



IES:



120780

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by  
**National Conference of State  
Legislatures**

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**ACKNOWLEDGMENTS**

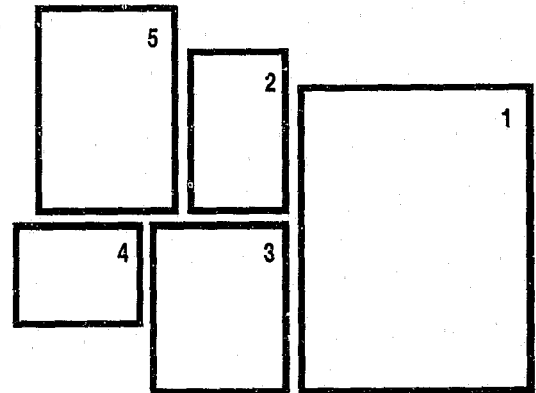
The authors gratefully acknowledge the input of the following people who read and commented on drafts of this report or provided data:

- James Austin, National Council on Crime and Delinquency
- Kay Knapp, Institute for Rational Public Policy
- Nicholas Demos, Bureau of Justice Assistance
- Cindy Simon-Rosenthal, LSR Management Consulting
- Steven Gold, Martha Fabricius, and Barbara Foster, National Conference of State Legislatures
- Stephen A. Carter, Carter-Goble Associates, Inc.
- Mary Fairchild, Consultant

Others who provided special assistance include Annette Durlam for her word processing and Laura Saiber Ehrlich for her design work.

Special thanks also go to Sharon Schwach for editing the manuscript.

This grant was partially funded through the Prison Capacity Program of the Bureau of Justice Assistance, Office of Justice Programs, United States Department of Justice and the National Council on Crime and Delinquency. Points of view or opinions stated in this publication are those of the authors and do not necessarily represent the official positions of the National Conference of State Legislatures or the United States Department of Justice.



**PHOTO REFERENCES**

1. Colorado Territorial Correctional Facility, Canon City, Colorado. Photo courtesy of Janet Beardsley.
2. Georgia State Prison, Reidsville, Georgia. Photo courtesy of Christian/Farr.
3. Colorado Territorial Correctional Facility, Canon City, Colorado. Photo courtesy of Janet Beardsley.
4. Photo courtesy of Laura Saiber Ehrlich.
5. Colorado Territorial Correctional Facility, Canon City, Colorado. Photo courtesy of Janet Beardsley.

State Legislatures and Corrections Policies: An Overview was written by Barbara Yondorf, director, Research and Program Development, and Kae M. Warnock, research assistant, Criminal Justice, National Conference of State Legislatures (NCSL). May 1989

## INTRODUCTION

Half of the convicts in Colorado's overcrowded prison system are in the wrong place. Massive overcrowding, which has filled every bed in the state's already inadequate system, has "massacred" the state's already inadequate system. . . . [16, p.1]

The state of Florida is facing a corrections crisis of monumental proportions. . . . In the 1987-88 fiscal year, 30,664 persons were admitted to Florida prisons. By 1992-93, admissions are projected to grow to over 60,000 annually. . . . Construction costs alone could easily exceed one billion dollars and the cost of operating these prisons will surpass the cost of construction within two to three years. [14, p. 1]

Across the country, in state after state, legislators and corrections officials are trying to manage correctional systems that to many seem out of control. Prisons are overcrowded, incarceration rates in most jurisdictions are climbing, and state and local corrections budgets are swallowing up more and more dollars. Sentencing practices have come under increasing attack for being inequitable and inconsistent, and for making inefficient use of limited correctional resources. Both institutional and community-based correctional administrators are handling more and more offenders without concomitant increases in resources. What are some of the facts?

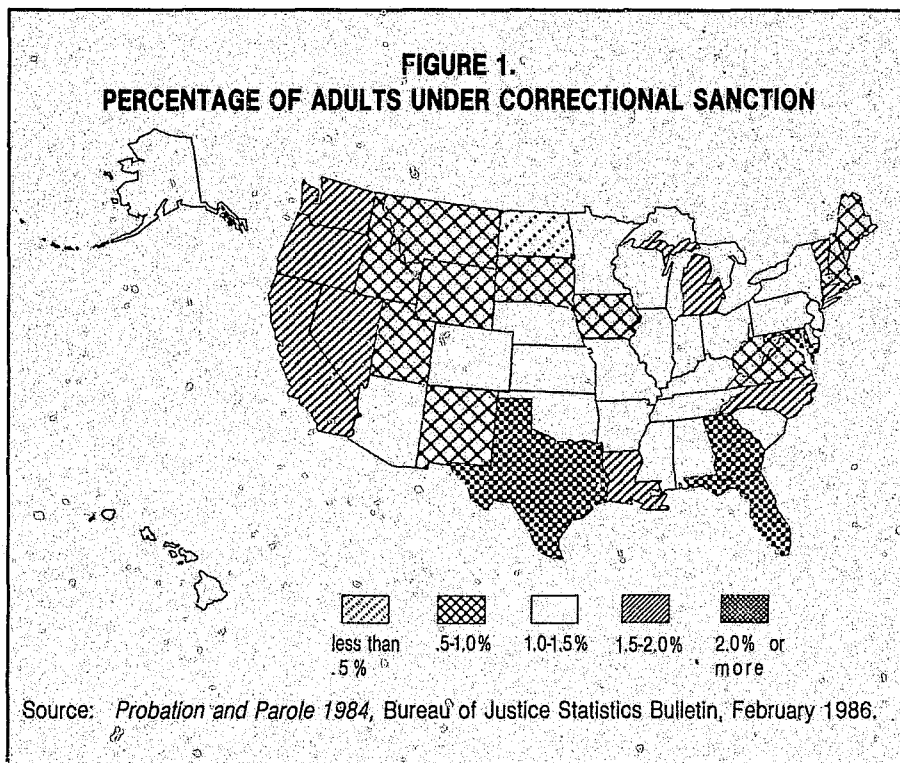
- Since 1980, the number of people held in state and federal penal institutions has increased 76 percent. During the first six months of 1988, 23,140 prisoners were added to the state and federal prison systems—equivalent to the need throughout the country for 900 new beds every week.
- One of every 52 adults, or more than 1.9 percent of the adult U.S. population, is under some form of correctional sanction. [28] (Figure 1 gives a state-by-state breakdown of the percentage of adults under such sanction.)
- As of June 30, 1988, 555,666 adults were in state prisons. [25] By the end of 1987, approximately 2.2 million adults

were on probation, and 360,000 were on parole. [28] (See Table 1.)

- Corrections expenditures have been one of the fastest rising components of state budgets for the past decade. Between 1976 and 1987, state spending on corrections per \$100 of personal income increased over 170 percent. This was a faster rate of growth than for spending on education, public welfare, hospitals and health care, highways, or police protection. (See Table 2 for a comparison of these areas from 1960-1985.)
- Facilities in 37 states, the District of Columbia, Puerto Rico, the Virgin Islands, and numerous local governments were under court orders as of January 1989 to remedy conditions in their prisons and jails. [21, p. 7]
- Overall, state prisons were operating at 120 percent of design capacity as of December 1987. [27, p. 5] In 1985, 19 states reported more than 18,000 early emergency releases because of crowding.
- The number of offenders sentenced to

state prisons increased from 139 to 237 per 100,000 U.S. population between 1980 and 1988. [25] (See Figure 2.)

