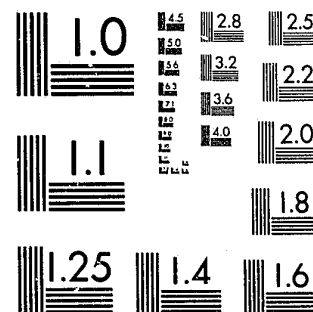


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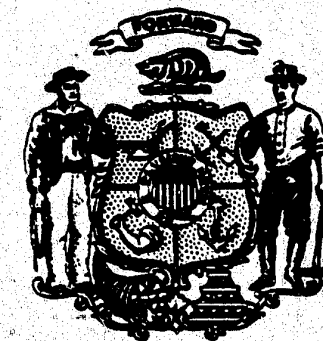
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2/27/84



SURVEY OF SELECTED STATES REGARDING EXPERIENCES UNDER ALTERNATIVE ORGANIZATIONAL STRUCTURES FOR CORRECTIONS

U.S. Department of Justice
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RESEARCH BULLETIN 82-6

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Wisconsin Legislative Council Staff
October 15, 1982

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State Capitol
Madison, Wisconsin

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Legislative Council Staff

Madison, Wisconsin
October 15, 1982

RESEARCH BULLETIN 82-6*

SURVEY OF SELECTED STATES REGARDING EXPERIENCES UNDER
ALTERNATIVE ORGANIZATIONAL STRUCTURES FOR CORRECTIONS

INTRODUCTION

This Research Bulletin was prepared for the Legislative Council's Special Committee on the Structure of the Corrections System. The Special Committee was established by the Legislative Council on May 27, 1982, and was directed to study the present structure and organization of the Wisconsin corrections system and alternatives thereto. Currently, in Wisconsin, corrections is a responsibility of the Department of Health and Social Services (DHSS). The Special Committee is reviewing the issue of whether, as an alternative to Wisconsin's present organizational structure for the corrections system, a separate cabinet-level corrections agency, directly responsible to the Governor, should be established.

As part of its study, the Special Committee requested staff to conduct a survey of selected states which had reorganized their corrections systems, to determine what had been their experiences under alternative organizational structures. PART I of this Research Bulletin describes the methodology of the survey, including the bases on which the states and persons surveyed were selected for the survey and how the survey was conducted. PART II provides an overview of the responses to the survey. PARTS III to VII describe the survey responses from the five states surveyed: Florida, Missouri, Delaware, Oregon and Iowa. Appendices A to C contain copies of the questions asked of the persons responding to the survey.

*This Research Bulletin was prepared by Jane R. Henkel, Senior Staff Attorney, Legislative Council Staff, and John Sauer, Fiscal Analyst, Legislative Fiscal Bureau.

PART I

SURVEY METHODOLOGY

A. SELECTION OF STATES

The states selected by staff for the survey are states which have reorganized their corrections systems and, as a result, have had experience under (1) an organizational structure where corrections was part of an umbrella human services department and changed to an independent department and (2) an organizational structure where corrections department was an independent or autonomous department and became part of an umbrella department.

One factor which influenced the selection of the states in the survey was the date of the reorganization. The date was important to assure that the states selected had been operating under their new structure long enough to have had some experience with the new structure but not so long that there was no longer anyone available in the state who was knowledgeable about the state's experiences under the prior and present organizational structure.

One state (Iowa) does not fit into the categories surveyed. However, Iowa is actively considering moving corrections from its human services department (where it was placed in 1967) back to a separate department of corrections. As a neighboring state presently considering establishing a separate corrections department, it was felt the Committee would be interested in the opinions of persons involved in corrections in Iowa on the merits of a separate department of corrections.

The following states were included in the survey:

Florida, which in 1975, moved adult corrections from a human services department to a department of corrections but left juvenile corrections in the human services department.

Missouri, which in 1981, moved adult corrections from a human services department to a department of corrections but left juvenile services in the human services department.

Delaware, which in 1975, moved both adult and juvenile corrections from a human services department to a department of corrections.

Oregon, which, in 1971, moved corrections from a department of corrections to a human services department.

Iowa, which is considering moving corrections from a human services department to a department of corrections.

B. SELECTION OF PERSONS INTERVIEWED

The persons who were interviewed for this survey were those persons in each state who the staff was able to determine, by telephone contact with legislative and corrections agencies in the state, were (1) knowledgeable about corrections under the prior and present organizational structures and (2) available and willing to respond to the survey. Attempts were made to survey persons in both the legislative and administrative branches of government. However, for each state, it was not always possible to find such persons, especially in the legislative branch.

C. HOW SURVEY WAS CONDUCTED

Due to time constraints, it was not possible to ask respondents to reply in writing to the survey questions. Therefore, the survey was conducted by telephone by Jane R. Henkel, Senior Staff Attorney, Legislative Council Staff, and John Sauer, Fiscal Analyst, Legislative Fiscal Bureau. The specific questions asked in the telephone survey are set forth in Appendices A to C. Questions were asked under each of the following general headings:

1. Administration of Corrections.
2. Relationship of Corrections to Elected Officials.
3. Relationship of Corrections to the General Public.
4. Mental Health and Social Services.
5. Juvenile Services.
6. Other Suggestions and Comments.

In reviewing the survey results summarized in this Research Bulletin, it must be kept in mind that it was not possible to survey all states and that the questions asked required subjective judgments regarding the

experiences and opinions reported by the respondents. Thus, if different states had been surveyed or if different persons in the states surveyed had been contacted, the responses to the questions may have been different.

For these reasons, in presenting the results of this survey, no attempt has been made to "count" responses, compare the number of times particular responses were given, or weigh the importance of different responses in any other similar manner. The nature of the survey makes it inappropriate for such uses.

PART II

OVERVIEW OF RESPONSES TO SURVEY

This Part of the Research Bulletin provides an overview of the responses given to the survey by summarizing the frequently given responses and by including examples of the range of responses to the questions asked. For other responses and more details regarding the responses summarized in this overview, Parts III to VII of this Research Bulletin should be consulted.

A. ADMINISTRATION OF CORRECTIONS

All of the persons interviewed said that professional corrections administrators have (or probably have) more control over adult corrections policy and budget planning under a separate department of corrections than when corrections is under an umbrella department because (1) under an umbrella department, there is an additional layer of administrative review of corrections programs and budgets and the secretary of the department can modify programs and budgets, (2) there is competition between corrections programs and budgets and other programs and budgets for priority within an umbrella department and (3) there is a level of administration between corrections and elected officials under an umbrella arrangement.

The effect of an umbrella department on the control of corrections officials over the corrections budget was not viewed by all respondents as being a negative effect. For example, one respondent said that although corrections officials in an umbrella department may have less control over corrections policy and budget, corrections benefits from the arrangement because it has more backing and "speaks with a louder voice" as the result of being part of a larger system. Also, one respondent said that the view that having corrections in an umbrella department creates an extra layer in the budgeting process is "a pretty old-fashioned view of budgeting."

Most persons interviewed felt that the type of organizational structure had less effect on the ability of corrections officials to control day-to-day corrections operations than on their ability to control policy and budget planning and preparation. Persons who said that corrections officials had more control over day-to-day corrections operations under a separate department cited, as reasons for this, (1) the elimination of higher level administrators (the secretary of an umbrella department) and (2) the ability of the secretary of a separate department of corrections to devote all of his or her attention to corrections.

Factors cited by those who felt that the organizational structure had little or no effect on corrections officials' control of day-to-day operations were (1) the lack, in practice, of interference in corrections by secretaries of umbrella agencies in their states and (2) the nature of the corrections division, as a self-contained unit, within the umbrella department.

One respondent said that corrections officials may have more control over day-to-day operations under an umbrella department than under a separate department because, by being in an umbrella department, corrections may be cushioned from budget cutbacks which affect day-to-day operations.

Most respondents indicated that the speed with which decisions are made on corrections issues is faster under a separate department of corrections than under an umbrella department. Reasons cited for this included: (1) the ability of corrections administrators to more easily reach the secretary of a separate department, (2) the ability of corrections officials in a separate department to directly contact elected officials when the participation of elected officials in the decision is required, (3) the fact that the focus of a separate department of corrections is only corrections and (4) no time need be spent educating noncorrections officials (as in an umbrella department) on corrections issues.

Not all respondents found the delays to be entirely negative. For example, one respondent said that, although the decision-making process may take longer under an umbrella department, if elected officials are involved, the corrections position has a better chance of success because it has the backing of the umbrella department. Also, it was noted that the extra review may lead to better decisions.

Generally, respondents indicated that under an umbrella department, corrections programs do compete with noncorrections programs within the umbrella agency for time, attention and resources. Most respondents indicated that this was a drawback for corrections programs. For example, one respondent specifically noted that correctional clients rank below most other social services programs and do not have as strong advocates as other programs. Also, some respondents noted that not only do corrections programs compete for time and attention with other programs within the department, but also the corrections administrators in an umbrella department must spend a great deal of their time attending meetings on noncorrections issues.

Three respondents stressed that the effect of the competition for time and attention between corrections and noncorrections programs within an umbrella agency can have a negative effect on noncorrections programs.

These respondents indicated that the negative effect on noncorrections programs of being in the same department with corrections programs was the primary reason for creating a separate department of corrections. They noted that the secretary of an umbrella human services agency must spend large amounts of time on corrections issues rather than noncorrections issues. They also felt that a large human services agency which includes corrections could not be effectively administered. One respondent believed that umbrella departments would become increasingly difficult to manage because under the new federalism, the head of the department is inundated with changes and adjustments of programs.

However, two respondents specifically stated that they did not believe that the size and diverse jurisdiction of a human services department which included corrections was such that the department was too large to manage.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Some respondents said that the choice of organizational form had little or no effect on the awareness of, and time and attention paid to, corrections issues by the Governor and the Legislature, while others said there was an effect. According to some respondents, the organizational form has little or no effect because (1) the Governor and the Legislature tend to review corrections budgets and issues carefully and separately regardless of the organizational form, (2) the interest of elected officials in corrections is high, regardless of the organizational form, and (3) the volatility of corrections issues makes them conspicuous.

Those who believe that, under a separate department, elected officials are more aware of and give more attention or time to corrections issues cited the ability of corrections officials, under a separate department, to talk directly to, and advocate their programs before, the Legislature and the Governor rather than going through the secretary of an umbrella agency. One respondent believed that, with a separate department of corrections, separate legislative committees just on corrections would be established by the Legislature, which would increase committee members' understanding of corrections issues and permit a more detailed review of corrections budgets.

Responses were varied as to whether organizational structure affects the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs. For instance, in one state, respondents had markedly different opinions. One felt that, under an umbrella department, the issue of accountability is confused because decision-making is distributed across a broad base. Another believed that organizational structure had no effect on

accountability, because elected officials in that state know corrections administrators personally and the administrators are extremely accessible to the Legislature and the Governor.

Even though respondents from another state agreed that organizational structure affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for adult corrections programs, their reasons were quite different. One said that under an umbrella arrangement, elected officials could blame corrections problems on the secretary of the department even though he may not have been directly involved with the program creating the problem. Another said that a separate corrections department allowed Legislators and legislative staff to devote more time to the corrections agency.

The responses were also varied on the question of whether an organizational change affected the number of direct contacts between elected officials and corrections officials. Some respondents noted that, under a separate department, the head of corrections could deal directly with the Governor and the Legislature rather than going through the head of the human services department, and thus increasing the number of direct contacts. However, in another state, the respondents indicated that the Legislature had always insisted on dealing directly with institutional managers and that the number of contacts had not changed as the result of transferring corrections to an umbrella department.

