

CRIME CONTROL PLANNING BOARD

Comprehensive Systemwide Planning Comprehensive Systemwide Planning Comprehensive Systemwide Planning C
 Systematic Coordination & Cooperation Systematic Coordination & Cooperation Systematic Coordina Coopera
 Legislative Recommendations Legislative Recommendations Legislative Recommendations Legislati imend
 System Analysis System Analysis System Analysis System Analysis System Analysis System Analysis System Ana
 Legislative Impact Studies Legislative Impact Studies Legislative Impact Studies Legislative Impact Studies Legisl
 Cost Analysis Cost Analysis Cost Analysis Cost Analysis Cost Analysis Cost Analysis Cost Analysis Cost Analysis
 System Review System Review System Review System Review System Review System Review System Review Syst
 Project Evaluation Project Evaluation Project Evaluation Project Evaluation Project Evaluation Project Evaluation
 Issue Clarification Issue Clarification Issue Clarification Issue Clarification Issue Clarification Issue Clarification Iss
 Grants Administration Grants Administration Grants Administration Grants Administration Grants Administratio
 Project Audits Project Audits Project Audits Project Audits Project Audits Project Audits Project Audits Project A
 Data Processing Data Processing Data Processing Data Processing Data Processing Data Processing Data Processin
 Newsletters Newsletters Newsletters Newsletters Newsletters Newsletters Newsletters Newsletters Newsletters Ne
 Action Research Action Research Action Research Action Research Action Research Action Research Action Resear
 Funding Review Funding Review Funding Review Funding Review Funding Review Funding Review Funding Revie
 Conferences Conferences Conferences Conferences Conferences Conferences Conferences Conferences Conferences Co
 Individualized Assistance Individualized Assistance Individualized Assistance Individualized Assistance Individuali
 Crime Rate Analysis Crime Rate Analysis Crime Rate Analysis Crime Rate Analysis Crime Rate Analysis Crime Rat
 Resource Assistance Resource Assistance Resource Assistance Resource Assistance Resource Assistance Resource
 Library Library Library Library Library Library Library Library Library Library Library Library Library Li
 Statistical Analysis Statistical Analysis Statistical Analysis Statistical Analysis Statistical Analysis Statistical Ana
 Data Base Development Data Base Development Data Base Development Data Base Development Data Base Develo
 Information Center Information Center Information Center Information Center Information Center Information Cen
 Program Development Program Development Program Development Program Development Program Development
 Juvenile Justice Juvenile Justice Juvenile Justice Juvenile Justice Juvenile Justice Juvenile Justice Juvenile Justice
 Family Violence Family Violence Family Violence Family Violence Family Violence Family Violence Family Violence
 Victims Victims Victims Victims Victims Victims Victims Victims Victims Victims Victims Victims Victims Victims
 White Collar Crime White Collar Crime White Collar Crime White Collar Crime White Collar Crim
 Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Arson Ar
 Law Enforcement Law Enforcement Law Enforcement Law Enforcement Law Enforcement Law E
 Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails Jails J
 Youth Intervention Youth Intervention Youth Intervention Youth Intervention Youth Intervent
 ons Corrections Corrections Corrections Corrections Corrections Corrections Corrections Correcti
 Governor Governor Governor Governor Governor Governor Governor Governor Governor Govern
 ure Legislature Legislature Legislature Legislature Legislature Legislature Legislature Legislatu
 ts Courts Courts Courts Courts Courts Courts Courts Courts Courts Courts Courts Courts Courts
 Law Enforcement Law Enforcement Law Enforcement Law Enforcement Law Enforcement Law E
 ctioners Criminal Justice Practitioners Criminal Justice Practitioners Criminal Justice Practiti
 unities Communities Communities Communities Communities Communities Communities Communities Com
 nities Cities Cities Cities Cities Cities Cities Cities Cities Cities Cities Cities Cities Cities C

96344



THIS IS THE JAIL &
PRISON ISSUE PACKAGE

ts Courts
ent Law E
e Practiti
ities Com
ities Citi

Prison Overcrowding Project

1701 Arch Street, Suite 400
Philadelphia, PA 19103
(215) 569-0347

Gerald Kaufman, Director

6 **W O R K I N G P A P E R**

**Reducing Prison
Crowding:
An Overview of Options**

A joint project of the Edna McConnell Clark Foundation
and the National Institute of Corrections

Administered by the Center for Effective Public Policy

This is one of a series of working papers published by the Prison Overcrowding Project to assist policy makers and criminal justice professionals dealing with prison overcrowding.

The Edna McConnell Clark Foundation and the National Institute of Corrections have jointly funded the national prison Overcrowding Project. This unique public/private venture works with key decisionmakers in a state's criminal justice system to examine the factors responsible for prison overcrowding and to develop and implement strategies to control the size of the prison population. The Project currently provides grants and technical assistance to four states: Colorado, Michigan, Oregon and South Carolina.

The Prison Overcrowding Project, through the Center for Effective Public Policy, is available to assist other states with this or other criminal justice issues.

If you are interested in additional publications, the achievements of the four states to date, or in consultation, please contact:

The Center for Effective Public Policy
Prison Overcrowding Project
1701 Arch Street, Suite 400
Philadelphia, PA 19103
(215) 569-0347

Gerald Kaufman, President

June 1983

Many different approaches to coping with prison crowding are currently being tried around the United States. The matrix which follows is suggestive of the number and range of mechanisms available for tackling the crowding problem. It is organized around changes that can be made in three different areas to affect prison crowding:

- o changes aimed at affecting the number of people who enter prisons;
- o changes aimed at affecting the length of time people spend in prisons; and
- o changes aimed at altering system capacity.

In addition, the matrix reflects that a variety of actors have the ability to put such options into play: depending on the mechanisms in question, legislators, prosecutors, the defense bar, the judiciary, private agencies, probation and parole agencies, governors, and departments of corrections are the principal actors considered. In actual practice, the cooperation of a number of these actors often must be obtained for the mechanisms to be used effectively. Following the matrix are brief descriptions of the options listed or examples of jurisdictions where they are in use. The number following each item on the matrix refers to the page number of the corresponding description. Options listed in more than one category are described only the first time they appear.

There is no one correct formula for attacking the prison crowding problem. Whether any particular mechanism might prove valuable in a given jurisdiction depends on the characteristics of that jurisdiction -- its current justice system practices, the dimensions of its crowding problem, the public climate concerning crime and punishment, fiscal constraints, and the like. This summary of approaches now being tried may help stimulate creative thinking in tailoring responses to local problems. In addition, it should be helpful to decisionmakers in answering the question frequently voiced, "But what are the alternatives?"

The PRINCIPAL ACTORS reviewed are

- o LEGISLATORS
- o PROSECUTORS
- o DEFENSE BAR
- o JUDICIARY
- o PUBLIC (noncriminal justice and private agencies)
- o PROBATION and PAROLE OFFICERS
- o GOVERNORS
- o DEPARTMENT OF CORRECTIONS

The OPTIONS reviewed are those that affect

- o WHO GOES TO PRISON
- o LENGTH OF STAY IN PRISON
- o SYSTEM CAPACITY

The NUMBER FOLLOWING EACH ITEM on the matrix refers to the page number of the corresponding description. Options listed in more than one category are described only the first time they appear.

Principal Actors	Options that Affect Who Goes to Prison	Options that Affect Length of Stay in Prison	Options that Affect System Capacity
A. <u>LEGISLATURES</u>	<ol style="list-style-type: none"> 1. <u>Decriminalize.</u> (1) <ol style="list-style-type: none"> a. Pure decriminalization. (1) b. Reclassification/downgrading to decrease imprisonable offenses. (1) c. Substitution of non-criminal responses for certain offenses. (1) 2. <u>Revise penal/sentencing codes.</u> (1) <ol style="list-style-type: none"> a. Provide alternatives to custodial sentencing. (1) <ol style="list-style-type: none"> 1. Special probation conditions. 2. Restitution. 3. Community service orders. 4. Financial options. 5. Intensive supervision. 6. Direct sentence to community-based facilities. 7. Intermittent confinement. b. Adopt presumption for least drastic means. (2) c. Create Sentencing Commission to set guidelines. (3) 3. <u>Restructure state/local responsibility for offenders.</u> (3) <ol style="list-style-type: none"> a. Provide incentives for communities to retain offenders. (3) 	<ol style="list-style-type: none"> 1. <u>Revise penal/sentencing codes.</u> (4) <ol style="list-style-type: none"> a. Reduce sentence lengths. (4) b. Create Sentencing Commission to set guidelines. (4) 2. <u>Revise "good time" credits.</u> (4) 3. <u>Adopt presumptive parole on first eligibility.</u> (4) 4. <u>Authorize placement of pregnant offenders in community.</u> (4) 5. <u>Repeal mandatory sentences.</u> (5) 	<ol style="list-style-type: none"> 1. <u>Establish standards and capacity limits for facilities.</u> (5) 2. <u>Expand placement options for Department of Corrections.</u> <ol style="list-style-type: none"> a. Immediate screening for community placement. (5) b. Extend work release options. (5) c. Expand temporary absence provisions. (6) d. Authorize contracts with local government, other agencies for placement of offenders. (6) 3. <u>Appropriate/issue bonds for construction, renovation or acquisition of facilities.</u> (6) 4. <u>Adopt emergency overcrowding measures.</u> (7) 5. <u>Demand accurate short- and long-term cost information.</u> (7)

The number following each item on the matrix refers to the page number of the corresponding description.

Principal Actors	Options that Affect Who Goes to Prison	Options that Affect Length of Stay in Prison	Options that Affect System Capacity
	<ul style="list-style-type: none"> b. Redefine local responsibility for lesser offenders. (3) c. Adopt comprehensive community correction law. (3) <p>4. <u>Authorize placing women with small children in community.</u> (4)</p>		
B. <u>PROSECUTORS</u>	<p>1. <u>Adopt policies on sentencing recommendations.</u> (8)</p> <ul style="list-style-type: none"> a. Emphasize serious offenders going to prisons; alternative penalties for non-serious offenders. b. Emphasize victim needs. c. Increase use of financial penalties. <p>2. <u>Expand knowledge of non-custodial options.</u> (8)</p>	<p>1. <u>Adopt policies on sentencing recommendations.</u> (8)</p> <ul style="list-style-type: none"> a. Emphasize scaling sentence length according to offense seriousness. b. Emphasize victim needs. <p>2. <u>Endorse combination penalties to decrease custodial stays.</u> (8)</p>	
C. <u>DEFENSE BAR</u>	<p>1. <u>Defendant-oriented pre-sentence reports.</u> (9)</p> <p>2. <u>Retain private agencies to prepare assessments and recommendations for non-custodial penalties.</u> (9)</p> <p>3. <u>Appeal custodial sentences.</u> (9)</p>	<p>1. <u>Defendant-oriented pre-sentence reports.</u> (9)</p> <p>2. <u>Retain private agencies to prepare assessments and recommendations for alternatives.</u> (9)</p> <p>3. <u>Appeal long sentences.</u> (9)</p>	<p>1. <u>Sue crowded/substandard facilities.</u> (10)</p> <p>2. <u>Appeal sentences to inappropriate facilities.</u> (10)</p> <p>3. <u>Seek lower custody placements.</u> (10)</p>

The number following each item on the matrix refers to the page number of the corresponding description.

Principal
Actors

Options that Affect
Who Goes to Prison

Options that Affect
Length of Stay in Prison

Options that Affect
System Capacity

4. Expand knowledge of non-custodial options. (9)

4. Expand knowledge of non-custodial options. (9)

5. Monitor contracts affecting time served. (9)

6. Represent offenders in revocation and parole proceedings. (9)

D. JUDICIARY

1. Expand use of non-custodial sentences-- (11)

- a. Pursuant to existing authority.
- b. Pursuant to revised statutory schemes.

1. Issue shorter sentences. (11)

2. Appeal review of sentences. (12)

1. Refuse to sentence to sub-standard facilities. (12)

2. Defer commencement of sentences for less serious offenders depending on availability of capacity. (12)

2. Require that pre-sentence reports explore non-custodial sanctions. (11)

3. Increase use of specialized assessments/diagnosis. (11)

4. Use sentencing guidelines. (11)

5. Appellate review of sentences. (11)

6. Employ sanctions short of revocation for probation/parole violations. (11)

The number following each item on the matrix refers to the page number of the corresponding description.

Principal Actors	Options that Affect Who Goes to Prison	Options that Affect Length of Stay in Prison	Options that Affect System Capacity
E. <u>PUBLIC NON-CRIMINAL- JUSTICE</u> and <u>PRIVATE AGENCIES</u>	<ol style="list-style-type: none"> 1. <u>Provide programs, services, contracts for--</u> (12) <ol style="list-style-type: none"> a. Offenders with special needs (e.g., mentally ill, retarded, addicted or alcoholic offenders). b. Community pre-sentence investigations and reports. c. Community supervision. d. Advocacy at hearings. e. Community-based facilities. 	<ol style="list-style-type: none"> 1. <u>Provide programs, services, contracts for--</u> (12) <ol style="list-style-type: none"> a. Offenders with special needs. b. Re-entry. c. Advocacy at hearings. d. Offender supervision. 	<ol style="list-style-type: none"> 1. <u>Provide programs, service contracts for--</u> (12) <ol style="list-style-type: none"> a. Offenders with special needs. b. Community-based facilities. c. Offender supervision.
F. <u>PROBATION and PAROLE AGENCIES</u>	<ol style="list-style-type: none"> 1. <u>Expansions of pre-sentence report function.</u> (14) <ol style="list-style-type: none"> a. Greater emphasis on non-custodial options. b. Broader use. 2. <u>Reorganize to provide non-traditional supervision and compliance monitoring.</u> (14) 3. <u>Revise revocation policies--</u> (14) <ol style="list-style-type: none"> a. To favor non-custodial back-up sanctions. b. To reduce violations for non-serious behavior. 4. <u>Adopt differential supervision levels.</u> (14) 	<ol style="list-style-type: none"> 1. <u>Adopt contract parole.</u> (14) 2. <u>Adopt parole guidelines.</u> (15) <ol style="list-style-type: none"> a. Favoring release at first eligibility. b. Based on clear standards. c. Designed to reduce time served. 3. <u>Provide special screening for early release.</u> (15) 4. <u>Use "mini parole."</u> (15) 5. <u>Speed parole hearing process.</u> (15) 6. <u>Revise revocation policies.</u> (15) 	<ol style="list-style-type: none"> 1. <u>Provide special screening for early release.</u> (15)

The number following each item on the matrix refers to the page number of the corresponding description.

Principal
Actors

Options that Affect
Who Goes to Prison

Options that Affect
Length of Stay in Prison

Options that Affect
System Capacity

5. Decrease the length of probation and parole supervision. (14)

6. Use contract probation. (14)

G. GOVERNORS

1. Assume a leadership role in examining corrections policy and practice. (16)

- a. Appoint special study commissions.
- b. Convene interagency task forces.
- c. Require full impact statements on prison proposals.
- d. Promote active public educational efforts.
- e. Use criminal justice planning agency staff, or other staff, for policy analysis and guidance.

1. Assume a leadership role in examining corrections policy and practice. (16)

2. Increase use of clemency. (16)

- a. Holiday commutations.
- b. Across the board term reductions.
- c. Special reviews for candidates for pardon or commutation.