- After declining for several years, crime rates have been on the increase since 1984. In 1984, 5,031 crimes were committed per 100,000 population; by 1987 the rate had climbed 10 percent to 5,550. [8] (See Figure 3.)
- Whether there has been any significant change in violent crime rates—the type of crime about which the public cares most—is not clear. The U.S. Bureau of Justice Statistics reports a 14 percent *decline* in the number of violent crimes per 1,000 persons 12 years and older between 1981 and 1987. [24] However, the Federal Bureau of Investigation reports a better than 17 percent *increase* in reported violent crimes per 100,000 population between 1983 and 1987. [8] These differences are explained, in part, by the different ways in which each agency collects its data. [29, p. 11]



**TABLE 1.  
PRISONERS UNDER JURISDICTION OF STATE AND FEDERAL  
CORRECTIONAL AUTHORITIES**

	Total Prisoner Population <sup>a</sup> 6/30/88	Percent Change from 6/30/87 to 6/30/88	Number of Sentenced Prisoners, Per 100,000 Population on 6/30/88 <sup>b</sup>
<b>U.S. Total</b>	<b>604,824</b>	<b>6.0%</b>	<b>237</b>
Federal Institutions	49,158	3.2	17
State Institutions	555,666	6.2	220
Male	573,090	5.8	462
Female	30,834	8.6	23
<b>Northeast</b>	<b>93,129</b>	<b>7.5</b>	<b>176</b>
Connecticut	7,924	7.8	145
Maine	1,240	0.3	106
Massachusetts	6,603	9.0	112
New Hampshire	978	14.7	90
New Jersey	14,323	9.1	186
New York	42,251	6.2	237
Pennsylvania	17,242	8.5	144
Rhode Island	1,684	16.9	104
Vermont	784	0.1	98
<b>Midwest</b>	<b>116,104</b>	<b>7.8</b>	<b>194</b>
Illinois	20,554	3.1	177
Indiana	11,155	6.0	198
Iowa	2,890	3.2	103
Kansas	6,018	6.3	242
Michigan	26,133	17.0	282
Minnesota	2,707	9.8	63
Missouri	11,922	7.0	232
Nebraska	2,165	5.0	128
North Dakota	458	3.9	60
Ohio	25,051	7.4	232
South Dakota	964	-17.8	136
Wisconsin	6,087	4.3	126
<b>South</b>	<b>227,878</b>	<b>3.4</b>	<b>260</b>
Alabama	12,190	-0.7	291
Arkansas	5,505	10.0	229
Delaware	3,112	4.9	352
District of Columbia	8,685	13.3	990
Florida	33,681	2.8	272
Georgia	18,686	2.7	282
Kentucky <sup>c</sup>	6,855	*	184
Louisiana	15,692	2.4	355
Maryland	13,917	4.1	288
Mississippi	7,065	0.4	254
North Carolina	17,295	2.0	251
Oklahoma	10,133	2.8	313
South Carolina	13,168	5.8	356
Tennessee	7,653	-0.6	156
Texas	39,652	2.7	235
Virginia	13,419	1.1	217
West Virginia	1,170	-24.9	62
<b>West</b>	<b>118,555</b>	<b>9.3</b>	<b>226</b>
Alaska	2,497	3.3	349
Arizona	11,850	12.4	330
California	72,121	11.4	247
Colorado	5,105	27.4	154
Hawaii	2,290	1.9	136
Idaho	1,524	3.7	153
Montana	1,239	5.6	155
Nevada	4,574	-1.8	437
New Mexico	2,766	5.3	176
Oregon	5,756	10.5	210
Utah	1,932	3.3	113
Washington	5,956	-9.7	129
Wyoming	945	2.7	200

a. The total prisoner population includes those sentenced to more than 1 year (referred to as "sentenced prisoners") and those with sentences of 1 year or less or no sentences. Prisoner counts may differ from those reported in previous publications and are subject to revision as updated figures become available.

b. The rate per 100,000 residents is based upon the number of prisoners with sentences greater than 1 year.

c. Comparison of 6/30/88 data with previous population counts is limited by changes in groups included.

\* Population counts are as of July 1, 1988, and incorporate state-sentenced prisoners held in local jails and awaiting pick-up. Such prisoners were excluded from previous counts.

Source: Press Release, Bureau of Justice Statistics, September 1988.

What these sobering statistics suggest is that we have a corrections system that is seriously out of balance. The corrections problems facing the states today are a direct result of uncoordinated and sometimes inconsistent policies. Most important, many states have enacted sentencing legislation that has resulted in greater incarceration rates and sometimes longer sentences, without allocating sufficient resources to meet the need for new prison capacity arising from these policies. Between 1979 and 1984, while there was a 45 percent increase in the number of inmates nationwide, there was only a 29 percent growth in prison space. [26, p. 4]

Lack of consistent, coordinated corrections planning and policy development in many states has led to crowded prisons, prisoners being backed up in local jails, inappropriate placement of offenders, inadequate services for people in prison and community corrections programs, and the all but routine use of so-called emergency release measures.

Legislators are clearly in the thick of the debate about correctional policy. They play a role in determining:

- The kind of punishment—incarceration versus community corrections (probation, fines, and so on).
- The duration of the punishment—one week, 20 years, life imprisonment without parole.
- Who gets punished—murderers, drunk drivers, shoplifters, car thieves, sex offenders.

Although state departments of corrections and parole boards are executive branch agencies, they must operate within the parameters set by the legislature. The legislature may make determinations such as:

- Whether offenders can get credit for "good time" (shortening the sentence for good behavior) and how much can be earned.
- The amount of discretion parole boards have, for instance, to accelerate or limit parole releases (i.e., accelerated use of house arrest, work furloughs).

**TABLE 2.**  
**PER CAPITA SPENDING BY STATE AND LOCAL GOVERNMENTS**  
**FOR SELECTED FUNCTIONS**  
**(in constant 1985 dollars)**

	1960	1965	1970	1975	1980	1985	Percent Change 1960-85
Education	\$517	\$588	\$710	\$807	\$824	\$807	+56%
Public Welfare	95	120	209	268	292	300	+216
Hospitals and Health Care	95	113	148	182	193	208	+119
Highways	239	260	247	204	189	189	-21
Police Protection	51	58	70	83	82	88	+73
Corrections	17	21	25	32	38	54	+218

Sources: *Historical Statistics of Governmental Finances and Employment Census of Governments 1977 and 1982. Governmental Finances in 1979-80 and 1984-85*, U.S. Bureau of the Census.

■ The circumstances under which prisoners may or may not be released before their sentences are completed in order to respond to prison overcrowding.