In states where respondents indicated that the creation of a separate department had increased contacts between the Governor or the Legislature and corrections officials, most respondents indicated that they did not believe that this hurt the ability of corrections officials to manage corrections programs and some said that it helped by providing legislative support for corrections.

One respondent expressed concern that increased contacts with elected officials, and increased legislative and public awareness of corrections, might hurt corrections operations under a separate department, because the secretary of an umbrella department would no longer serve as a "buffer" between corrections and Legislators and the public.

Most of the respondents indicated that the amount of funds provided for corrections increased after a separate department was created but they could not say how much, if any, of this increase was directly attributable to a change in organizational form. Most of the respondents cited other reasons for budget increases, such as increases in prison populations. However, some respondents did say that the existence of a separate department, may affect funding levels under a separate department, because corrections officials can go directly to the Legislature and Governor to articulate and advocate their needs.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Some respondents thought that public awareness of corrections issues increased when a separate department of corrections was created, while others thought that public awareness of corrections issues increased when corrections was put in an umbrella department. Others said that they did not know whether the organizational structure had any effect on public awareness but that, in recent years, public awareness of corrections issues had generally increased.

One of the reasons cited for increased public awareness of corrections issues under a separate department was that, as a result of the increased contacts between corrections officials and the Legislature, corrections issues were likely to get more coverage by the press which is present at the meetings between elected officials and corrections officials.

Some persons felt that the public is more aware of corrections issues under an umbrella department because an umbrella department is large enough to have a public relations service which can publicize corrections issues, while a separate department may not be large enough to be able to have public relations experts.

Most of the respondents said that increased public awareness of corrections does not hinder corrections officials' ability to manage corrections and some said it helps. For example, one respondent said that knowing that the public will be aware of its decisions means that corrections officials are certain of proposals before making them. Another respondent commented that the focus of public attention on corrections issues is an asset, because it enhances the ability of corrections officials to get programs accepted by the administration and the Legislature. However, possible negative effects were noted by one respondent who said that, without the secretary of the umbrella department to serve as a "buffer" for corrections, there may be more pressure to find "scapegoats" and to fire corrections officials if there are problems, such as prison disturbances.

D. MENTAL HEALTH AND SOCIAL SERVICES

With regard to the coordination of mental health and social services, a respondent from a state which currently has an umbrella department strongly emphasized his belief that placement of corrections in a human services agency increases the ability of corrections to provide and coordinate mental health, social services and other services to correctional clients. He said that the umbrella arrangement not only increases the ability to coordinate other programs of the human services

agency with corrections programs, but that the corrections budget fits into the same human services analysis for budget purposes as other human services programs.

Persons in states which currently have a separate department of corrections varied in their responses to the coordination questions -- some believed that the creation of a separate department had little or no effect on the provision and coordination of such services and others believed that the separation of corrections from the human services agency had a negative effect on the ability of corrections to provide and coordinate mental health and other services to correctional clients. In general, those stating that there was a negative effect on such services indicated that it is more difficult for two departments to coordinate programs than for different divisions within the same agency to do so.

E. JUVENILE SERVICES

Responses to questions regarding the effect of organizational structure on juvenile services were varied. Some respondents believed strongly that juvenile corrections should be in an umbrella human services agency. They stressed the need for integration of juvenile programs with other social services, including those dealing with the whole family, and maintained that there is a philosophical difference between juvenile and adult corrections.

Other respondents cited similar reasons for having juvenile services in an umbrella agency. For example, two respondents from one state said that the substantive reason given for not transferring juvenile corrections to the new separate corrections department, when it was formed, was that programs for juveniles should be viewed as rehabilitation, not punishment. It was feared that if juvenile programs are placed in a department of corrections, the programs would appear to be too punitive.

Other respondents said that the creation of a separate department of corrections had not or would not have much impact on services to juveniles.

F. OTHER SUGGESTIONS AND COMMENTS

A wide variety of other suggestions and comments were made by persons responding to the survey. The suggestions and comments included:

1. An umbrella department provides corrections with stronger support, a family of services, more coordination of services to clients

and a better posture before the Legislature, than does a separate department.

2. The creation of a separate department of corrections may be "window dressing" and more important issues need to be discussed than the structure of corrections functions.

3. The creation of a separate department of corrections may make it easier to make policy changes, but this does not guarantee that corrections decisions will be any better.

4. The sensitivity of a department to the needs of offenders depends more on the personnel of the department than organizational structure.

5. The issue in a reorganization from an umbrella human services department to a separate department of corrections is whether the manager of the human services department finds himself or herself unable to manage the human services department and whether human services functions, other than corrections, are suffering from neglect due to the presence of corrections in the department.

6. All divisions in a department should have similar functions, funding sources and clients. Corrections does not correlate with other functions of a social services department.

7. Corrections cannot abide the delayed response time which occurs when corrections is in an umbrella department.

8. Adult corrections is a specialized function that should be in a separate department.

9. Juvenile corrections is too small to stand by itself and, therefore, it is usually found in a department with adult corrections, mental health services or education. Under these various arrangements, the affiliation has something other than juvenile corrections as its number one priority and, as a result, there is a tendency for funds to be drawn away from juvenile corrections activities to other activities that are more appealing.

PART III

FLORIDA

In 1975, Florida separated adult corrections from its Department of Health and Rehabilitative Services and created a separate Department of Corrections. The responsibility for juvenile corrections was left in the Department of Health and Rehabilitative Services.

In addition to adult corrections, Florida's Department of Health and Rehabilitative Services was, and continues to be, responsible for numerous human services programs, including mental retardation, juvenile corrections and other youth services, mental health, adult and aging services, family services (social and economic services), Medicaid, planning and evaluation and public health.

According to the American Correctional Association's 1982 Directory, as of July 1, 1981, the adult prison population in Florida was approximately 20,500. The population of Florida's juvenile correctional facilities was approximately 850.

The persons in Florida who were interviewed for the survey were:

Ray Wilson, Staff, Senate Committee on Corrections. Mr. Wilson was also staff for the Senate Health and Rehabilitative Services Committee prior to the reorganization.

David Bachman, Deputy Secretary, Department of Corrections. At the time of Florida's reorganization, Mr. Bachman was the Assistant Director of the Division of Corrections in the Department of Health and Rehabilitative Services.

The survey questions asked of Mr. Wilson and Mr. Bachman are set forth in Appendix A. Their responses to the questions are summarized below.

A. ADMINISTRATION OF CORRECTIONS

Both Mr. Wilson and Mr. Bachman said that professional corrections administrators have more control over adult corrections policy and budget planning and preparation now that Florida has a separate Department of Corrections than when adult corrections was under the Department of Health and Rehabilitative Services. Both noted that under the separate

Department of Corrections, there is no longer a level of administration between corrections and the Governor and the Legislature. Under the separate Department, corrections officials may deal directly with the Legislature and the Governor, rather than going through the Secretary of the umbrella agency. In this regard, Mr. Bachman noted that under the prior umbrella arrangement, corrections officials did not always know if the Secretary accurately reported to them what the Governor had said regarding corrections issues.

Regarding the budget preparation, Mr. Bachman said that under Florida's prior umbrella arrangement, the Secretary of the Department of Health and Rehabilitative Services did not make significant changes in the corrections budget as it was presented to him before it went to the Governor and the Legislature. However, according to Mr. Bachman, during the legislative review process when the Secretary was advocating for the Department's budget before legislative committees, the Secretary could and would set priorities among the various programs of the Department.

Mr. Wilson said that features of the Florida reorganization, other than the creation of the Department of Corrections, increased the control of professional corrections administrators over corrections policy and budget planning and preparation. He said that, in addition to separating corrections from the Department of Health and Rehabilitative Services, the reorganization decentralized decision-making in corrections. It allocated to five regional directors increased authority to make certain types of decisions. Thus, as a result of the reorganization, these corrections officials had increased control over corrections and, according to Mr. Wilson, can be viewed as five "mini-secretaries."

Neither Mr. Wilson nor Mr. Bachman believed that the creation of the separate Department of Corrections had much effect on the amount of control that corrections officials have over the day-to-day operations of adult corrections. Mr. Wilson said that the Corrections Division had been a fairly self-contained unit within the Department of Health and Rehabilitative Services prior to the reorganization. Mr. Bachman said that, under the prior umbrella arrangement, the Secretary of the Department did not interfere in day-to-day operations very much.

Both Mr. Bachman and Mr. Wilson said that the speed of the decision-making process for corrections had probably been increased when the new Department of Corrections was created due to the removal of one layer of administration.

Mr. Bachman said that corrections programs definitely competed for time, attention and resources with noncorrections programs under the prior umbrella agency. He said that this adversely affected corrections programs. He also noted that, under the prior umbrella arrangement,

corrections officials would often have to go to meetings where a good deal of time was spent discussing noncorrections issues of the human services agency.

Mr. Wilson agreed that under the prior umbrella arrangement, adult corrections did compete for time, attention and resources with noncorrections programs. However, rather than discussing the effect this may have had on corrections programs, he stressed that this was a major problem for the noncorrections programs of the Department. According to Mr. Wilson, noncorrections programs suffered from neglect due to being in the same department with corrections. He recalled that in the mid-1970's, the former Secretary of the Department of Health and Rehabilitative Services said that about 60% of his time was devoted to corrections; this left him with less than half of his time for the rest of the programs of the Department.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Mr. Bachman said that the organizational change in Florida increased the awareness of, and the time and attention paid to, adult corrections issues by the Governor and the Legislature. He said that this was due to the ability of corrections officials to talk directly to the Legislature and the Governor and to advocate for corrections programs. He noted that under the prior arrangement, the Secretary of the Department stood between elected officials and corrections.

However, Mr. Wilson said that elected officials have always been interested in corrections issues in Florida. He said that although the reorganization may have increased the visibility of the corrections agency to elected officials, corrections issues are so volatile that it is difficult to judge whether the creation of the Department of Corrections actually had any effect on the awareness of, and the time and attention paid to, corrections issues by the Governor and the Legislature.

Both Mr. Wilson and Mr. Bachman agreed that the organizational change increased the ability of the Governor and the Legislature to hold accountable persons responsible for specific adult corrections programs. Mr. Bachman said that under the prior umbrella arrangement, elected officials could blame corrections problems on the Secretary of the Department who may or may not have had anything to do with a particular program or activity which became a problem. Mr. Wilson said that the creation of the Department of Corrections allowed Legislators and legislative staff to devote more time to the corrections agency. He said that this was due, in part, to the committee structure of the Florida Legislature. Previously, corrections issues had been reviewed by the human services committees of the Legislature, which dealt with all human

services programs, including corrections, whereas now there are separate committees on corrections.

Mr. Bachman said that the creation of the separate Department of Corrections in Florida had resulted in more direct contacts between the Governor and the Legislature and corrections officials. He said that this had not affected the ability of corrections officials to manage corrections programs.

Mr. Wilson said that he did not know whether the organizational change had resulted in more, less or the same number of direct contacts between the Governor and corrections officials. He said that the Governor meets regularly with department heads; and, thus, as a result of the creation of the Department of Corrections, the head of corrections is guaranteed a regular meeting with the Governor. However, he said that under the prior arrangement, the head of the Division of Corrections in the Department of Health and Rehabilitative Services may have been present at these regular meetings anyway.