1. Assume a leadership role in examining corrections policy and practice. (16)

2. Contract with private, governmental, or specialized programs for offender housing, supervision, and services. (19)

3. Develop and operate more placement options. (19)

4. Acquire, renovate, and construct facilities. (19)

H. DEPARTMENTS
OF
CORRECTIONS

1. Reclassify offenders. (17)

2. Use contract release. (17)

3. Screen for immediate community placement. (17)

4. Develop phased re-entry. (17)

- a. Pre-release.
- b. Work and study release.

The number following each item on the matrix refers to the page number of the corresponding description.

Principal
Actors

Options that Affect
Who Goes to Prison

Options that Affect
Length of Stay in Prison

Options that Affect
System Capacity

- c. Temporary absence.
- d. Halfway houses.
- 5. Increase opportunities for work credits. (18)
- 6. Expand services to increase offender skills and performance. (18)
- 7. Adopt standards for disciplinary infractions. (18)
- 8. Increase administrative "good time." (18)
- 9. Reduce delays and bureaucratic obstacles to processing and movement of offenders through the system. (18)

The number following each item on the matrix refers to the page number of the corresponding description.

Options that Affect Who Goes to Prison and Length of Stay.

1. Defendant-oriented presentence reports. The defense can develop memoranda bringing to the court's attention information that supports and develops a sentencing plan that emphasizes non-incarcerative penalties or, when incarceration appears to be certain, the use of short, instead of long periods of incarceration. In cases of the former kind, arrangements can be made to show the feasibility of restitution or community service requirements, participation in counseling or treatment, and other conditions that may be appropriate. In cases of the latter kind, the defense can lay the groundwork for parole or phased release plans. The National Institute of Justice will be issuing a Program Models packet on the use of social service personnel in public defender offices to increase the quality of legal representation provided to indigent clients through such services.
2. Retain private agencies to prepare assessments and recommendations for non-custodial penalties. The defense can contract with a private consultant or agency to develop presentence memoranda that emphasize the use of non-incarcerative sanctions or reduced confinement terms. The Law and Psychiatry Center in San Diego, California, has been providing these services to private attorneys for nearly ten years. More recently, the National Center on Institutions and Alternatives of Washington, D.C., has offered Client Specific Planning services in cooperation with defense attorneys. To date, alternative sentencing plans developed through such organizations have achieved a high degree of acceptance by sentencing courts.
3. Appeal custodial sentences. Effective representation of criminal defendants does not end at the point of conviction or even at sentencing, especially in cases in which alternative sentences may not have been fully explored or in which a term of incarceration seems unduly long. The appellate process offers one means of developing new policies and practices with respect to the use of incarceration.
4. Expand knowledge of non-custodial options. (Discussed previously in Prosecutor's section).
5. Monitor contracts affecting time served. The defense can play a role even after defendants are serving prison sentences. One role involves monitoring compliance with agreements or "contracts" utilized in many jurisdictions by which program participation and phased reentry into the community are agreed upon. The defense attorney should get involved if an offender abides by his obligations under the agreement but the correctional agency fails to provide programs or movement through the system as promised.
6. Represent offenders in revocation and parole proceedings. The defense bar can play an important role in preparing a case for release of offenders who are eligible and for avoiding reincarceration as a result of

reincarceration as a result of revocation proceedings. Even in instances in which probation or parole violations are established, the defense can present a case for penalties short of reincarceration.

Options that Affect System Capacity.

1. Sue crowded/substandard facilities. A case brought by the Legal Aid Society of New York, for example, resulted in the closing of the Manhattan House of Detention because of its inadequacy in providing acceptable conditions.
2. Appeal sentences to inappropriate facilities. Short of bringing a class action suit against an entire facility, defense counsel can appeal sentences of individual defendants to facilities that fail to meet standards, that are inappropriate to the offender's security requirements or special needs, or that unnecessarily restrict access to family or needed services.
3. Seek lower custody placements. Defense counsel can challenge custody decisions made as to their clients or the criteria used in making classification decisions. In some instances in which reclassification has been undertaken, the need for prison beds was reduced by findings that a greater percentage of prisoners could be maintained in community custody status.

Options that Affect Who Goes to Prison.

1. Expand use of non-custodial sanctions. Some examples of penalties not involving incarceration have been discussed above.
2. Require that presentence reports explore non-custodial sanctions. Sentencing judges can establish policies that insure that probation personnel or defense attorneys make presentations at the sentencing hearing exploring various sanctions for the court's consideration.
3. Increase use of specialized assessments/diagnosis. Most jurisdictions allow sentencing judges to order special assessments to be made on individual offenders, but often such studies are undertaken only in extreme cases. Undiagnosed medical problems, drug or alcohol problems, learning disabilities, and the like might lead judges to consider assignments other than traditional institutions if they were known.
4. Use sentencing guidelines. In addition to jurisdictions in which sentencing guidelines have been mandated legislatively, efforts have been undertaken through judicial leadership to establish policies and standards for sentencing within given jurisdictions.
5. Appellate review of sentences. Until recently, appellate review of sentences has largely been limited to extreme cases in which sentences were in excess of legally prescribed limits or otherwise extraordinary. The judiciary has been expanding review to sentences fixed under sentencing guidelines schemes and could engage in broader review of the appropriateness of prison sentences when imposed and of their duration.
6. Employ sanctions short of revocation for probation/parole violations. Judges could make greater use of penalties like increased supervision, assignment to community residential facilities, or imposition of new restrictions for violations of probation or parole conditions, especially for those not of a serious nature.

Options that Affect Length of Stay in Prison.

1. Issue shorter sentences. Sentence lengths in the U.S. are among the longest in industrialized nations, yet research on the impact of sentence length has failed to establish that longer sentences serve to deter crime more effectively than shorter ones. Although theoretically at least long prison terms can serve to reduce crime by preventing those incarcerated from re-engaging in criminal behavior, current population levels would have to be multiplied several times to have any discernible impact on crime overall. There also is some evidence that other factors being equal, those who spend longer terms in prison do less well when release than those who serve shorter sentences.

2. Appellate review of sentences. (discussed above)
3. Use intermittent or "shock" confinement. Judges may decide to employ intermittent confinement, such as weekend or night sentences, or "split sentences," involving a terms of confinement followed by a period of probation, at the time of sentencing.

Alternatively, judges can retain jurisdiction for a period of time after a sentence to incarceration has been imposed and resentence an offender to probation following a "taste" of confinement. Both mechanisms are employed in a number of jurisdictions.

Options that Affect System Capacity.

1. Refuse to sentence to substandard facilities. Judges can have an impact on prison capacity either by establishing limits beyond which prisoners cannot be added to specified facilities or by refusing to sentence individual defendants to facilities which do not satisfy legal requirements.
2. Defer commencement of sentences for less serious offenders depending on availability of capacity. In the Netherlands, less serious offenders are in effect given "reservations" for bedspace for a future date when others have served their terms and space has opened for them. This practice is employed irregularly in the U.S., often to allow non-violent offenders to arrange their affairs before reporting for a prison terms. This practice could be expanded, especially with respect to offenders who do not pose a threat to public safety and whose terms are of a duration that they will return to the community after a relatively brief period. Judges also have the power to delay pronouncement of sentences for substantial periods, a technique which could serve the same end with offenders free prior to sentencing.

Options that Affect Who Goes to Prison, Length of Stay, and Capacity.

1. Provide programs, services, contracts for --
 - a. Offenders with special needs (e.g., mentally ill, retarded, addicted, or alcoholic offenders).
 - b. Community pre-sentence investigations and reports.
 - c. Community supervision.
 - d. Advocacy at hearings.
 - e. Community-based facilities.

A variety of organizations are organized to provide services to offender populations. PACT (Prisoner and Community Together, Inc.), for example, is a regional community based corrections organization that operate programs for offenders and victims in six cities of Indiana and in Chicago, Illinois. PACT programs include supervision of offenders doing community service and restitution; operation of a victim/offender reconciliation program; operation of community residential centers for men on pre-release, work release status from prison or those recently released from prison; and advocacy for the growth and development of community based correctional programs. The Allston Wilkes Society of South Carolina represents another private organization which provides similar services, as well as providing citizen volunteers to assist prisoners in parole hearings. A variety of non-criminal justice public agencies provide services from which offenders could benefit, but increased efforts are needed to interest some of these agencies in working with offenders as clientele. Involvement of private groups and public defender offices in individualized sentencing advocacy was discussed above under Options for Defense Bar.

Options that Affect Who Goes to Prison.

1. Expansion of presentence report function. Judges frequently complain about the range of sentencing options available to them. Probation agencies could expand emphasis in presentence work to non-custodial options tailored to individual defendants. Some jurisdictions employ presentence reports only for offenders likely to be incarcerated; others leave the matter of preparation of such reports to the discretion of judges on a case-by-case basis. If presentence reports are employed to a greater extent in exploring a variety of sentencing options, their preparation may be valuable in a wider range of cases.

2. Reorganize to provide non-traditional supervision and compliance monitoring. Some jurisdictions have begun to utilize probation and parole personnel to administer a variety of sanctions in the community in addition to traditional supervision and services. Some probation agencies now administer restitution and community service sentencing programs. Other agencies have separated the control/surveillance function from the service/helping/brokerage function as a means of using resources more efficiently.

3. Revise revocation policies. (discussed above under Options for Judiciary)

4. Adopt differential supervision levels. Given limited numbers of probation and parole personnel, some jurisdictions have undertaken programs to group offenders into categories that vary in the amount of supervision required. Less serious offenders receive minimal supervision while offenders with more serious problems are supervised in much smaller caseloads.

5. Decrease the length of probation and parole supervision. For most offenders, there is some evidence that the most critical period for supervision is within the first two years after sentencing. The majority of offenders who will be apprehended for new crimes are rearrested during that period. Thus, some probation agencies try to terminate supervision for the majority of offenders to free personnel to deal with additional offenders or those deemed to require longer periods of supervision.

6. Use contract probation. Specification of conditions under which probation supervision will be terminated if completed by both probationers and probation officers also can facilitate timely completion of probation supervision, as well as increasing the clarity on both sides as to what is expected and required, thereby avoiding vague conditions and durations.

Options that Affect Length of Stay in Prison.

1. Adopt contract parole. Such "contracts" specify release dates for prisoners upon completion of programs and conditions specified in the agreement.

2. Adopt parole guidelines. Adoption of guidelines by paroling authorities can facilitate planning with respect to prison population levels in that expected time to be served can be determined for various categories of prisoners. The Federal Parole Commission, Oregon's paroling authority, and other jurisdictions are now operating under explicit policy of this kind.

3. Provide special screening for early release. In times of severe crowding, paroling authorities can undertake special reviews to determine whether certain offenders could appropriately be paroled. Such a special review was conducted recently in the state of Maryland.

4. Use "mini parole." Mississippi has initiated this form of special parole which combines participation in work programs with parole supervision. Prisoners are considered for involvement in the program after serving one-fourth of their maximum sentences, less up to nine days per month off for good behavior.

5. Speed parole hearing process. In some instances, prisoners who would be released if a parole hearing were held spend extra time incarcerated waiting for hearings. Earlier parole consideration or more regular parole reviews could result in some earlier releases. In North Carolina, the parole commission holds parole hearings every six months, once a prisoner becomes eligible for parole. Mississippi has instituted a special form of parole called "supervised earned release," under which a special review team can approve release of prisoners to intensive supervision after they have served one year on a non-violent offense.

6. Revise revocation policies. (discussed above under Options for Judiciary)

Options that Affect System Capacity.

1. Special screening for early release. (discussed above)

Ohio utilizes twenty-six halfway houses with an average of 20 prisoners as transitional residences for parolees. Oklahoma's Department of Corrections operates ten motels as community treatment centers to hold 7,800 prisoners (representing 18 percent of the state's prison population), allowing 34 to 45 percent of offenders to be released through such centers. Sixteen percent of Nebraska's prisoners are released through four prerelease centers. Oregon reports releasing 80 percent of their population through prerelease centers. Earlier placements in such facilities for a higher percentage of prisoners can open many prison beds.

5. Increase opportunities for work credits. The Litter Control Act of 1978 authorized the South Carolina Department of Corrections to grant "earned work credit" to prisoners for productive work performed outside of institutions. The range of credit is from a minimum of one day earned for each seven days worked to a maximum of one day earned for each two days worked, depending on the level of work. Up to 180 days of credit can be granted to a prisoner in a given year and the credit is applied to the prisoner's minimum and maximum terms. In a recent six month period, the Department of Corrections estimated that its population would have been 434 people greater without the earned work credit program.

6. Expand services to increase offender skills and performance. Unfortunately, as budget pressures increase, some Departments of Corrections have been forced to cut down on program and work opportunities for offenders, either because of crowding, staff reductions, or failure to include adequate programs in new facilities. Such reductions not only reduce prisoners' chances of successful reentry into the community, but also are apt to reduce chances for early parole and may increase disciplinary problems. Thus, enhancing institutional programs may have an indirect effect on population levels.

7. Adopt standards for disciplinary infractions. This is another indirect means of affecting population levels. The object is to avoid the withdrawal of "good time" or denial of parole for prisoners involved in minor disciplinary problems or living under vague standards.

8. Increase administrative "good time." Many jurisdictions authorize the Director of the Department of Corrections to grant administrative or meritorious "good time" credits. Generally, such authority has been used to reward exceptional behavior, such as risking injury to help a staff member. Recently, Illinois has expanded use of administrative good time to ease overcrowded prisons. A special review committee was formed which meets monthly to compare population figures with capacity figures. When population exceeds capacity, the committee grants time off sentences for those nearing release of from 30 to 120 days until the population falls back below an acceptable level.

9. Reduce delays and bureaucratic obstacles to processing and movement of offenders through the system. Correction agencies can review the decision-making processes and steps which facilitate prisoner movement

through the system to try to identify points at which processing could be accelerated. Greater priority could be assigned to tasks, such as preparation of written reports and recommendations, on which movement depends. Second-level screening also can be instituted to make sure that opportunities for prisoner progression are not being overlooked.

Options that Affect System Capacity.

