic.

The greatest challenge to the DOC's effort has been the dramatic increase in prison population. Poor living conditions are made much worse through crowding. Though DOC had made single celling a goal in 1974, by 1975 the rising population thwarted this effort.⁶ Subsequent construction hardly kept pace with population increases (Figure 3). Rated capacity has fluctuated greatly in the last decade. According to the DOC, "In part, these changes were the result of arbitrarily increasing rated capacity in response to increasing prison populations. In part, they reflect the addition of housing units or whole institutions through construction, conversion, or renovation projects."⁶

As of 1978, approximately 55% of inmates in Illinois prisons were doubled in cells of less than 60 sq. ft.; another 15% were single-celled in cells of less than 60 sq. ft.⁷ The extent of double celling for raising rated capacity can be seen in the aforementioned Capital Development Board report. By the end of 1979, before Centralia and Graham had been built, the rated capacity of our prisons was 11,400. However, the single-cell capacity was under 9,000. Even with the addition of 750 beds (each) at Centralia and Graham a year later, the prison system would be short by 1,000 single cells.¹⁹ The addition of about 3,500 cells over the 1979 figure (including Graham and Centralia; these new facilities will be discussed shortly) brings the single-cell capacity to about 12,500, without demolishing any of the obsolete cell-houses. Assuming all of these cells were available today for occupancy, we would still be short by some 500 cells, as the current population is about 13,000. The Capital Development Board report¹⁹ and the DOC Annual Report of 1980¹⁸ both mention plans to convert Pontiac to an 800-man medium security facility through renovation and through demolition of two cellhouses; this plan includes the construction of a Chicago-based prison and expansion of Sheridan by 350 beds. We have no details on these projects. If the Chicago prison is to hold 750 men (following the DOC capacity standard), this will not add any new cells, as the reduction of the population at Pontiac from the current 1,900 (approximately) to 800 would offset the increase. The DOC reports that beyond this and the projects discussed below, no new construction is planned; if the population reaches 16,788 or more by 1985 as the DOC projects, the system will be short by as many as 4,500 single cells.

Figure 3
Population and Capacity Estimates

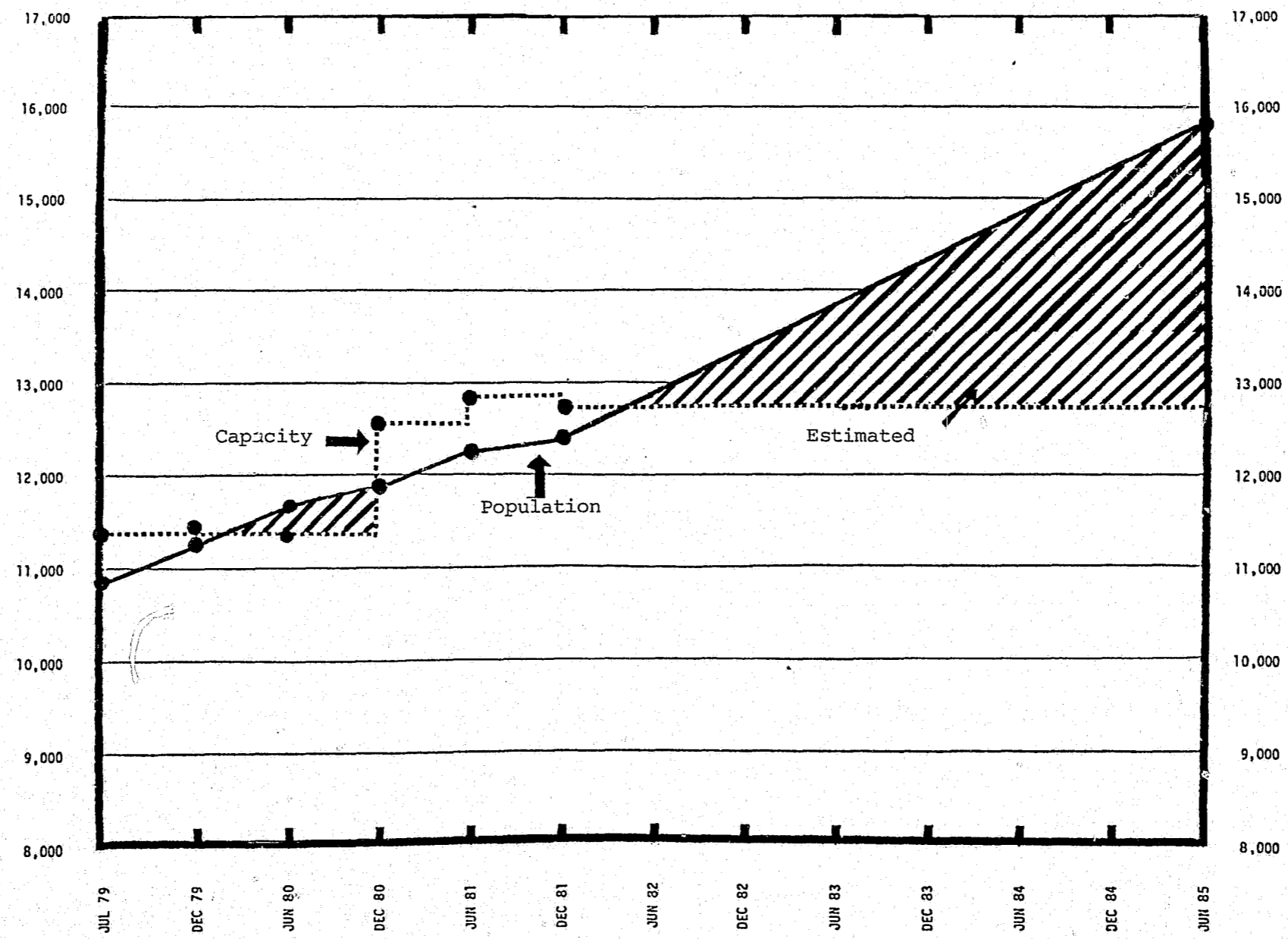
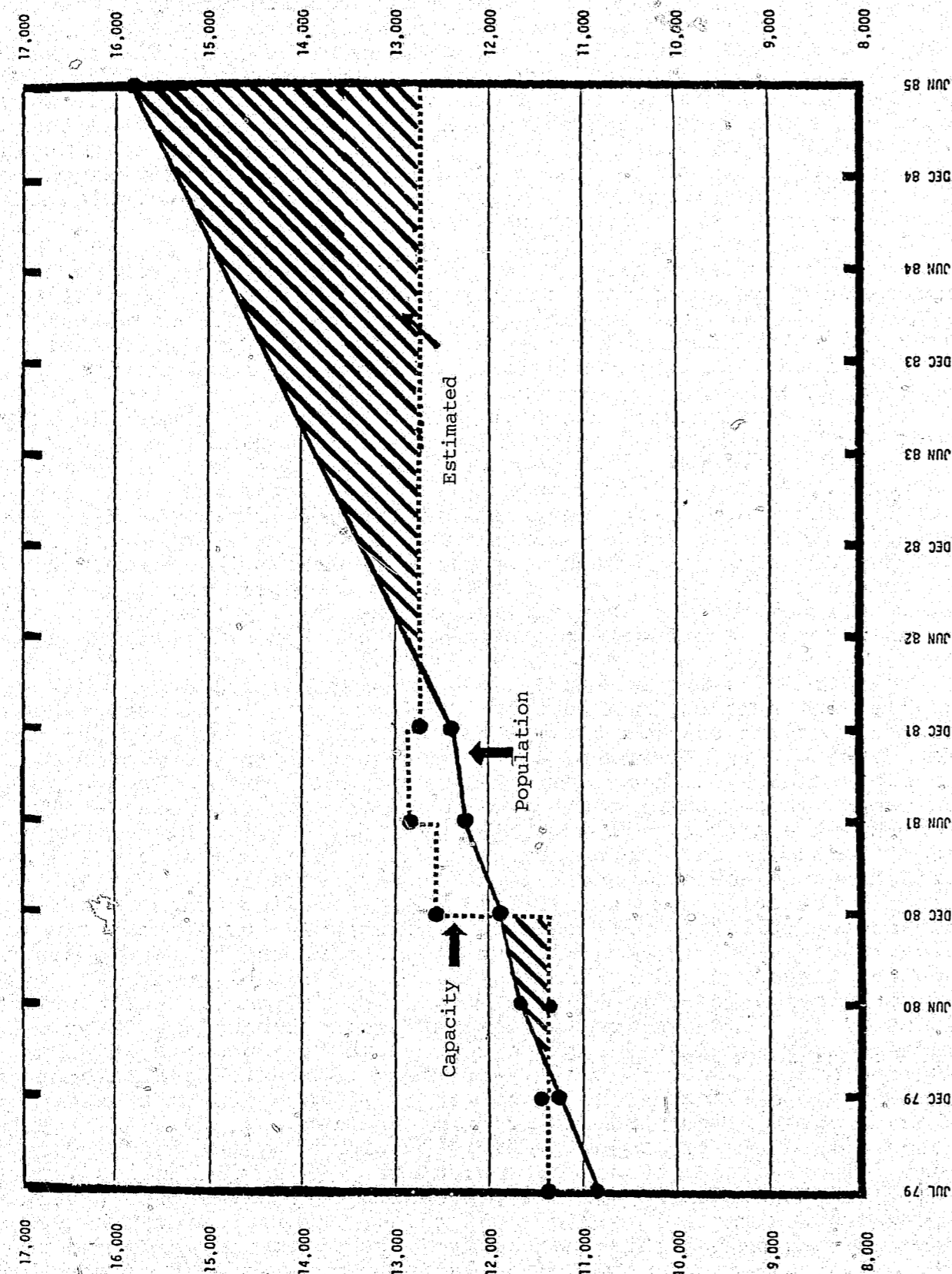


Figure 3
Population and Capacity Estimates



Of course, the DOC has had to go to extensive double celling. Though this practice may alleviate rated capacity figures, it exacerbates overcrowding by putting two men in a cell hardly large enough for one. With limited capacity and rising numbers of inmates, the DOC has had little choice but to double cell. Yet this practice could soon come to a stop. We have already mentioned the trend toward court involvement in prison conditions. On November 3, 1981, United States District Court Judge Harold A. Baker ruled that involuntary double celling at Pontiac constituted cruel and unusual punishment and violated the Eighth Amendment of the U.S. Constitution. On January 6, 1982, Judge Baker ruled that by June 11 the number of inmates at Pontiac who are double celled must be cut in half and that double celling must cease entirely by year's end.²⁰ In deciding this class action suit, entitled Smith v. Fairman, No. 80-2076 (C. D. Ill. 1982), appeal granted, No. 82-1052 (7th Cir. 1982), the court heard testimony from 23 witnesses, including inmates, correctional officers, experienced corrections administrators, penologists, physicians, psychiatrists, clinical psychologists, and social workers (see Judge Baker's Findings of Fact, Conclusions of Law, Memorandum Opinion and Final Order in Smith v. Fairman, p. 2). Judge Baker also toured the prison.

Some of the court's findings illustrate our discussion of crowding. In cells with two inmates, one cannot move from one end to the other without the other inmate being on his bunk. The court-appointed expert witness, Dr. Steven Christianson, related that he had to back out of a cell to allow the inmate to leave (Final Order, p. 5). He and other witnesses found "frustration, tension, and violent activities" to be constant and widespread. Inmates testified to a constant threat of homosexual attack, violence, and extortion (Appendix A). Judge Baker figured the extent of double celling to be over 56% for those inmates not in segregation or protective custody (983 such inmates in 581 cells) (Final Order, p. 4). Cells at Pontiac are 55.3, 55.5, or 64.5 sq. ft. (Final Order, p. 5). Inmates testified that they spent between 16 and 20 hours a day in their cells.