Mr. Wilson said that there probably had been an increase in the amount of contact between the Legislature and corrections officials as a result of the reorganization. Mr. Wilson also said that the current Governor of Florida expects agency decisions to be coordinated with state goals. Therefore, he does not want independent contacts between agency heads and the Legislature, unless the positions of agency heads are consistent with the Governor's positions. He said that this is a matter of style, as well as substance; and, as a result, the Legislature tends to be more aware of the Governor's position than previously.

Mr. Wilson said that, to the extent the number of contacts between the Governor or Legislature and corrections officials had been increased, this had helped corrections officials manage corrections. He said he did not view increased contacts as "interference," because the Florida Legislature and the Governor are aware that they should not meddle in management matters. He also said that the Florida Governor and the Legislature have always taken a broad view of their agency review and oversight functions.

Both Mr. Bachman and Mr. Wilson said that the corrections budget has "dramatically increased" since the Department of Corrections was established. However, both Mr. Wilson and Mr. Bachman said that they could not speculate on how much, if any, of this increase was attributable to the change in organizational form and how much resulted from increases in prison populations. Mr. Bachman did say that the existence of the Department of Corrections may have caused an increase in funding for corrections because corrections officials may now go directly to the Legislature and the Governor to articulate and advocate their needs.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Mr. Wilson said that since the Department of Corrections had been created, there had been an increase in the public's awareness of corrections programs, although he did not make a direct link between the two. He said that the increase in public awareness may be due to public awareness of the existence of an agency responsible for corrections and increased public attention being focused on crime.

Also, Mr. Wilson stressed that creation of a separate department of corrections may be a greater help to the other umbrella agency programs, than to the corrections. He said that the creation of a separate department of corrections allowed the human services agency to get rid of an "albatross." When a department secretary is "saddled" with corrections, he could be faced with making a judgment with regard to corrections issues that is contrary to human services goals. Thus, according to Mr. Wilson, a secretary administering both corrections and human services programs may appear to take inconsistent positions.

Mr. Bachman said that public awareness of corrections probably had slightly increased as a result of the creation of the Department of Corrections. He noted that since corrections officials now go directly to the Legislature, corrections issues are likely to get more coverage by the press which is present at meetings between corrections officials and the Legislature.

D. ADULT CORRECTIONS: MENTAL HEALTH AND SOCIAL SERVICES

Mr. Bachman said that when adult corrections was originally placed in the Department of Health and Rehabilitative Services, one of the theories of doing so was that the mental health and social services administered by the Department would be available to corrections clients. He said that there had been cooperation between human service agencies and corrections prior to the placement of corrections in the umbrella department and that cooperation continued under the umbrella arrangement with some enhancements. He said that when corrections was separated from the Department of Health and Rehabilitative Services, this cooperation continued. According to Mr. Bachman, services provided by other agencies, such as the Department of Health and Rehabilitative Services, to corrections include the transfer of some psychotic patients to mental health institutes and the provision of vocational rehabilitation services to correctional clients. Mr. Bachman said that the creation of the Department of Corrections had not affected the provision or coordination of mental health and social services to correctional clients.

E. JUVENILE SERVICES

Both Mr. Wilson and Mr. Bachman noted that when the Department of Corrections was created for adult corrections, consideration was given to moving juvenile corrections from the Department of Health and Rehabilitative Services to the new Department of Corrections. However, the Secretary of the Department of Health and Rehabilitative Services at the time of the reorganization had previously been the Director of the Department's Division of Youth Services, which includes juvenile services, and was opposed to the transfer of the Youth Services Division.

Mr. Bachman and Mr. Wilson said that the substantive argument which had been made for retaining juvenile corrections in the Department of Health and Rehabilitative Services was that programs for juveniles should be viewed as rehabilitation, not punishment. It was feared that if these programs were placed in the Department of Corrections, the programs would appear to be too punitive. In addition, Mr. Wilson said that it was argued that juvenile services had a demonstrated good track record in the Department of Health and Rehabilitative Services.

F. OTHER SUGGESTIONS AND COMMENTS

Mr. Bachman had no other suggestions or comments.

Mr. Wilson said that the transition from an umbrella agency to the separate Department of Corrections in Florida was a smooth process. He said that the Division of Corrections had been a fairly self-contained unit within the Department of Health and Rehabilitative Services prior to the reorganization. He said that the budget for corrections had previously been established and most of the personnel were identifiable and easily transferable to the new Department of Corrections.

Mr. Wilson said that there had been problems for the Department of Health and Rehabilitative Services in the reorganization, but that these problems were due to the fact that at the same time the corrections was removed from that agency, the Department was reorganized and decentralized.

Mr. Wilson stressed that, in general, he did not believe that the creation of a separate department of corrections improves decision-making for corrections. He said that the creation of a separate department would simply provide a different focal point for the same issues. He said that the creation of a separate department of corrections may make it easier to make policy changes, but that this does not guarantee that the decisions will be any better.

Mr. Wilson said that the issue in a reorganization, such as Florida's, is whether the manager of the human services agency finds himself or herself unable to manage a human services agency and whether the human services functions, other than corrections, are suffering from neglect due to the presence of corrections in the agency where large increases in prison populations require considerable attention. Mr. Wilson said that if the objective of the creation of a separate department of corrections is to save the human services agency, reorganization will do that and that should be its primary purpose.

PART IV

MISSOURI

In 1981, Missouri separated adult corrections from its Department of Social Services and created a separate Department of Corrections and Human Services. Responsibility for juvenile corrections was left in the Department of Social Services. The responsibilities for both adult and juvenile corrections had been moved from separate independent agencies to the Department of Social Services in 1974 as part of a major reorganization which substantially reduced the number of state agencies in Missouri.

The new Department of Corrections and Human Services has no responsibilities other than adult corrections and adult probation and parole supervision. The Department of Social Services was and is responsible for family services, health, nursing homes, youth services (including juvenile corrections) and veterans affairs.

According to the American Correctional Association's 1982 Directory, on July 1, 1981, the adult prison population in Missouri was approximately 5,350. The population of the state's juvenile correctional facilities was approximately 200.

The persons interviewed for the survey of Missouri were:

James Snider, Staff Attorney, Legislative Research. Mr. Snider serves as a nonpartisan staff to the Missouri Joint Committee on Corrections Institutions and Problems.

W. David Blackwell, Assistant Director, Department of Corrections and Human Services. Prior to the creation of the separate corrections department, Mr. Blackwell was the Director of the Division of Corrections within the Department of Social Services.

Barrett Toan, Director, Department of Social Services. Mr. Toan has been the Director of the Department of Social Services since January 1981. According to Mr. Toan, as a condition of taking the position, he received the support of the Governor for the removal of the Division of Corrections from the Department of Social Services. As the Director of the Department, Mr. Toan had

responsibility for the administration of adult corrections for nine months during 1981 and continues to be responsible for juvenile correctional services provided by the Department's Division of Youth Services.

Senator John Dennis, Chairperson, Joint Committee on Corrections Institutions and Problems. Senator Dennis was a sponsor of the bill, which, upon passage, created the Department of Corrections and Human Services.

The specific questions asked of these persons are set forth in Appendix A. Their responses are summarized below.

A. ADMINISTRATION OF CORRECTIONS

Each of the four persons surveyed agreed that the creation of the separate Department of Corrections and Human Services allowed professional corrections administrators more control over corrections policies and budget planning and preparation than when adult corrections was under the Department of Social Services. Mr. Blackwell said that when adult corrections was under the Department of Social Services, corrections officials would develop a budget and submit it to the Director of the Department. According to Mr. Blackwell, the budget request developed by corrections officials was frequently substantially modified or reduced by staff to the Director of the Department. Mr. Blackwell said that he had problems with this method of formulating a corrections budget because: (1) final budget decisions were being made regarding correctional programs without the input of professional corrections administrators and (2) there was no opportunity for corrections administrators to propose certain budget items to the Governor. Because some budget items were considered by corrections officials to be high priority requests, morale problems resulted within the Division of Corrections when these items were not brought to the Governor's attention.

Mr. Toan said that the experience of having adult corrections within his Department for a period of nine months further convinced him that adult corrections should be given separate department status. Mr. Toan said that he had no expertise in corrections and had felt uncomfortable making budget decisions concerning the Division of Corrections. He said that past Directors of the Department of Social Services also had a strong social service backgrounds and lacked any professional background in corrections. As a result, Mr. Toan indicated that the budget planning and preparation for the Division of Corrections was often inadequate. He

thought that the new department's budget would better reflect the needs of the state correctional system.

Senator John Dennis and Mr. Snider said that correctional budgets and reports presented by the Department of Corrections and Human Services are more realistic than those which were submitted to the Legislature by the Department of Social Services. Mr. Snider said that correctional programs were historically underfunded in Missouri. He said a separate corrections department is better able to present the needs of the adult correctional system to the Legislature than when corrections was a function of the Department of Social Services. As a result, Mr. Snider stated that the Legislature is finally beginning to effectively address the institutional overcrowding problem which has been in existence for several years.

Mr. Toan and Mr. Blackwell said that establishment of a separate department allowed corrections officials to have more control over the day-to-day operations of the adult correctional system. Mr. Toan said that, as the Director of the Department of Social Services, he reviewed numerous correctional programs and procedures. He said that his unfamiliarity with the Division of Corrections probably interfered with the ability of corrections officials to control their operations.

Mr. Blackwell said that, in his opinion, past directors of the Department of Social Services were guilty of "inappropriate intervention" in the administration of corrections particularly with regard to personnel matters. Mr. Blackwell indicated that when corrections was under the Department of Social Services, he often was forced to make personnel hiring, firing and promotion decisions in accordance with the wishes of the Director of the Department. As a result, Mr. Blackwell said that although he had the responsibility for all personnel employed by the Division of Corrections, in some instances he lacked the authority to make appropriate personnel decisions. Mr. Blackwell said that procedures which required officials who were not part of corrections to make personnel decisions regarding corrections were inappropriate and led to morale problems within the Division of Corrections.

Each of the Missouri survey participants agreed that the creation of the Department of Corrections and Human Services increased the speed with which decisions relating to adult corrections programs are made. Mr. Blackwell said the increased speed of decision-making is one of the most significant advantages of creating a separate corrections department. He said that removing the requirement that corrections officials first contact and obtain approval from the Director of the Department of Social Services before decisions can be implemented allows him to respond to problems within his organization more expeditiously than was the case before the separate corrections department was established.

Mr. Toan said that when the Department of Social Services was responsible for the state adult correctional system, the Department was "simply too big to allow decisions to be made quickly." Mr. Snider said that because the top administrators in the Department of Social Services had no expertise in corrections, decisions were often delayed until all potential decision-makers could be informed of the issue and all possible alternatives were presented. Since this exercise had already been completed by the Division of Corrections, Mr. Snider felt that further review with noncorrections officials was redundant and too time-consuming.

Under the prior administrative structure, corrections programs were forced to compete for time, attention and resources with noncorrections programs, according to the four individuals surveyed. Mr. Blackwell said that once funding requests for corrections programs were placed on a department-wide priority list, corrections programs would rank below most other social services programs. Mr. Blackwell stated that because correctional clients did not have strong public advocacy groups lobbying for program funding on their behalf, as did other social services recipients, corrections programs were consistently underfunded during the time in which adult corrections was a responsibility of the Department of Social Services. Now that a separate corrections department has been established, Mr. Blackwell said that corrections programs are beginning to be treated more favorably in the budget process. In addition, Mr. Blackwell said that even when his "department's budget proposals do not survive budget deliberations, at least the proposals are heard by the legislative committees." He said that before the separate corrections department was created, the Legislature had little information about those correctional programs which were not included in the Department of Social Services' budget recommendations to the Governor.