Legislatures appropriate the money to pay for all aspects of corrections. In FY 1987, the 50 states spent more than \$11.7 billion on corrections, including \$9.4 billion for current operations, \$1.4 billion on construction, and \$0.9 billion on intergovernmental aid. [23, p. 11]

A number of legislatures are under strong public pressure to get tougher on crime. For example, in the 1988 elections, six states had questions on the ballot designed to restrict or eliminate parole, or increase bail requirements or allow bail to be denied under certain circumstances. (The states were California, New Mexico, Oklahoma, Oregon, Rhode Island, and Utah. All measures passed.) This call to get tougher on crime usually involves increased state expenditures. However, a number of states are having a difficult time keeping their budgets balanced, and little support exists for increased taxes.

There is no "silver bullet" for dealing with the problems confronting state corrections systems. Some states have tried to build their way out of their corrections problems by sinking hundreds of millions of dollars into massive new prison construction programs.

This policy not only has proved to be very expensive, but trying to build prisons fast enough to keep up with rising incarceration rates also seems to be a losing proposition. For example, some states, such as California, now project that prisons will be more crowded after their massive construction programs are over. Moreover, it is not clear that increasing incarceration affects crime rates. According to Linda Adams, director of the National Jail and Prison Overcrowding Project,

Look at the statistics in any state. Statistics show that incarceration as a sole response will not reduce crime, and lead us to question whether prison expansion can really have any substantial effect on crime prevention. Incarceration and crime rates go up and down irrespective of each other. [12, p. 6]

What states need to do is to take a balanced approach to the administration and management of their corrections systems. They need to create and make efficient use of a continuum of correctional programs. Those who present the most serious threat to public safety—the violent criminal and serious recidivists—clearly should be under the most intensive supervision, in most cases in prison. Limited prison capacity should be reserved for the more serious offender.

The good news is that several states, such as Minnesota and Washington, have moved toward the development of balanced corrections systems and coordinated corrections policies. The result has been a more efficient use of limited resources, a better ability to foresee and plan for problems in the system, and a reduction in sentencing disparities, while still heeding the public's demand for public safety and appropriate punishments.

The purpose of this paper is to discuss several of the key elements of a sound corrections policy and to highlight successful state experiences. The elements include:

- (1) Sentencing reform;
- (2) Comprehensive community sanctions;
- (3) Prison construction cost containment;
- (4) Moderation of prison lengths of stay;
- (5) Coordination of state and local funding for corrections; and
- (6) Integration of corrections population forecasts and fiscal impact statements into legislative policy development.

This is not a comprehensive list; there are a number of other important elements of a comprehensive corrections policy, including a sound risk assessment system, parole guidelines, a good prisoner classification system, and well-trained corrections managers and personnel—to name just a few. The purpose of this report is not to take a comprehensive look at state corrections policies nor is it to look exhaustively at the policies and programs that are included. Rather, it is to review some of the key tools, policies, and programs that legislatures should use in tackling their corrections problems.



## SENTENCING REFORM

Sentencing is the key to the distribution of correctional resources. According to Kay Knapp, director of the Institute for Rational Public Policy and former director of the Minnesota Sentencing Guidelines Commission, "Regulating sentencing practices can also mean regulating costs." [17, p. 15]

Sentencing policies determine who receives what kinds of sanctions and for how long. Sentencing policies establish the amount of discretion courts have in selecting among different sanctions. Sentencing policies determine who really controls the length of time an offender spends in prison: the legislature, judges, department of corrections, or parole board.

Clearly, sentencing policies can lead to an efficient or inefficient use of limited corrections resources. For example, most would agree that the first priority of prison use should be for violent offenders who present a threat to public safety. Yet, studies in several states have shown that a large percentage of those in prison are nonviolent property offenders who could safely be placed in rigorous community corrections programs, opening up more prison beds for the violent offender. Only 30 percent of those now sent to prison have been convicted of crimes of violence. [11, p. 12]

Sentencing policies have come under increasing fire from a number of different critics in recent years. Commonly heard criticisms are that sentencing policies more often than not result in serious inequities (two people charged with the same crime get very different sentences); there is a lack of proportionality in sentencing (the length of the sentence does not always reflect the seriousness of the crime); a number of people being incarcerated at great cost to society could be in alternative corrections programs at much less cost and no more threat to public safety; too often violent offenders are serving only a fraction of their prison terms; and sentencing laws are passed without enough thought to the impact on a state's prison capacity.

To respond to these criticisms, several states have undertaken a detailed review of the

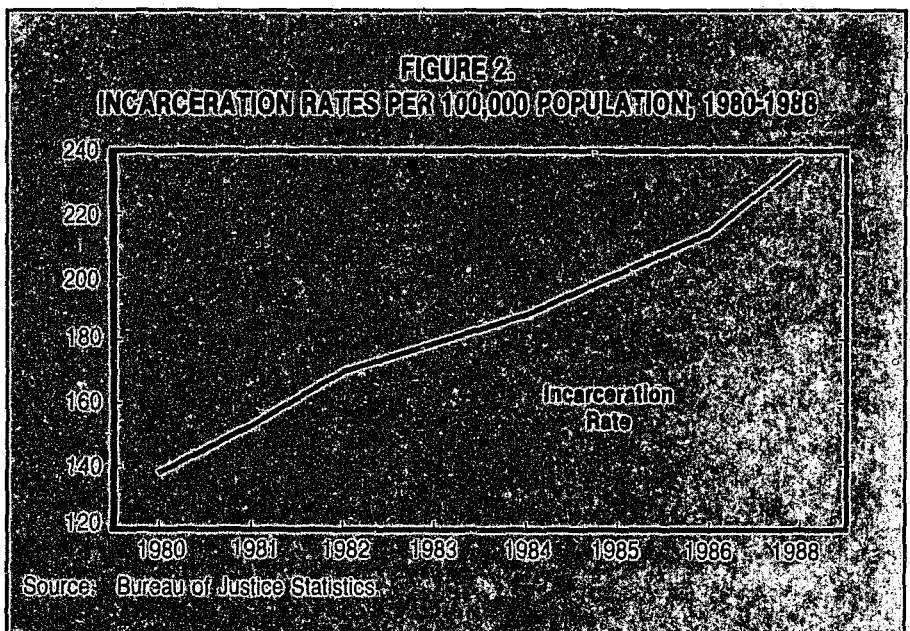
array of state policies that deal with crime and sentencing and initiated comprehensive reforms of their sentencing and/or parole policies. Among the most noteworthy of the approaches states have taken is to set up structured sentencing systems.

Structured sentencing presents an opportunity for states to gather information about sentencing practices and correctional resources and to develop a statewide sentencing policy that reflects the attitudes and mores particular to that state. Structured sentencing also encourages states to take a look at how best to use current criminal justice resources and where to invest additional dollars. There are four essential features of structured sentencing systems:

- (1) A detailed policy that ties the severity of a sentence to the offense committed, the criminal history of the offender, and aggravating and mitigating circumstances associated with the criminal act;
- (2) Guidelines for sentencing that transfer authority for the actual length of sentence from administrative agencies to judges;
- (3) A plan for monitoring the system's sentencing practices; and
- (4) A mechanism, such as appellate review, to enforce the policy.

Sentencing commissions are an essential element in setting up structured sentencing systems. Sentencing commissions, which usually include representatives from the three branches of government plus citizen members, develop the details of a structured sentencing system, do research and gather necessary information, follow up continually after implementation of the new guidelines, and fine-tune the system. These commissions also see that the people necessary to ensure successful passage and implementation of the guidelines (e.g., legislators, judges, corrections officials, prosecutors) are involved in and support the new guidelines.