One witness, Joseph C. Cannon, was formerly the warden at Stateville. In his testimony, he recalled that when he arrived at Stateville, the prison was in a "deadlock." He was able to bring the institution out of the deadlock within a few months owing to a reduction in commitments in 1974 that enabled him to employ single celling. According to Judge Baker, Cannon testified that with single celling, problems in managing and controlling the inmates were reduced (Final Order, p. 16). This move to single celling was, as we have mentioned, a DOC administrative move in 1974⁶ and coincided with the steady drop in commitments just before the sudden and steep increase. Cannon pointed out that crowding has harmful effects on guards as well as inmates. Other witnesses in the Pontiac case reiterated this observation: not only are guards in greater jeopardy, but inmates often reenter society as more a threat than when they were put in prison (Final Order, p. 20). Judge Baker points out in his decision that "Cannon is commendatory of the Warden at Pontiac and says that Pontiac is 'better supervised than any prison I have ever visited'" (p. 17n).

Judge Baker wrote in his decision, "The burgeoning prison population, the inadequacy of existing facilities, and the expense of providing additional facilities are the only reasons found in the evidence

for the maintenance of the overcrowding at Pontiac. Those reasons are constitutionally inadequate" (Final Order, p. 29). However, he goes on to note:

It is obvious that if the defendants were ordered by the court to abandon the practice of double celling at Pontiac immediately and to assign prisoners who requested it to a single occupancy cell that the facilities at Pontiac could not accommodate the present prison population. It is equally obvious that the State of Illinois presently does not have sufficient facilities to house the overflow population from Pontiac in other institutions. The burden upon society and the mischief that would be created by such an order outweighs the deprivation and loss that is placed upon the plaintiffs by the overcrowded conditions at Pontiac. An appropriate remedy under these circumstances would be to direct the defendants to submit a plan to the court to remedy the overcrowded circumstances at Pontiac at the earliest date possible by moving to single occupancy celling (Final Order, p. 30).

In response to Judge Baker's order that the Defendants devise a plan to alleviate the overcrowding, DOC Director Michael Lane suggested several alternatives that he himself labeled "unacceptable and unrealistic": immediate construction of seven new prisons at the price of \$350 million; immediate expenditure of \$30 million for conversion of existing facilities; or massive inmate release or refusal to accept any new prisoners.²⁰ Judge Baker rejected these proposals; however, he has granted a stay of his order to end double celling following a motion by the Illinois Attorney General's office.²¹ The DOC is appealing the Pontiac decision before the Seventh Circuit of the United States Court of Appeals in Chicago, and has vowed to appeal all the way to the Supreme Court if necessary.²⁰

Should the decision against involuntary double celling be upheld on appeal, the impact on our prison system could be devastating. For instance, the DOC might have to go to triple celling at other institutions. The case involves only Pontiac, but could influence cases pending against Stateville, Joliet, and Menard. We have already mentioned the possible shortage of 4,000 single cells by 1985. This figure could be higher if the population increases even more during that period, as some experts have predicted.

Disregarding for now the potential impact of the District Court's decision, the crowding situation is still grave. Efforts to accommodate the rising numbers of inmates, besides double celling, have included the renovation and conversion to DOC use of the old Chester Mental Health Center (300 beds) and of the Lincoln Mental Health Annex (750 beds; now called Logan) in 1977.⁶ Sheridan Correctional Center was converted from a youth center to a medium-security prison in 1973. In 1980, two newly constructed medium-security prisons, Graham and Centralia, were opened, each with a capacity for 750 inmates. The East Moline Correctional Center opened in 1981 with a capacity for 200 minimum security inmates; it also was formerly a mental health center. A 750-bed medium-security facility is presently planned at Vienna. At Stateville, two 300-cell maximum-security cellhouses (one originally for 250 inmates) are being built; the demolition of three of the round cellhouses is planned when funds are available¹⁸ and, we would assume, when the population problem is under control. In all prisons, the DOC is making extensive renovation. Reportedly, Sheridan will be expanded

by 150 beds* and East Moline by 200. Pontiac is to become an 800-man medium-security facility; a Chicago-based prison is being considered that would, along with Sheridan, compensate for some of this population reduction.

These new and renovated facilities have much more space and a more residential character than older facilities, a fact for which the DOC is to be commended. Indeed, cells have more floor space than is called for in state law: Section 1003-7-3(b), Chapter 38 of the Illinois Revised Statutes provides that "[a]ll new, remodeled and newly designated institutions or facilities shall provide at least 50 square feet of cell, room or dormitory floor space for each person." Cells at Centralia and Graham, and at the units under construction at Vienna and Stateville, are designed for single occupancy and average 70 sq. ft. of floor space. For the most part, solid doors and reinforced glazed windows are used instead of bars. Clustering of cells eases inmate tensions and enhances security.

As we have said, the DOC has had to employ double celling in spite of these efforts, and double celling could become worse by 1985. If Judge Baker's decision in Smith v. Fairman is upheld on appeal and double celling is banned, the situation could become immediately critical. The population trends show no signs of changing before 1985 and could continue into the 1990s. The DOC estimates that by 1985 planned capacity will be 13,245 and population will be 16,788. Some experts predict a 1985 population of over 17,500.⁵

Illinois' Prison Population

This upswing in population was at its outset sudden and dramatic. The national prison population trends have followed generally five periods of rise and decline⁷ (Figure 4):

	Net Change	Average Annual Change
1930-1939	+39%	+3.7%
1940-1944	-29%	-6.5%
1945-1961	+72%	+3.2%
1962-1968	-14%	-2.2%
1969-1978	+59%	+4.8%

This trend is more startling when the increase from 1969 to 1978 is further broken down:

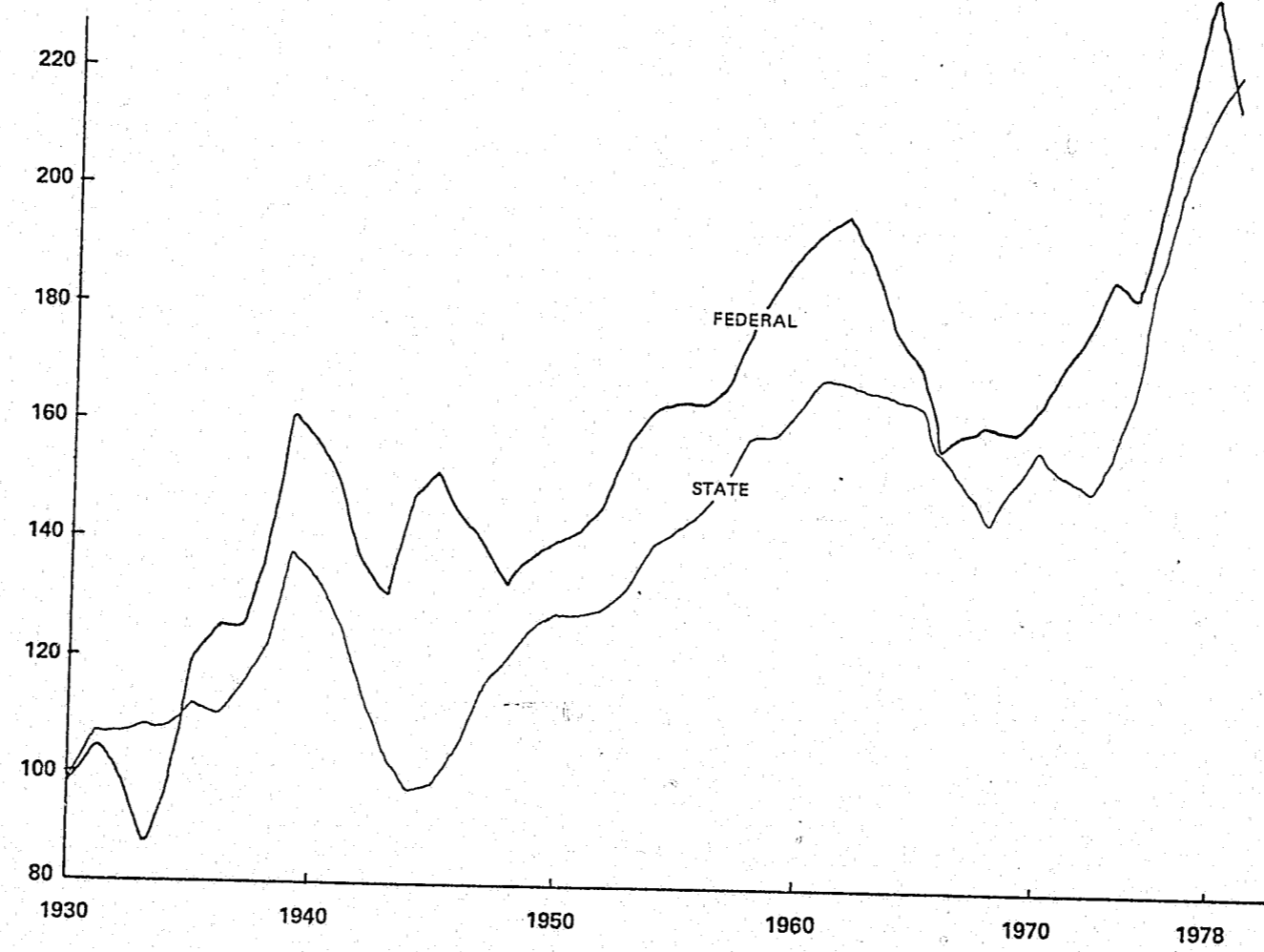
1969-1972	+ 4%	+0.9%
1973-1978	+54%	+7.4%

These increases are not only in total prison populations. Rates of incarceration have also increased: from 1941 to 1970, there was a median rate of 98.6 per 100,000 population; from 1970 on, this was up by 43% to 124 per 100,000 population in 1978. Between 1972 and 1978,

*This figure was provided by DOC administrators. The DOC Annual Report of 1980¹⁸ gives the Sheridan expansion as 350 beds.

Figure 4

Growth of Inmate Populations in Federal and State Institutions
1930 - 1978



the state prison population nationally increased from 174,470 to 268,189.⁷ Illinois has felt this trend as severely as any state (Figure 5). The sudden surge in incarcerations in 1974 brought an increase in admissions of over 30% between 1974 and 1975 alone. Felony imprisonment in our state has increased by 141.7% from 1973 to 1979.⁶

Many reasons have been proposed for this startling increase, though experts remain uncertain about what possible factors are most important: the end of the Vietnam conflict, the increase in population at risk owing to the coming of age of the baby boom generation, the deterioration of many urban areas, and of course a rise in crime, which often has been attributed to unemployment⁷ (Figure 6). The DOC, in its population projection system, describes the factors of population at risk and unemployment as redundant. Taken individually, however, a 1% increase in unemployment was found to correspond to a 70 offender per month increase in new felon admissions one year later; an increase of 100,000 at-risk whites or about 10,000 non-whites was associated with a 15.4 offender per month increase in new felon admissions.²²

The criminal justice system has contributed to this trend, partly in response to these other factors, and partly in response to a change in public attitude toward crime. In the early seventies, rehabilitation was for the most part abandoned as the goal of incarceration.⁷ Efforts toward rehabilitation had shown little impressive success. Still, this "get-tough" attitude contributed to and coincided with a dramatic increase in commitments (due to the baby boom coming of age, unemployment, etc.), so that overcrowding inhibited most efforts toward rehabilitation. As Judge Baker noted in his decision in Smith v. Fairman, crowding "denigrates the inmates and destroys their potential for correction and in consequence damages society even further" (Final Order, p. 17). However, the "get-tough" attitude prevails, not without reason; the crime rate has gone up, and serious crimes account for a larger portion of convictions. Judges give longer sentences and fewer sentences of probation, prosecutors strike harder bargains, and parole boards are more cautious in granting paroles.⁷

Most studies have stated that the best predictor of future population is rate of intake vs. rate of release trends.^{6, 7, 9} These are affected by sentencing codes, rates of arrest and of conviction, parole decisions, and length of stay. In Illinois, the introduction of determinate and Class X sentencing* have been said to increase prison

*Determinate sentencing, which came into effect in Illinois in 1978, was designed to define more exactly the term of incarceration imposed for a particular crime. Under this system a sentence of specific duration selected from within a specified range is imposed by the judge. Under the old system of indeterminate sentencing, the court would impose a sentence of a statutorily prescribed minimum and maximum period of imprisonment but would not impose an exact sentence of a certain number of years. All offense classifications (except murder) carried the possibility of probation. Class X, which didn't exist under indeterminate sentencing, is a more severe classification of felony than Class 1, carrying a sentence of 6 to 30 years. Furthermore, unlike classes 1 to 4, Class X does not have the possibility of probation.