1. Establish standards and capacity limits. (discussed above under Options for Legislatures)
2. Contract with private, governmental, or specialized programs for offender housing, supervision, and services. (discussed above under Options for Legislatures and for Public non-Criminal Justice and Private Agencies)
3. Develop and operate more placement options. (discussed above under "Develop Phased Reentry" and "Options for Legislatures")
4. Acquire, renovate, and construct facilities. (discussed above under Options for Legislatures)

CURRENT JAIL CAPACITY

Existing Beds and Average Daily Population Estimates: 1985

County	I		II	III	IV
	Estimated Average Daily Population Projections 1985		Approved Bed Capacity 1984	Existing Bed Capacity 1984	Percentage of Occupancy
Statewide Total	2,448.90 - 3,150.64		2,833	3,381	86 - 311
Aitkin	7.70 -	10.25	20	25	38 - 51
Anoka	111.15 -	138.09	179	139 (jail)	62 - 77
*Becker	23.93 -	29.74	21	40 (work release)	
*Beltrami	34.70 -	43.11	17	21	114 - 142
*Benton	7.27 -	9.67	4	30	204 - 254
Big Stone	2.41 -	3.22	0	4	182 - 242
*Blue Earth	38.94 -	48.38	36	N.F. +	
Brown	7.00 -	9.32	11	51	108 - 134
Carlton	27.40 -	34.03	37	11	64 - 85
*Carver	24.61 -	30.58	24	37	74 - 92
*Cass	20.51 -	25.48	8	29	103 - 127
Chippewa	4.83 -	6.42	14	28	256 - 318
*Chisago	18.56 -	23.05	19	16	34 - 46
*Clay	20.09 -	24.96	21	19	98 - 121
*Clearwater	3.09 -	4.10	0	36	96 - 119
Cook	1.12 -	1.49	6	2	309 - 410
Cottonwood	3.17 -	4.22	8	8	19 - 25
*Crow Wing	38.46 -	47.79	36	14	40 - 53
*Dakota	41.86 -	55.71	34	36	107 - 133
Dodge	2.54 -	3.37	0	61 (jail)	123 - 164
*Douglas	18.99 -	23.59	20	10 (annex)	
Faribault	4.96 -	6.17	8	N.F.	
Fillmore	5.86 -	7.27	13	20	95 - 118
Freeborn	16.51 -	20.49	38	14	62 - 77
Goodhue	13.23 -	17.61	20	21	45 - 56
Grant	1.70 -	2.25	0	38	43 - 54
*Hennepin A.D.C.	245.78 -	305.33	245	32	66 - 88
Hennepin A.C.F.	437.70 -	582.57	565	N.F. +	
Houston	2.93 -	3.90	10	280	100 - 125
*Hubbard	8.95 -	11.11	9	565	77 - 103
Isanti	21.07 -	26.17	39	10	29 - 39
Itasca	35.18 -	43.69	44	9	99 - 123
Jackson	4.80 -	6.40	10	11 (jail)	54 - 67
Kanabec	5.31 -	7.06	15	44 (work release)	
Kandiyohi	23.51 -	29.21	35	44	80 - 99
Kittson	1.94 -	2.59	5	10	48 - 64
Koochiching	12.14 -	15.08	22	6	35 - 47
Lac Qui Parle	1.89 -	2.52	10	43	67 - 83
*Lake	2.34 -	3.11	0	5	39 - 52
Lake of the Woods	.72 -	.95	0	22	55 - 69
LeSueur	10.91 -	14.51	20	18	19 - 25
Lincoln	1.77 -	2.35	4	16	234 - 311
*Lyon	20.49 -	25.47	24	2	72 - 95
McLeod	21.67 -	26.91	29	20	55 - 73
Mahnomen	.62 -	.83	3	4	44 - 59
Marshall	4.00 -	5.34	12	24	85 - 106
Martin	14.08 -	18.73	28	29	75 - 93
				3	21 - 28
				12	33 - 45
				28	50 - 67

* Facility is overcrowded according to DOC criteria
+ No facility exists in county

NOTE: By the term jails, we mean jail type facilities: adult corrections, adult detention, jail, lockup, holding & work release facilities.

County	I		II	III	IV	
	Estimated Average Daily Population Projections 1985		Approved Bed Capacity 1984	Existing Bed Capacity 1984	Percentage of Occupancy	
Meeker	13.24 -	16.44	18	18	74 -	91
*Mille Lacs	21.74 -	27.01	16	20	136 -	169
*Morrison	17.66 -	23.50	15	22	118 -	157
Hoyer	15.43 -	19.17	37	75	42 -	52
Murray	.14 -	.18	2	2	7 -	9
Nicollet	10.18 -	13.55	29	16	35 -	47
Nobles	18.00 -	22.36	24	30	75 -	93
Norman	.51 -	.68	2	2	26 -	34
Olmsted	35.64 -	47.44	49	49	73 -	97
*Otter Tail	23.51 -	31.31	14	28	168 -	224
*Pennington	11.68 -	14.51	14	14	83 -	104
Pine	10.27 -	12.75	23	23	45 -	55
*Pipestone	7.51 -	9.32	9	9	83 -	104
*Polk	25.45 -	33.88	28	28	91 -	121
Pope	.18 -	.24	3	4	6 -	8
*Ramsey A.D.C.	170.42 -	226.83	134 plus 25	181 (jail) 50 (annex)	107 -	143
Ramsey Workhouse	178.27 -	237.27	236	246	76 -	101
Red Lake	1.51 -	2.01	0	N.F. +		
Redwood	10.22 -	12.70	17	17	60 -	75
Renville	1.97 -	2.61	0	N.F. +		
*Rice	25.30 -	31.44	25	25	101 -	126
Rock	.22 -	.29	9	4	2 -	3
*Roseau	11.17 -	13.89	7	16	160 -	198
St. Louis NERCC	101.30 -	125.84	132	132	77 -	95
*St. Louis Jail	99.15 -	123.17	80	136	124 -	154
*Scott	36.60 -	45.47	43	43	85 -	106
*Sherburne	23.05 -	30.68	24	24	96 -	128
Sibley	2.63 -	3.51	6	10	44 -	58
*Stearns	42.52 -	56.61	16	32	266 -	354
*Steele	15.41 -	19.14	10	24	154 -	191
Stevens	.10 -	.14	0	2	10 -	14
Swift	3.54 -	4.70	0	N.F. +		
*Todd	14.55 -	19.36	0	17	1,455 -	1,936
Traverse	.18 -	.24	2	2	9 -	12
Wabasha	7.13 -	9.50	12	12	59 -	79
*Wadena	7.42 -	9.88	9	9	82 -	110
Waseca	11.90 -	14.80	20	26	60 -	74
*Washington	42.84 -	57.02	47	61	91 -	121
Watowan	.73 -	.99	3	3	24 -	33
Wilkin	1.49 -	1.98	0	N.F. +		
Winona	22.00 -	29.29	35	35	63 -	84
*Wright	24.49 -	30.42	24	38	102 -	127
Yellow Medicine	3.26 -	4.33	0	N.F.		
Statewide Total	2,448.90 -	3,150.64	2,833	3,381	86 -	311

* Facility is overcrowded according to DOC criteria
 † No facility exists in county

NOTE: By the term jails, we mean jail type facilities: adult corrections, adult detention, jail, lockup, holding & work release facilities.

FUTURE JAIL NEEDS

Peak Average Daily Population Projections and Bed Needs: 1985-2000

County	V	VI	VII
	Anticipated Peak Average Daily Population 1985-2000	Peak Projected Bed Needs 1985-2000	Number of Approved Beds Needed, 2000
Statewide Total	2,448.90 - 3,150.64	3,374 - 4,266	3,631
Aitkin	8.05 - 10.71	13 - 19	20
Anoka	111.15 - 142.04	143 - 178	179
*Becker	23.93 - 33.39	38 - 48	43
*Beltrami	34.58 - 48.00	55 - 69	62
*Benton	7.27 - 10.60	13 - 18	4
Big Stone	2.41 - 3.22	4 - 5	0
*Blue Earth	38.94 - 48.38	56 - 69	36
Brown	7.00 - 9.32	12 - 16	16
Carlton	27.40 - 34.03	39 - 49	37
*Carver	27.38 - 34.02	39 - 49	44
*Cass	23.34 - 29.02	36 - 41	39
Chippewa	4.83 - 6.42	8 - 10	14
*Chisago	26.08 - 32.39	37 - 46	42
*Clay	20.09 - 24.96	31 - 38	21
*Clearwater	3.35 - 4.45	6 - 7	5
Cook	1.12 - 1.49	2 - 2	6
Cottonwood	3.17 - 4.22	5 - 7	8
*Crow Wing	41.98 - 52.14	60 - 70	65
*Dakota	50.46 - 67.15	67 - 90	90
Dodge	2.95 - 3.92	5 - 7	0
*Douglas	21.81 - 27.09	34 - 39	37
Faribault	4.96 - 6.17	8 - 10	8
Fillmore	5.86 - 7.27	10 - 12	13
Freeborn	16.51 - 20.49	25 - 32	38
Goodhue	13.60 - 18.11	23 - 28	20
Grant	1.70 - 2.25	3 - 4	0
*Hennepin A.D.C.	245.78 - 305.33	307 - 382	355
Hennepin A.C.F.	437.70 - 582.57	547 - 728	565
Houston	2.93 - 3.90	5 - 6	10
*Hubbard	10.62 - 13.18	18 - 22	20
Isanti	28.62 - 35.55	41 - 51	39
Itasca	37.93 - 47.11	54 - 57	44
Jackson	4.80 - 6.40	8 - 10	10
Kanabec	6.39 - 8.51	11 - 14	15
Kandiyohi	25.01 - 31.06	36 - 44	35
Kittson	1.94 - 2.59	3 - 4	5
Koochiching	12.14 - 15.08	20 - 24	22
Lac Qui Parle	1.89 - 2.52	3 - 4	10
*Lake	2.34 - 3.11	4 - 5	0
Lake of the Woods	.72 - .95	1 - 2	3
LeSueur	10.91 - 14.51	18 - 24	20
Lincoln	1.77 - 2.35	3 - 4	4
*Lyon	20.49 - 25.47	30 - 38	24
McLeod	21.80 - 27.08	34 - 39	29
Mahnomen	.62 - .83	1 - 1	3
Marshall	4.00 - 5.34	7 - 9	12
Martin	14.08 - 18.73	23 - 29	28
Meeker	14.09 - 17.52	23 - 27	18

* Facility is overcrowded according to DOC criteria

NOTE: By the term jails, we mean jail type facilities: adult corrections, adult detention, jail, lockup, holding & work release facilities.

EXPLANATION OF PRECEDING TABLES

County	V Anticipated Peak Average Daily Population 1985-2000		VI Peak Projected Bed Needs 1985-2000		VII Number of Approved Beds Needed, 2000
	*Mille Lacs	23.85 -	29.63	37 -	42
*Morrison	17.83 -	23.73	27 -	36	32
Mower	15.43 -	19.17	25 -	28	37
Murray	.14 -	.18	1 -	1	2
Nicollet	10.18 -	13.55	17 -	23	29
Nobles	18.00 -	22.36	28 -	34	24
Norman	.51 -	.68	1 -	1	2
Olmsted	35.64 -	47.44	51 -	68	49
*Otter Tail	24.89 -	33.13	38 -	47	45
*Pennington	11.68 -	14.51	19 -	24	14
Pine	11.77 -	14.62	20 -	24	23
*Pipestone	7.51 -	9.32	13 -	16	9
*Polk	25.45 -	33.88	38 -	47	50
Pope	.18 -	.25	1 -	1	3
*Ramsey A.D.C.	170.42 -	226.83	213 -	284	134 + 25 at annex
Ramsey Workhouse	178.27 -	237.27	223 -	297	236
Red Lake	1.51 -	2.01	3 -	3	0
Redwood	10.22 -	12.70	17 -	21	17
Renville	1.97 -	2.61	3 -	4	0
*Rice	25.30 -	31.44	37 -	43	25
Rock	.23 -	.30	1 -	1	4
*Roseau	11.26 -	13.99	19 -	23	21
St. Louis NERCC	101.30 -	125.84	127 -	157	132
*St. Louis Jail	99.15 -	123.17	132 -	154	80
*Scott	41.61 -	51.68	57 -	71	65
*Sherburne	34.94 -	46.80	50 -	66	58
Sibley	2.63 -	3.51	4 -	6	6
*Stearns	42.52 -	56.61	61 -	75	68
*Steele	15.41 -	19.14	24 -	29	10
Stevens	.10 -	.14	1 -	1	3
Swift	3.54 -	4.70	6 -	8	0
*Todd	15.73 -	20.94	24 -	32	28
Traverse	.18 -	.24	1 -	1	2
Wabasha	7.52 -	10.00	13 -	17	12
*Wadena	7.58 -	10.10	13 -	17	17
Waseca	12.58 -	15.64	21 -	24	20
*Washington	48.26 -	64.23	69 -	86	80
Watsonwan	.73 -	.99	1 -	2	3
Wilkin	1.49 -	1.98	2 -	3	0
Winona	22.00 -	29.29	34 -	42	35
*Wright	33.36 -	41.45	48 -	59	54
Yellow Medicine	3.26 -	4.33	5 -	7	0
Statewide Total	2,448.90 -	3,150.64	3,374 -	4,266	3,631

* Facility is overcrowded according to DOC criteria

NOTE: By the term jails, we mean jail type facilities: adult corrections, adult detention, jail, lockup, holding & work release facilities.

In 1982 the Minnesota Department of Corrections initiated a comprehensive study of the present status and future needs of each of Minnesota's 87 counties for jail type facilities. The data contained in the study provides a comprehensive look at Minnesota's jails and their future based on current demographic and jail usage data.

As of January 1, 1984, 85 jail type facilities were being operated by county or county and municipal units of government. The study did not include facilities operated solely by municipal units of government, nor facilities used exclusively for juveniles.

Average daily population data used are representative of average daily population patterns experienced by each facility within the state for the years 1975 - 1983. Averages over several years were used to eliminate the influence of fluctuations caused by unusual circumstances such as mass arrests or seasonal fluctuations. The average daily population is determined by dividing the total number of days served by offenders during the year by the number of days in a year ($\frac{TDS}{365} = ADP$). For example, if a small jail holds 14 offenders during a year, 6 serving 90 days, 5 serving 80 days and 2 held for 5 day periods, the average daily population is $2 \left(\frac{730}{365} = 2 \right)$.

The anticipated average daily population used in columns I and V were projected after consideration of the following:

1. The ratio of average daily population to county population for each year of the period 1975 - 1982 and yearly increases in those ratios.
2. Consideration of any anticipated developments in a county which might affect institution populations.

3. Analysis of the population in the 18 - 29 age group in each county during the period 1970 - 1980. It is generally agreed by corrections professionals that the 18 - 29 age group is the highest risk age group for potential incarceration in correctional facilities. Consequently, increases or decreases in the numbers of persons in this age group are likely to result in disproportionate increases or decreases in the need for correctional resources such as jail beds as compared with increases or decreases in the population of other age groups. The Department of Corrections has analyzed available demographic data and concluded that the number of persons in the 18 - 19 age group in Minnesota is likely to peak between 1983 and 1987 and then level off and possibly decline during the period 1987 - 2000.
4. The recent implementation of Sentencing Guidelines and the potential impact of Guidelines on local facility populations.
6. Consideration of atypical rates of incarceration and the Department's belief as to whether or not such rates are likely to change. As an example, Beltrami County has a very high rate of incarceration for 1983 as compared with other counties operating jail type facilities. The Department has concluded that atypically high rates of incarceration are likely to continue in Beltrami County. On the other hand, the Stearns County rates of incarceration for the years 1975 - 1983 have been consistently lower than those of other counties operating jail-type facilities. The Department has concluded that, in this instance, it is reasonable to expect that rates of incarceration are likely

to increase in Stearns County with the occupancy of a new facility.

Significant changes in judicial practices, development of alternatives to incarceration not currently in use, changes in Sentencing Guidelines or Statutes can all render these projections inaccurate.

The number of "approved beds" used in column II indicates the number of beds in a facility exclusive of those designed for admission/release processing, disciplinary segregation or isolation purposes, or medical isolation, which meet the following conditions:

- a. cells or detention rooms provide a minimum of 50 square feet of floor space per prisoner.
- b. Dormitories provide a minimum of 60 square feet of floor space per prisoner.
- c. No beds in facilities condemned or determined to be "condemnable" were approved.