Minnesota and Washington are examples of states that have structured sentencing laws. Louisiana, Oregon, and Tennessee have statutory commissions to develop sentencing plans, and several states, such as Kansas, are considering legislation. After much revision, guideline proposals are to be submitted to legislatures in Oregon and Tennessee during the 1989 sessions. New Mexico and Louisiana are gathering data to develop guidelines for future legislative review. Other states, such as Delaware, Florida, New York, Maine, Pennsylvania, and South Carolina, also have set up sentencing commissions; some have failed, and others are at work.



Developing structured sentencing is a tough assignment. Sentencing reform redefines discretion, autonomy, and resources for all major actors in the criminal justice system. The process requires a lot of time, research, patience, and above all, compromise. If leadership and commitment are not present from all three branches of government, the commission process may break down, result in an incomplete product, and be difficult to implement. Lack of commitment to the process and unwillingness to compromise account for many failed attempts to develop statewide sentencing guidelines.

When Minnesota first tackled sentencing reform in the late 1970s, it became the first state to use a commission to develop sentencing guidelines that were reviewed by the legislature and enacted into law. The Minnesota sentencing guidelines work to: eliminate discrepancies in punishment, basing sentences on the severity of the crime and the offender's criminal history; address who should go to prison and who should receive supervision in the community; treat correctional facilities as finite resources, thereby reserving incarceration for serious offenders; place discretion over sentence length with judges, rather than with a parole board; and provide certainty and truth in sentencing so the actual length of sentence

to be served is known when it is imposed.

In 1981, Washington looked at Minnesota's program and adapted the plan to meet its own needs. Washington lawmakers wanted to end disparity in sentencing and alleviate prison crowding.

Washington's criteria for its new system were that it be just, equal, and certain, and that punishment be tied to available resources. As in Minnesota, its sentencing grid looks at the seriousness of the crime and the history of the offender. In both states, judges choose a sentence within a certain range and, in exceptional cases, are allowed to deviate from the grid (but subject to appellate court review).

As of June 1986, Washington's prison population was down by 1,074 more inmates than had been predicted (6,981 as opposed to a projected 8,055). And inmates were more likely to be violent offenders as opposed to property offenders. Before the law passed, 46 percent of those convicted of violent offenses were sent to prison, now 63.5 percent are. At the other end of the scale, nonprison sentences are also up; 90 percent of those convicted of nonviolent crimes received alternative sentences, such as supervision and work in the community, weekend jail and work release,

and home detention and electronic monitoring, as compared with 84 percent in 1982.

Issues around crime and punishment do not disappear with the passage of sentencing guidelines. Structured sentencing takes the system one step further by maintaining an on-going commission and staff. The commission and staff continue to gather information and monitor the impact of the guidelines on correctional resources, judicial compliance with the guidelines, and other issues including racial bias. This information is particularly useful to legislatures in considering policy changes. Ultimately, an on-going commission can help legislatures improve correctional planning.

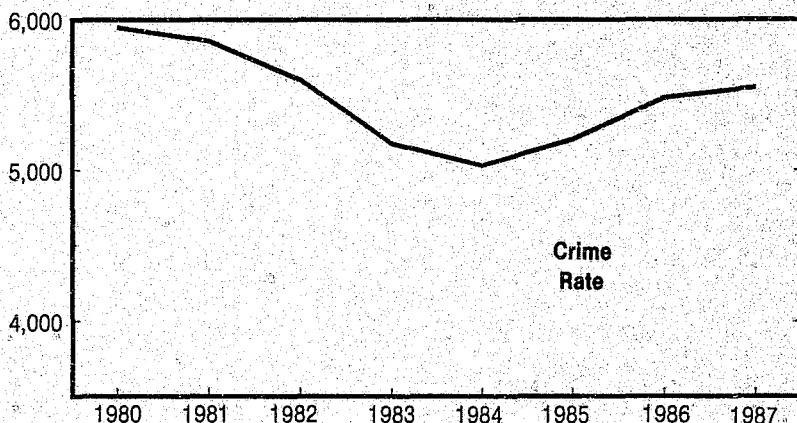
For example, while prison populations in Washington initially were reduced under the guidelines, future populations are projected to increase because of policies specific to the guidelines. The advantage of structured sentencing is that policymakers know this information in advance and can plan accordingly.

Studies of the Washington and Minnesota experiences show that both states' guidelines systems achieved high compliance rates; both systems apparently succeeded in changing sentencing patterns; and the lengths of sentences received by imprisoned offenders increased in Minnesota. There are also indications that prosecutors in these two states have changed bargaining and charging practices in an effort to circumvent the guidelines, with some success. [22, p. 60]

Sentencing guidelines are not a panacea for all the ills of the corrections system. Although guidelines have been successful in reducing sentencing disparity, making sentencing criteria more explicit and setting in place, via the sentencing commission, a capability for states to monitor sentencing practice and anticipate the potential for crowding in the future, the long-term impact of guidelines on prison crowding is less clear.

Both Washington and especially Minnesota anticipated that guidelines would represent a long-term solution to crowding.

**FIGURE 3.**  
**CRIME RATES PER 100,000 POPULATION, 1980-1987**



Source: Federal Bureau of Investigation Uniform Crime Reports.

And, initially, they have met this objective. However, as the same political pressures that initially led to the crowding increase, gradual structural changes reflecting these pressures are occurring which may erode the original purposes of the guidelines.

Furthermore, guidelines can be designed purposefully to increase population as was the case in Pennsylvania. [1, p. 80]

By providing varying degrees of punishment and recognizing that prison facilities are a finite

resource, structured sentencing can reduce the likelihood that serious offenders will receive probation and increase the chance that they will be imprisoned.

## COMMUNITY SANCTIONS

Community corrections programs handle by far the largest proportion of convicted offenders across the United States. (See Figure 4.) Three-fourths of all offenders are in community corrections programs. Of these, about 13 percent are on parole and 87 percent are on probation. Probation is a sentence under which the court imposes a variety of conditions (e.g., treatment, fines, community service, restitution, residential placement) and retains authority to resentence for violation of these conditions. Parole is not a sentencing option but refers to the conditions under which an offender is released from an institution and may be subject to reincarceration for violations.