Senator Dennis and Mr. Snider both said that when corrections programs were in the Department of Social Services, they received relatively minor funding increases despite the fact that prison populations have increased dramatically over the past five years. Because the Department of Social Services also needed to address increasing funding needs for other divisions (specifically, the Division of Family Services and the Division of Health), Senator Dennis and Mr. Snider said that the problems associated with increasing prison populations were not adequately addressed by the Department of Social Services.

Mr. Toan agreed that the adult corrections system had to compete for time, attention and resources with noncorrections programs within the Department of Social Services. He said it appeared that adult corrections programs were historically given low priority in comparison to several other social services programs. However, Mr. Toan said that because of the volatile potential of problems in adult corrections, past directors of the Department of Social Services found it necessary to devote a

substantial portion of each working day to reviewing adult corrections programs and operations. Mr. Toan felt that too much time was spent on prison issues by past directors.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Senator Dennis said that the change from an umbrella department to a separate corrections department in Missouri has increased the awareness of, and time and attention paid to, adult corrections by the Governor and the Legislature. He said that the Legislature is provided more accurate and timely information now that "adult corrections is no longer buried in the Department of Social Services."

Mr. Snider also said that an increased awareness of adult corrections programs has developed since the Department of Corrections and Human Services was established. He said that prior to the creation of the Department, direct communication with corrections officials was made difficult by a departmental policy which required correspondence with Legislators to be cleared with the Director's office. Mr. Snider said the Joint Committee on Correctional Institutions and Problems has always spent a great deal of time reviewing adult corrections programs and procedures. However, he said that because the creation of a separate corrections department established better direct lines of communication, the Committee has gained a better understanding of the problems facing corrections officials.

Mr. Blackwell said that when adult corrections was in the Department of Social Services, often the Director of the Department was the single spokesperson for adult corrections. On occasion, Mr. Blackwell said that he would be called upon by legislative committees to testify regarding certain corrections programs and, in presenting his testimony, he was often in conflict with the "official department position." He said that this led the Legislature to view any reports on adult corrections issued by the Department with skepticism.

Mr. Blackwell said that the creation of the separate Department of Corrections and Human Services did not affect the ability of the Governor and the Legislature to identify persons responsible for the adult corrections programs. He said that if problems occurred with any of the corrections programs, the Legislature and the Governor had always been able to easily identify the corrections officials involved. Mr. Blackwell did, however, indicate that the separate department has increased the direct accountability of corrections officials to the Legislature and the Governor, and has improved the credibility of corrections programs as perceived by the Legislature and Governor. According to Mr. Blackwell, this is largely due to the increased ability of corrections officials to

respond directly to the Legislature and the Governor during budget meetings and committee hearings or to direct inquiries to the Department.

Senator Dennis and Mr. Snider indicated that the separate corrections department has increased the ability of the Governor and the Legislature to both identify corrections officials and hold them accountable for corrections programs because noncorrections officials no longer have control over corrections programs.

Senator Dennis said that the organizational change to a separate corrections department has resulted in more direct contacts between the Legislature and corrections officials, which has made it easier for Legislators to obtain information from corrections officials. Senator Dennis noted that corrections and human services officials were able to persuade the Legislature to support several measures to increase the number of adult correctional beds. He attributed this support to the active lobbying efforts of corrections officials.

Mr. Blackwell also said that the number of direct contacts between the Governor and the Legislature and corrections officials has increased and that this increase has helped the ability of the Department to manage corrections. He said that he no longer has to be concerned that Legislators or the Governor may be receiving inaccurate information regarding corrections issues from noncorrections officials. This allows him to spend more of his time on administrative responsibilities rather than preparing reports to correct inaccurate information furnished to the Legislature by noncorrections officials.

Mr. Blackwell said that the creation of the separate department did not increase administrative costs for corrections, but did result in increased funding to improve corrections programs. Mr. Blackwell also said that corrections officials now have more control over how funds are used. Mr. Snider said that corrections benefited during budget negotiations by having corrections professionals present their budget directly to the Legislature. According to Mr. Snider, before a separate corrections department was established, noncorrections officials from the Department of Social Services were responsible for presenting the Division of Corrections budget to the legislative committees. Mr. Snider indicated that corrections officials were rarely called upon by the Department of Social Services to present budget proposals.

Neither Mr. Blackwell nor Mr. Snider could say how much increased funding resulted from the creation of a separate department.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Mr. Snider said that the change from an umbrella department to a separate corrections department increased public awareness of adult corrections issues. He said this was due to the debate over the establishment of the new department, as well as the higher visibility of the separate department. Mr. Snider said that this increased awareness helped corrections officials manage corrections. As an example, Mr. Snider said that the Missouri voters recently approved a \$400 million bond issue, of which approximately \$113 million has been earmarked for remodeling, construction or renovation of adult correctional institutions. Mr. Snider said that the Department of Corrections and Human Services was able to educate the public regarding the current overcrowding problem and the need to improve Missouri correctional facilities.

Senator Dennis said that the new corrections department communicates more effectively with the public than the Division of Corrections did under the Department of Social Services. He said that the Department of Corrections and Human Services has started to provide information to the public regarding the substantial costs of a determinate sentencing system. [Missouri passed mandatory sentencing laws before the new corrections department was established.]

D. MENTAL HEALTH AND SOCIAL SERVICES

Prior to the creation of the separate corrections department, mental health services for inmates in Missouri were provided by the Department of Mental Health. The Department of Mental Health continues to provide treatment services for inmates who are under the supervision of the Department of Corrections and Human Services.

Mr. Toan said that states which have adult corrections and mental health services within a single department usually have fewer problems providing mental health services to inmates than other states. However, he said that because, in Missouri, mental health services to inmates had always been a responsibility of a department other than the department with responsibility for corrections, the creation of a separate corrections department probably had not affected the ability of corrections officials to provide mental health services to inmates.

However, Senator Dennis and Mr. Blackwell said that the establishment of the Department of Corrections and Human Services has helped corrections officials obtain the necessary mental health services for inmates. They said that if corrections and mental health officials have differences of opinion regarding the type of recommended care for certain inmates,

officials from each department negotiate directly to determine the appropriate care. According to Senator Dennis and Mr. Blackwell, under the umbrella department, corrections officials had to negotiate through the Director of the Department of Social Services which often resulted in delays in obtaining mental health services for inmates.

E. JUVENILE SERVICES

According to each of the persons surveyed, no serious consideration was given to placing juvenile corrections in the Department of Corrections and Human Services, when that Department was created.

Mr. Toan felt strongly that juvenile corrections should not be placed in a separate corrections agency. He said that in Missouri, juvenile corrections was retained in the Department of Social Services because of the integration of juvenile correctional services with other social services programs within the Department. Mr. Snider said that the Legislature also recognized a philosophical difference between juvenile corrections and adult corrections.

Mr. Blackwell said that because juvenile corrections in Missouri is decentralized, with the responsibility of juvenile delinquents often transferred to the counties, he and other corrections officials favored retaining juvenile corrections in the Department of Social Services.

F. OTHER SUGGESTIONS AND COMMENTS

Mr. Toan said that for a department to be effective, all divisions within it should have similar or related functions, funding sources and clients.. He said that adult corrections does not correlate well with the overall mission of the Department of Social Services.

In addition, Mr. Toan said that social service programs and corrections programs both require an enormous amount of time and attention to assure proper management. He said that both programs could be better managed in different departments where the department administrators could focus on issues pertaining to a single responsibility (i.e., social services or adult corrections).

Mr. Blackwell said that adult corrections is a very specialized field which is unlike any other responsibility of the state and, therefore, should be a separate department.

He also said that the Missouri Legislature approved of the creation of the Department of Corrections and Human Services largely due to extensive lobbying by corrections professionals.

Mr. Blackwell recommended that if a separate corrections department is established in Wisconsin, a legislative oversight committee on adult corrections should be created to monitor programs within the new department and to better ensure effective communication between corrections officials and the Legislature.

Mr. Snider said that the creation of a corrections department has allowed the Missouri Legislature to become more aware of the problems facing the adult corrections system. He said that the corrections reports submitted to the Legislature from the Department of Corrections and Human Services are generally believed to be more accurate than those which were submitted by the Department of Social Services. Senator Dennis agreed with Mr. Snider that the relationship between corrections officials and the Legislature has improved since the Corrections Department was established.

Mr. Blackwell also said that the public should be aware of the state corrections system. He said that because of the enormous amount of tax dollars required to operate corrections, the public is entitled to know what is being done in corrections.

PART V

DELAWARE

In 1975, Delaware separated both adult and juvenile corrections from its Department of Health and Social Services and created a separate Department of Correction.

Delaware's Department of Health and Social Services was then, and continues to be, responsible for programs such as mental health, public health, mental retardation, the blind, senior citizens, Medicaid and other welfare programs.

According to the American Correctional Association's 1982 Directory, as of July 1, 1981, the adult prison population in Delaware was approximately 1,050 adults and its juvenile correctional facility population was approximately 370.

The persons interviewed for the survey of Delaware were:

Earl McGinness, Director, Delaware Legislative Council. Prior to the reorganization of Delaware's corrections functions, Mr. McGinness was an administrative officer (business manager) for the Department of Health and Social Services. Late in 1974, he was asked by the Governor to fill a vacancy as the head of that Department. According to Mr. McGinness, as a condition of taking the position, he insisted on the Governor's support for separating corrections from the Department. Mr. McGinness was concerned that the Department of Health and Social Services was too cumbersome to be managed. Mr. McGinness served as the head of Delaware's Department of Health and Social Services until 1976 when he left to become Director of the Legislative Council.

John L. Sullivan, Commissioner of Correction, Department of Correction.

The specific questions asked of the persons interviewed for the survey of Delaware are set forth in Appendix -B. Their responses are summarized below.

A. ADMINISTRATION OF CORRECTIONS

Both Mr. McGinness and Commissioner Sullivan said that professional corrections administrators have more control over corrections policy and budget planning and preparation under the separate Department of Correction than they did under the Department of Health and Social Services. For example, Mr. McGinness said that, under the prior umbrella arrangement, budget requests for corrections went to the Secretary of the Department of Health and Social Services and were sometimes substantially modified by the Secretary. In one case, when he was Secretary, although it was not requested by corrections administrators, he added a request for funds for a new juvenile facility. With regard to policy and budget planning and preparation, Mr. McGinness said, that under the umbrella arrangement, the Secretary of the Department was a level of administration between the Governor and the corrections function.

Commissioner Sullivan said that professional corrections administrators have more control over budget and policy planning and preparation under the separate Department of Correction primarily because of the change in priorities. He said that under the current separate Department, corrections is not competing with other programs for the attention of the chief administrator of the Department. He said that, therefore, professional corrections administrators can get the attention of the Secretary more easily. In this regard, he noted that Delaware's prior Department of Health and Social Services had an extremely broad jurisdiction which included all human services, except education (it did include certain special education programs).

Mr. McGinness said that corrections officials probably have about the same amount of control over day-to-day corrections operations under the separate Department as under the prior umbrella arrangement, with some exceptions. For instance, he said that when he was Secretary of the Department of Health and Social Services, he believed that Delaware was letting some dangerous offenders out of prison under a furlough program due to overcrowding, and that some dangerous prisoners were being allowed to go home for weekends. As Secretary, he issued orders to limit the release of dangerous offenders under the furlough program to the chagrin of the Division of Correction in the Department.

Commissioner Sullivan said that corrections officials probably have more control over day-to-day corrections operations under the separate Department. He said that, under the separate Department, the span of control of the chief administrator is different than under the prior umbrella arrangement and that the chief administrator can give more supervisory attention to corrections.