Figure 5

Illinois Prison and Center Populations, 1965 - 1980

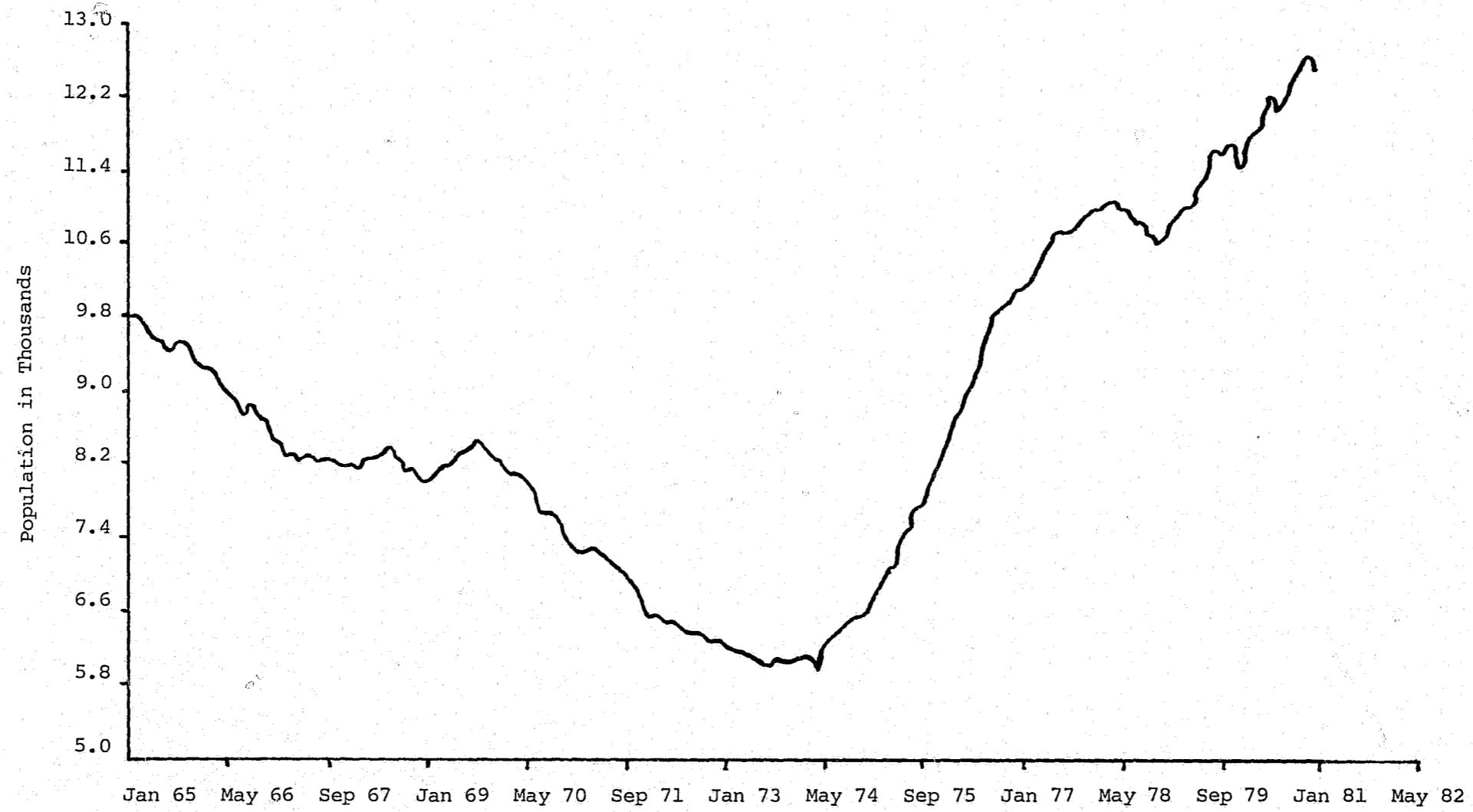
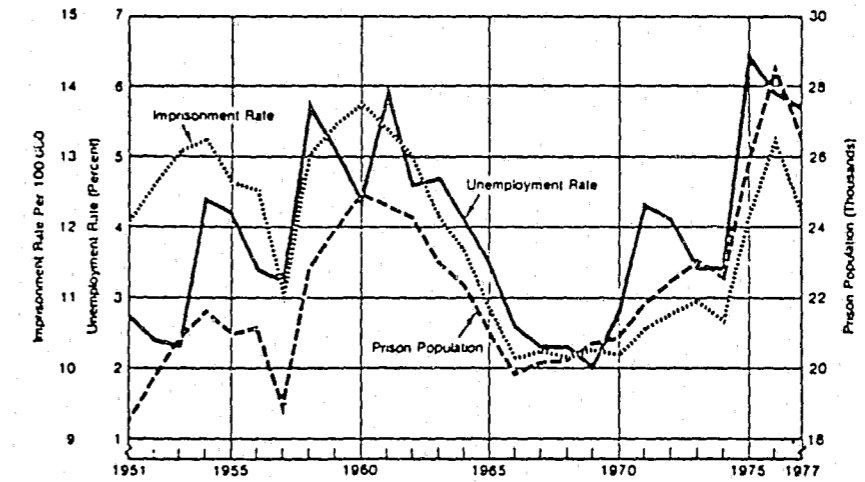
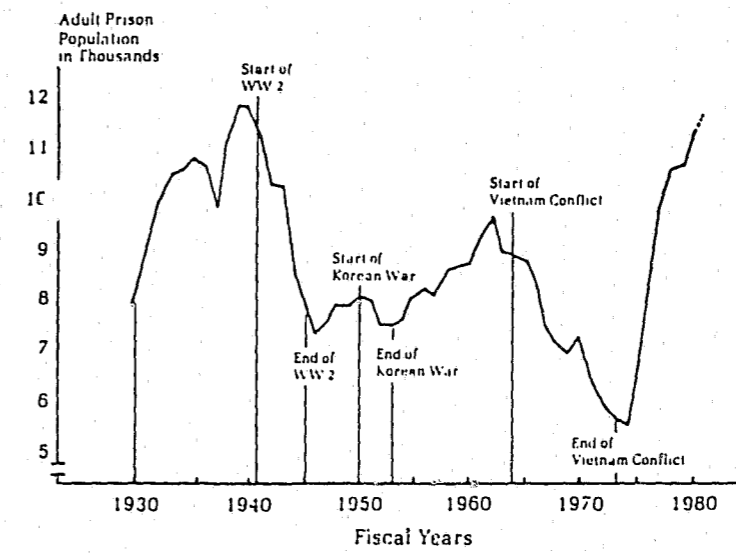


Figure 6
Unemployment & Imprisonment



First Quarter Male Unemployment Rate (Seasonally Adjusted), Age 20+, 1951-1977, Correlated with Federal Sentenced Prison Population (15 month lag), Rated and Unrated

Illinois Prison Population



population, especially in a delayed fashion. It should be noted, however, that this prison population explosion began well before these legislative changes. Still, they might account for part of the current rates of intake and release.

The increase in crime has been steeper in property crimes than in violent crimes; indeed, violent crime has decreased in proportion of total crime volume and (from 1972-1979) in actual numbers (Figure 7). The statistics on crime, convictions, parole, etc., may give us some idea of the burgeoning problem the criminal justice system has had to address in the past decade, as well as the extent of prison population increase, which remains the "number one challenge" of the DOC.¹⁸ Though brief, the following data⁶ are pertinent.

Reported crime in Illinois rose 33.5% from 1972 to 1979 (all figures are for this period unless otherwise noted). This increase is in "index" crimes, which include four violent crimes -- murder and voluntary manslaughter; forcible rape; robbery; and aggravated assault, aggravated battery, and attempted murder -- and three property crimes -- burglary; larceny/theft; and motor vehicle theft. Violent crime has decreased by 7.4%. However, three of the four violent crimes have shown an increase in this period: murder and voluntary manslaughter increased by 3.8%; forcible rape, by 24.5%; and aggravated assault, aggravated battery, and attempted murder, by 10.2%. Only robbery went down, by 3.4%. This last index crime accounted for the overall decrease by its much greater volume. Property crime, on the other hand, has increased, by 39.9% (Figure 7).

Another factor influencing prison population increases is the arrest rate. This went up by 24.4%. Though violent crime arrests again went down, the same three index violent crimes went up. Property crime arrests rose by 37% (Figure 8).

Felony dispositions have risen 189.5%. These have resulted in a higher rate of convictions as well, an increase of 252.3%. Felony imprisonment has risen by 141.7%, and felony probation has gone up by 176% (Figures 9-11). We can see that by far the highest percentages of increase are in felony dispositions, convictions, incarcerations, and probations. According to Laurel Rans, Deputy Director of the Bureau of Policy Development for the DOC, corrections officials are at a loss as to what exactly has caused this trend of a steeper increase in convictions and incarcerations than in arrests.

As was mentioned, admissions and exits more significantly affect prison population, both in numbers and in types of offenders. Since 1965, felony and parole violation admissions have increased whereas misdemeanor admissions have declined. Figure 12 depicts these changes by average monthly admissions. From 1973 to 1980, average monthly admissions increased by 140.6%. In actual admissions, the increase from 1973 to 1979 was 120.8% (Table 1). Average monthly exits -- from expiration of sentence or mandatory supervised release, parole, and other causes -- increased 68.4% from 1973 to 1980 (Figure 13). Actual exits increased by 87.7% (Table 2). For 1979, total exits decreased 2.4%; for 1980, they decreased 8.2%. The release rate (per 100,000 population) increased steadily from 37.1 in 1973 to 69.2 in 1978. In 1979, this rate dropped to 67.5 and in 1980 to 61.4 (Table 2