"Existing Beds" used in column III indicates the number of beds that exist in each facility of the type indicated exclusive of those designed for admission/release processing, disciplinary segregation or isolation, or medical isolations. Existing beds are counted without regard to square footage allowance per prisoner and multiple occupancy conditions. For example, if a facility had a 64 square foot cell designed and currently used to house 4 prisoners, all 4 beds were

counted in arriving at the number of existing beds.

Column IV, the Average Daily Population as a percentage of capacity represents the application of a formula by the Department of Corrections, based on the conclusion that the Average Daily Population should not exceed a specified percentage of the capacity of the facility. The Department also concludes that desirable levels of occupancy may range from 60% to 80% of capacity based on the average daily population experienced or anticipated for each facility. The desired percent of capacity figure ranges from 60% for facilities with an average daily population of 15 or less to 80% for facilities with an average daily population greater than 100. For example, a small county jail with an average daily population of 12 should have a capacity of 20; i.e. average daily population equals 60% of the capacity. A county jail with an average population of 100 should have a capacity of 125 - average daily population equals 80% of the capacity. The specific percent capacity figure applied to a facility represents allowance the Department considers necessary to accommodate peak population demands, separation and segregation requirements, and partial closing for maintenance and housekeeping. If the Average Daily Population is equal to the capacity (i.e., the occupancy rate of the capacity is 100%) then the facility is overcrowded.

Column V, peak average daily population projection is based on projections of the growth pattern of the county population until the year 2000 especially the 18-29 population and on the other factors affecting the data in Column I, as cited above.

The projected bed needs in Column VI were determined by applying the recommended percentage of occupancy to the average daily population projections. The result gives the range of bed needs based on the range of average daily population.

The number of approved beds needed in the year 2000 as indicated in Column VII is what the department believes is necessary to meet individual county needs.* On a statewide basis the department has projected a bed need of 3,631 beds and a peak statewide average daily population of 2,907 persons. This represents an occupancy rate of 80.06% of capacity on a statewide basis.

*Where it appeared that jail populations may exceed desirable levels for only a limited period of time, it was decided that there should be no increase in the number of beds in that facility

JAIL AND PRISON OVERCROWDING ISSUE PACKAGE

One of the most serious problems of criminal justice in the United States is the overcrowding of jails and prisons. Several states have had their entire prison systems declared unconstitutional. Another 21 states are under court order to improve inmate conditions. Many local jails are also overcrowded, often because they are holding prisoners who ought to be in state prisons.

Fortunately, Minnesota has some extra capacity in its penal system for an increasing inmate population. How long this favorable condition might continue is unknown. A study of county jails by the Minnesota Department of Corrections forecasts increasing problems for jails in the next decade. Dozens of counties, as shown by the data in this package, will have a need for jail beds that exceeds their current capacities, as approved by the Department of Corrections. It is also possible that state prisons will reach capacity in a few years.

Although prison and jail construction are one solution to the problem--a solution favored by many states--other less costly alternatives are also possible. In this issue package is a working paper by the Prison Overcrowding Project that outlines the range and variety of solutions which might, in part, remedy the problem.

Also included in this package is basic information on prisons and jails in Minnesota and nationally.

For more information contact:

Criminal Justice Program
State Planning Agency
100 Capitol Square Bldg.
550 Cedar
St. Paul, MN 55101
(612) 296-7819

Building More Jails: Is it Helping or Hurting?

In 1980, the National Institute of Justice released a major report on *American Prisons and Jails* by Abt Associates, Inc. That study appeared to substantiate what many in the field of corrections had long suspected: that jails and prisons are "capacity-driven" institutions. That is, more free bed space creates an institutional and systemic "need" to fill that space. Thus, the report tentatively concluded:

We can say that there appears to be new evidence that decisions to build more prisons may carry with them hidden decisions to increase the number of persons under custodial supervision. Under these circumstances even a massive construction program might fail to keep pace with the potential demand for prisoner housing.¹

Researchers at Carnegie-Mellon University, however, have now challenged that report's conclusion. Citing technical and methodological errors and omissions, the Carnegie-Mellon team has criticized the "capacity-driven" model as being "oversimplistic" in its failure to acknowledge and incorporate such variables as "the demographic structure of the general population, economic conditions and increased demands for greater punitiveness."² Simply, they assert, the model has not been proven.

In the face of such criticisms, *American Prisons and Jails* researchers have corrected some of the discovered technical errors. Those changes, they maintain, do not obviate their original proposition. Meanwhile, the debate over the efficacy of further construction rages on, with perhaps the most perceptive observation coming from Michael Sherman and Gordon Hawkins:

[T]he debates have as much to do with political symbols as with empirical data. The outcome of these debates will not be determined primarily by empirical data on . . . recidivism rates or incarcerated population growth rates. Each side may manipulate such data to its own advantage, but the important warning to observers is not to decry and dismiss those manipulations. They should be seen as what they are—expressions of deep and legitimate political ideas and aspirations.³

¹ U.S. Department of Justice, National Institute of Justice, Office of Research Programs, *American Prisons and Jails*, vol I: *Summary and Policy Implications of a National Survey* (Washington, DC: U.S. Government Printing Office, 1980), p. 120.

² Alfred Blumstein, Jacqueline Cohen, and William Gooding, "The Influence of Capacity on Prison Population: A Critical Review of Some Recent Evidence," unpublished paper cited in "Abt Study Challenged," *Jericho* 29 (Summer/Fall 1982): 9.

³ Michael Sherman and Gordon Hawkins, *Imprisonment In America* (Chicago: University of Chicago Press, 1981), p. 130.

OVERCROWDING: A NATIONAL PROBLEM

More prisoners are housed in cells than in dormitories and in multiple- than single-occupancy units; most units provide less than 60 square feet of floor space per person

	U.S. total	Federal	State
Number of inmates	256,676	28,124	228,552
Type of housing			
Cells	61.7%	48.3%	63.4%
Dormitories	38.3	51.7	36.6
Occupancy			
Single	40.9	38.4	41.2
Multiple	59.1	61.6	58.8
Density (sq. ft.)			
Less than 60	64.6	61.2	65.0
60-79	22.8	29.2	22.0
80 or more	12.6	9.6	13.0
Inmate/staff ratios			
Total	2.8	3.3	2.7
Administrative	125.9	147.2	123.7
Custodial	4.6	7.7	4.4
Service	16.8	14.2	17.2
Other	13.7	10.1	14.4

Source: *American prisons and jails*, vol. III, 1980.

Crowding and conditions of confinement pose difficult problems in most States

During the 1970's, State and Federal courts began to examine closely the operations of correctional facilities to ensure compliance with Eighth Amendment protections against cruel and unusual punishment.

As of February 1983—

- The courts had declared unconstitutional the entire prison systems of Alabama, Florida, Mississippi, Oklahoma, Rhode Island, Tennessee, Texas, and all male penal facilities in Michigan.
- One or more facilities in 21 States were operating under a court order or consent decree as a result of inmate crowding and/or the conditions of confinement.
- Seven States were involved in litigation relating to crowding and/or the conditions of release.

Many States are under court order or face litigation because of crowding

% of crowded inmates*	Entire prison system declared unconstitutional	One or more facilities under court order	One or more facilities in litigation	No litigation on crowding pending
80-100%	Texas		North Carolina South Carolina	
60-79%	Florida Mississippi Tennessee	Georgia Illinois Louisiana New Mexico		Nebraska
40-59%	Alabama Oklahoma	Maryland Missouri Nevada Ohio Oregon Washington		Alaska Arkansas
20-39%		Delaware Utah Virginia Wyoming		Hawaii Idaho Kansas New York
Less than 19%	Michigan** Rhode Island	Arizona Colorado Connecticut Indiana Iowa Kentucky New Hampshire	California Maine Massachusetts West Virginia Wisconsin	Minnesota Montana New Jersey North Dakota Pennsylvania South Dakota Vermont***

*Crowded inmates are defined as those inmates in multiple-inmate confinement units that provide less than 60 square feet of floor space per person as of March 1978.

**Male prisoners only.

***Vermont State prison closed.

Sources: *American prisons and jails*, vol. III, ACLU Newsletter, January 1983.

- In eight States, courts had appointed receivers or masters to operate the correctional systems or facilities, had ordered emergency release of inmates as a result of crowding, or had ordered the closing of specific institutions.

Many States hold prisoners in local jails because of crowding in prisons

Between 1976 and 1982, the number of States holding State prisoners in local jails increased from 10 to 17, and the number of prisoners held in local jails rose from about 7,700 to about 8,200. The holding of prisoners in jails is a function of the rise and fall of prison populations in some States, but a few States have a chronic problem. At yearend 1982, nearly two-thirds of all State prisoners held in local jails because of prison overcrowding were in four States: Alabama, Louisiana, Mississippi, and New Jersey.

Many States are enlarging their prison systems or taking measures to control prison populations

Between October 1980 and September 1981, 36 States reported the addition of a total of nearly 20,000 beds with another 27,000 beds under construction and nearly 16,000 beds authorized by appropriation or bond issue. Nearly 60% of all the additions and planned additions to capacity are in the South.

Some States have developed statutory or administrative approaches to controlling prison population. Michigan's legislature approved an Emergency Prison Powers Act that is automatically triggered when its prisons are filled to capacity. The act provides for emergency reductions of prison terms and State use of local jails. Minnesota's sentencing guidelines provide for establishing sentence lengths to ensure a population/capacity balance.

What are the characteristics of prisons?

	Federal	State
Number of prisons	38	521
Security level		
Maximum	13	140
Medium	17	207
Minimum	8	174
Inmate population		
Less than 500	10	366
500-999	18	80
1,000 or more	10	75
Year built		
Before 1875	0	25
1875-1924	3	76
1925-1949	16	125
1950-1969	8	156
1970-1978	11	139
Prisoners housed		
Males	31	460
Females	2	40
Coed	5	21
Prison employees		
Number	8,626	83,535
% administrative	2.2	2.2
% custodial	42.4	62.9
% service	23.0	15.9
% other	32.4	19.0

Source: "Prison facility characteristics, March 1978," *American prisons and jails*, vol. III, 1980.

State prisons are generally old and large

Prisons hold a somewhat less diverse population than do local jails. A large proportion of prisons are old and have many of the maintenance and operational deficiencies associated with other old, high-use buildings.

- Nearly 96% of State and Federal prisoners are sentenced persons with terms of more than 1 year.
- In 1979, more than half of the Nation's inmates resided in facilities with average daily populations of 1,000 or more.
- Nearly 44% of the Nation's prisons are more than 30 years old and these institutions house about 61% of the inmates.
- More than 11% of the imprisoned population resides in facilities built before 1875, and 8 out of 10 inmates in the oldest prisons are in facilities that house more than 1,000 persons.

Prisons are often classified by the level of security

- **Maximum or close custody prisons** are typically surrounded by a double fence or wall (usually 18 to 25 feet high) with armed guards in observation towers. Such facilities usually have large interior cell blocks for inmate housing areas. About 41% of the maximum security prisons were built before 1925.
- **Medium custody prisons** typically have double fences topped with barbed wire to enclose the facility. Housing architecture is quite varied, consisting of outside cell blocks in units of 150 cells or less, dormitories, and cubicles. More than 87% of the medium-custody prisons were built after 1925.
- **Minimum custody prisons** typically do not have armed posts and may or may not have fences to enclose the institution. To a large degree, housing consists of open dormitories. More than 60% of the minimum security prisons were built after 1950.

About half of all prison inmates are in maximum security prisons

In 1979, 52% of all prison inmates were held under maximum security conditions; 37% under medium security; and 11% under minimum security.

The proportion of inmates held in maximum security facilities ranged from 94% in Texas to less than 10% in New Hampshire, North Carolina, and Wyoming. In 14 States, more than half of all prisoners were confined in maximum security institutions. In 1978, about one in five inmates resided in maximum security facilities that housed more than 1,000 inmates and that were built before 1925.

Of the 150 prisons built between 1970 and 1978, 85% hold an average daily population of less than 500 inmates and three-quarters were designed for medium or minimum security.

Inmate composition and custody levels are generally linked to the age of a facility

As facility age increases, the proportion of—

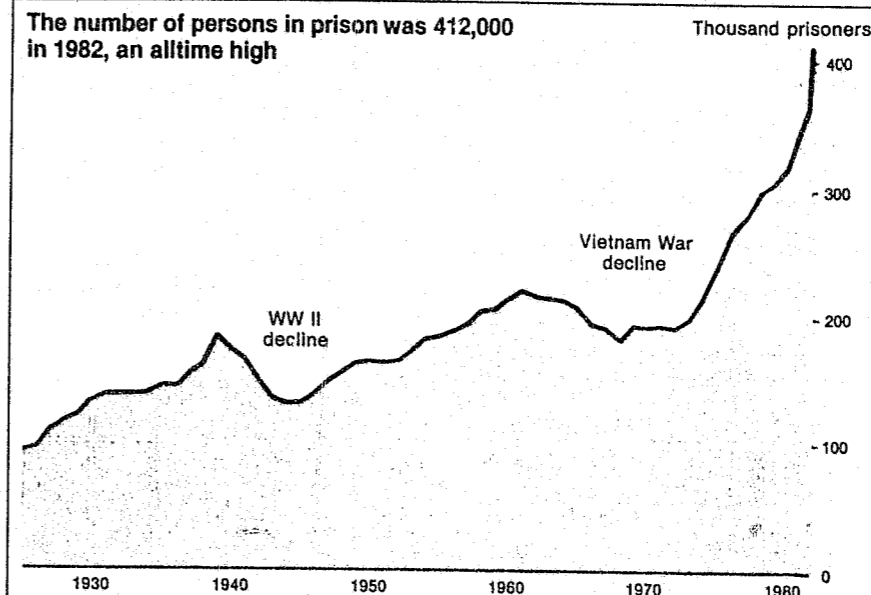
- Inmates residing in maximum security custody increases
- Inmates classified as maximum security increases
- Inmates residing in facilities housing 1,000 or more inmates increases
- Younger inmates declines
- Violent offenders increases.

	Date Federal or State prison opened					Total
	Before 1875	1875-1924	1925-1949	1950-1969	1970-1978	
As of March 1978						
Number of inmates	31,361	73,575	66,257	68,272	39,522	278,987
Percent	11	26	24	25	14	100%
% of inmates residing in maximum security	90	69	36	38	35	51%
% of inmates classified as maximum security	61	48	32	32	25	38%
% of inmates residing in facilities greater than 1,000 inmates	77	69	53	52	8	53%
% of inmates less than 25 years old	37	36	37	44	42	39%
% of inmates confined for a violent offense	52	49	40	45	37	45%

Source: *American prisons and jails*, vol. III, 1980.

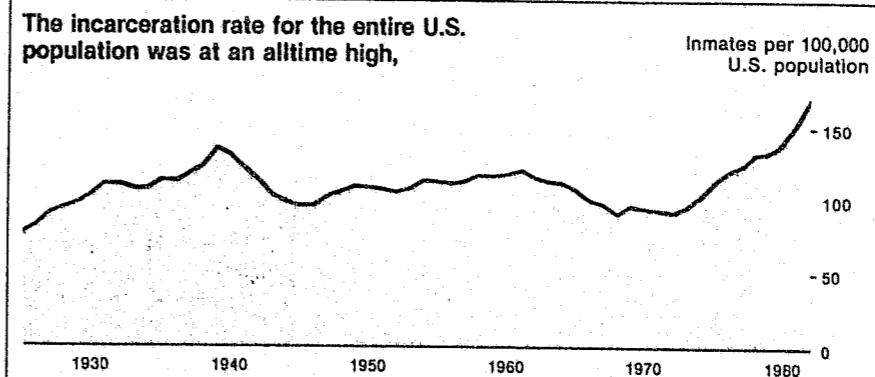
What are the trends in correctional populations?