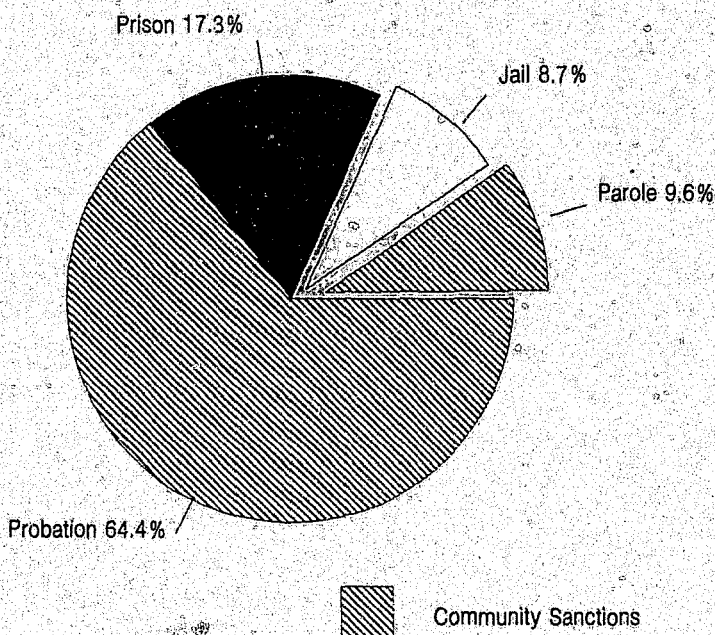
By the end of 1987, 2.2 million adults were placed on probation and about 357,000 adults were under parole supervision. The number of persons under community corrections supervision is at an all-time high. The nation's adult probation population increased by 41.6 percent between 1983 and 1987; during this same period, the parole population increased by 47 percent. By contrast, prison and jail populations increased 32.6 percent. [28]

Excluding unconditional release, fines, suspended sentences, or incarceration, community corrections encompasses a wide variety of sanctions. These range from community residential programs, intensive supervision, and house arrest at one end, to standard probation, community service, and restitution at the other. (See Figure 5.) Community corrections includes strategies to sanction offenders deemed safe enough to be supervised in the community.

Because of the vast numbers of offenders who must remain in the community, it is critical that states have strong community corrections programs. Moreover, because community corrections administrators deal with such a wide range of offenders—from convicted rapists

who are on parole to shoplifters on probation, it is important that states and localities have a wide range of community corrections programs and services that provide varying levels of supervision.

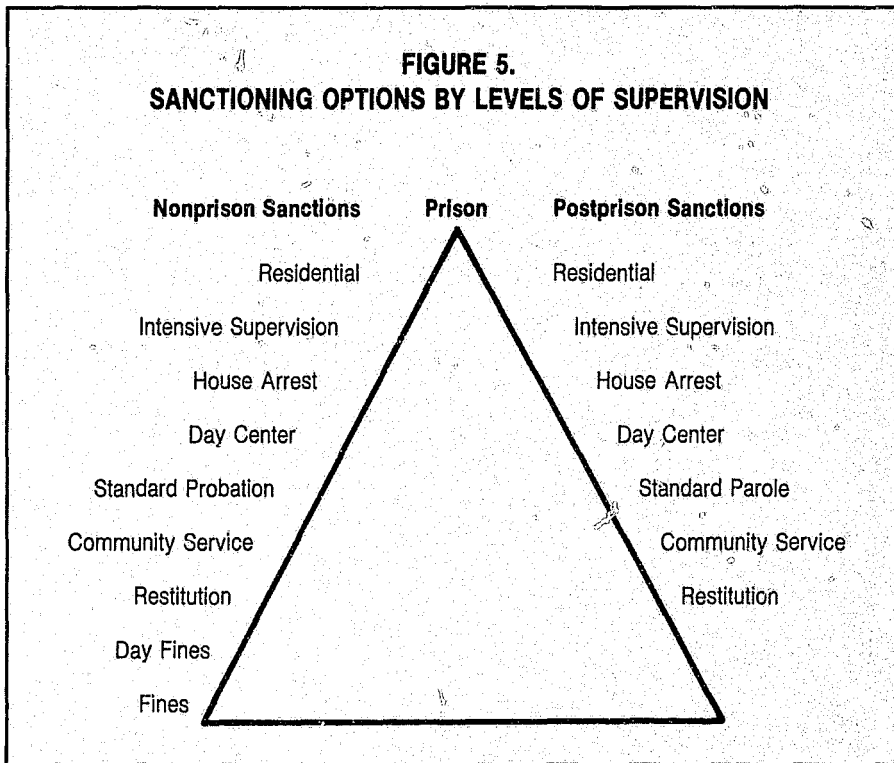
**FIGURE 4.**  
**ADULT CORRECTIONAL POPULATIONS, UNITED STATES, 1987**



Source: U.S. Department of Justice, *BJS Annual Report, Fiscal 1986* (Washington, D.C.: Bureau of Justice Statistics, April 1987), p. 41.



**FIGURE 5.**  
**SANCTIONING OPTIONS BY LEVELS OF SUPERVISION**



Community corrections programs are under pressure to meet a variety of objectives, not all of which can always be met simultaneously. These programs may be expected to punish the offender; try to habilitate or rehabilitate the offender; protect the public by keeping the offender from committing any crimes while under supervision; get the offender to repay some of his debt to society through restitution and/or community service; assist the offender's reintegration into society by, for instance, getting a job or enrolling in a job training program; and keep down total correctional program costs. Some also see relieving prison or jail crowding by diverting more people from prison or releasing them earlier to community corrections programs as a major objective.

To meet public expectations while handling an ever-growing population of people on probation and parole, states are moving away from a reliance solely on traditional probation and parole programs to the development of a wide array of community-based correctional sanctions with varying levels of supervision. In particular, states are developing programs that call for closer supervision of offenders

(e.g., intensive probation or house arrest with electronic monitoring). This move has been prompted by several factors, but probably the most important is that traditional probation, originally designed as a way to supervise first-time offenders and misdemeanants, is ill-equipped to deal with many of the felony offenders who are placed under community supervision. Today about half of those sentenced to probation are convicted felons, and research suggests that some felons require much greater control and supervision than is possible under existing probation caseloads.

Many states have established innovative community corrections programs. Brief descriptions of some of the most noteworthy follow.

- Intensive supervision probation/parole (ISP), used in at least 40 states, is a systematic effort to target offenders who, with rigorous monitoring, can be successfully sentenced or paroled to community supervision, in some cases alleviating prison crowding. For example, in Iowa, where four judicial districts are experimenting with ISP, the supervision standards are six times more

rigorous than under traditional probation. New Jersey's ISP accepts applications from persons sentenced to prison who have served at least 30 but not more than 60 days of their sentences. The program has accepted 600 offenders into the ISP program since 1983. While in the program, 95 percent of the ISP participants remained employed and 97 percent attended treatment programs. [15, p. 20] Georgia's intense probation program requires participants to have five face-to-face contacts per week with a surveillance officer, 132 total hours of mandatory community service, mandatory employment, a weekly check of arrest records, and routine and unannounced alcohol and drug testing.

- House arrest restricts an offender to the home at all times, except for specific approved or prescribed activities such as employment or community service. Florida has made extensive use of house arrest, sentencing approximately 10,000 offenders to the program since 1983. Of the 10,000 offenders, 1,508 had their home confinement revoked and were returned to prison.

- Electronic monitoring is not a community sanction per se; rather, it is a device that can be used to enhance supervision. In particular, electronic monitoring may be used in conjunction with ISP or house arrest. Electronic monitoring equipment receives information about monitored offenders and transmits the information over the telephone lines to a computer at the monitoring agency. There are two basic types of devices: continuously signaling devices that constantly monitor the presence of an offender at a particular location, and programmed contact devices that contact the offender periodically to verify his or her presence. Officials in 32 states are using electronic devices to supervise nearly 2,300 offenders. [18, p. 1] Florida and Michigan account for 49.5 percent of electronically monitored offenders.