Figure 7
Total, Property, and Violent Crime Volume,
1972/1979 Comparison

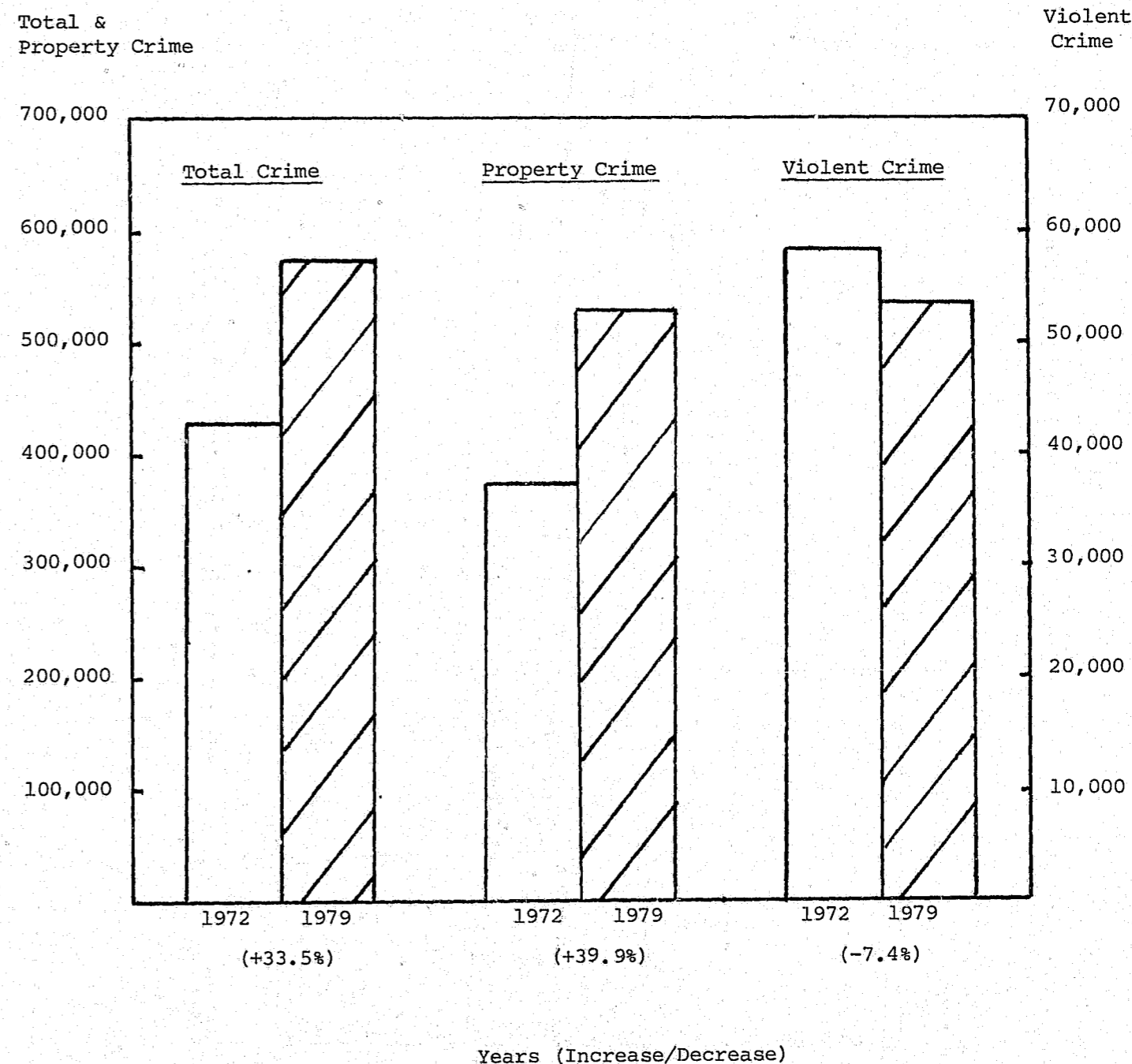


Figure 8

Violent, Property, and Total Crime
Arrest Rates, 1972-1979

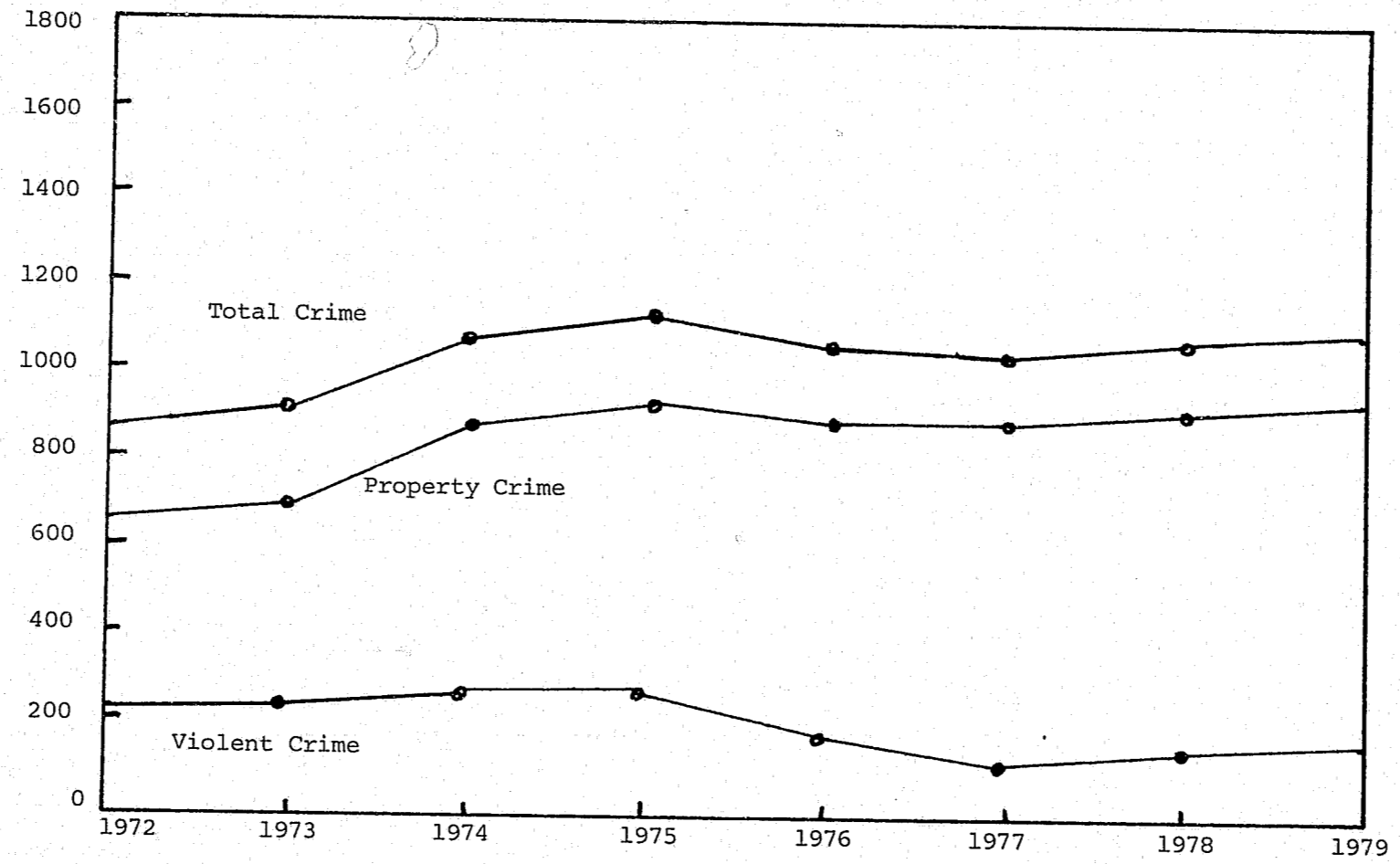




Figure 9

Dispositions, Convictions, Imprisonments
1972 (73)/ 1979 Comparison

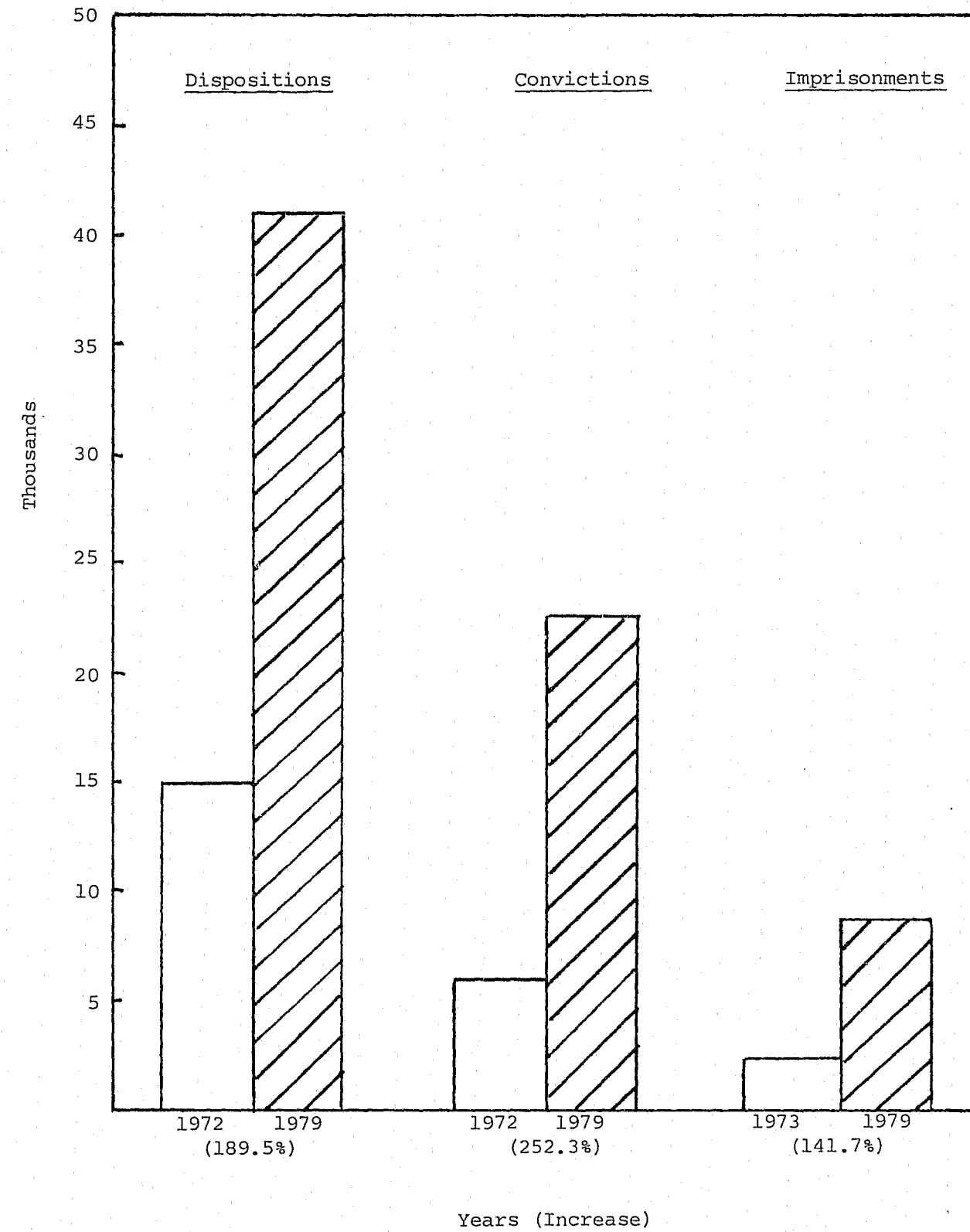


Figure 10

Felon Dispositions, Convictions, Commitments,
And Re-Admissions, 1970 - 1979

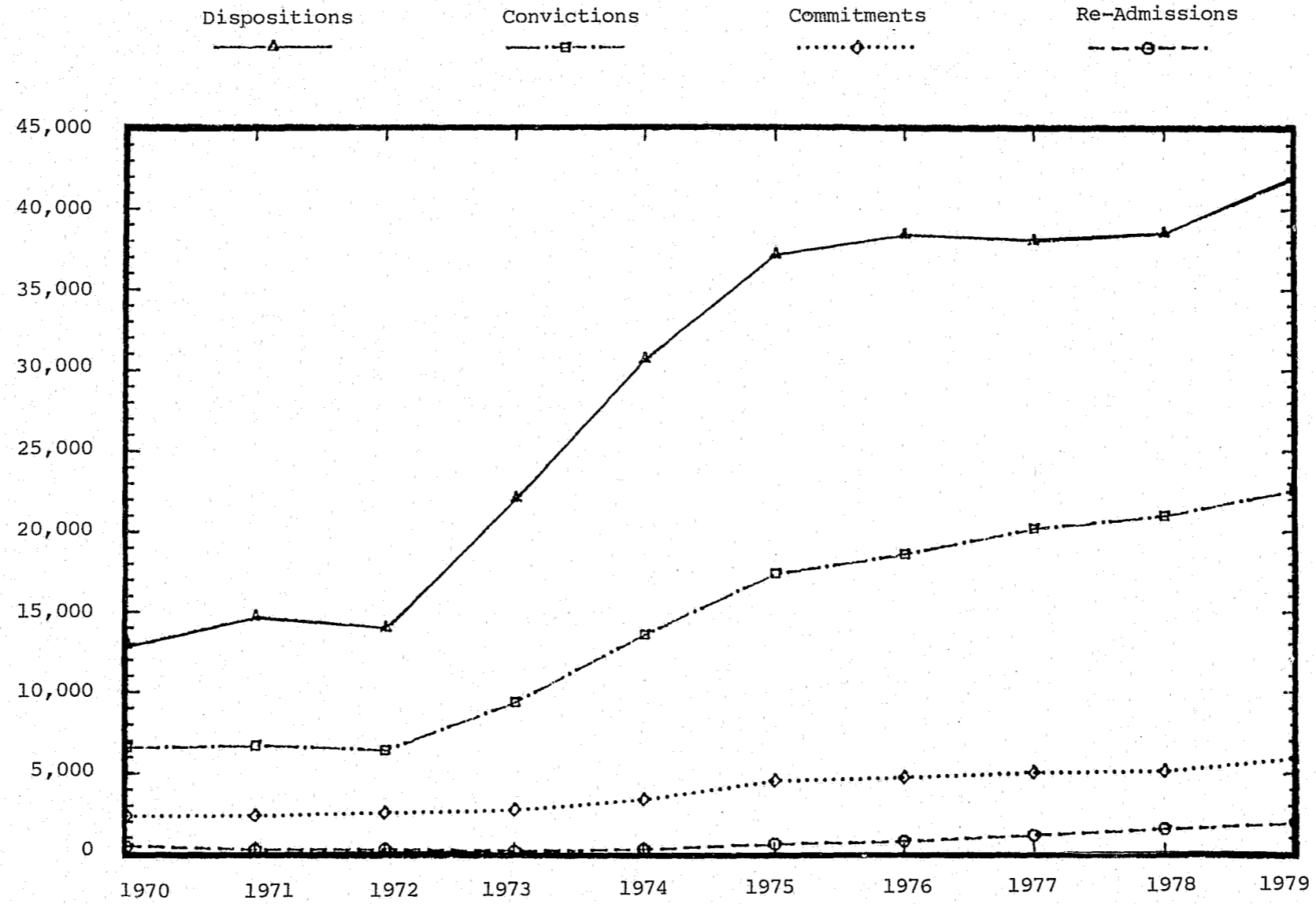


Figure 11

Felony Imprisonment and Probation Rates, 1973 - 1979

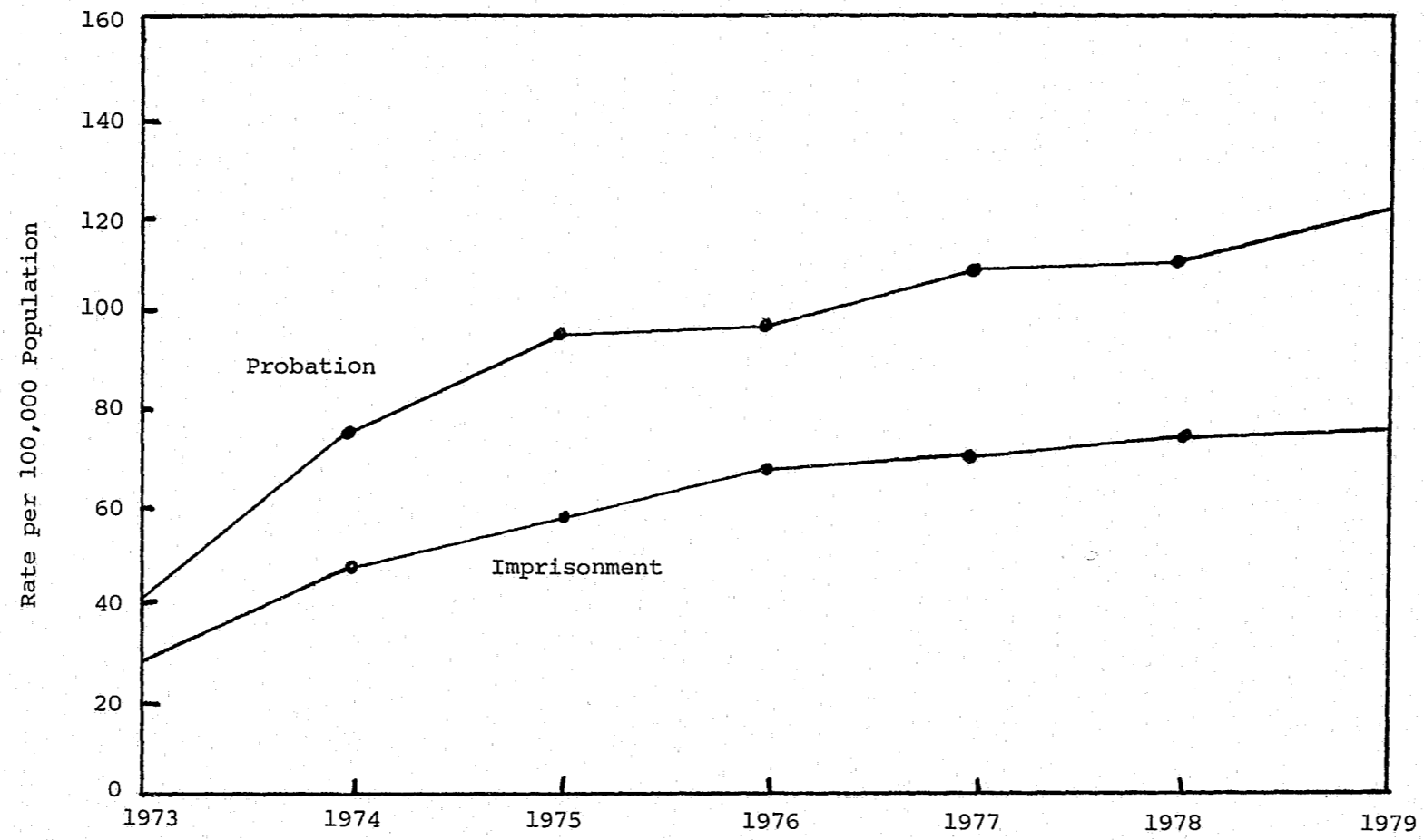


Figure 12

Average Monthly Admissions

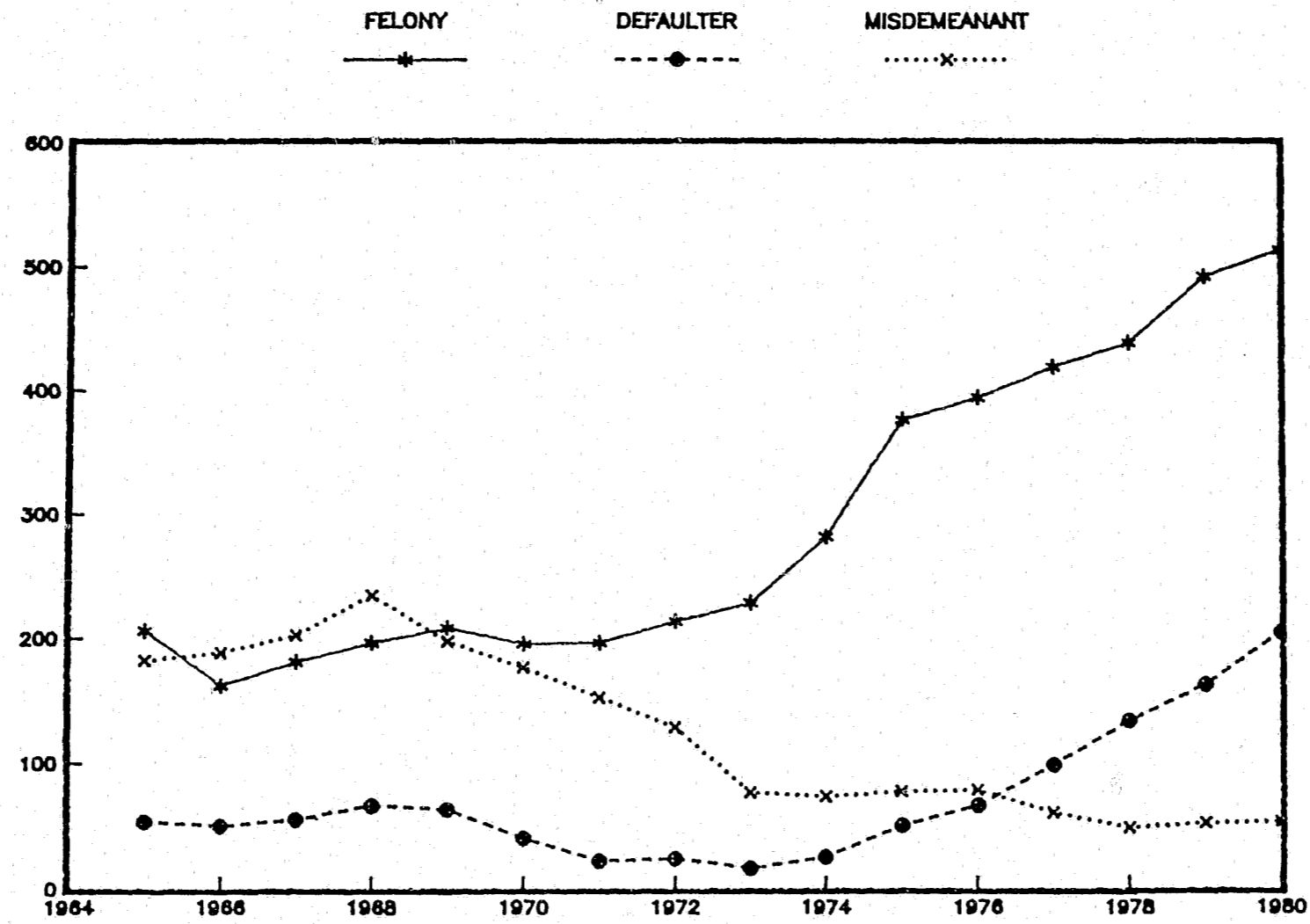


Figure 13

Average Monthly Exits

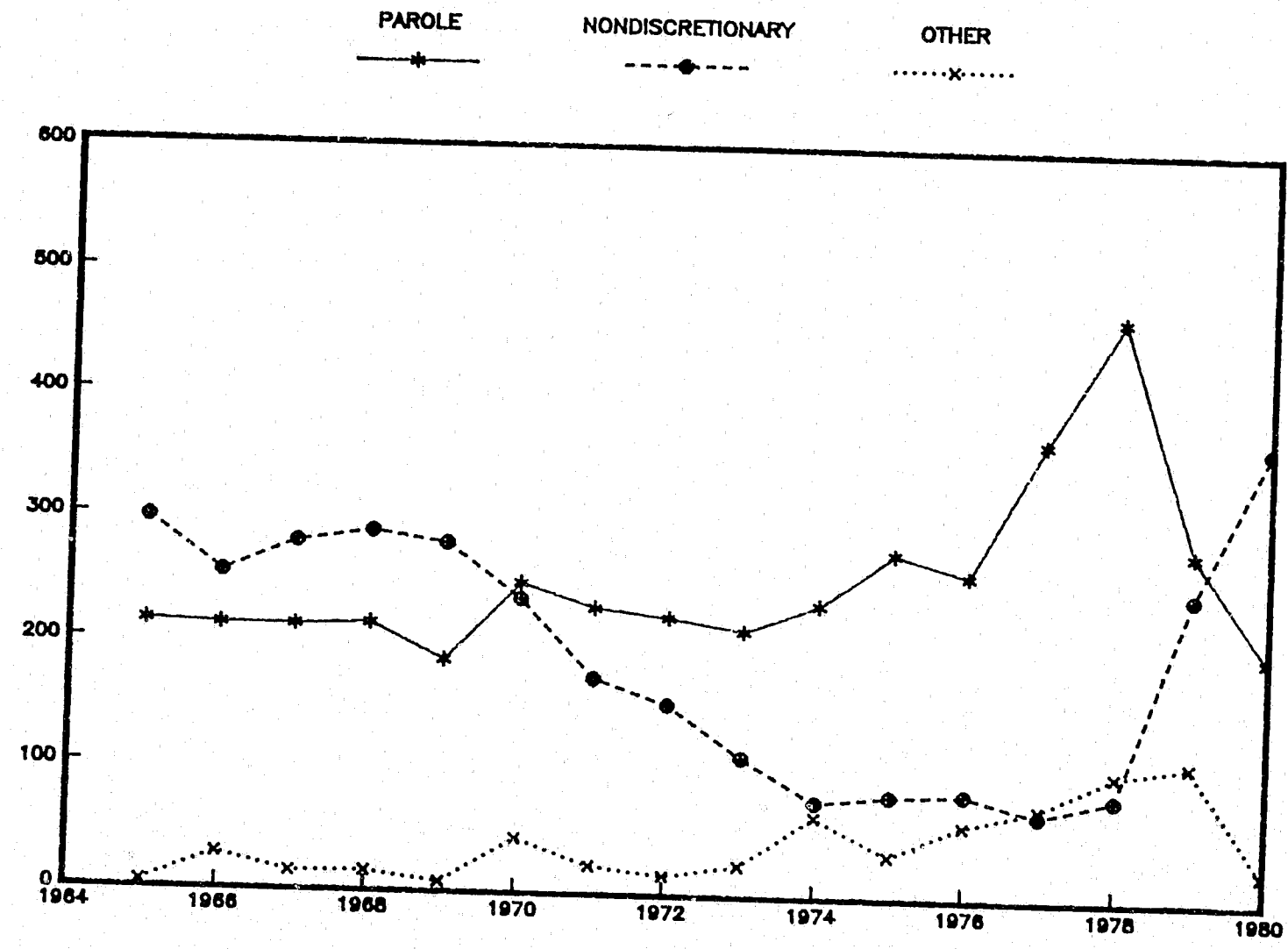


Figure 14
Incarceration and Release

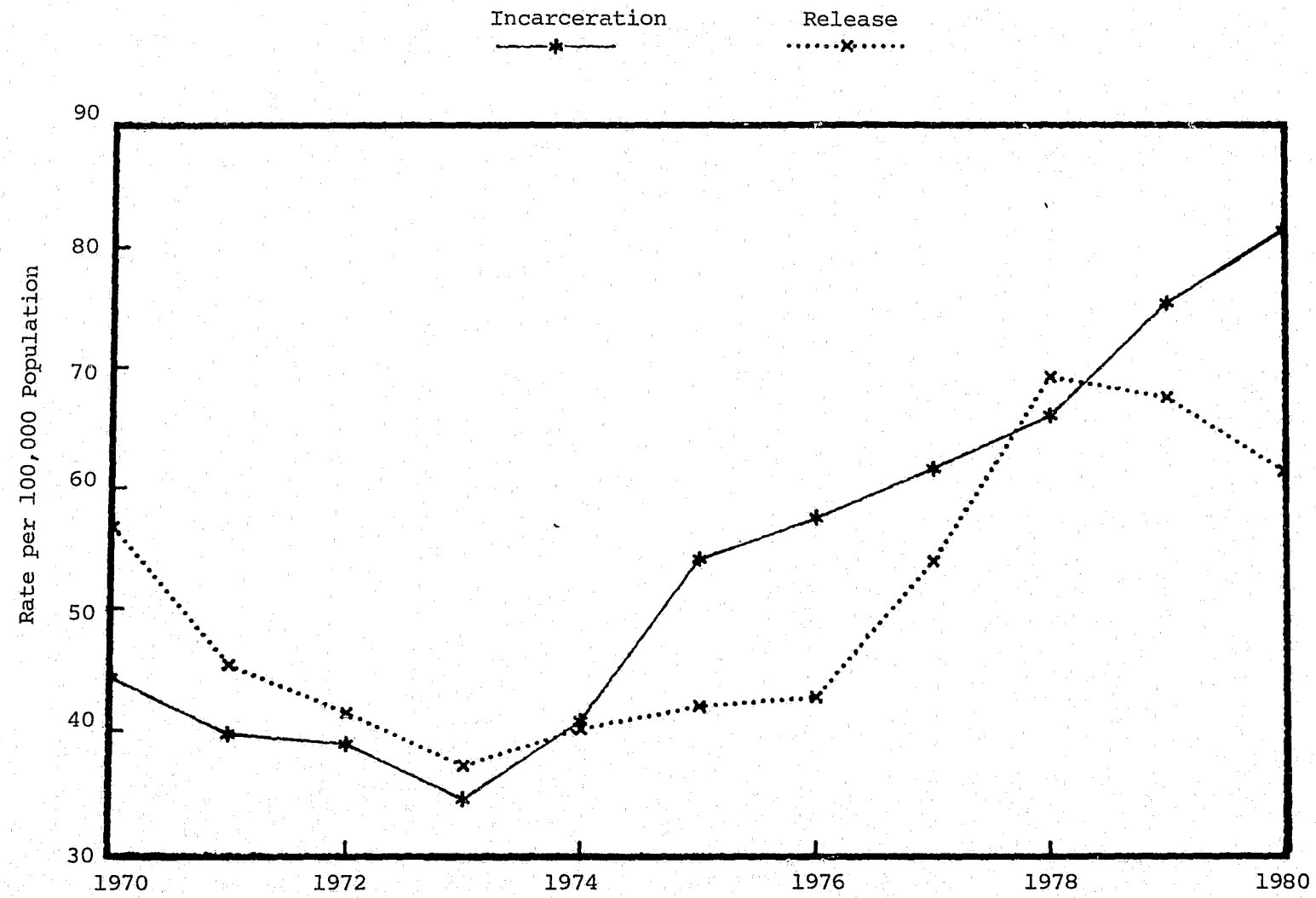


Table 1

AVERAGE MONTHLY ADMISSIONS, TOTAL ADMISSIONS, AND INCARCERATION RATE, 1970-1980

YEAR	AVERAGE MONTHLY ADMISSIONS				TOTAL ADMISSIONS				INCARCERATION RATE (PER 100,000)
	FELONY	DEFAULTERS	MISDEMEANORS	TOTAL	FELONY	DEFAULTERS	MISDEMEANORS	TOTAL	
1970	195	40	176	411	2,343	477	2,107	4,927	44.3
1971	196	22	152	370	2,354	264	1,819	4,437	39.7
1972	213	24	128	365	2,550	292	1,533	4,375	38.9
1973	228	16	76	320	2,736	190	913	3,839	34.4
1974	281	25	73	379	3,372	295	877	4,544	40.8
1975	376	50	77	503	4,509	601	922	6,032	54.1
1976	394	66	78	538	4,733	789	935	6,457	57.5
1977	419	98	60	577	5,029	1,177	716	6,922	61.6
1978	438	133	48	619	5,254	1,591	578	7,423	66.0
1979	492	162	52	707	5,905	1,949	624	8,478	75.4
1980	513	204	53	770	6,154	2,448	638	9,240	81.4

Source: Illinois Department of Corrections, Population & Capacity Report, Vol. 3, Part 1-Section 1, Fiscal Year 1982.

Table 2

AVERAGE MONTHLY EXITS, TOTAL EXITS, AND RELEASE RATE, 1970-1980

YEAR	AVERAGE MONTHLY EXITS				TOTAL EXITS				RELEASE RATE (PER 100,000)