Commissioner Sullivan said that the creation of the separate Department did increase the speed with which corrections decisions are made because corrections officials can more easily get the attention of the Secretary and because the sole focus of the new Department is corrections.

Both Mr. McGinness and Commissioner Sullivan said that, under the prior umbrella arrangement, corrections programs competed for time, attention and resources with noncorrectional programs within the agency. Commissioner Sullivan said that this was a drawback for corrections programs. Mr. McGinness stressed the adverse effect that this competition had on noncorrections programs.

Mr. McGinness said that, when he was Secretary of the Department of Health and Social Services prior to the reorganization, he felt that 80% of his time was spent on corrections problems despite the fact that other programs in the agency represented a larger portion of the agency's responsibility. He said that the noncorrections programs in the agency suffered as a result of being located in the same agency with corrections. This, he said, was the reason that he felt that corrections should be separated from the Department of Health and Social Services. He said that, to the extent that the Secretary's input to programs is important, both corrections and noncorrections programs were short-changed by being in the same agency.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Mr. McGinness said that he did not believe that the organizational change from an umbrella arrangement to the separate Department of Correction in Delaware had affected the awareness of, or time and attention paid to, corrections by the Governor or the Legislature. He also said that he did not believe that the change affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs or affected the number of direct contacts between the Governor or the Legislature and corrections officials. However, he did say that the Governor may pay more attentions to correction issues as a result of the change, since the Commissioner of the Department of Correction reports directly to the Governor.

Mr. McGinness noted that corrections issues in Delaware had been highly visible for some time because Delaware had been under court orders relating to prison overcrowding. In addition, he said that Delaware is a small state so that Legislators know individual corrections officials personally. He noted that, generally, the Legislators do not go through the "chain of command" when dealing with corrections officials; they know

the persons in charge of specific corrections programs and go directly to them.

Commissioner Sullivan said that he thought that the organizational change to the separate Department of Correction led to a sharper focus on corrections issues by the Governor and the Legislature and more awareness on their part of corrections problems. However, he said that circumstances, such as prison population increases and overcrowding, also heightened the interest of the Governor and the Legislature in corrections.

Commissioner Sullivan said that he believed that the organizational change to the separate Department of Correction had increased the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs. He also said that, from a personal standpoint, he felt that there were more direct contacts with the Governor and the Legislature under the separate Department. He said that he thought the increased contacts with the Governor and the Legislature helped him manage corrections. He said that he felt that he had been asked to take over corrections at a difficult point in its progress and was able to garner support for corrections from Legislators due to his personal credibility with them.

Mr. McGinness said that he could not give an objective answer to the question of whether the organizational change from an umbrella arrangement to the separate Department had increased, decreased or not affected the amount of funds provided corrections by the Governor and the Legislature. However, he said that because the Commissioner of Correction now has direct access to the Governor, rather than going through the secretary of an umbrella department, the need for funds for corrections is probably more forcefully presented to the Governor than under the prior arrangement. With regard to the Legislature, Mr. McGinness noted that, in Delaware, the head of corrections dealt directly with the Legislature on the budget issues both before and after the reorganization. Mr. McGinness also noted that corrections received a lot of attention both before and after the reorganization because of overcrowding and related court orders.

Commissioner Sullivan noted that the amount of funds provided to corrections had increased since the Department of Correction was created. However, he said that he believed that the increase in funds was due to a combination of circumstances and the increased credibility of corrections administrators with elected officials.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Mr. McGinness said that the creation of the separate Department of Correction did not appear to have had any effect on the awareness of corrections issues by the general public.

Commissioner Sullivan said that there is more public understanding of corrections now than there was under the prior umbrella arrangement. However, he said that whether the public understanding is due to the new organizational structure or the corrections personnel involved in the new Department is problematical. Specifically, he said that since he became Commissioner of Correction, he had spent a great deal of time on speaking tours around the state. He said that the focus of public attention on corrections issues has been an asset and enhanced the ability of corrections officials to get programs accepted by the administration and the Legislature.

D. MENTAL HEALTH AND SOCIAL SERVICES

Commissioner Sullivan and Mr. McGinness said that prior to the creation of the separate Department of Correction, mental health services were provided to correctional clients by the Division of Mental Health in the Department of Health and Social Services, as well as by the Division of Corrections in the Department. The Division of Mental Health had a section for the criminally insane which did pretrial work relating to offenders and operated an institution in which some offenders were placed. Commissioner Sullivan said that, currently, mental health services are provided to persons under the supervision of the Department of Correction by the (1) the Department, (2) the Division of Mental Health and (3) contracts between the Department of Correction and private providers. He said that the Department of Correction is in the process of taking over full responsibility for mental health services to correctional clients.

Mr. McGinness said that he was not aware of any problems which had been created by the change in organizational structure to the separate Department. Commissioner Sullivan said that for some time after the reorganization, there had been a debilitating effect on the ability of the new Department to provide mental health services to correctional clients, but that this problem was improved by clarifying the role of the Division of Mental Health. He said that friction between the Department and the Division of Mental Health had been ameliorated and cooperation improved when some of the personnel were changed.

E. JUVENILE SERVICES

Both Mr. McGinness and Commissioner Sullivan said that they were not aware of any proposals made to leave juvenile corrections in the Department of Health and Social Services when the separate Department of Correction was established.

Mr. McGinness expressed no opinion on the question of whether the creation of the separate Department had affected juvenile services. Commissioner Sullivan said that the creation of the separate Department of Correction had not affected the integration of juvenile corrections programs with other juvenile services. He noted that, in Delaware, courts may place a juvenile under the jurisdiction of the Department of Health and Social Services or under the jurisdiction of the Department of Correction, or both. He said that there are currently 27 instances of co-jurisdiction between the two Departments over juveniles. Generally, these are juveniles who are in residential community programs. According to Commissioner Sullivan, there have been no particular problems with these arrangements.

F. OTHER SUGGESTIONS AND COMMENTS

In general, Mr. McGinness said that attempting to administer a human services agency with the scope of Delaware's Department of Health and Social Services is very taxing on one person. As noted above, when he became Secretary of the Department of Health and Social Services, he wanted corrections removed from the Department because he felt the Department of Health and Social Services was too cumbersome to be managed. Mr. McGinness noted that the Department of Health and Social Services and the Department of Correction in Delaware have over half of the state's employees (excluding school system employees).

Commissioner Sullivan did not believe that the size or diverse areas of jurisdiction of the human services agency affected the ability to manage the agency. Commissioner Sullivan said that, in considering reorganization, the primary issue one should consider is whether reorganization will put stronger personnel in positions of authority.

Mr. McGinness suggested that if, in Wisconsin, a separate corrections department is created and it will be interacting with Wisconsin's Department of Health and Social Services, it would be wise to get written agreements between the two departments regarding what services will be provided by the Department of Health and Social Services to the corrections department.

Commissioner Sullivan suggested that Wisconsin should be alert to the needs for resources to administer a separate department, if a separate department is created. He noted that administrators of new departments always feel that they do not have enough resources to run the department.

PART VI

OREGON

In 1971, Oregon transferred adult and juvenile corrections from separate independent agencies which reported directly to the Governor to a newly-created Department of Human Resources. The Department of Human Resources is a broad human service agency which includes welfare, mental health, social services and employment services, among other human resources services. Prior to the reorganization, each correctional institution had a separate appropriation, the superintendent of the institution could hire and fire employees and the superintendent carried the institution's budget through the legislative process.

Initially, under the 1971 reorganization, the Corrections Division was formed in the Department of Human Resources and juvenile and adult corrections were both placed in that Division. Subsequently, juvenile corrections was moved to the Childrens Services Division which also included child welfare services, juvenile parole and certain mental health programs for juveniles. Currently, adult corrections are in the Division of Corrections in the Department of Human Resources and juvenile corrections are in the Division of Childrens Services.

According to the American Correctional Association's 1982 Directory, as of July 1, 1981, Oregon's adult prison population was approximately 2,700 and the population of its juvenile correctional facilities was approximately 700.

Persons interviewed for the survey of Oregon were:

Neil Chambers, Assistant Administrator, Division of Corrections, Department of Human Resources. Mr. Chambers has been in corrections in Oregon since 1959; he has been in the central office of corrections since 1972.

Richard Peterson, Assistant Administrator of a juvenile prison. Mr. Peterson was the General Superintendent, Juvenile Correctional Programs, Childrens Services Division, Department of Human Resources.

Judge Jacob Tanzer, Oregon Supreme Court. Judge Tanzer was the first Secretary of the Department of Human Resources. In responding to this survey, Judge Tanzer indicated that he preferred not to

respond to specific questions, but to simply tell the interviewer about the reorganization and the changes caused by the reorganization. Thus, his remarks are summarized under Section G, below.

The specific questions asked of the persons interviewed for the survey of Oregon are set forth in Appendix C. Their responses are summarized below.

A. ADMINISTRATION OF CORRECTIONS

Mr. Peterson said that professional corrections administrators have less control over juvenile corrections policy and budget planning and preparation now that corrections is in the Department of Human Resources than when corrections agencies were independent. With regard to adult corrections, Mr. Chambers said that there was probably less control over corrections policies and budgets under the umbrella department. Both Mr. Peterson and Mr. Chambers cited the additional levels of review and problem analysis and resolution under the Department of Human Services.

Mr. Chambers said that although professional corrections administrators may have less control over adult corrections policies and budgets due to being part of an umbrella agency, corrections now has more backing and speaks with a louder voice because it is part of a larger system. With regard to budget issues, Mr. Chambers said that the Division of Corrections does not end up standing "toe-to-toe" with other divisions in the Human Resources Department before the Legislature. He said that budget issues within the Department are settled in the Department before they are presented to the Governor and the Legislature. He said that, in general, the umbrella arrangement provided corrections with a broader base from which to operate. He said that corrections gain credibility with the Legislature by being part of the Department of Human Resources.

Mr. Peterson said that juvenile corrections budget priorities compete with other priorities of the Department of Human Resources and the Division of Childrens Services. He said that the budget which is taken to the Legislature may end up being supported by corrections administrators, although it may not reflect their personal positions.

Mr. Peterson also said that there probably was less control by corrections administrators over the day-to-day operations of juvenile corrections under the umbrella arrangement than under the prior independent agency; however, he did not believe that this effect was as great as the effect on budget and policy planning and preparation.

Mr. Chambers said that corrections administrators may have more control over day-to-day corrections operations under the Department of Human Resources, because corrections has been cushioned from some budget cutbacks due to priorities established within the Department. Mr. Chambers also said that, in Oregon, the Governor and administrators in the Department of Human Resources generally adopt the attitude that if a program is operating effectively, they will not get in the way.

Mr. Chambers said that, in some instances, the umbrella arrangement has resulted in an increase in the time it takes to reach a final decision on corrections issues. He said that when decisions can be made within the Division of Corrections, the organizational change has had no effect on the speed with which the decisions are made. However, if the Governor or the Legislature must be involved in the decision, the decision-making process has been slowed down because of the extra layer of administration within the Department of Human Resources. However, Mr. Chambers said that when the Governor or the Legislature are involved in the decision, there is a better chance of success for the corrections position because corrections is included in the umbrella department and has the backing of that department. Also, Mr. Chambers said that, under the umbrella arrangement, there is less chance that corrections will go to the Governor and the Legislature without the benefit of the "good advice" of the administration of the Department of Human Resources.