The number of persons in prison was 412,000 in 1982, an alltime high

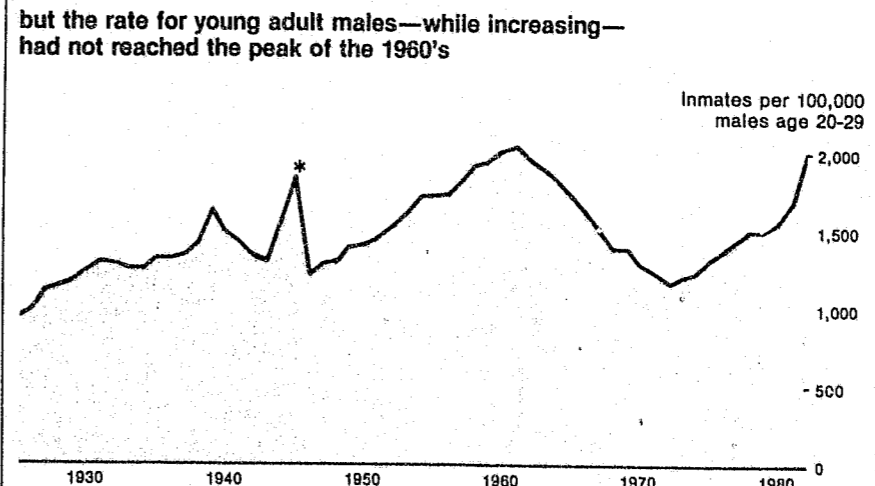


Source: *Prisoners in State and Federal Institutions on December 31, 1982*.

The incarceration rate for the entire U.S. population was at an alltime high,



but the rate for young adult males—while increasing—had not reached the peak of the 1960's



*Base excludes soldiers overseas.

Sources: *Prisoners in State and Federal Institutions on December 31, 1982*. Population estimates from the U.S. Bureau of the Census.

The total population of State and Federal prisons increased by an average of more than 16,000 per year between 1977 and 1981

In 1981 alone, the net annual gain (37,309 inmates) was nearly 90% of the total gain from 1977 to 1980.

	Total admissions	Total releases	Net gains
1977	163,203	147,895	15,308
1978	162,574	154,484	8,090
1979	172,753	166,132	6,621
1980	182,617	169,826	12,791
1981	212,264	174,955	37,309

Average annual gain = 16,024.

The recent increases in prison population, while striking, are not unprecedented

From 1927 to 1931, for example, court admissions and conditional-release violators, two groups that account for most prison admissions, exceeded conditional and unconditional releases by an average of more than 14,000 inmates per year. By contrast, an average annual net loss of more than 10,000 inmates per year occurred between 1940 and 1944.

Between 1930 and 1981, the number of prison admissions received from courts grew by 143% from 66,013 to 160,272. During the same period, the number of males age 20-29 in the general population increased by 105%, for an average annual court commitment rate to prison of 666 per 100,000 males age 20-29. Thus, much of the change in the number of prison admissions received from courts is probably due to the growth in the number of males in the prison-prone age group. The 1980 court admission rate of 697 per 100,000 males age 20-29 is only about 5% higher than the average for the five decades since 1930.

Why are prison populations growing?

State departments of corrections attribute the increase in prison population to growth in the number of persons in the high-risk age group (age 20-29); changes in sentencing laws and practices that reflect increased interest in deterrence, incapacitation, and just deserts considerations; stricter law enforcement; and, in some cases, economic conditions.

The court admission rate has remained relatively stable, but the number of conditional-release violators admitted to prison has increased

In 1930, there were approximately 21 court admissions to prison for each conditional-release violator admitted; by 1981 this ratio had declined to 4.5 court admissions for each conditional-release violator admitted.

The growth in the number of conditional-release violators admitted to prison is obviously related to the increase in the number of persons released conditionally from prisons, an increase from about 30,000 in 1930 to 124,000 in 1981. Less obvious is the possibility that performance while on conditional release has been growing less successful or that supervision has become considerably more strict.

The ratio of conditional releases from prison to conditional-release violators admitted to prison has declined steadily. In 1930, this ratio was about 9.3 conditional releases for each conditional-release violator readmitted to prison; the same ratio was 7.4 in 1940, 4.9 in 1950, 3.9 in 1960, 3.6 in 1970, and 3.5 in 1981.

Over the 1977 to 1981 period, the proportion of conditional-release violators grew from about 13% of all admissions to prison to nearly 17%, while persons received from court declined by about 3% from 78.5% to 75.5% of all prison admissions.

Trends in jail populations are not as dramatic as those of prison populations

Over the period 1970-82, the 1-day count of jail residents increased from 160,863 to 209,582, a growth of 30%. Over the same period, the rate of confinement (the number of inmates per 100,000 general population) increased from 80 to 90 or by about 12.5%. However, if the rate is calculated on the number of males age 20-29 in the population, a decline of nearly 12% in the rate of jail confinement (from 1,106 in 1970 to 975 in 1982) would be observed. Jail populations in 1978 were slightly lower than in 1970.

These data suggest that jail populations generally have not been increasing at the rate experienced by prisons (a growth in population of more than 85% between 1970 and 1981). The reasons for such differences are not well understood but may be related to the rapid population turnover that occurs in jails. Based on 1982 data, it has been estimated that as many as 7 million admissions to jails may occur annually. If this is indeed the case, then small variations in 1-day counts probably understate the true magnitude of change over time in jail populations, activity and, most important, the number of persons who are confined in jail during a year.

Annual admissions to juvenile facilities have been declining since 1974

Over the period 1974-79, total admissions to juvenile facilities have declined by about 9.5%. Admissions to public facilities for juveniles declined by nearly 13%, while private facilities admissions increased by more than 29%.

Both public and private juvenile facilities demonstrated inconsistent patterns in 1-day counts of population over the time period. Public facilities increased such counts between 1974 and 1975 by about 2,000 and then declined by about 4,000 in 1977. Private facilities reported declines in both 1975 and 1979 over previous census counts.

Such inconsistencies between annual admissions and 1-day counts may reflect changes in length of stay. Between 1974 and 1979, length of stay in public facilities declined from an average of 118 days to 106 days. Over the same period, the length of stay in private facilities dropped 25% from an average of 349 days to 261 days. Such dramatic shifts in length of stay, particularly for private facilities, may help to account for a lower count in 1979 than in 1974 even though annual admissions were increasing.

The 1974-79 period was also marked by a rather dramatic increase in the number of public and private facilities available to house children. In 1974, there were 2,166 public and private facilities; by 1979, there were more than 2,550 facilities, an increase of nearly 18%.

In what type of facilities are prisoners held?

Confined offenders are housed in three types of facilities

• **Jails** are operated by local governments to hold persons awaiting trial or those sentenced to confinement for less than 1 year. In seven jurisdictions (Vermont, Rhode Island, Connecticut, Delaware, Alaska, Hawaii, and the District of Columbia), jails are operated by the same authority that administers the prison system. On June 30, 1982, an estimated 209,582 persons were held in local jails.

• **Prisons** are operated by State or Federal governments to hold persons sentenced under State or Federal laws to terms of confinement of more than 1 year. In both 1981 and 1982, about 4% of the population under the jurisdiction of prison systems were persons sentenced to 1 year or less or were unsentenced; about 61% of this group were in the seven jurisdictions with consolidated prison and jail systems or in Federal institutions (including more than 1,200 persons held for immigration authorities). At yearend 1982, 412,303 persons were being held under the jurisdiction of State and Federal prison authorities.

• **Community-based facilities** are operated publicly or privately (under contract) to hold persons for less than 24 hours a day to permit the offender limited opportunities for work, school, or other community contacts. Such facilities are used for a variety of purposes including specialized intervention or assistance (for example, drug or alcohol treatment), graduated release from prison—usually prior to parole—or as a sanction in lieu of prison or jail confinement. In 1979, 11,010 offenders resided in such facilities.

What are the characteristics of jails?

Number of jails	233
Facilities with populations of—	
Less than 10	1,538
10-249	1,825
250+	130
Year built	
Before 1875	156
1875-1924	732
1925-1949	768
1950-1969	1,182
1970-1978	655
Employees	70,517
% administration	25
% custodial	53
% service	9
% other	13

Source: *American prisons and jails*, vol. III, 1980.

Two out of every three local jails in 1978 housed an average of fewer than 21 inmates on a given day

In February 1978 there were 3,493 local jails in the United States, a decline of 544 from the number reported in March 1970. Of the 3,493 jails, 65% reported an average daily population of less than 21 inmates. By contrast, 4% (130) of the jails each housed more than 250 inmates.

The South, which operated about half the jails in the Nation, housed about 43% of the national inmate population on an average day in 1978. While only about 3 out of 10 jails in the Northeast housed an average of less than 21 inmates on a given day, nearly 8 out of 10 jails in the North Central States were of this size.

To varying degrees, rapid population turnover occurs in all jails. Nationally, the average population is about 10% greater on weekends than on average weekdays. However, the average population is about 20% greater on weekends than on weekdays in such States as Iowa, North Dakota, South Dakota, Nebraska, West Virginia, Kentucky, Arkansas, Oklahoma,

Montana, Idaho, New Mexico, and Alaska. By contrast, highly urban jurisdictions such as Massachusetts, New York, New Jersey, Pennsylvania, Illinois, the District of Columbia, and Maryland report less than 5% difference between average weekday and weekend populations.

Jails house diverse populations

Nationally, the jail population is composed of a mix of persons in various stages of criminal justice processing.

Among the jail inmates are persons who—

- Are awaiting arraignment or trial (the unconvicted)
- Have been sentenced to a term in jail
- Have been sentenced to prison but are awaiting transport
- Are being held in jail because of prison crowding; there were more than 8,200 such persons in 1982
- Have been convicted of a violation of probation or parole.

It is estimated that in 1982, 57% of all jail inmates were unconvicted; the other 43% had been convicted.

Community-based facilities house 4% of the population of State prison systems

Relatively few inmates (11,010) in 1979 were housed in 223 community-based facilities.

- Nearly 64% of such inmates were in Southern States; the largest number (1,873) was in Florida.
- Nearly half the facilities reported an average daily population of between 21 and 60 inmates, but about half of all inmates lived in a facility housing 41 to 100 inmates. One in nine such facilities reported that their inmate populations exceeded their rated capacities.
- Only about 16% of community-based residents reside in housing units designed for one person; 42% live in housing units for between two and four persons.
- Community-based facilities reported one employee for every 3.2 inmates, one administrative employee for every 25 inmates, one custodial employee for every 6 inmates, one clerical/maintenance worker for every 18 inmates, and one professional/technical employee for every 17 inmates.



Bureau of Justice Statistics Bulletin

Setting Prison Terms

The United States has experienced dramatic changes in the laws under which people are sent to prison and in the mechanisms that control how long they stay there. A decade ago, in most jurisdictions, the courts had primary control over who went to prison, subject to negotiations carried out in the plea-bargaining process, within broad limits set by legislative statute. The parole board controlled the length of the prison term within broad limits set by the court and by law.

This general model had many variations but was the predominant approach to setting prison terms. In the past decade, however, legislative control over the sanctioning process has increased, accompanied by concerns about sentencing disparities, doubts about the efficacy of rehabilitation, and increased interest in incapacitation and deterrence. At the same time in some jurisdictions, the judiciary and the parole boards have taken steps to formalize their control over specific components of the sanctioning process. This report covers the January 1983 status of the key forms this change has taken. They can be grouped in the following categories:

- **Determinate sentencing**—sentencing systems under which parole boards no longer may release prisoners before their sentences (minus good time) have expired;
- **Mandatory prison terms**—statutes through which legislatures require a prison term always to be imposed for convictions for certain offenses or offenders;
- **Sentencing guidelines**—procedures designed to structure sentencing decisions based on measures of offense severity and criminal history;
- **Parole guidelines**—procedures designed to structure parole release decisions based on measurable offender criteria;
- **Good-time policies**—statutes that allow for reducing a prison term based on an offender's behavior in prison; and
- **Emergency crowding provisions**—policies that relieve prison crowding by

In an earlier report, "A National Survey of Parole-Related Legislation," the Uniform Parole Reports program of the Bureau of Justice Statistics provided information on new laws affecting all aspects of parole, including time served in prison. With this report, the bureau inaugurates a new bulletin topic, "Setting Prison Terms," which focuses more sharply on one of the bureau's primary concerns—actual time served before release to parole supervision.

This first report presents the structures in place in January 1983 that determined the length of time a

August 1983

person spent in prison in each of the States, the District of Columbia, and the Federal system. This presentation provides a framework for describing future changes as they go into effect. It contains a single summary picture for each State; it does not reflect all the variations within each State.

Subsequent reports on "Setting Prison Terms" will track legislative developments and related changes made in each State by the judiciary, the parole board, and the department of corrections after January 1983.
Steven R. Schlesinger
Director

systematically making inmates eligible for release sooner.

Prison crowding and prison term policy

Prison term policies such as mandatory prison terms and determinate sentencing influence the size of prison populations insofar as they affect 1) the number of offenders sentenced to prison and 2) the length of time the offender serves in prison before release. Prison statistics show that the prison population is increasing in every State, and parole statistics suggest that the length of time served in prison is also rising. One result has been increasingly crowded State prison systems. Consequently, many States have sought ways to modify prison terms. A variety of measures have been taken. They include—

- sentencing guidelines that use available prison capacity as a consideration in setting the length of terms (such as those in Minnesota);
- mechanisms for accelerating good time; and
- direct release of certain prisoners—usually those already close to their release date—under administrative provisions

(such as the emergency crowding law in Michigan, the use of commutation in Georgia, and the early-release program in Illinois).

Control over setting prison terms

The power to set prison terms is distributed in various ways among the legislative, judicial, and executive bodies in each State. In most jurisdictions, for most convictions, it is the judge who decides whether to punish by imprisonment or an alternative. This decision may be shared in part with other actors in the judicial system. Juries, prosecutors, and defense attorneys may recommend sentences. Sometimes dispositions are worked out in advance through plea-bargaining agreements involving the prosecutor, the defendant's attorney, and often the judge as well.

If a convicted offender is to serve a prison term, the judge selects a minimum term, a maximum, or both, within the range provided by the penal code for that offense or offense class. The parole board, based on a regular review of the offender's case, determines the appro-

appropriate time for the release of the offender to the community. Versions of this model continue to exist in most States. In each State, the legislature plays an important role in defining the limits of judicial and executive (parole board) powers, restricting discretion or providing leeway to determine the amount of time a person serves in prison.

Court discretion in length of prison terms

The States vary in the degree of court and parole board discretion provided by law. The States can be described as either broad or narrow in the degree of judicial discretion over sentence length (figure 1). Court discretion is defined as narrow if the range of sentencing options available to the judge is restricted by law to less than 1/3 the statutory maximum sentence length for each offense. For example, for persons convicted of a crime carrying a 12-year statutory maximum, judges with narrow discretion must select a sentence from within, at most, a 4-year range.