	PAROLE	NONDISCRETIONARY EXIT	OTHER	TOTAL	PAROLE	NONDISCRETIONARY EXIT	OTHER	TOTAL	
1970	248	235	42	525	2,979	2,820	501	6,300	56.7
1971	229	172	21	422	2,752	2,059	254	5,065	45.3
1972	222	152	14	388	2,660	1,823	173	4,656	41.4
1973	212	110	23	345	2,547	1,322	274	4,143	37.1
1974	234	75	63	372	2,802	900	759	4,461	40.1
1975	276	81	33	390	3,307	968	401	4,676	42.0
1976	259	83	58	400	3,113	992	692	4,797	42.7
1977	366	67	72	505	4,389	805	868	6,062	53.9
1978	467	81	100	648	5,605	976	1,197	7,778	69.2
1979	279	244	109	632	3,352	2,926	1,311	7,589	67.5
1980	195	363	23	581	2,336	4,358	275	6,969	61.4

Source: Illinois Department of Corrections, Population & Capacity Report, Vol. 3, Part 1-
Section 1, Fiscal Year 1982.

and Figure 14). The DOC states that this downward trend in exits is of great concern, "since it implies that the population turnaround is slowing either due to longer sentences or factors influencing length of stay. Whatever the causes, the net effect is higher prison population."⁶

One measure employed by the DOC to deal with increasing population and limited capacity has been the Early Release Program. Beginning June 6, 1980, selected inmates were awarded meritorious good time for releases up to four months before expiration of sentence. Most such releases were, reportedly, about one month before expiration of sentence. Inmates with murder, Class X, or Class 1 felony sentences, or who had recently shown a tendency to disruptive behavior, were ineligible. The DOC reports that a follow-up of these early released prisoners shows a recidivism rate at one year of 16.9%,⁶ which is somewhat less than the overall one-year recidivism rate.