Twelve states have community corrections acts. The states are Colorado, Connecticut,



Iowa, Indiana, Kansas, Minnesota, Missouri, New Mexico, Ohio, Oregon, Tennessee, and Virginia. Community corrections acts refer to legislation offering financial incentives (and disincentives) to encourage local governments to plan, identify, and develop intermediate sentencing options at the community level. Most of the acts establish a centralized state entity to monitor and assist the local programs. Although the acts create similar funding mechanisms, each has certain significant characteristics that are different. Most of the acts create a funding formula to determine the amount of funds the state will contribute to an approved program although Tennessee funds all of a county's cost for an approved program. Under the Minnesota and Oregon acts, only county governments are eligible for funds, not municipalities or private agencies.

Although community corrections programs can save a state money, particularly if offenders are truly prison-bound, they do not always do so. Whether they save money depends on existing prison capacity; where an offender would be placed if he or she were not put in a particular corrections program; the nature of the services and supervision the offender needs and receives; whether the sanction is in lieu of prison or added on to a prison sentence; and the extent to which the offender is contributing to society while in a community corrections program by working, paying taxes, and keeping his or her family off welfare.

Joan Petersilia, in *Expanding Options for Criminal Sentencing*, provides some examples of the annual cost of selected options, *exclusive of construction cost*. [15, p. 83] Her figures show that different sentencing options can range from as little as \$300-\$2,000 per year for routine probation, to \$4,500-\$8,500 for active electronic monitoring and house arrest, to \$9,000-\$20,000 for incarceration in a state prison. Clearly, even the most intensive of the nonprison alternatives is almost always less expensive than imprisonment. Moreover, where a jurisdiction's looking at sentencing options can put more people in prison only if it builds more prisons, the true cost comparison between prison and nonimprisonment alternatives is even more pronounced. In this situation, one which is in fact typical for many states, the cost of building a new prison must be factored in and then the cost of the state prison alternative will increase.

There are three caveats to community corrections programs of which legislators should be aware. First, there cannot be a one-to-one tradeoff between prison space and community corrections space. Selection is the key to success for community corrections programs. The fact that there are 50 "spaces" of whatever nature in a community corrections program does not mean there are 50 prison inmates who can be successfully diverted to that program.

Second, most community corrections programs do not significantly impact prison populations because the selection criteria focus on lower risk inmates who would have short sentences anyway. There are, however, offenders who do represent a greater degree of risk than those now selected who could be placed successfully in programs with very close supervision. Risk is the issue. At what point is the risk of another burglary compensated by decreasing incarceration costs?

Third, because a program exists, it may be used to "widen the net." An offender may be placed in a program not in lieu of prison or because he or she needs those particular services, but because the program represents enhancement of punishment or simply because the program is there and others are not.

A comprehensive community corrections system should be a central part of any state corrections program. Making effective and efficient use of community corrections is a continuing challenge for states. Policy questions include: Who should be assigned to which programs? How can public safety be assured? How can we avoid the appearance of "coddling" criminals? Which are the most cost-effective programs? How can the judiciary be encouraged to make appropriate use of community corrections sanctions?

## PRISON CONSTRUCTION COST CONTAINMENT

States will continue to build more prisons. New prisons may be necessary because new or existing policies call for increasing numbers of people to be imprisoned, because crime rates may increase, or because existing facilities are old and need to be replaced. The staggering costs of building and operating prisons demand that legislatures look for ways to control prison costs.

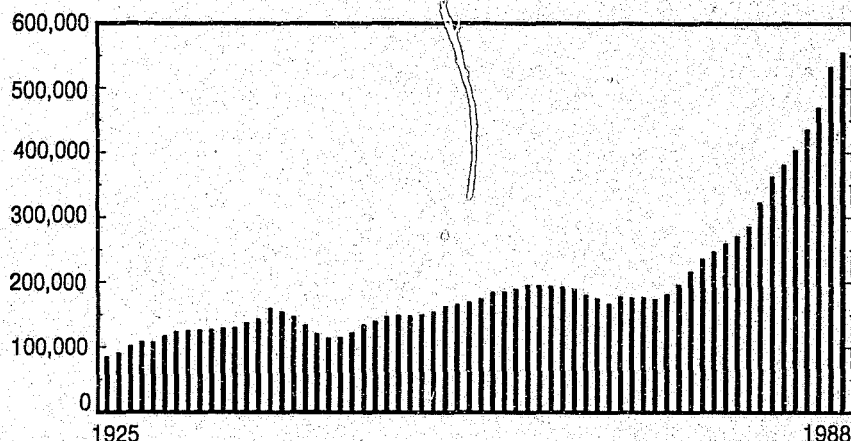
Expenditures for new prisons and associated operating costs are one of the fastest rising components of federal, state, and local budgets nationwide.

According to Stephen A. Carter, president of the architectural firm Carter-Goble Associates, Inc., "Not since the construction of the National Defense Highway System Program of

the 1950s has there been any single capital program that touched every state in the Union as the present expenditures for correctional facilities." [3, p. 1]

In 1980, corrections construction expenditures in the United States totaled \$450 million. By 1982, that figure had more than doubled to \$946 million and by 1986, an estimated \$3

**FIGURE 6.**  
**STATE PRISON POPULATIONS, 1925-1988**



Sources: *Historical Statistics in State and Federal Institutions, Yearend 1925-1986*, Bureau of Justice Statistics, May 1988; *Prisoners in 1987*, Bureau of Justice Statistics, April 1988; Press Release, Bureau of Justice Statistics, September 1988.

billion was spent on new construction and renovation of correctional facilities. [6]

In 1987-88, it cost an average of \$42,000 to build a prison cell and between \$10,000 and \$39,000 a year to keep someone in it. Last year, Missouri reported the highest per-bed construction cost of \$116,000 each for 500 beds in a maximum security facility and Delaware reported the lowest cost of \$3,500 each for 200 beds in a minimum security facility. [5, p. 8] Every year the roster of state prisoners is going up by 35,000 to 40,000 inmates—the equivalent of a new prison every four days. (Figure 6 charts the growth in state prison populations from 1925-1988.) Expensive as it is to build a prison, construction costs represent only about 10 percent of the costs of operating and maintaining a prison over its useful life.

Understandably, these sobering cost figures

have led state policymakers to seriously examine ways of keeping down costs. State experiences in recent years suggest the following lessons: [3]

- To avoid building more secure prison cells than are absolutely necessary. The difference in the per-cell construction costs between a medium and maximum custody institution can range from less than \$35,000 to more than \$100,000.
- To be clear about the role of a particular facility. The greater the different types of uses to plan for in constructing a facility, the greater the costs will be. "Maximum flexibility" can be costly.
- To carefully review the inmate classification system. As noted above, the more secure a facility needs to be, the greater the costs. The classification of inmates directly affects the type of construction, degree of technology, equipment choices, and number of staff. Various

studies have shown that only about 10 percent of inmates incarcerated in any U.S. prison system need to be in maximum security prisons.