Under this definition, judicial discretion over sentence length is narrow in 12 jurisdictions. In the remaining 41 jurisdictions court discretion is classified as broad, although the judicially imposed sentence may have little impact on the actual length of time an offender remains in prison.

Parole board discretion

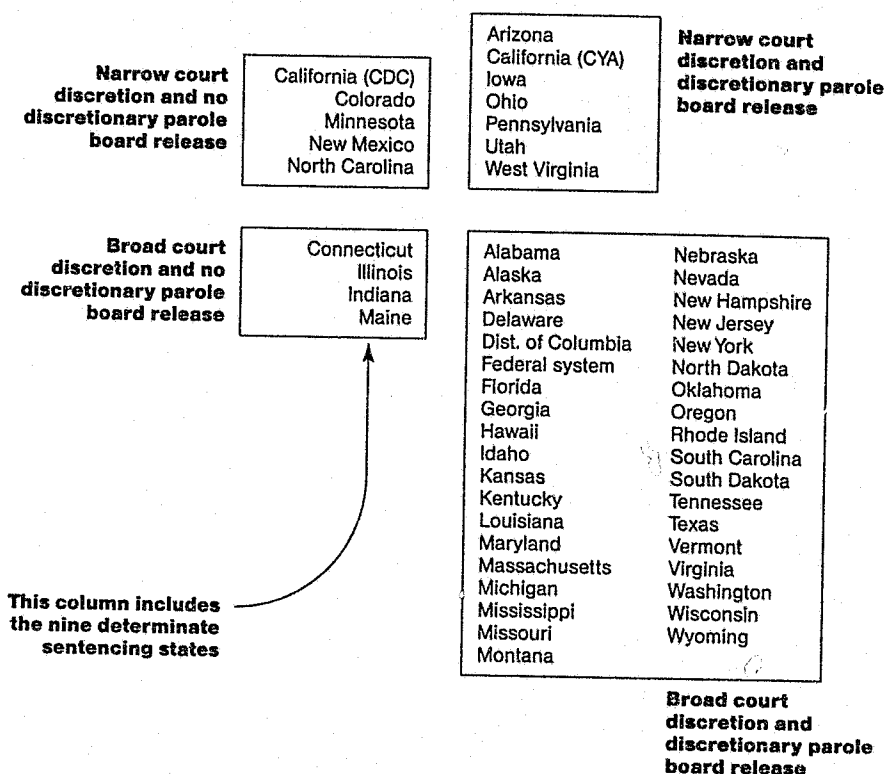
In most States, the parole board may alter the amount of time served in prison by releasing prisoners to community supervision before the maximum sentence date. In some jurisdictions the legislature has limited the releasing power of the parole board by requiring that prisoners must serve a flat minimum or proportion of the maximum sentence before becoming eligible for parole. In other jurisdictions parole board discretion is extensive—relatively unconstrained by law or not constrained at all. In cases where the discretion available to the parole board by law is broad, the board may nonetheless choose to exercise its discretion narrowly.

Forty-one States, the Federal system, the District of Columbia, and the California Youth Authority give some degree of discretion in the release of prisoners to the parole board (figure 1).¹ Where the parole board has this power, persons entering prison may have no clear idea of exactly when they will be released.

¹In some instances the California Department of the Youth Authority (CYA) has been distinguished from the California Department of Corrections (CDC). These two State agencies have separate parole boards. In addition to its juvenile commitments the California Department of the Youth Authority can accept at its discretion adult court commitments for those up to age 21; it may hold offenders up to age 25.

Figure 1

Control over the length of time a person serves in prison varies among jurisdictions



As of January 1983

Two persons receiving the same sentence may actually serve different lengths of time in prison. Thus the power of the parole board to release prisoners may diminish the role of the judge in setting prison terms. In the seven jurisdictions where judicial discretion is already relatively restricted—Arizona, California (CYA), Iowa, Ohio, Pennsylvania, Utah, and West Virginia—this parole board discretion further limits the power of the courts to influence time served in prison.

Determinate sentencing

In nine States—California (CDC), Colorado, Connecticut, Illinois, Indiana, Maine, Minnesota, New Mexico, and North Carolina—the discretionary power of the parole board to release prisoners early has been eliminated. Under the sentencing statutes in these nine States, prisoners receive fixed sentences, which they must serve in full, minus any time off for good behavior. These States are commonly known as the determinate sentencing States.

In all determinate sentencing States, parole boards continue to handle revocations and good-time decisions. Discretionary paroling may also continue in these States, to a limited extent, for persons sentenced to life imprisonment, for persons sentenced before the current

structure went into effect, or for youthful offenders.

Determinate sentencing first appeared in Maine in 1976. By 1979, six other States (California, Colorado, Illinois, Indiana, Minnesota, and New Mexico) had eliminated the discretionary releasing power of the parole board for all or most State prisoners. During the last 4 years, however, only two States, North Carolina and Connecticut, have abolished parole board discretion. The nine determinate sentencing States differ considerably in the size and nature of their correctional populations and the procedures under which prison terms are imposed.

In the four determinate States with broad judicial discretion (Maine, Connecticut, Illinois, and Indiana), the judge has great power to determine time served in prison. In Maine, statutes provide very broad ranges for four general classes of offenses (each carries a maximum but no minimum). The judge selects a single term from within that broad range, a flat sentence that must be served by the inmate. In Illinois, sentencing ranges are provided for seven classes of offenses. Extended ranges are provided for cases where aggravating factors are present. The judge selects one term from these ranges. The more serious the felony, the broader the sentencing

options. For a less serious felony such as shoplifting, the regular sentencing range is 1 to 3 years with an extended range of 3 to 6 years. For a more serious felony such as armed robbery, the regular term range is 4 to 15 years with an extended term range of 15 to 30 years.

By contrast, in the five determinate sentencing States where judicial discretion is narrow—California (CDC), Colorado, Minnesota, New Mexico, and North Carolina—the sentence prescribed by law becomes the most powerful factor in determining actual time served in prison. California law provides three specific sentencing terms for each offense or group of offenses. The middle term must be chosen in the absence of either mitigating or aggravating factors, the latter of which must be charged and proven in court. The prison term imposed must be justified by the proven facts of the case, and each case is reviewed by the Board of Prison Terms. In California, persons convicted of the same offense are likely to serve very similar periods of time in prison. Consequently, plea bargaining to negotiate the offense for which a defendant will be charged becomes particularly crucial in determining sentence lengths.

Mandatory prison terms

For a first-degree murder where the death penalty is not imposed, a prison term has always been customary, and this custom is usually written into law. Many States have identified other offenses for which a prison term is deemed mandatory, and, for these offenses, have legislatively removed the court's discretion over the in/out decision (the decision to impose a prison term or to provide an alternative such as probation, fines, or suspended sentence).

The four broad offense categories in which mandatory prison terms are most often legislated are violent crime, habitual crime, narcotics violation, and crime involving the use or possession of a firearm (figure 2). Almost all of the States have mandatory prison term statutes in at least one of these categories. For those convicted under such statutes, a judge has no choice but to impose a prison sentence.

The most common mandatory prison-term statutes are for violent crime (a category that includes murder); 43 States have such laws. Habitual-offender laws, aimed at the career criminal, are in effect in 30 States. Mandatory prison terms for narcotics and firearm offenses tend to be the result of more recent legislation. Twenty-nine States and the District of Columbia have drug laws with mandatory imprisonment provisions and 37 States and the District of Columbia now have gun laws with mandatory prison terms for certain violations.

Figure 2

Mandatory prison term statutes now exist in most jurisdictions, particularly for certain violent offenses

KEY

- V Violent crime
- H Habitual offender
- N Narcotic/drug law violation
- G Handgun/Firearm

	V	H	N	G
Federal system	—	—	—	—
District of Columbia	—	—	N	G
Alabama	V	H	N	—
Alaska	V	H	N	G
Arizona	V	H	N	G
Arkansas	V	H	—	G
California	V	H	N	G
Colorado	V	H	—	—
Connecticut	V	—	N	G
Delaware	V	H	N	G
Florida	V	—	N	G
Georgia	V	H	N	G
Hawaii	V	H	N	—
Idaho	V	H	N	G
Illinois	V	H	N	G
Indiana	V	H	N	G
Iowa	V	—	N	G
Kansas	—	—	—	G
Kentucky	—	H	—	G
Louisiana	V	H	N	G
Maine	V	—	—	G
Maryland	V	H	—	G
Massachusetts	V	H	N	G
Michigan	V	—	N	G
Minnesota	V	—	—	G
Mississippi	V	H	—	G
Missouri	V	—	N	G
Montana	V	—	N	G
Nebraska	V	H	—	—
Nevada	V	H	N	G
New Hampshire	V	—	—	G
New Jersey	V	—	—	G
New Mexico	V	H	—	G
New York	V	H	N	G
North Carolina	V	—	N	G
North Dakota	V	—	—	G
Ohio	V	H	N	G
Oklahoma	—	H	N	—
Oregon	V	—	—	G
Pennsylvania	V	H	—	G
Rhode Island	—	H	N	G
South Carolina	V	H	N	—
South Dakota	V	—	N	—
Tennessee	V	H	N	—
Texas	V	H	—	—
Utah	—	—	—	—
Vermont	—	—	—	—
Virginia	—	—	—	G
Washington	V	—	N	G
West Virginia	V	H	—	G
Wisconsin	V	—	—	—
Wyoming	V	H	N	—

As of January 1983

Statutes setting mandatory minimums are not necessarily the same as mandatory prison-term statutes. For example, a habitual-offender statute that dictates a mandatory minimum sentence or a statutory add-on term may be relevant only if the judge chooses a prison sentence. Mandatory prison-term statutes refer only to those crimes for which the court's discretion over the in/out decision has been eliminated by law.

Sentencing guidelines

In some States, the judge's decision to impose a prison term is constrained by the existence of sentencing guidelines (figure 3). Sentencing guidelines consider the relative severity of an offense along with an offender's prior criminal history and background to derive a recommended sentence for the court. Three States—Minnesota (1980), Pennsylvania (1982), and Utah (1979)—have established statewide sentencing guidelines with specific recommendations on the in/out decision as well as the length of prison terms. In Minnesota and Pennsylvania, sentencing guidelines have been approved by the State legislature and written into law. In Utah, the State court system has guidelines formulated by administrative policy. In Washington, Florida, and Maryland statewide guidelines have been legislatively ratified but in January 1983 were not yet in effect.

While the criminal statutes in virtually all States detail a general range of sentencing options deemed appropriate for any particular crime, sentencing guidelines attempt to direct the court to the available options it should choose in any given case. In each of the sentencing-guideline States, a sentence range is specified for most offenses based on the seriousness of the offense and the extent of the criminal history of the offender.

The range and form of the prescribed sentence can vary significantly from State to State, as the cases of Minnesota and Pennsylvania demonstrate. In Minnesota, a non-imprisonment alternative is the recommended sentence for most property crimes in which the offender's criminal history is not extensive. Pennsylvania guidelines, in contrast, generally specify non-confinement only for misdemeanor offenses where mitigating circumstances are involved. For normal misdemeanor cases, minimum ranges of 0 to 6 or 0 to 12 months are specified regardless of an offender's prior record. Furthermore, Minnesota sentencing guidelines provide judges with a relatively narrow sentence range for a given level of offense severity combined with a given history of criminal activity. From this range, one fixed term is chosen. Pennsylvania sentencing guidelines, however, are broad, specifying a minimum range, an aggravated minimum range, and a mitigated minimum range,

Figure 3

Three states have system-wide sentencing guidelines

<p>Sentencing guidelines are written into state statutes</p>	<p>Minnesota (1980) Pennsylvania (1982)</p>
<p>Sentencing guidelines are system-wide policy but are not written into state statutes</p>	<p>Utah (1979)</p>
<p>Sentencing guidelines may be applied in selected jurisdictions or on an experimental basis</p>	<p>Maryland (1981) Massachusetts (1980) Rhode Island (1980) Vermont (1982) Washington (1979) Wisconsin (1981)</p>

As of January 1983

from which the judge chooses a minimum term. (The maximum term is set by statute.)

A sentencing commission in each State monitors the use of the guidelines and departs from the recommended sentences by the judiciary. Written explanations are required from judges who depart from guideline ranges. The Minnesota Sentencing Guidelines Commission states that "while the sentencing guidelines are advisory to the sentencing judge, departures from the presumptive sentences established in the guidelines should be made only when substantial and compelling circumstances exist." Pennsylvania sentencing guidelines stipulate that court failure to explain sentences deviating from the recommendations "shall be grounds for vacating the sentence and resentencing the defendant." Furthermore, if the court does not consider the guidelines or inaccurately

or inappropriately applies them, an imposed sentence may be vacated upon appeal to a higher court by either the defense or the prosecution.

Six other court systems—Maryland, Massachusetts, Rhode Island, Vermont, Washington, and Wisconsin—have sentencing guidelines that currently apply only in certain jurisdictions or to a limited range of offenses. In some cases these selectively applied guidelines represent the pilot phase of a study that may eventually lead to the establishment of a statewide sentencing guideline policy.

Parole guidelines

In 14 States, the District of Columbia, and the Federal system, the discretion of the parole board to release prisoners is limited by explicit parole guidelines enacted by the legislature or voluntarily adopted by parole boards (figure 4). In

California, parole release has been eliminated for all prisoners under the authority of the California Department of Corrections except for those serving life imprisonment terms. The Board of Prison Terms applies parole guidelines to determine prison-term lengths for those prisoners. In Minnesota, parole guidelines are used only for prisoners sentenced before the advent of determinate sentencing in 1980.

Although nearly all States have legislative statutes that define general criteria for parole release, formal parole guidelines attempt to make these criteria explicit and measurable. Parole guidelines are used by parole boards to measure the presumed risk that an offender will commit additional crimes while on parole based on such factors as the offender's prior convictions, substance abuse history, and prison behavior. A decision on when to release an offender (i.e., on how long a term should be served) is then made by the parole board based upon both the presumed risk and the severity of the current offense. Most guidelines allow for exceptions to specified term lengths if mitigating or aggravating circumstances are involved. Prison behavior, either good or bad, is often considered.

**Reducing prison terms:
Good-time policies**

Good-time policies in most States significantly contribute to prison-term reduction. All but four States (Hawaii, Pennsylvania, Tennessee, and Utah) award prisoners days off their minimum or maximum terms for maintaining good behavior or participating in various prison activities or programs (figure 5). The amount of good time that can be accrued varies widely among States—from 5 days a month to 45 days a month in several States. Good time can be an incentive to encourage cooperative behavior, and can result in a major reduction of the sentenced term.

Good-time policies are often written into State statutes but may also be non-statutory system-wide correctional policies. Good time is typically awarded and administered by a State's department of corrections or by individual prison wardens.