Interpreting these data, the DOC predicts that by the end of this year the prison population will likely reach 14,813 with early release or 15,613 without early release.²³ Other analysts have given projections of from 8,000 to almost 23,000 by 1985.²² With so many variables and so many unforeseen possibilities, such predictions are difficult at best. The DOC has developed its own formulae for projecting population and states a January 1985 population of 16,788. Other apparently reliable predictions basically replicate this figure, though some go as high as 17,500. The only certain figure at present is the projected rated capacity, 13,245 beds, which includes some double celling. Again, if Judge Baker's ruling is upheld on appeal, capacity will be much lower.

In addition to increased need for prison space, there will be an increasing need for community correctional facilities, as current prisoners are released under supervision, or as new ones are sentenced to terms in such facilities. Indeed, many commentators have argued that the last decade's prison population upsurge should be handled mostly through non-prison sentencing, as much of the increase has been from property crimes, not violent crimes.⁷ There are several advantages to placing prisoners in community facilities, where they work (usually) during the day and pay for a substantial portion of their keep, support dependents, and pay taxes. In the ACA's Directory of 1981,¹⁶ the cost of keeping a convict in an Illinois prison ranged from about \$7,000 to about \$14,000 per year; the cost of keeping an offender in an Illinois community correctional facility is given as \$595.00 per year. The DOC gave a 1979 average cost of keep at community facilities of \$220.00 per inmate per year.¹⁷ The physical facilities for such centers are far cheaper than prisons. Existing structures are often used. Security needs are lower. A major problem with community corrections, however, is unemployment; for this system to be effective, participants have to find and keep jobs, but during periods of high unemployment, this is difficult at best.