- To avoid "saving" money by siting a prison on the least desirable land for any other possible use if, in fact, prison operating and construction costs at this site will be high.
- To look for cost-saving alternatives that impact operating as well as construction costs.
- To avoid relying heavily on barriers between inmates and staff for perceived security reasons. The greater the reliance on such barriers, the more costly the facility. Depending on the selected management approach, potential construction cost savings of 20 to 70 percent may be realized.
- To recognize that, in general, the larger a facility, the lower the per capita costs. A 1984 study of facilities in the Federal Bureau of Prisons also indicated that per capita costs are lower, other things being equal, if inmates are given relatively ample living space, are housed in single cells, and have fewer sanitary facilities available. [19, p. 355] According to sociologist Douglas C. MacDonald, "These data support the notion that it is not cost-effective to squeeze more prisoners into smaller spaces (probably because staffing costs will rise in these circumstances)." [13]

South Carolina has made a concerted effort to keep down its prison construction and operating costs. In 1987, the state completed construction of 600 single cells at a cost of less than \$20 million or about \$32,000 per bed. For an American Correctional Association-accredited facility, this is a very low cost.

Two key decisions by South Carolina account for the relatively low costs it incurred in constructing the new facility. First, the state Department of Corrections did an extensive study of current and projected prison needs and capacities and determined that only 1 percent of the prison population needed maximum custody beds. As a result, a new state policy

allowed for less control room supervision and more day room supervision. Second, following on this finding, the state decided that, in lieu of building a control room-driven housing module, it would build smaller day room-driven modules (direct supervision concept).

The cell lock is equivalent to a good commercial, but not high security, grade. Because the dayroom officer and the

housing unit manager are in direct contact with inmates, little opportunity is available for escapes, vandalism or violence. Since the revised facility was completed, there have been no escapes, and violence against staff and other inmates has decreased dramatically. [4, p. 24]

A 600-bed jail facility was recently built in Prince George's County, Maryland, which real-

ized cost-savings through an early decision to use a direct supervision model of management. This decision "resulted in the savings of 23 correctional officer positions and approximately \$500,000 annually as well as approximately \$3,000,000 in construction costs." [2, p. 7]

## MODERATING PRISON LENGTHS OF STAY

Prison crowding has become a fact of life in the United States. For the past 15 years, most states, at one time or another, have been under federal court order to relieve prison crowding. As of January 1989, more than three-fourths of the states were under court order. (See Table 3.) And, in the near term, the problem promises to get worse, not better.

It is not difficult to imagine the U.S. prison population doubling in the next ten years. The current rates of growth are pointing in that direction. Without significant changes in sentencing policies, the demand for prison and jail cells will continue to rise. If the prison population doubles, state and federal governments will have to construct in short order as many cells as now exist to handle the demand, to say nothing of replacing out-worn or substandard facilities. [13]

To deal with the immediate problem of prison crowding, some states have used a variety of policies to adjust lengths of stay. In so doing, prison terms are shortened for selected offenders, thus relieving prison crowding. Prison terms may be shortened by accelerating parole hearings, enhancing good-time provisions, or increasing parole grant rates. In 1985, 18,617 inmates in 18 states were released early under formal early release programs.

States have implemented several different types of emergency early release mechanisms. For example, in Ohio, when the prison population exceeds capacity as determined by the Department of Corrections, offenders are made eligible for early parole on a priority basis (ORC.2967.18). Those convicted of the least serious offenses are given first priority; the most serious offenders are excluded from early parole. In Georgia, the State Board of Pardons and Paroles selects inmates for early parole until the prison population is reduced to 100 percent of capacity. (GCA 42-9-60) Washington's emergency early release statutes require that, in the event the population exceeds maximum capacity, the governor must call the Sentencing Guidelines Commission into emergency meeting to re-evaluate sentencing ranges, or call the Clemency and Paroles Board into emergency meeting for the purpose of recommending that the governor's power to commute and pardon be used. (Wash. RCW 9.94A.160)

Early release programs can have a substantial and immediate impact on prison crowding. For example, assume a state sentences 5,000 offenders a year to prison, with an average length of stay of two years. This would mean the state had to house 10,000 inmates a year. If the state had only 9,000 beds, it could solve its crowding problem by reducing the average

length of stay to 1.8 years (i.e., shorten the average prison term served by 10 weeks). Alternatively, the state would have to add 1,000 more beds or reduce prison admissions by 500 inmates per year.

By moderating prison lengths of stay, states also may save money, at least in the short run. Savings come from the avoidance of food, shelter, and operating costs on behalf of those released early and by putting off or altogether avoiding the construction of additional prisons. A study conducted by the National Council on Crime and Delinquency of Illinois' early release program, under which 21,000 inmates had their sentences shortened between 1980 to 1983, found that:

- Prison costs amounting to \$49 million were averted by early release;
- Local criminal justice costs for investigating, arresting, detaining, prosecuting, defending, and sentencing the 4,500 arrests attributed to early release were an estimated \$3.3 million; and
- The economic losses to victims as a result of those released early were estimated to be as much as \$13.6 million. [1, p. 40]

A serious concern for policymakers is the impact of early release on crime. The limited evidence that exists regarding this issue sug-

**TABLE 3.  
STATES UNDER COURT ORDER TO RELIEVE OVERCROWDING AND/OR  
IMPROVE CONDITIONS OF CONFINEMENT      JANUARY 1989**

**Entire Prison Under Court Order or Consent Decree**

Alabama	New Mexico	Tennessee
Alaska	Rhode Island	Texas
Florida	South Carolina	Puerto Rico
Mississippi		

**Major Institution(s) in the State/Jurisdiction Under Court Order or Consent Decree**

Arizona	Iowa	North Carolina
California	Kansas	Ohio
Colorado	Kentucky	South Dakota
Connecticut	Louisiana	Utah
Delaware	Maryland	Virginia
Georgia	Michigan	Washington
Hawaii	Missouri	West Virginia
Illinois	Nevada	Wisconsin
Idaho	New Hampshire	District of Columbia
Indiana	New York	Virgin Islands

**Formerly Under Court Order or Consent Decree-Currently Released from Jurisdiction of the Court**

Arkansas	Oregon
Oklahoma	Wyoming

**Pending Litigation**

Arkansas	Georgia	North Carolina
California	Indiana	Pennsylvania
Connecticut	Massachusetts	

**Special Masters/Monitors/Mediators Appointed**

Alabama	Idaho	Tennessee
Arizona	Illinois	Texas
Arkansas	Michigan	Washington
California	Nevada	West Virginia
Florida	New Mexico	District of Columbia
Georgia	Rhode Island	Puerto Rico
Hawaii	South Carolina	

**Prison Systems Under Court Order and Cited for Contempt**

Alabama	Mississippi	Texas
Michigan	Rhode Island	District of Columbia

Source: "Status Report: State Prisons and the Courts," *The National Prison Project Journal*, no. 18 (Winter 1989): 10-11.

at high risk of committing additional, violent crimes. The authors of an evaluation of Washington's early release program between 1979 and 1984 concluded that while, in general, recidivism rates of the early release groups were in fact slightly lower or equal to the comparison groups, one group in particular had an excessive recidivism rate. This led the evaluators to conclude that unless care is made in selecting who is released early, the risk to public safety can become excessive. [20]

While emergency release programs provide temporary relief for an immediate prison crowding problem, they are no more than stop-gap solutions. Moreover, public reaction to the use of such programs is often quite negative. In general, the public wants to see most prisoners serve the full terms to which they were sentenced. The more prison terms are shortened, the greater public reaction against such policies is likely to be. Under Illinois' early release program, as the amount of time served in prison dropped from an average of 2.1 years in 1978 to 1.4 years by 1983, the level of criticism increased dramatically. By 1983, the state put a ceiling of 90 days on the maximum amount of early release an inmate could be granted.