Forty-one States, the Federal system, and the District of Columbia award good-time credit to prisoners for good behavior (figure 5). Typically, this credit is automatically awarded and subtracted from a prisoner's sentenced term at the time of prison entry and then rescinded in whole or in part for unsatisfactory behavior. In Oregon, good-behavior credit is subtracted from the maximum sentence and so does not affect a prisoner's parole eligibility date or actual time served unless the prisoner is not paroled and serves the

Figure 4

Fifteen jurisdictions have system-wide parole guidelines

<p>Guidelines for paroling decisions are written into statutes</p>	<p>Federal system (1973) Florida (1978) New York (1977)</p>
<p>Guidelines for paroling decisions are system-wide policy but are not written into statutes</p>	<p>Alaska (1981) California (CYA, 1978) Dist. of Columbia (1982) Georgia (1980) Maryland (1979) Missouri (1982) New Jersey (1980) Oklahoma (1980) Oregon (1979) Pennsylvania (1980) Utah (1979) Washington (1979)</p>
<p>Guidelines for paroling decisions are selectively applied</p>	<p>California (CDC, 1977) Minnesota (1976)</p>

As of January 1983

Figure 5

All but four jurisdictions have provisions for the administrative reduction of the length of time spent in prison

KEY

- B Reductions for good behavior
- P Reductions for program participation

	B	P
Federal system	B	P
District of Columbia	B	-
Alabama	B	P
Alaska	B	-
Arizona	B	-
Arkansas	-	P
California	-	P
Colorado	B	P
Connecticut	B	P
Delaware	B	P
Florida	B	P
Georgia	B	-
Hawaii	-	-
Idaho	B	P
Illinois	B	P
Indiana	B	-
Iowa	B	P
Kansas	B	P
Kentucky	B	P
Louisiana	-	P
Maine	B	P
Maryland	B	P
Massachusetts	B	P
Michigan	B	P
Minnesota	B	-
Mississippi	B	P
Missouri	B	P
Montana	B	P
Nebraska	B	P
Nevada	B	P
New Hampshire	-	P
New Jersey	B	P
New Mexico	B	P
New York	B	-
North Carolina	B	P
North Dakota	B	P
Ohio	B	-
Oklahoma	-	P
Oregon	B	P
Pennsylvania	-	-
Rhode Island	B	P
South Carolina	B	P
South Dakota	B	-
Tennessee	-	-
Texas	B	P
Utah	-	-
Vermont	B	P
Virginia	B	P
Washington	B	-
West Virginia	B	P
Wisconsin	B	P
Wyoming	B	P

As of January 1983

maximum term. But more often the minimum sentence is reduced by good time, so that good-time policies become a significant element in prison-term length. This is particularly relevant for States that have eliminated discretionary parole release.

A few States award good time in ways that do not reduce sentence length. In New Hampshire, for example, a number of "disciplinary days" are automatically added to the minimum term, and it is from this number that good time days are subtracted. If the prisoner accrues all of his good time, the disciplinary days will be canceled out, and his parole eligibility date will occur, as scheduled, on the completion of his minimum sentence. Otherwise, he is penalized by a delay in his eligibility date.

Good-time reductions based on positive actions of the prisoner are in effect in 33 States and the Federal system (figure 5). These reductions result from participating in various programs (work, school, rehabilitative counseling, medical research, blood donation) or from meritorious conduct (including success under minimum security). In January 1983, the California Department of Corrections eliminated automatic time off for good behavior; prisoners sentenced after that date must earn all their good time through work or school participation.

Emergency crowding provisions

Another, and slightly different, kind of prison-term reduction has come about in response to prison crowding. For example, Michigan's Emergency Overcrowding Act requires that when the prisons are over 100% capacity for 30 days, an emergency is declared, and all parole eligibility dates are moved forward by 90 days. Similar rollback schemes have been adopted by Connecticut, Georgia, Illinois, Iowa, Ohio, and Oklahoma and are pending in several other State legislatures.

Technical note

Information presented in this bulletin was sent to the Court Administrator, Parole Board Chairman, and Attorney General in each State for verification. The characterization of States is based on the laws in effect in January 1983.

Further reading

- For more information see—
- A National Survey of Parole-Related Legislation Enacted During the 1979 Legislative Session. Bureau of Justice Statistics, December 1979, NCJ-64218.
- Probation and Parole 1981, August 1982, NCJ-83647.
- Prisoners in 1982, April 1983, NCJ-87933.

Bureau of Justice Statistics Bulletins are prepared by the staff of the bureau. Carol B. Kalish, chief of data analysis, edits the bulletins. Marilyn Marbrook, publications unit chief, administers their publication, assisted by Julie A. Ferguson. The principal author of this bulletin is Jim Galvin of the National Council on Crime and Delinquency with the assistance of Brad Smith, Tanya Broder, Vince Valvano, Leslie Reiber, and David Schaitberger.

August 1983, NCJ-76218

BJS maintains the following mailing lists:

- BJS Bulletin—timely reports of the most current justice data
- Corrections reports—results of sample surveys and censuses of jails, prisons, parole, probation, and other corrections data
- Courts reports—State court caseload surveys, model annual State court reports, and State court organization surveys
- National Crime Survey reports—the Nation's only regular national survey of crime victims.

If you wish to be put on any of these lists or receive any BJS reports listed on page 6, send your—

Name
Daytime telephone number
Address

to:

Bureau of Justice Statistics
User Services Dept. 2
National Criminal Justice
Reference Service
Box 6000
Rockville, Md. 20850

MINNESOTA JAILS

Jail facilities in Minnesota are operated by county governments or jointly by county and municipal units of government. Currently there are 85 facilities throughout the state with 3,381 existing beds. Since 1973, 40 new facilities have been built in Minnesota and 16 existing facilities have been renovated.

What are the characteristics of Minnesota Jails?

Number of jails	85
Facilities with average daily populations of:	
Less than 10	35
11 - 249	48
250 -	2

No inmates are held in Minnesota Jails because of prison overcrowding.

In 1982, 23% of all adult inmates held in Minnesota's jails were sentenced, the other 77% were awaiting trial or sentencing.

What are the Characteristics of Minnesota Prisons?

MINNESOTA CORRECTIONAL INSTITUTIONS (1983)

INSTITUTION	LOCATION	YEAR OPENED	TYPE	CAPACITY	AVERAGE POPULATION	STAFF SIZE
MN Correctional Facility - Stillwater (MCF-SIW)	Stillwater	1914	Maximum Security/ adult males	1,075	1,080	452
MN Correctional Facility - St. Cloud (MCF-SCL)	St. Cloud	1889	Maximum Security/ adult males	620	630	326
MN Correctional Facility - Oak Park Heights (MCF-OPH)	Oak Park Heights	1982	Maximum Security/ adult males	400	294	303
MN Correctional Facility - Lino Lakes (MCF-LL)	Lino Lakes	1963	Medium Security/ adult males	162 (Medium Security) 40 (Minimum Security)	190	147
MN Correctional Facility - Shakopee (MCF-SHK)	Shakopee	1920	Minimum Security/ adult females	60	60	55
Willow River Camp - (WRC)	Willow River	1951	Minimum Security/ adult males	60	55	27
MN Correctional Facility - Red Wing (MCF-RW)	Red Wing	1889	Minimum Security/ Juvenile Males	145	125	121
MN Correctional Facility - Sauk Centre (MCF-SCR)	Sauk Centre	1910	Minimum Security/ Juvenile males and females	120	100	108
Thistledeew Camp (TC)	Togo	1955	Minimum Security/ juvenile males	50	40	34

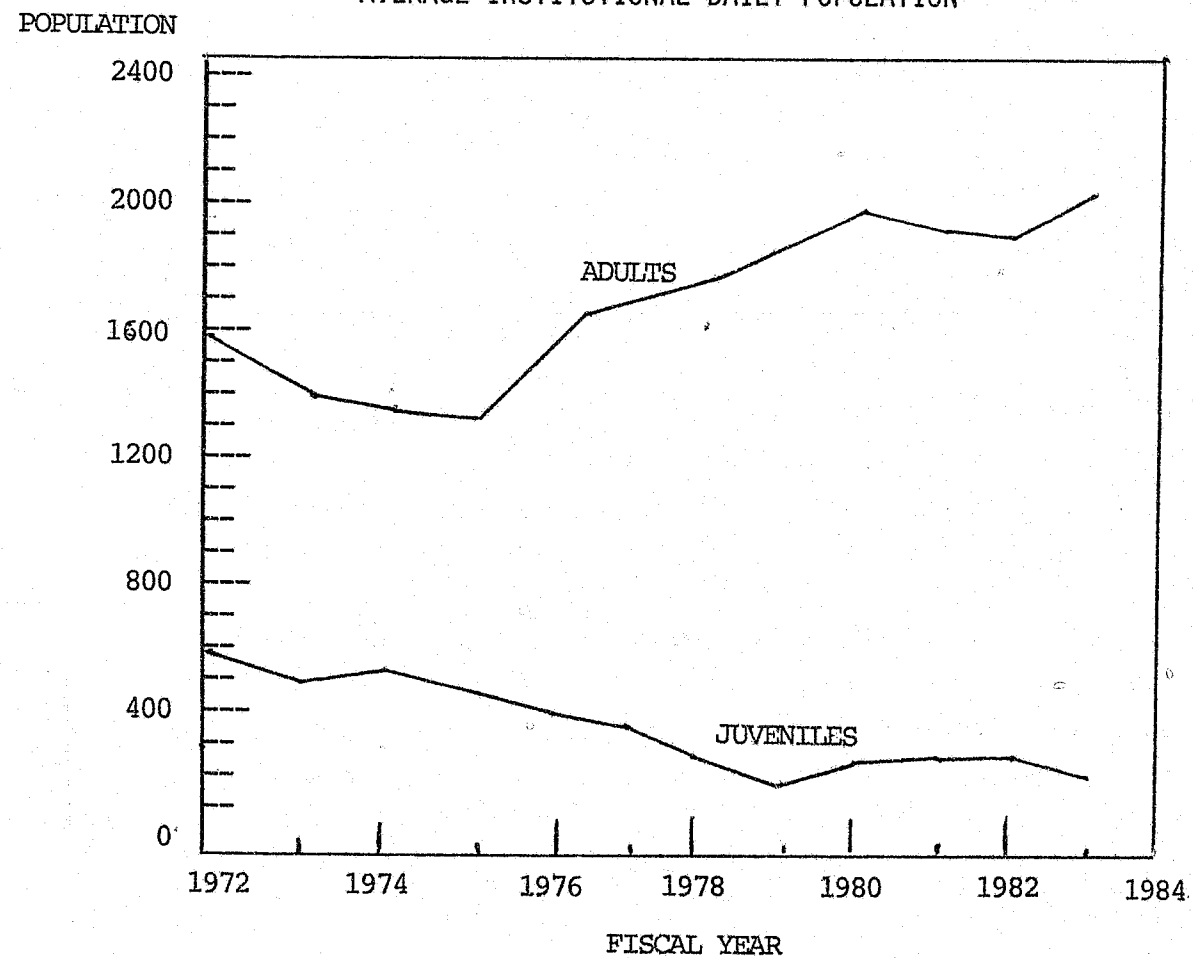
All Minnesota adult male correctional facilities have been accredited by the American Corrections Association's National Commission on Accreditation which means they are in compliance with over 450 standards relating to all aspects of institutional operation.

Some other indications that internal conditions are stable show up positively in Minnesota. At the state's largest maximum security adult facility at Stillwater, a high percentage (over 70 percent) of the inmates are working and/or involved in treatment and educational programs. There is a relatively low percentage of inmates in disciplinary segregation, protective custody, on idle status, and under medical.

The rate at which inmates return to prison after release is relatively low in Minnesota. More than 60 percent of the inmates released do not return. Of those who returned, only 17 percent came back as the result of a sentence for a newly committed crime. The remaining 20 percent returned to prison because they violated the conditions of their release--most frequently they absconded from a residential correctional program. Of those inmates released from prison, 15.3% enter community based facilities.

The Department of Corrections has contracts with 6 residential facilities to provide services to inmates released from the state prison system. In Fiscal Year 1983, 191 clients were served by facilities under contract with DOC. The average length of stay in these facilities in 1983 was 71 days.

MINNESOTA DEPARTMENT OF CORRECTIONS
AVERAGE INSTITUTIONAL DAILY POPULATION



Minnesota is fortunate in that its state correctional institutions are not over-crowded and plagued with the double-celling which confronts most other states in the nation. However, as has happened across the country, Minnesota's inmate populations have generally increased in recent years. Minnesota, which ranks 48th nationally in the numbers incarcerated per 100,000 population, has experienced an increase in average institutional daily populations from the 1,300s in mid-1970s to over 2,000 in the 1980s.

The primary cause of this upswing for both men and women inmates is an increase in the number of court commitments of offenders to prisons. In 1981 the department received about 1,000 court commitments. However, in 1982 the department received almost 1,200 commitments annually.

The impact of Minnesota's system of sentencing guidelines on recent and projected population increases is impossible to determine at this time. The guidelines, which were effective in May of 1980, outline to the state's district court judges the circumstances under which the imprisonment is appropriate as well as a presumptive term of incarceration for offenders sentenced to prison. Any departure from these guidelines require written reasons which are appealable to the state supreme court.

Source: Minnesota Department of Corrections.

FEDERAL PRISONS IN MINNESOTA

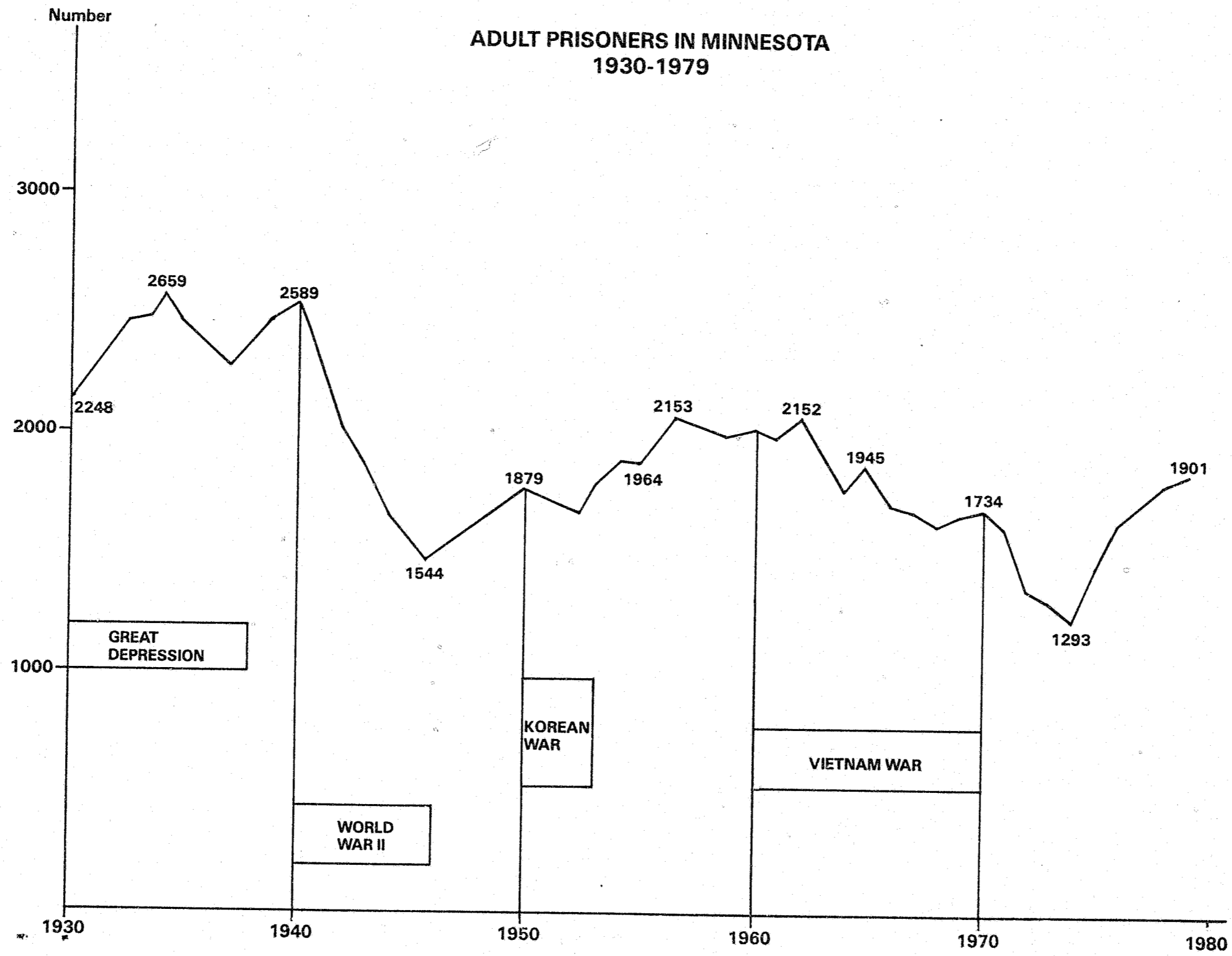
<u>INSTITUTION</u>	<u>YEAR OPENED</u>	<u>TYPE</u>	<u>CAPACITY</u>	<u>AVERAGE POPULATION</u>	<u>STAFF SIZE</u>
Sandstone	1939	Medium Security Adult males	585	625	175
Duluth	1983	Minimum Security Camp/Adult Males	500	133+	80+
Rochester	1984*	Medical and Psychiatric	500**	500**	350**

* This facility was purchased in May, 1984 only top level administrative staff have been hired. Expected opening is in late 1984 with full operation by 1985.