Mr. Peterson said that the effect of the reorganization has been to slow the decision-making process way down on matters relating to juvenile corrections programs. He said that this effect extended to almost all issues, but was particularly evident with regard to responses to program changes or population increases. Mr. Peterson said that under the umbrella arrangement, before a decision can be made, a lot of time must be spent educating personnel at each layer of administration within the Department. He said that when you create a new management structure, a great deal of time must be spent communicating with staff who do not know corrections programs and must be educated. He said that, initially, under the new structure, he found himself spending about 80% of his time communicating with people up the "chain of command" and about 20% of his time working on programs under his authority. Mr. Peterson also said that whenever there is an organizational change, there is a tendency for high personnel turnover for a period of time after the change and, therefore, there is a constant need to educate new personnel.

Both Mr. Chambers and Mr. Peterson indicated that corrections programs compete with other programs of the Department of Human Resources for time, attention and resources. Mr. Chambers said that there will always be competition between competing programs and that every agency competes with every other agency for funds. He noted that one of the effects of an umbrella agency, such as the Department of Human Resources,

is that the consolidation of the budget of the agency reduces the conflicts which must be resolved by the Legislature.

Mr. Peterson specifically described the competition between juvenile corrections programs and other programs in the Childrens Services Division in the Oregon Department of Human Resources. He said that prevention programs should be given high priority in dealing with juveniles, and he did not believe that corrections programs are prevention programs. He said that under the umbrella arrangement, there is a tendency to withhold new resources from correctional programs, such as programs to deal with problems such as juvenile correctional facility overcrowding, and to provide resources to prevention programs. However, he said that the prevention programs do not always meet expectations. According to Mr. Peterson, the result of this is a corrections budget which is underfunded and a Legislature which is angry because it now has to "pay twice" (prevention and corrections) for the same problem.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Neither Mr. Chambers nor Mr. Peterson believed that the organizational change in Oregon had much effect on the awareness of, and time and attention paid to, corrections issues by the Governor and the Legislature. Mr. Chambers said that, in Oregon, both the Governor and the Legislature tend to "take the budget apart." He said that the Division of Corrections has its own budget hearing before subcommittees of the Legislature and the Administrator of the Division goes to and speaks at these hearings. The Secretary of the Department of Human Resources is also present at the hearings, but does not usually speak on corrections issues.

With regard to the question of whether the reorganization had affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs, Mr. Peterson said that the reorganization had confused the issue of accountability because, under the umbrella arrangement, decision-making is distributed across a broader base.

Mr. Chambers said that he believed that there has been no effect on the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs. He said that, until recently, the Oregon State Constitution required all state institutions and the head of every state agency to be located in the same county as the state capitol. This requirement has made Oregon administrators extremely accessible to the Legislature and the Governor. [Mr. Chambers said that this constitutional provision was repealed when

corrections wanted to place halfway houses in counties other than the county of the capitol.]

Both Mr. Peterson and Mr. Chambers said that the organizational change to an umbrella arrangement had reduced the number of direct contacts between the Governor and corrections officials. Both Mr. Peterson and Mr. Chambers noted that the Governor deals primarily with department secretaries. Mr. Chambers said that because the Governor deals with department secretaries, corrections officials must spend extra time to make sure that the Secretary of the Department of Human Resources understands and has a thorough knowledge of the corrections administrators' positions.

Both Mr. Peterson and Mr. Chambers said that the organizational change in Oregon does not affect the number of direct contacts between corrections officials and the Legislature. Mr. Peterson noted that the Legislature had insisted on dealing directly with institutional managers both before and after the reorganization.

Mr. Chambers said that he had no way of approximating whether or how much the organizational change may have affected the amount of funds provided to corrections by the Governor and the Legislature. He said that specific corrections problems, such as increased prison populations, had resulted in substantial increases in funding for corrections. Mr. Peterson said that the organizational change has probably decreased the amount of funds available to the traditional corrections programs but increased the amount of funds available for alternative community programs.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Mr. Peterson said that he did not think that the reorganization had affected the awareness of corrections issues by the general public. However, Mr. Chambers said that he believed that the public awareness of corrections issues had increased as a result of the transfer of corrections to the Department of Human Resources, because the Department has a public relations service whereas the prior corrections departments had no such service. He noted that the Department of Human Resources has sufficient funds for public relations positions and that the public relations personnel have made a point of engaging in public relations activities for the Division of Corrections. Mr. Chambers said that this has affected the ability of corrections officials to manage corrections because, as the public becomes more aware of the corrections issues, it is more inclined to express an opinion.

Mr. Chambers also noted that, in Oregon, public hearings are required before many governmental actions may be taken. He said that this sometimes makes matters difficult for corrections officials, but that citizen input from the public hearings is helpful to the Department and provides a broader base for decision-making. In addition, he said that knowing that the public will be aware of its decisions tends to make the Division of Corrections absolutely certain of its proposals before making them. Finally, Mr. Chambers said that when no one had heard of corrections, corrections had no support and it had no antagonists. He said that now corrections has some antagonists but it also has public support.

D. MENTAL HEALTH AND SOCIAL SERVICES

Mr. Chambers and Mr. Peterson indicated that prior to the reorganization, there had been arrangements whereby juvenile and adult correctional clients were transferred to mental health institutes run by a separate agency. In addition, Mr. Chambers noted that there had been other arrangements between different state agencies to provide mental health and other services to correctional clients.

Both Mr. Chambers and Mr. Peterson indicated that the reorganization has helped the ability of corrections to provide and coordinate mental health and other services to correctional clients. Mr. Peterson noted that cooperation between the Mental Health Division and juvenile corrections has probably increased since both programs now report to the same Secretary. Mr. Chambers noted that the Corrections Division Administrator now knows that he will be talking to the Mental Health Division Administrator "at a meeting on Friday." Previously, the corrections administrator "hoped to catch the mental health Administrator in the hall."

With regard to other services, Mr. Chambers said that the Division of Corrections has received services from the Employment Division in the Department of Human Services when that Division could afford it, but they have always received services from the Division of Mental Health and, on occasion, from the Adult and Family Services Division and the Childrens Services Division of the Department. He said that these arrangements could have been made under a separate department structure but that it would have been harder to establish such arrangements.

Mr. Chambers said that divisions within the Department of Human Services tend to look to other divisions for help now that, due to budget constraints, the various divisions cannot afford to operate some of their own programs. He also noted that there has always been excellent

cooperation between the Department of Human Resources and the Department of Education in Oregon.

E. JUVENILE SERVICES

Mr. Peterson said that he believed that the transfer of juvenile corrections to the Department of Human Resources had the potential to improve the coordination of programs for juveniles. However, he said that whether or not it will do so in Oregon remains to be seen. In this regard, he noted that Oregon has been faced with large corrections problems due to population increases in juvenile corrections institutions.

F. OTHER SUGGESTIONS AND COMMENTS

Mr. Chambers said that whether corrections should be in an independent department or a human services department is a constant political issue. He said that, on balance, top administrators in the Division of Corrections in Oregon tend to lean more toward the current umbrella arrangement than against it. He said that he believes corrections gains more than it loses from being in an umbrella department, because the umbrella department provides corrections with stronger support, a family of services, more coordination of services to clients and a better posture before the Legislature. He said that what is lost is timely decision-making because of the extra layer of bureaucracy.

Mr. Peterson said that, generally, juvenile corrections is too small to stand by itself as a separate department. Therefore, he said that it is usually found in a department with adult corrections, mental health services or education. He said that under these various arrangements, the affiliation has something other than juvenile corrections as its number one priority. He said that, as a result, there is a tendency for funds to be drawn away from juvenile corrections activities to other activities that are more appealing. Mr. Peterson said that once the Legislature no longer allocates a specific amount of funds to juvenile corrections, there is a tendency for the funds to be reallocated to prevention programs, as opposed to corrections programs. According to Mr. Peterson, if this is done well and prudently, it is a good idea. However, he said that if it is not done well and prudently, it is a real problem for correctional facilities.

Mr. Peterson also said that, in the last 10 years, case law has tended to treat juvenile correctional facilities as "prisons" for due process and other purposes. He said that he sees attitudes toward juvenile and adult offenders becoming similar, except for issues such as the death penalty and the right to trial by jury. Mr. Peterson said that

these views may tend to push juvenile and adult corrections back together, which would correspond to the view that juvenile corrections is a matter of due process, civil rights, punishment and public safety, rather than treatment. Mr. Peterson said that he predicts that in states where juvenile and adult corrections are separated, there will be a tendency to put them back together and that in states where juvenile and adult corrections are together, they will be kept together.

Mr. Peterson also said that he sees a trend for corrections to be removed from umbrella human services departments and that he has some sympathy for that trend. He said that although he believes in the coordination of juvenile corrections programs with other human services programs, corrections cannot abide the delayed response time which occurs when corrections is in an umbrella department.

G. JUDGE JACOB TANZER'S REMARKS

Judge Tanzer said that the reorganization which moved corrections to the Department of Human Resources was made so that the Governor could have more effective control over state agencies and so that the policies of different state agencies could be more effectively coordinated. He said that if there are more than five or six state agencies reporting to the Governor, then, effectively, no one reports to the Governor due to constraints on the Governor's time. He said that the Department of Human Resources has worked extremely well.

Judge Tanzer said that having large umbrella human services agencies, such as Oregon's Department of Human Resources, was better than having separate agencies with "everyone running off in their own direction." Judge Tanzer said that when he was Secretary of the Department of Human Resources, the Governor knew about corrections programs when the Secretary thought it was important for him to know.

As an example of one of the advantages of the Department of Human Resources, Judge Tanzer said that when the Legislature asks for proposals for budget cuts of a certain percent by every state agency, the existence of the umbrella agency allows priorities to be set among different programs within the agency for the purpose of allocating the cutbacks.

Judge Tanzer said that professional corrections administrators are the corrections experts, but that the placement of corrections in the Department of Human Resources allowed the agency to pull together programs for correctional clients in a way that had never been done before. For example, the Judge said that Women's Center (a prison) did not have many programs when corrections was transferred to the Department of Human Resources. However, according to Judge Tanzer, the Department of Human

Resources was able to develop a program for the Women's Center which drew on vocational rehabilitation programs within the Department for job training and the Childrens Services Division for maintaining family ties. Judge Tanzer said that it has been a tremendous help to corrections to have the state's employment services in the Department of Human Resources.

Judge Tanzer said that corrections problems are similar to problems in other health and social services programs. He said that in presenting the Department of Human Resources' budget to the Ways and Means Committees of the Oregon Legislature, he found that corrections fit into the same human resources analysis as other human resources programs. He said that corrections is a very important part of the human resources legislative package. According to Judge Tanzer, the Department of Human Resources is able to present issues to the Legislature in a way that separate corrections agencies had never been able to do. He said that this was due to the tie-in with other human resources programs. Judge Tanzer believed that the view that having corrections in an umbrella department creates an extra layer in the budgeting process is "a pretty old-fashioned view of budgeting."

Judge Tanzer stressed the improved coordination between corrections programs and other programs in the Department of Human Resources. He said that prior to the reorganization, there had been only a little coordination between other state agencies and the corrections agencies, because serving corrections clients was not a priority of the other agencies unless it was a priority of the Governor.

In response to the question of whether the size of the Department of Human Resources posed any managerial or administrative problems, Judge Tanzer said that "if you have bad administrators, anything can be a problem."

In response to the question of whether the transfer of corrections to the Department of Human Resources had affected the public's awareness of corrections issues, Judge Tanzer said that the relationship of corrections to the public had been tremendously improved since corrections was made a part of the Department of Human Resources. He said that, prior to the reorganization, corrections agencies did not know how to handle public relations. He said that the Department of Human Resources had developed a good relationship with the press and made sure that they got stories on corrections in the press on a regular basis. In addition, the Department made sure that reporters knew about institution programs.