Other states have experimented with alternatives to imprisonment and to building prisons.²⁴ In early 1981, Wyandotte County (which encompasses Kansas City) in Kansas developed a community corrections program. "After three months of operation, the program reduced the number of convicted felons sent to state prisons per quarter from 24 to 7.... The average cost per felon in the Kansas City program is

\$3,500/year as compared to \$10,500/year in the state penitentiary. Participants in the program make restitution to their victims and receive job counseling and drug/alcohol therapy when required." Besides increased use of community correctional facilities, several alternatives to constructing prisons have been made. Purchasing and converting existing buildings for minimum security residents is one possibility, as has been done with our own Logan and East Moline facilities. This was done in Oklahoma in 1974 when the state was under a court order to reduce inmate population by 1,400 in six months; the state purchased several abandoned Holiday Inns. Another alternative has been tried in Minnesota. A commission was set up to establish statewide guidelines for the sentencing of specific offenses, taking into account circumstances of the crime and the offender's previous record. As a result, imprisonable offenders are separated from those who should be released on probation or placed in community correctional facilities where they make restitution to victims through work or community service or both. A judge must explain in writing any deviation from these guidelines.²⁴

The Michigan state legislature passed the Prison Overcrowding Emergency Act in January, 1981. If the prison system is over capacity for 30 days, the governor may reduce by 90 days the sentences of all prisoners who have minimum terms. A year ago, the Texas State Senate conducted a study into the use of "shock probation," giving a felon a four-month taste of a Texas penitentiary and then releasing him for 610 days of probation. This would cost the state \$1,300 compared with \$5,500 to keep the same felon in prison for two years.²⁴

The Judicial Advisory Council of our own legislature is looking into sentencing options in Europe to evaluate trends in Illinois.²⁵ Part of this focus is heavier use of fines. However, one reportedly major problem with this is actually collecting the fines. The Illinois Commission To Study County Problems is considering the concept of regional institutions. A group of counties would agree to operate a regional penal institution housing inmates who would normally be in a state prison. The state would pay for the cost of operations and the counties would be left to administer the facilities. This concept has been tried with some success in California and Minnesota.

Another possibility for reducing state prison populations receiving considerable attention lately has involved the transfer of Illinois prisoners. The controversy surrounding this issue arose from a lawsuit challenging the state's power to transfer state prisoners incarcerated in Illinois to state and federal facilities out of state, and to federal facilities in Illinois. United States ex rel. Hoover v. Elsea, 501 F. Supp. 83 (N. D. Ill. 1980).

In Illinois, transfers of prisoners to out-of-state federal or state facilities are made pursuant to the Illinois Interstate Corrections Compact, Ill. Rev. Stat. ch. 38, §1003-4-4. The federal district court in Hoover v. Elsea held that this provision violated Article 1, section 11 of the Illinois Constitution which provides that "[n]o person shall be transported out of the State for an offense committed within the State," and thus, such transfers were ruled unconstitutional under the Illinois Constitution. Furthermore, the court found that transfers of Illinois prisoners to federal facilities located in Illinois were also

prohibited; such in-state transfers to federal facilities were found to be in violation of the Constitution because the prisoners were denied their due process right to a hearing. On appeal, however, the Seventh Circuit Court of Appeals [United States ex rel. Hoover v. Franzen, No. 80-2469 (7th Cir. Jan. 12, 1982)] overturned the district court's decision, but remanded the case to the district court to decide the issue of whether the Illinois Constitution creates any liberty interests for state prisoners, thus requiring a hearing regarding their transfers. If such hearings are found to be necessary, this could add to the monetary costs for transfers by the Illinois DOC.

Summary

Many experts have recommended that the problems of poor prison conditions and crowding be addressed not only by constructing new facilities but by assessing and reshaping the impact of each step in the criminal justice system. In other words, sentencing statutes could be altered. Judicial discretion could be enhanced. Sentencing options could be explored, such as pre- and post-trial diversion, creative and retributive sentencing, fines, and other alternatives. Some states are already trying out some of these ideas. We will be looking at such programs during our investigation, evaluating their feasibility if adopted in Illinois.

Interestingly, proponents of alternative practices prison design almost always emphasize as well the need for alternatives to incarceration; they do not rely solely on new prisons to correct present inadequacies in capacity or physical condition. As the writer of American Prisons and Jails⁷ says:

Remarkably, while concern has been aroused that further shifts in prison population may result from recent changes in the structure of sentencing codes, few policy-makers have gone on to debate their ability to control the size of prison populations. Confronting the crisis, states have adopted emergency housing plans; endorsed shifts in jurisdiction from state prisons to local facilities; appropriated funds for new construction; and called for studies to project the size and type of facilities needed to house hypothetical numbers of future prisoners. This focus on the supply of prison space suggests that prison populations are natural, externally defined phenomena which can be tabulated and possibly anticipated, but not controlled.

In support of the view that new prisons are not the key to handling the problem, many analysts have shown that prison populations tend to increase to levels exceeding capacity no matter how much new space is provided.

Where policies have explicitly taken capacity limitations into account, it has generally been possible to control the degree of crowding.... where new space has been added, it has, on the average, been followed two years later by population increases of nearly equal size. This finding does not conclusively prove that increased capacity drives population, but does suggest that it may diminish reliance on non-custodial dispositions and inhibit other mechanisms that regulate and control prison population.⁷

This would argue for a more comprehensive approach to the problem. Though certainly newer prisons and more space are needed, these should not conclude our search for solutions to the corrections problem. Not only would so narrow a solution be self-defeating, it would be costly as well. Again, from American Prisons and Jails:

The obvious dilemma arises when public calls for law and order are implemented without corresponding commitments of public funds. The only way in which increased use of imprisonment and stable or reduced expenditures can be simultaneously obtained is by a general deterioration in the quality of prison life for both inmates and staff.⁷

Many commentators have recommended legislative adoption of standards for prisons, such as ACA standards.* To begin with, this would regularize policies concerning the physical condition and administration of prisons. It could have an effect on future court cases. Moreover, it would establish limits on the role of incarceration or custodial care in the justice system. Again, American Prisons and Jails recommends:

First, legislative adoption of standards with specific emphasis on defining the minimum living space to be provided for each inmate, thus, establishing de facto the capacity of state and local custodial corrections systems; second, authorization of accelerated release procedures to be used when limits of capacity are reached, together with a system of information exchange that will make explicit the trade-offs involved in sentencing and release decisions.⁷

As our investigation progresses, we will be assessing the potential impact on the criminal justice system of such legislative standards for corrections. We should note here that any such standards should be sensitive to the current situation; sweeping changes could have a disastrous effect on DOC efforts to control and improve the state of our penitentiaries.

This first interim report serves more as a general introduction to current thinking in prison architecture and to the corrections situation in Illinois. It serves more to elucidate the nature and extent of the many problems; obviously there are many questions to answer that are merely presented here. We hope to provide informed approaches, and some answers, to these complex, controversial, and compelling questions.

*Clearly, the intention is for more comprehensive and updated standards than Illinois' provision that remodeled and new units provide 50 sq. ft. of floor space per person in cells or dormitories. Such legislation would address single celling, clustering of cells, institution capacity, etc. It would also, presumably, affect existing as well as new institutions.

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Figure 2 is from Law Enforcement Assistance Administration. Advanced Practice Design Criteria for Secure Juvenile and Adult Detention and Correctional Facilities. U.S. Department of Justice, program brief, March, 1981.

Figures 3 and 6 are from Illinois Department of Corrections. Plan for Human Services. Volume 3, Part 1, Fiscal Year 1981.

Figure 4 is from National Institute of Justice. American Prisons and Jails, Vol 2: Population Trends and Projections. U.S. Department of Justice, 1980.

Figure 5 is from Illinois Department of Corrections. Prison Population Projection Methods. Volume 1, October, 1981.

Figures 7 to 9, 11 to 14, are from Illinois Department of Corrections. Population and Capacity Report. Illinois Human Services Data Report, Vol. 3, Part 1-Section 1, Fiscal Year 1982.

Figure 10 is from Illinois Department of Corrections. Prison Population Projections FY 81. Policy Development Division, October, 1980.

Appendix A

Following are excerpts from the decision of U.S. District Court Judge Harold A. Baker in the case Smith, et al. v. Fairman, et al., consisting of inmates' testimony. These excerpts illustrate day-to-day prison life at Pontiac and the effects of crowding.

In the general population, the two-man cells are uniformly very small and cramped and it is difficult if not impossible to move about the cell unless one inmate is on a bunk....

The sink in the cell has a cold water and hot water tap. Inmates report that hot water is available only on an intermittent basis and the court appointed expert...reported that there was no hot water in the taps that he tested at the time of his visit.

Light is provided in the cells by a single fluorescent bulb in the ceiling and air vents are present in the upper back wall in the West cellhouse and in the lower rear wall in each of the other cellhouses. The inmates cover the vents in most instances to cut off the spread of dust and roaches....

Of the 1622 prisoners inside the walls at Pontiac only about one-half have regular work or school assignments. The remaining half of the population is divided into unassigned or idle general population, protective custody or disciplinary segregation....

The daily routine of prisoners and the quality of life in Pontiac I found was best gathered from the testimony of the inmates themselves which I credit.

A.

John Joseph Generella is a fifty-three year old inmate at Pontiac who lives in the West cellhouse. Generella was serving a four year term for robbery and attempted burglary and theft. He has a job assignment in the institution caring for the inner lawn and is also a boxing coach at the institution's gymnasium. Generella has had a succession of cellmates who caused him trouble. He describes one "celly" who was a member of the Ku Klux Klan. Generella says he was fearful of attack by other inmates because it was thought that he too was a member of the Klan. One cellmate was a Black youth who belonged to a Black gang and used his connections in an attempt to extort personal property from Generella. Generella says that he had to threaten to strike that cellmate with the stool to put an end to the extortion. Generella reports that he had a similar experience with a Hispanic youth who belonged to a Hispanic gang.

Generella says that double celling is a constant source of difficulties. You live in constant fear that your cellmate may "go off," that is attack you.* You have no individual property. Your personal

*"It can go off on you and things like that.... Might threaten me, might hit me with something. He may have a fountain pen in his hand and try to stick me. You never know. How much can you flow with the punches, and the first time you can't, I feel your life is in jeopardy. I have seen that happen many times. Every morning you can hear the arguments, the cell partners, punk this or this, or he tried to feel ass, or whatever. It is a constant thing..."

belongings become common property with the cellmate. It is smart to share or else you have to fight and the stronger man in the cell will always win and dominate matters.

...There is the continual fear, he says, of homosexual attack. A grievance is an ineffective tool to remedy a difficulty with a cellmate, Generella says, because of the time involved in processing a grievance.

Generella says that he can't go out to the yard on Sundays because of gang fear, but because of his lawn job and his assignment as a boxing coach at the gymnasium, Generella is out of his cell about six hours a day, five days a week. While working at his lawn assignment, however, Generella states, his tasks generally take fifteen minutes to complete and during the remaining four hours, he just pushes dirt around.

B.

Yusuaf Asad Madyun, also known as Joseph Hurst, is a murderer. In 1968 he was sentenced to death which was reduced to 100 to 300 years. He is also serving a term of nineteen to twenty years for attempted murder and a third term of nine to ten years for aggravated battery....

He first went to Pontiac on May 8, 1974 and he has been a resident there ever since. He has lived in a single cell since August 1980 when this court issued a temporary injunction directing that he be placed in a single cell. He currently lives in the South cellhouse where most residents are unassigned except to the mess hall and to cellhouse cleaning of the common areas. Madyun is unassigned mainly because he has refused assignments which he didn't think were challenging mentally....

...Madyun says he is out of the cell for about forty minutes for breakfast and then back in the cell until "yard"* is called. Madyun says he may also have a "call line"* about four times a week which permits him to leave the cell and move about the institution to a designated place but that some inmates have no call lines. Yard time during the morning lasts for about an hour to one hour and a quarter. In the winter time yard occurs only in the morning but in the summer it occurs in the afternoons as well. There is only one yard call a day on weekends and, except for that and mealtimes, the inmates are confined to their cells. In the winter time a period for the use of the gymnasium occurs twice a week.

Lunch generally begins about noon but may be as late as 2:30 p.m. and depends on what is served in the mess hall and the absence of "wrinkles" [disturbances among inmates]. Lunch lasts between thirty and forty minutes. At the end of that period the inmates return to their cells and wait for afternoon yard which lasts for an hour and a half to two hours.

*"Yard" is the recreation period in which inmates are allowed to leave their cells and go to the cellhouse yard.

*A "call line" is the designation indicating that an inmate has a pass.

Supper is generally at 5:00 p.m. but may be as late as 8:00 p.m. depending again on movements and "wrinkles."

An inmate in the South cellhouse is permitted to have a shower three times a week which allows him to be out of his cell between ten and twelve minutes on each occasion. There is a movie once a week which may be attended by inmates....