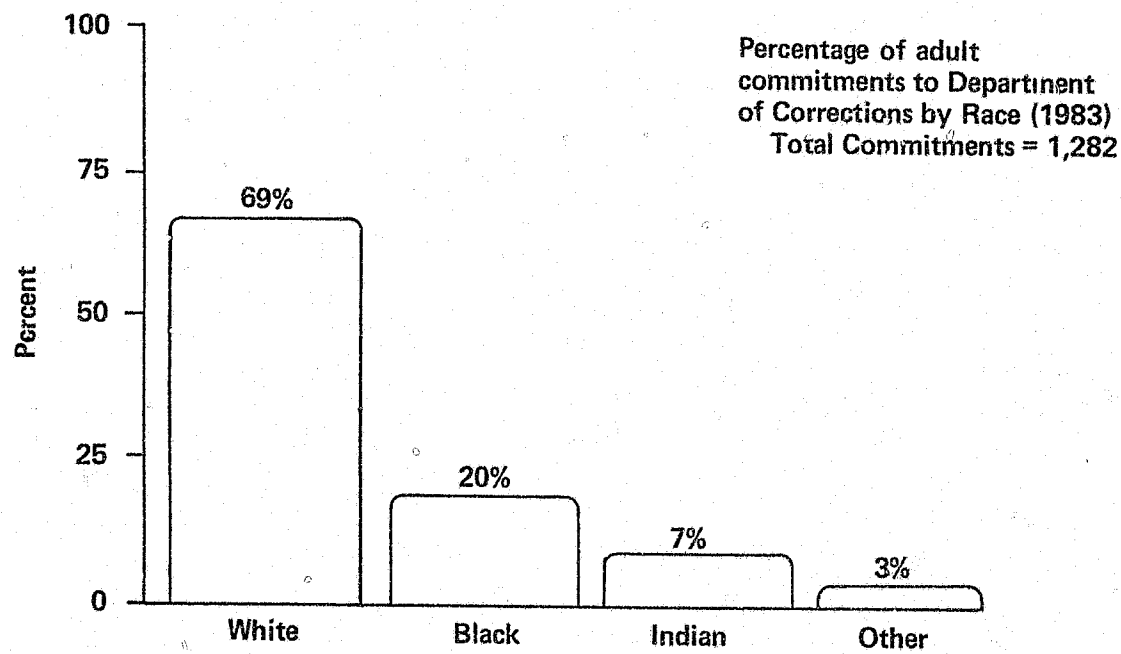
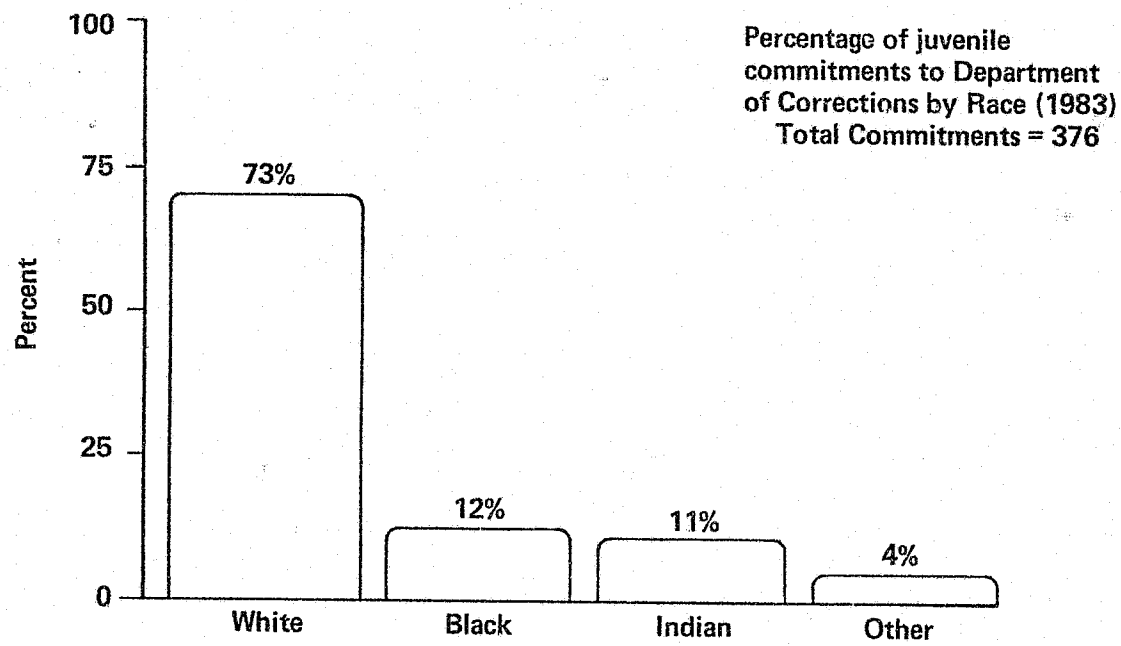
+ As of May, 1984

** Projected

ADULT PRISONERS IN MINNESOTA 1930-1979



COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS BY RACE, 1983



NOTE: Minorities of all races are 3.5% of the general population in Minnesota.

Source: Minnesota Department of Corrections
Analysis done by Minnesota Criminal Justice Program

POPULATION IN MINNESOTA'S STATE CORRECTIONAL INSTITUTIONS
(as of June 30)

	1974		1975		1976		1977		1978*		1979		1980		1981		1982	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Adults																		
White	959	74.6	1,056	74.7	1,247	74.0	1,270	74.4	1,347	75.0	1,443	74.4	1,447	72.7	1,361	70.0	1,401	66.5
Black	196	15.3	223	15.8	282	16.7	284	16.6	300	16.7	316	16.3	352	17.7	367	18.9	466	22.1
American Indian	112	8.7	115	8.1	135	8.0	122	7.2	126	7.0	153	7.9	158	7.9	164	8.4	169	8.0
Hispanic	14	1.1	13	0.9	12	0.7	14	0.8	14	0.8	23	1.2	27	1.4	38	2.0	56	2.7
Other/Not Reported	3	0.2	6	0.4	10	0.6	16	0.9	24	1.3	5	0.3	7	0.4	13	0.7	14	0.7
Total	1,284		1,413		1,686		1,706		1,797		1,940		1,991		1,943		2,106	
Juvenile																		
White	405	83.9	271	85.2	230	78.2	176	76.5	172	80.7	168	82.3	197	80.1	184	72.7	140	70.7
Black	24	5.0	10	3.1	20	6.8	15	6.5	18	8.5	13	6.4	25	10.2	34	13.4	30	15.2
American Indian	47	9.7	32	10.1	36	12.2	32	13.9	23	10.8	19	9.3	22	8.9	33	13.0	25	12.6
Hispanic	7	1.4	5	1.6	2	0.7	1	0.4	—	—	3	1.5	—	—	2	0.8	2	1.0
Other/Not Reported	—	—	—	—	6	2.0	6	2.6	—	—	1	0.5	2	0.8	—	—	1	0.5
Total	483		318		294		230		213		204		246		253		198	

*November, 1978

Source: Department of Corrections.

Juvenile and adult institutional populations changed in opposite directions. Adult inmates have increased 64% in number from 1974 to 1982, while the number of juveniles in institutions has decreased by 60%. The proportion of inmates of minority races has increased for both juveniles and adults.

Overcrowding in Prisons and Jails

library resources

Materials on this list may be borrowed for a 15-day period from the library of the Criminal Justice Program. Please call or write directly to the library and the material will be mailed to you as soon as possible.

COLORADO PRISON OVERCROWDING PROJECT: ANALYSIS OF ADMISSIONS DATA, William Woodward, Mary Maude, Working Paper #12, Prison Overcrowding Project, 10 pp., 1983, GM 2991

CONTROLLING PRISON POPULATIONS: AN ASSESSMENT OF CURRENT MECHANISMS, Robert Mathias and Diane Steelman, Working Paper #7, Prison Overcrowding Project, 33 pp., 1983, GM 2991

DATA NEEDS AND SURVEY STRATEGIES: OREGON PRISON OVERCROWDING PROJECT, Teri Martin, Working Paper #10, Prison Overcrowding Project, 10 pp., 1983, GM 2991.

THE EFFECT OF PRISON CROWDING ON INMATE BEHAVIOR, NIJ, 156 pp., 1983, GM 2649

EFFECTIVE ORGANIZATION MANAGEMENT AND FACILITATION OF OVERCROWDING POLICY TEAMS, Thomas Gilmore, Working Paper #8, Prison Overcrowding Project, 55 pp., GM 2991

ESTABLISHING CORRECTIONAL LIMITS OF GROWTH, Charles M. Friel, Working Paper #3, Prison Overcrowding Project, 30 pp., 1983, GM 2991

THE ETIOLOGY OF PRISON POPULATIONS: IMPLICATIONS FOR PRISON POPULATION PROJECTION METHODOLOGY, Kay Knapp, Working Paper #1, Prison Overcrowding Project, 6 pp., 1983, GM 2991

IN BRIEF, JAILS: INTERGOVERNMENTAL DIMENSIONS OF A LOCAL PROBLEM, Advisory Commission on Intergovernmental Relations, 41 pp., 1983, VF

JAIL OVERCROWDING AND PRETRIAL DETENTION: A PROGRAM EVALUATION (May 1979 - September 1980), EXECUTIVE SUMMARY, Denver Research Institute, 52 pp., 1981, GM 2677

JAIL OVERCROWDING: IDENTIFYING CAUSES AND PLANNING FOR SOLUTIONS - A HANDBOOK FOR ADMINISTRATORS, American Justice Institute, 117 pp., 1983, GM 2973.

MANAGING CHANGE THROUGH STATE POLICY GROUPS, Gerald Croan, Working Paper #4, Prison Overcrowding Project, 25 pp., GM 2991.

OVERCROWDED TIME, WHY PRISONS ARE SO CROWDED AND WHAT CAN BE DONE, Edna McConnell Clark Foundation, 48 pp., 1982, VF

PLANNING FOR ACTION: PHASE I OF THE PRISON OVERCROWDING PROJECT, Robert K. Yin, Working Paper #5, Prison Overcrowding Project, 81 pp., GM 2991

TABLE 9
1982 STATEWIDE OFFENSE AND CLEARANCE INFORMATION

Offense Categories	Offenses Known or Reported	Unfounded Complaints	Total Actual Offenses	Crime Rate	Total Offenses Cleared By Arrest	Cleared By Arrest of Persons Under 18
Murder/Non-Negligent	101	6	95	2	78	5
Negligent Manslaughter	12	4	8	-	4	1
Rape - Total	1,037	99	938	23	391	42
Forcible	776	79	697	17	290	27
Attempted	261	20	241	6	101	15
Robbery - Total	4,317	127	4,190	103	994	173
Firearm	1,347	31	1,316	32	364	18
Knife/Cutting	582	14	568	14	131	31
Other Weapon	240	21	219	5	50	5
Strong Arm	2,148	61	2,087	51	449	119
Assault - Total	20,834	505	20,329	498	13,206	1,501
Gun	1,005	35	970	24	625	68
Knife/Cutting	1,298	37	1,261	31	814	128
Other Weapon	930	28	902	22	638	84
Hands, Feet, etc.	728	17	711	17	481	47
Other Assaults	16,873	388	16,485	403	10,648	1,174
Assault	3,961	117	3,844	94	2,558	327
Burglary - Total	50,799	1,900	48,899	1,197	5,940	1,397
Forced Entry	31,830	1,171	30,659	750	4,030	897
Unlawful Entry	14,710	504	14,206	348	1,545	427
Attempted	4,259	225	4,034	99	365	73
Larceny - Total	118,814	2,389	116,425	2,849	24,983	7,461
Auto Theft - Total	11,099	1,280	9,819	240	2,331	604
Autos	7,539	1,071	6,468	158	1,692	427
Trucks/Buses	1,452	107	1,345	33	261	50
Other Vehicles	2,108	102	2,006	49	378	127
Arson	1,135	26	1,109	27	314	107
Part I - Total	208,148	6,336	201,812	4,939	48,241	11,291
Total (Excluding Manslaughter and Other Assaults)	191,263	5,944	185,319	4,535	37,589	10,116
Forgery/Counterfeiting	3,775	42	3,733	91	1,817	264
Fraud	15,942	172	15,770	386	10,314	78
Embezzlement	122	2	120	3	66	3
Stolen Property	1,007	21	986	24	792	151
Vandalism	49,885	596	49,289	1,206	7,294	1,189
Weapons	3,065	214	2,851	70	1,546	215
Prostitution	1,160	3	1,157	28	1,123	86
Other Sex Offenses	4,262	178	4,084	100	1,611	241
Narcotics	4,303	97	4,206	103	3,817	628
Gambling	44	6	38	1	17	2
Family/Children	2,729	288	2,441	60	1,242	16
D.U.I.	27,961	243	27,718	678	27,407	587
Liquor Laws	6,089	133	5,956	146	5,388	1,946
Disorderly	27,474	1,157	26,317	644	16,616	522
Vagrancy	124	1	123	3	95	2
Other (Except Traffic)	20,635	919	19,716	483	12,799	1,397
Part II - Total (Excluding Other Assaults)	168,577	4,072	164,505	4,026	91,944	7,427
Part II - Total *	185,450	4,460	180,990	4,429	102,592	8,601
Grand Total	376,725	10,408	366,317	8,965	140,185	18,717

*St. Paul Police Department does not report Part II offenses (Simple Assault only).

Source: Minnesota Crime Information 1982, Bureau of Criminal Apprehension, Criminal Justice Information Systems Section, Department of Public Safety.

END