Finally, Judge Tanzer said that rather than taking corrections out of the Department of Health and Social Services, Wisconsin should move its employment services into the Department. He again stressed how useful he

thought the coordination between employment services and corrections had been in Oregon.

PART VII

IOWA

Prior to 1968, corrections in Iowa, except for probation, was under the authority of a Board of Control. In 1968, corrections was moved to the Department of Social Services, which, currently, has responsibility for both adult and juvenile corrections. Adult corrections are under the Division of Adult Corrections and Juvenile Corrections are under the Division of Community Programs which also administers public assistance programs and juvenile aftercare.

In addition to corrections, Iowa's Department of Social Services is responsible for numerous social services programs, including Aid to Families with Dependent Children, Medical Assistance, food stamps, foster care, adoption, mental health and mental retardation.

It was not possible to locate persons who had knowledge about the reasons for and results of the move of corrections to the human services agency in Iowa. However, it was learned that Iowa is currently considering moving corrections from the Department of Social Services to a separate department of corrections. Because it was thought that this effort might be of interest to the Committee, this survey includes opinions on the effect of establishing a separate department of corrections rather than keeping corrections in the Department of Social Services.

According to the American Correctional Association's 1982 Directory, as of July 1, 1981, the adult prison population in Iowa was approximately 2,600. The juvenile corrections population was approximately 270.

The persons, in Iowa, who were interviewed for this survey were:

John Stites, Assistant to the Director of the Division of Adult Corrections, Department of Social Services.

Senator Gary Baugher, Chairperson, Senate Subcommittee on Mental Health and Corrections.

The survey questions asked of Mr. Stites and Senator Baugher are set forth in Appendix C, except that they were verbally changed to reflect that Iowa is considering the transfer of corrections from a human services department to a separate department of corrections.

Mr. Stites' and Senator Baugher's responses to the survey questions are summarized below.

A. ADMINISTRATION OF CORRECTIONS

Senator Baugher said that he believed that, under a separate department of corrections, professional corrections administrators in Iowa would have more control over adult corrections policy and budget planning and preparation than under the current umbrella arrangement. He said that the current Commissioner of the Department of Social Services reviews all budgets for the Department and, in that process, other programs of the Department compete with corrections for the total funds allocated to the Department. He said that, until Iowa came under a court order relating to overcrowding in corrections institutions, corrections "took a back seat" to other programs of the Department. He suspected that, once the court order is no longer in effect, corrections will again receive less emphasis within the Department.

Mr. Stites said that the Division of Adult Corrections in the Department develops its own budget and that the budget process starts with professional corrections administrators. He said that corrections has done well in competing for funds with other programs of the Department. He said that the Commissioner of the Department of Social Services is receptive to corrections requests and recognizes the need to build institutions, renovate facilities and provide adequate staff. He said that corrections has been protected from budget cuts.

Mr. Stites said that decisions relating to day-to-day corrections operations are currently made by corrections officials so that there would be no real impact on their control over day-to-day corrections operations if a separate department of corrections is established. He said that the Commissioner's office only gets involved in corrections programs when necessary. Mr. Stites said that he does not believe the Commissioner's involvement is a burden on corrections.

Senator Baugher said that the creation of a separate department of corrections may provide corrections officials with more control over the day-to-day operations of corrections. He said that he knows that the current Director of Adult Corrections spends hours talking about noncorrections issues within the Department. He noted that the Director must attend staff meetings which deal with matters that are not his concern.

Mr. Stites said that in the Department of Social Services, there are three divisions which provide support for other divisions in budgeting, reporting and personnel. Mr. Stites said that the number of people involved in decisions within the Department does, from time-to-time, delay decisions relating to corrections. However, he said that this delay may also result in better decisions than would be made if corrections were in a separate department.

Senator Baugher said that a change to a separate department of corrections would increase the speed with which decisions relating to corrections are made. He said that the head of corrections would be at the cabinet level and directly responsible to the Governor, whereas under the current umbrella arrangement, division directors may not go directly to the Governor.

Mr. Stites said that there is not much competition between the corrections and noncorrections programs of the Department of Social Services for funds. He noted that welfare systems are primarily federally supported, whereas corrections is primarily state supported. He also noted that populations in mental health institutions have decreased, so that corrections has been taking over parts of those institutions. He said that if there is competition, corrections has done better than other programs of the Department.

Senator Baugher said that, under the current umbrella arrangement, corrections does compete for time, attention and resources with noncorrections programs within the Department. Specifically, he said that the Director of Adult Corrections has to attend staff meetings dealing with issues and programs that are not his concern. He noted that planners in the current Department of Social Services work in multiple areas and are not always available to corrections when corrections needs them.

Senator Baugher also said that, under the new federalism, the head of an umbrella department will be inundated with changes and adjustments to programs. He believes this will have an increasingly negative effect on the ability of one person to administer an umbrella human services agency.

B. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

Mr. Stites said that, under Iowa's current umbrella arrangement, a great deal of attention has been given to corrections issues by the Governor and the Legislature. He said that he did not believe that there would be increased attention as a result of the creation of a separate department. He believed that corrections gets more attention than many other state agencies or divisions of state agencies. He said that three exceptions to this might be the Departments of Health, Public Safety and Transportation.

Senator Baugher believed that the creation of a separate department of corrections would increase elected officials awareness of corrections issues and improve communications between corrections officials and elected officials. As an example of this, Senator Baugher said that, during his first year as a member of a subcommittee of the Senate Committee on Social Services which reviewed appropriations for the

Department of Social Services, he found that the subcommittee had to deal with so many issues that he was unable to understand what was going on. As a result of his recommendation, a separate Subcommittee on Mental Health and Corrections, which he currently chairs, was established.

Senator Baugher said that the creation of the Subcommittee was one step in recognizing that corrections needs special attention. He said that at least the members of that Subcommittee can devote enough time to corrections to understand corrections issues. He said that he believed the Legislature needs to go one step further -- to create a separate subcommittee on just corrections. He said that if such a subcommittee were created, then Legislators could review each line item of corrections appropriations. He said that if a separate department were created, the budget for corrections, as presented to the Legislature, would also be more detailed.

In response to a question as to why the Iowa Legislature did not establish a corrections subcommittee regardless of the executive branch structure for corrections, Senator Baugher said that such action would be opposed by those who would view it as another step toward moving corrections to a separate department.

Senator Baugher also said that the creation of a separate department of corrections would increase the awareness of, and time and attention paid to, corrections by the Governor, because the head of corrections would have direct access to the Governor. He said that the head of corrections would no longer have to go through the Commissioner of the Department of Social Services in order to communicate with the Governor or ask permission of the Commissioner to speak directly to the Governor. He said that this is a simple concept, but that it means a lot to corrections.

Mr. Stites said that the creation of a separate department of corrections would not particularly affect the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs. He said that the current Director of Adult Corrections is constantly in the Governor's office and in front of the Legislature. He said that the Commissioner of the Department of Social Services and the Director of Adult Corrections present the budget to the appropriations committees of the Legislature. He said that most of the work on the budget is done by the Director of Adult Corrections and his two Deputy Directors.

Senator Baugher said that the creation of the Subcommittee on Mental Health and Corrections has already helped Legislators identify and hold accountable persons responsible for corrections programs. He said, for instance, that after the Subcommittee was created, the Prison Industry

Board appeared before a legislative committee or subcommittee for the first time. He noted that under Iowa's current subcommittee structure, which has mental health in the same subcommittee with corrections, the officials from the Department of Social Services responding to the subcommittee are not always on top of corrections issues.

Mr. Stites said that he did not believe the creation of a separate department of corrections would have much effect on the number of contacts between corrections officials and elected officials. However, he said that to the extent that it increased contacts with the Legislature and the public became more aware of corrections, this could hinder the operation of corrections.

As examples of the problems corrections might face, Mr. Stites said that some Legislators and others might try to influence corrections to be more conservative and place less emphasis on placing offenders in community programs. Others might believe that felons are spending too much time in prison and try to influence corrections to get them into community programs. He said this would be a problem under a separate department because the Secretary of the Department of Social Services would no longer serve as a "buffer" for corrections. Also, he said there would be a greater tendency to look for "scapegoats" and to fire professional corrections administrators because the Secretary would no longer serve as a buffer.

In general, Mr. Stites said that increased contacts with the Legislature may lead to an increase in the time necessary to get things done. He also said that "more accessibility is not necessarily a good thing."

Senator Baugher said that he believed that the creation of a separate department of corrections would increase the number of direct contacts between the Governor or the Legislature and corrections officials. He specifically noted that if he chaired a corrections committee or subcommittee, instead of a committee with responsibilities in addition to corrections, he would be dealing with corrections officials all of the time.

Senator Baugher also said that if a separate department of corrections were created, the Commissioner of Corrections would be dealing directly with the Governor. The Senator described the situation where he and the chairman of the equivalent Assembly committee were discussing corrections issues with the Governor and the Commissioner of the Department of Social Services. He said that he and the other Legislator were surprised that the Governor was mistaken, by 1-1/2 years, with regard to the date when certain prison beds would be available. He said that he did not think that this would have happened if corrections had been in a

separate department and the Governor had been dealing directly with the Commissioner of Corrections.

Senator Baugher said that he does not know what effect the creation of a separate department of corrections might have on funds for corrections. He did say that if it were in a separate department, corrections would have a more important position, and receive more attention from elected officials. Therefore, he said that corrections may become a more efficient operation if a separate department is created.

C. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

Senator Baugher said that a change to a separate department of corrections in Iowa would probably increase public awareness of corrections issues. He said that this would be due, in part, to increased attention by the Legislature. He said that since there would be increased contacts between corrections officials and the Legislature and reporters are present at meetings between the two groups, there would be increased reporting on corrections issues. He noted that, as a result of the creation of the Subcommittee on Mental Health and Corrections, there had already been increased reporting on corrections issues due to the presence of reporters at the Subcommittee's meeting.

Senator Baugher said that he thinks that increased public awareness of corrections issues would be good for corrections. He said that it would cause corrections to do a better job and be more concerned about what they are doing.

D. MENTAL HEALTH AND SOCIAL SERVICES

Mr. Stites said that, because mental health functions to inmates are provided by the Department of Social Services, it would be more difficult to provide mental health services to correctional clients, if a separate department of corrections were created. He said that anytime more than one state department is involved in a program, it creates one more barrier which needs to be surmounted to provide services. He said that having one person at the head of both of these functions makes it easier to coordinate services.

Mr. Stites also said that it is easier to convert a mental health institute to a prison, as has been done in Iowa, under the umbrella department than it would be if a separate department of corrections were established. He said that the conversion problem would be more time-consuming if a separate department were created.

Senator Baugher said that, currently, there is cooperation between the Mental Health Division and the Division of Adult Corrections in the Department of Social Services. He said that the two Divisions share certain mental health sites and share staff at these sites. He said that these arrangements would continue if a separate department of corrections were created. He said that, currently, one Division bills the other for services and that this arrangement would continue if separate departments were involved. Senator Baugher did say, however, that there might be a negative effect on the cooperation between mental health and corrections if they were in separate departments. He noted that departments tend to "build turf" and do not like other departments becoming involved in their areas.

E. JUVENILE SERVICES

Mr. Stites said that if a separate department of corrections were created and juveniles were put into that department, he did not think there would be much impact on services to juveniles. He said that the real issue in juvenile corrections is the relationship of juvenile corrections to local probation officers. He said that if juvenile corrections were retained in the Department of Social Services, there would be no impact on juvenile corrections.