Generally an inmate in the South cellhouse will be out of his cell during a typical day a total of between four and four and one-half hours.

Out of cell activities Madyun states are not well attended because of the hazards that are involved. For example, movies are focal points for gang activities--for a "hit," for drug dealing or for homosexual activity. The same problems exist at chapel and at yard time. The guards cannot provide adequate security when a group meeting is in progress, and violence occurs when group movements take place. Inmates fear group movements and tend to stay in their cells except when necessity makes them come out. Madyun had been double celled from 1976 until the issuance of the temporary injunction in August 1980 with the exception of brief periods when his cellmates were changed.

Madyun describes the difficulties that arise from being celled with a person of different moral standards, a person of different religious beliefs, or a person with gang affiliations. Madyun, who is a large man, standing six foot two inches and weighing 195 pounds, describes the difficulty two large men have in the limited physical space of the cell. He points out the absence of privacy and the inability to be alone at any time, which considering the length of his sentence, may be the remainder of his life. There is always the danger from sex attack, Madyun says, especially if the other inmate is bigger and stronger.

Madyun describes an incident he observed at the institution. In March 1981, at about 7:00 p.m. the two inmates housed in the cell next to Madyun began fighting. Madyun put his mirror out of his cell so he could watch the fight. The fight lasted for an hour to an hour and one-half with no officer on the gallery to interfere. No other inmate called the guard because inmates mind their own business and don't mix in. The men would fight until they were exhausted and then rest. During one of the periods when the men were exhausted and resting one of them saw Madyun watching them and said, "I knocked over an ashtray and he wants to whip me." They were fighting over keeping the cell clean. Both inmates were sent to the segregation unit for fighting.

Madyun has had eight to twelve cellmates during his period of incarceration at Pontiac and complains especially about a cellmate's interference with Madyun's religious practices. As a Muslim he is required to pray outloud five times a day and his cellmates have played the radio loudly, and made noise or critical comments during the periods of prayer.

Madyun further asserts that the overcrowded conditions at Pontiac lessen the quality of services provided. When he first came to the institution in 1974 there were between 700 and 800 inmates. Madyun claims that since 1974 the quality of the food services, the availability of school programs, and the opportunity to use the library and the recreation facilities have declined because of the presence of the now over 1800 inmates.

Madyun however, it must be observed, continues to be unassigned by choice. In the past, he has worked in the law library and in vocational education. He has many personal belongings in his cell including a typewriter, a television set, a radio, and books and papers.

C.

Francisco Negrón is serving seven years for armed robbery. He is a resident in the South cellhouse at Pontiac and is double celled. He begins his day by arising at 7:30 a.m. to wash up before his "celly" arises. Negrón spends about twenty minutes at breakfast between 8:30 and 9:00 a.m. and at 9:00 a.m. he goes to his job as supply clerk for the South cellhouse where he passes out cleaning materials and toilet paper to gallery workers. He says he is lucky to have the job and has had it for about one month. Most of the inmates in the South cellhouse don't have jobs or assignments of any sort. The South cellhouse, as Negrón describes it, is a "waiting house" and only about forty people have assignments.

At 2:30 p.m. Negrón goes back to his cell where he remains until dinner time at 5:00 p.m. After dinner he is locked up for the night.

Negrón goes to the yard in the afternoon but not in the morning. He has showers three times a week which last about twenty minutes for the whole gallery. Negrón is enrolled in a correspondence course in the television college program in the institution. He uses a manual, watches the television broadcast and takes tests that are sent out by the educational program.

Negrón says the institution is overcrowded and there are not enough jobs to go around. He tried unsuccessfully when he came to Pontiac to get a job and was lucky, as he puts it, in finally getting the job as supply clerk.

Negrón described other fights, disturbances, and problems caused by the overcrowded conditions. He described inmates fighting over use of the television. A cellmate has tampered with his mail and with his belongings. Negrón described how in June or July of 1980 he was placed in segregation because a "shank" [makeshift knife] was found in his cell and both he and his cellmate ended up "getting walked." Under the code of silence that prevails among prisoners neither Negrón nor his cellmate would say who possessed the contraband and so both were disciplined. Negrón described how he was celled once with a gang member and was pressured to buy things at the commissary for his cellmate by other members of the gang who threatened Negrón with physical violence if he didn't share with his cellmate.

D.

Hassan Abid Muhamad, also known as Irving Lawrence Madden, resides in the West cellhouse in Pontiac and is serving a sentence of fifteen to forty-five years for armed robbery, rape and aggravated kidnapping. He has been double celled at Pontiac for about four years.

Muhamad is not an ordinary inmate. While single celled in prison he obtained an associate in arts degree and currently lacks about fifteen credit hours for his bachelor's degree. He takes a full-time six-

teen hour course in his school assignment. He resides in the T.V. College gallery of his cellhouse. Muhamad attends class twice a week and those classes last two and one-half hours. He testifies he is out of his cell about three and one-half hours on days when he has no classes.

Muhamad says that on weekends one-half a cellhouse at a time can go to yard and that consequently cell time is greater on weekends than it is on weekdays.

Muhamad says his ability to study is severely hampered by his being in a double cell. There is one desk in his cell, but if his cellmate is using the desk, Muhamad has to stand and use the top bunk since the bottom bunk is too low to study on. His religious activities and ability to pray as a Muslim are also limited by cellmates who are not Muslims....

Muhamad says that in his cell there is an area about one and one-half feet wide by four feet long which is a walking area. If one cell occupant wants to walk through the cell, the other inmate must get on the bunk to allow room for passage without touching.

Muhamad describes all the facilities at Pontiac as being overtaxed. The health service and the food service are both insufficient in quantity and deficient in quality. Access to the general library and to the law library have been restricted due to the overcrowded conditions, Muhamad asserts.

E.

Johnny Smith is a convicted murderer and is currently assigned to the protective custody unit in the North cellhouse. He has experienced double celling at Cook County Jail, in Joliet, and Stateville, and for a very brief period at Pontiac. He was placed in segregation at Pontiac because of his refusal to accept a double cell. When double celled he had cellmates who were homosexual and others who were gang members and extortionists. Smith spends twenty to twenty-two hours a day in his cell in protective custody and does so voluntarily because of his rejection of double celling. During his four years at Pontiac Smith has spent twenty-eight months in segregation and eighteen months in the protective custody unit as a result of his refusal to be double celled. Because of the gang members at Pontiac, Smith says that he does not feel safe in a double cell.

Smith claims to be a hyperactive and nervous person who requires a single cell because of his physical and emotional state. He is currently taking Librium as medication for his condition, twenty mg. in the a.m. and twenty mg. in the p.m.

Appendix B

SELECTED FEDERAL LEGISLATION PENDING BEFORE THE 97th CONGRESS,
PERTAINING TO CORRECTIONS, WITH BRIEF DESCRIPTIONS FROM THE
CONGRESSIONAL INDEX (unless otherwise noted);
STATUS AS OF FEBRUARY, 1982

THE CRIMINAL JUSTICE CONSTRUCTION ACT (S. 186), introduced by Senator Robert Dole on January 21, 1981.

"To provide financial assistance to the states to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the states, to provide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds."

Assigned to the Senate Judiciary Committee; hearing in committee on May 18, 1981.

CORRECTIONS CONSTRUCTION AND PROGRAM DEVELOPMENT ACT OF 1981 (H.R. 658), introduced by Representative Leo C. Zeferetti on or about January 5, 1981.

"To provide assistance for the construction, acquisition, and renovation of state and local prison facilities."

Assigned to the House Judiciary Committee.

CORRECTIONAL SERVICES IMPROVEMENT ACT (H.R. 791), introduced by Representative Bill Chappell, Jr., on or about January 6, 1981.

"To assist in combating crime by reducing the incidence of recidivism, providing improved federal, state, and local correctional facilities and services, strengthening administration of federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity."

Assigned to House Judiciary Committee.

[These three bills would address the] major financial burden of corrections agencies, capital construction, and renovation.... The Criminal Justice Construction Reform Act would create a Criminal Justice Facilities Administration in the Department of Justice to administer grants to States. Each State desiring this aid would have to develop a comprehensive statewide plan for construction and modernization of criminal justice facilities. Demonstration grants would be available for testing advanced design techniques, and a clearinghouse to disseminate information on criminal justice construction would be established.

The Corrections Construction and Program Development Act of 1981 would provide a program of grants to States for construction, expansion, acquisition, and renovation of corrections facilities and for correctional programs. This program would be administered by the Department of Commerce. Finally, the Correctional Services Improvement Act would take a different approach: The Attorney General would be authorized to build and operate demonstration correctional facilities and turn them

over to a State without cost, as long as the State pays to operate them and makes them available for Federal prisoners and prisoners from neighboring States. In addition, funds would be provided to help State and local facilities meet correctional standards and for a Federal Corrections Coordinating Council and a Federal Corrections Institute. (General Accounting Office: More Than Money is Needed to Solve Problems Faced by State and Local Corrections Agencies. Sept. 23, 1981, p. 35.)

JUSTICE ASSISTANCE ACT OF 1981 (H.R. 3359), introduced by Representative William J. Hughes on or about April 30, 1981.

"To amend the Justice Assistance Improvement Act of 1969."

Assigned to the House Judiciary Committee; hearing in committee on May 5, 1981.

CRIMINAL JUSTICE ASSISTANCE AMENDMENTS OF 1981 (H.R. 2972), introduced by Representative Stephen J. Solarz on or about April 1, 1981.

"To restructure the state and local assistance programs designed to improve the quality of criminal justice."

Assigned to the House Judiciary Committee.

NATIONAL WAR ON VIOLENT CRIMES ACT (S. 953), introduced by Senator Howell Heflin on or about April 9, 1981.

"To create a program to combat violent crime in U.S."

[These three bills] would create LEAA-style block and discretionary grant programs. All three proposals would create agencies in the Department of Justice to replace LEAA. Each would also provide a narrower focus for usage of block grant funds by States, centering on LEAA-sponsored programs that proved successful. Programs cited included community anticrime, career criminal, anti-arson, and prosecutor management information system. All would provide small programs of technical assistance to States and localities and aid for emergency situations...

The proposed National War on Violent Crime Act would retain the State planning agency structure set up by LEAA to administer grants, as well as the requirement for statewide comprehensive criminal justice plans... (GAO, op. cit.)

Other proposed legislation pertaining to corrections:

S. 1422, introduced by Senator Charles E. Grassley on June 24, 1981: "To authorize the donation of surplus property to any state for construction and modernization of criminal justice facilities."

H.R. 4279, introduced by Representative Leo C. Zeferetti on or about July 27, 1981: "To provide assistance for the construction, acquisition, and renovation of state and local prison facilities."

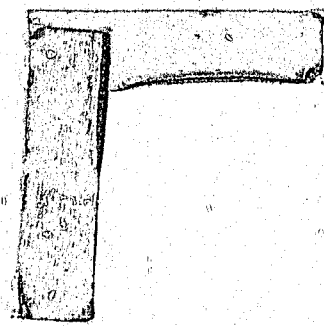
H.R. 4344, introduced by Representative Stephen J. Solarz on or about July 30, 1981: "To provide financial assistance to the states to undertake comprehensive criminal justice construction and personnel programs to improve the criminal justice system of the states, to pro-

vide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds."

H.R. 4450, introduced by Representative Leo C. Zeferetti on or about September 9, 1981: same wording as S. 1422.

H.R. 4620, introduced by Representative John Edward Porter on or about September 29, 1981: same wording as H.R. 4344 except delete "and personnel."

H.R. 5215, introduced by Representative Albert Lee Smith, Jr., (of Alabama) on or about December 14, 1981: "To amend Section 1979 of the Revised Statutes of the United States to eliminate the monetary awards and orders for the benefit of prisoners in certain cases based on overcrowding of jails, prisons, and other similar correctional facilities."



END