Senator Baugher said that, in reviewing the issue of whether a separate department of corrections should be created in Iowa, nothing has been resolved with regard to the issue of whether juvenile corrections should be placed in the separate department. He said that, although he favors placing adult corrections in a separate department, he has not resolved the issue of the appropriate placement of juvenile corrections in his own mind. He said that, with juvenile corrections, there is more involvement with other services provided by the Department of Social Services than with adult corrections. In this regard, he said that, where juveniles are involved, the Department attempts to work with the entire family, not just the offender.

F. OTHER SUGGESTIONS AND COMMENTS

Mr. Stites said that the trend appears to be toward creating separate departments of corrections. However, he said that, in Iowa, the umbrella human services department probably works better than in other states. He said that all of the divisions in the Department of Social Services are involved in solving common problems.

Mr. Stites said that the creation of a separate department of corrections may be "window dressing." He said that more important issues

need to be discussed than the structure for corrections. He said that reorganization is a simple change and does not really address the problems of corrections.

Mr. Stites said that the Department of Social Services is the largest state agency in Iowa. He said that unions have been very strong supporters of the separate department of corrections because they believe they can get more money for corrections employees and corrections employees will get more recognition if a separate department is created. He also added that some Legislators just feel that the Department of Social Services is too big.

Senator Baugher noted that a bill which proposes to create a separate department of corrections in Iowa also creates a citizens advisory commission to advise the Commissioner of Corrections. He said that he thinks that this is a good idea and noted that such an advisory commission exists for Iowa's Department of Social Services.

Senator Baugher also said that community-based corrections personnel in Iowa support a separate department of corrections and are very active on this issue. He said that they believe that corrections needs more attention and that community corrections will get more emphasis if a separate department is created.

Senator Baugher said that a judge who appeared before his Subcommittee thought that a separate department would be less sensitive to the needs of offenders than the Department of Social Services and would tend to be more punitive than the Department. The Senator said that he thinks the sensitivity of the Department to the needs of offenders depends on the personnel of the Department not the structure. He believed that it is critical that any Commissioner of Corrections believes in a good balance between community programs and the institutionalization of some offenders. Senator Baugher also said that legislative oversight is another factor that can help maintain the proper balance in corrections.

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APPENDIX A

QUESTIONS FOR STATES WHICH MOVED ADULT CORRECTIONS FROM A HUMAN
SERVICES DEPARTMENT TO A DEPARTMENT OF CORRECTIONS BUT LEFT JUVENILE
CORRECTIONS IN THE HUMAN SERVICES DEPARTMENT

QUESTIONS FOR STATES WHICH MOVED ADULT CORRECTIONS FROM A HUMAN SERVICES DEPARTMENT TO A DEPARTMENT OF CORRECTIONS BUT LEFT JUVENILE CORRECTIONS IN THE HUMAN SERVICES DEPARTMENT

1. ADMINISTRATION OF CORRECTIONS

- a. Do professional corrections administrators have more, less or the same amount of control over adult corrections policy and budget planning and preparation now that you have a separate department of corrections as when adult corrections was in an umbrella department? Please explain your answer.
- b. Do corrections officials have more, less or the same amount of control over the day-to-day operations of adult corrections under the separate department of corrections as under the prior umbrella department? Please explain your answer.
- c. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the speed with which decisions relating to adult corrections programs are made by the corrections agency? Please explain your answer.
- d. Under the prior umbrella arrangement, did adult corrections programs compete for time, attention and resources with noncorrections programs within the umbrella agency? If so, how did this affect adult corrections programs? Please explain your answers.

2. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

- a. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the awareness of, and the time and attention paid to, adult corrections issues by the Governor and the Legislature? Please explain your answer.
- b. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific adult corrections programs? Please explain your answer.
- c. Has the organizational change resulted in more, less or the same number of direct contacts between the Governor or the Legislature and corrections officials regarding corrections programs? If the organizational change has affected the number of contacts, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.
- d. Has the change in organizational structure from an umbrella arrangement to a separate department of corrections increased, decreased

or not affected the amount of funds provided adult corrections by the Governor and the Legislature? Please explain your answer.

3. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

a. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the awareness of adult corrections issues by the general public? If the organizational change has affected the awareness of adult corrections issues by the general public, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.

4. ADULT CORRECTIONS: MENTAL HEALTH AND SOCIAL SERVICES

a. Under the prior umbrella arrangement in your state, what state agency provided mental health and social services to adult correctional clients? The corrections division of the umbrella agency? Another division of the umbrella agency? A different state agency?

b. Now that your state has a separate department of corrections, what state agency provides mental health and social services to adult correctional clients?

c. Did the change from an umbrella agency to a separate department of corrections help, hinder or not affect the ability of the corrections agency to provide and coordinate mental health and social services to corrections clients? Please explain your answer.

5. JUVENILE SERVICES

a. When adult corrections was removed from the umbrella agency and established as a separate department, was consideration given to also placing juvenile corrections in the separate department? What was the rationale for leaving juvenile services in the umbrella agency?

6. OTHER SUGGESTIONS AND COMMENTS

a. Do you have any additional comments you would like to make regarding what effects the choice of organizational structure has on corrections programs?

b. Do you have any specific suggestions to make to the Special Committee if it decides to pursue a separate department of corrections?

APPENDIX B

QUESTIONS FOR STATES WHICH MOVED BOTH ADULT AND JUVENILE CORRECTIONS
FROM A HUMAN SERVICES DEPARTMENT TO A DEPARTMENT OF CORRECTIONS

QUESTIONS FOR STATES WHICH MOVED BOTH ADULT AND JUVENILE CORRECTIONS
FROM A HUMAN SERVICES DEPARTMENT TO A DEPARTMENT OF CORRECTIONS

1. ADMINISTRATION OF CORRECTIONS

a. Do professional corrections administrators have more, less or the same amount of control over corrections policy and budget planning and preparation now that you have a separate department of corrections as when corrections was in an umbrella department? Please explain your answer.

b. Do corrections officials have more, less or the same amount of control over the day-to-day operations of corrections under the separate department of corrections as under the prior umbrella department? Please explain your answer.

c. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the speed with which decisions relating to corrections programs are made by the corrections agency? Please explain your answer.

d. Under the prior umbrella arrangement, did corrections programs compete for time, attention and resources with noncorrections programs within the umbrella agency? If so, how did this affect corrections programs? Please explain your answers.

2. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

a. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the awareness of, and the time and attention paid to, corrections issues by the Governor and the Legislature? Please explain your answer.

b. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs? Please explain your answer.

c. Has the organizational change resulted in more, less or the same number of direct contacts between the Governor or the Legislature and corrections officials regarding corrections programs? If the organizational change has affected the number of contacts, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.

d. Has the change in organizational structure from an umbrella arrangement to a separate department of corrections increased, decreased or not affected the amount of funds provided corrections by the Governor and the Legislature? Please explain your answer.

3. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

a. Has the change from an umbrella department to a separate department of corrections increased, decreased or not affected the awareness of corrections issues by the general public? If the organizational change has affected the awareness of corrections issues by the general public, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.

4. MENTAL HEALTH AND SOCIAL SERVICES

a. Under the prior umbrella arrangement in your state, what state agency provided mental health and social services to correctional clients? The corrections division of the umbrella agency? Another division of the umbrella agency? A different state agency?

b. Now that your state has a separate department of corrections, what state agency provides mental health and social services to correctional clients?

c. Did the change from an umbrella agency to a separate department of corrections help, hinder or not affect the ability of the corrections agency to provide and coordinate mental health and social services to corrections clients? Please explain your answer.

5. JUVENILE SERVICES

a. When the separate department of corrections was established, was consideration given to placing only adult corrections in the separate agency and leaving juvenile corrections in the umbrella human services agency? What was the rationale for transferring juvenile services to the new corrections agency?

b. Has the creation of a separate department of corrections which includes juvenile corrections helped, hindered or not affected the integration of other juvenile services with juvenile corrections programs? Please explain your answer.

6. OTHER SUGGESTIONS AND COMMENTS

a. Do you have any additional comments you would like to make regarding what effects the choice of organizational structure has on corrections programs?

b. Do you have any specific suggestions to make to the Special Committee if it decides to pursue a separate department of corrections?

APPENDIX C

QUESTIONS FOR STATES WHICH MOVED CORRECTIONS FROM
A DEPARTMENT OF CORRECTIONS TO A DEPARTMENT OF HUMAN SERVICES

QUESTIONS FOR STATES WHICH MOVED CORRECTIONS FROM
A DEPARTMENT OF CORRECTIONS TO A DEPARTMENT OF HUMAN SERVICES

1. ADMINISTRATION OF CORRECTIONS

- a. Do professional corrections administrators have more, less or the same amount of control over corrections policy and budget planning and preparation now that you have an umbrella department as when corrections was in a separate department? Please explain your answer.
- b. Do corrections officials have more, less or the same amount of control over the day-to-day operations of corrections under the umbrella department as under the separate department of corrections? Please explain your answer.
- c. Has the change from a separate department of corrections to an umbrella department increased, decreased or not affected the speed with which decisions relating to corrections programs are made by the corrections agency? Please explain your answer.
- d. Under the umbrella arrangement, do adult corrections programs compete for time, attention and resources with noncorrections programs within the umbrella agency? If so, how does this affect adult corrections programs? Please explain your answers.

2. RELATIONSHIP OF CORRECTIONS TO ELECTED OFFICIALS

- a. Has the change from a separate department of corrections to an umbrella department increased, decreased or not affected the awareness of, and the time and attention paid to, corrections issues by the Governor and the Legislature? Please explain your answer.
- b. Has the change from a separate department of corrections to an umbrella department increased, decreased or not affected the ability of the Governor and the Legislature to identify and hold accountable persons responsible for specific corrections programs? Please explain your answer.
- c. Has the organizational change resulted in more, less or the same number of direct contacts between the Governor or the Legislature and corrections officials regarding corrections programs? If the organizational change has affected the number of contacts, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.
- d. Has the change in organizational structure from a separate department of corrections to an umbrella department increased, decreased or not affected the amount of funds provided corrections by the Governor and the Legislature? Please explain your answer.

3. RELATIONSHIP OF CORRECTIONS TO THE GENERAL PUBLIC

a. Has the change from a separate department of corrections to an umbrella department increased, decreased or not affected the awareness of corrections issues by the general public? If the organizational change has affected the awareness of corrections issues by the general public, has this helped, hindered or not affected the ability of corrections officials to manage corrections? Please explain your answers.

4. MENTAL HEALTH AND SOCIAL SERVICES

a. Under the prior department of corrections, what state agency provided mental health and social services to correctional clients?

b. Now that your state has an umbrella arrangement, what state agency provides mental health and social services to correctional clients? The corrections division of the umbrella agency? Another division of the umbrella agency? A different state agency?

c. Did the change from a separate department of corrections to an umbrella agency help, hinder or not affect the ability of the corrections agency to provide and coordinate mental health and social services to corrections clients? Please explain your answer.

5. JUVENILE SERVICES

a. Has the change from a separate department of corrections to an umbrella agency helped, hindered or not affected the integration of other juvenile services with juvenile corrections programs? Please explain your answer.

6. OTHER SUGGESTIONS AND COMMENTS

a. Do you have any additional comments you would like to make regarding what effects the choice of organizational structure has on corrections programs?

b. Do you have any specific suggestions to make to the Special Committee if it decides to pursue a separate department of corrections?

END