In general, according to criminal justice expert James Austin of the National Council on Crime and Delinquency,

Early release programs have been successful in accomplishing their immediate goal of slowing population growth. These . . . approaches are the most direct and therefore most powerful reforms a state can institute for immediate relief. And, the research continues to show that prison terms can be shortened without aggravating public safety and at substantial savings to the state. However, it is also clear that the accomplishments of early release are extremely short-lived and will not provide a long-term solution. [1, p. 78]

gests that early releases have little, if any effect on crime. Between 1980 and 1983, Illinois released more than 21,000 prisoners an average of 90 days early because of severe prison crowding. A study of the program found that the amount of crime that could be attributed to early release was less than 1 percent of the state's total. [11, p. 19] Iowa's parole board uses an offender risk assessment scoring sys-

tem developed by the state statistical analyses center to grant early releases. A study of Iowa's program showed that, despite a 56 percent increase in paroles following 1981 legislation setting a prison cap, the rate of new crimes among parolees actually dropped 35 percent.

Of course, critical to the success of early release programs is the exclusion of offenders

## COORDINATION OF STATE AND LOCAL FUNDING FOR CORRECTIONS

State government aid for local corrections programs is the fastest growing category of state aid to local governments. In FY 1987, states provided \$932.5 million of aid to local governments. This amount is nearly four times as much corrections aid as was provided in 1970. Local governments seek more money to house state prisoners, build more jails, and expand support for community sentencing options and services.

States vary in their ability and willingness to assist local governments and in their historical role in providing financial support for local corrections. Whatever the state's role, it is critical that state and local governments coordinate funding and policy on corrections.

State aid to local governments for corrections may be provided in any number of ways. [7] Some of these include:

*Reimbursement for Holding State Inmates*—States reimburse county/city jails for holding state prisoners. At the end of 1987, 16 states reported a total of 12,220 state prisoners held in local jails because of crowding in state facilities. (The states were Alabama, Arkansas, Colorado, Idaho, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Jersey, South Carolina, Tennessee, Utah, Vermont, Virginia, and Washington.) [27, p. 4]

- *Construction Subsidies*—States offer a construction subsidy to encourage construction of new corrections facilities, or to bring existing facilities up to standards set by the courts or the state.
- *Probation/Parole Subsidies*—States offer assistance for probation services and/or reimbursement for parole services.
- *Juvenile Programs*—States provide local governments assistance with their juvenile services.
- *Technical Assistance and Training*—States provide this service for local corrections staffs.
- *Community Corrections Subsidies*—States subsidize the handling of certain classes of offenders in community corrections programs.

In Connecticut, Delaware, Hawaii, Rhode Island, and Vermont, virtually all corrections spending is done by state government. In Iowa, the state subsidizes the local community if it keeps an offender. Until 1989, Tennessee had been paying \$25 a day for offenders kept in local jails but then decided that this was too expensive; local jails now get a flat grant.

Connecticut, Kentucky, and Oregon are among the states that fund pretrial services programs; Illinois has an authorized pretrial services program that is awaiting an appropriation.

have state-funded pretrial diversion programs. These programs are essentially prosecutorial diversion where the prosecutor offers to expunge an offender's record before trial if that person performs community service work or enters designated treatment programs and has no more criminal activity. This enables minor offenders to avoid a criminal record. New Jersey judges have the diversion program record available for pretrial decision making if the offender goes to trial.

States provide varying degrees of assistance



This cartoon is reprinted with the permission of the Miami Herald.

Oregon pays for pretrial services where they exist. These pretrial services enable judges to make better decisions on who is a good risk for release on bond or on his or her own recognition. Pretrial services personnel typically investigate the offender's ties to the community, work record, and home ownership or length of stay at current residence. Program personnel also may monitor the offender and call the day before the court date as a reminder. Such state-funded programs enable local communities to expand release options and control their pretrial jail populations.

Louisiana, New Jersey, and South Carolina

to local governments for jail construction. Georgia has instituted a new program for improvements to county jails. If the county can provide the funds for construction/improvement of the existing facility, the state will match the grant with a state work force. Washington provided a one-time subsidy to bring all county jails up to new state standards.



## CORRECTIONS FORECASTS AND FISCAL IMPACT STATEMENTS

As legislatures consider new sentencing or corrections policies, it is important that they know the impact on the corrections system. For example, although a number of states enacted new mandatory sentencing provisions over the past decade, few planned for the increases in prison populations generated by these new laws. Corrections population forecasts and fiscal impact statements for corrections bills are two critical tools that legislatures should make use of as they develop criminal justice policy.

Corrections population forecasting traditionally has been an activity handled by the executive branch. Increasingly, however, legislatures are developing their own demographic forecasting capabilities and/or are participants in joint executive-legislative forecasting exercises. According to a 1987 National Conference of State Legislatures' report, legislative fiscal offices in at least 10 states prepare their own prison population forecasts. The states are Florida, Maryland, Michigan, Montana, Nebraska, Ohio, South Dakota, Vermont, Virginia, and Washington. Legislative fiscal offices in Florida, Michigan, Virginia, and Wisconsin also forecast probation and parole populations. [10, p. 70]

Corrections forecasting models have become fairly sophisticated in recent years, and a variety of models are available. Corrections population forecasts can assist in rational planning and budgeting as well as alert legislatures to developing problems. Forecasting models also can be used to assess the effect of new legislation on different corrections populations.

Fiscal impact notes estimate the impact of proposed legislation on state revenues and expenditures. In most states, legislative staff either write fiscal notes for all bills that will affect the state's budget or revenues or review notes prepared by the executive branch. Fiscal notes attempt to measure the independent impact of a policy change or the impact of a series of policy changes. A good fiscal note will pinpoint the provision(s) of proposed legislation that, if enacted, would have the greatest impact on state revenues or expenditures (e.g., increasing sentence lengths, abolishing good time,

allowing for early release). Legislators use fiscal notes to decide whether a proposed bill has merit or is too costly; to revise a bill to make it less expensive or to raise more revenues; or to make decisions about the state's budget or revenues.

Fiscal notes are both a theoretically and practically useful device. They allow legislators a chance to model the effects on the public system of proposed policy changes and detail the fiscal costs and benefits of such changes. Kay A. Knapp, director of the Institute for Rational Public Policy, Inc., is a strong supporter of impact assessments:

By and large, I think impact statements and assessments standing on their own have been much more useful to policy makers (especially legislatures) than the reams of corrections forecasts that have been made over the decades. Forecasts, except for extremely short time frames (say six months), are very inaccurate. Impact statements don't purport to provide long term predictions, but they are very good at assessing the long term implications of a particular policy.

Florida routinely convenes its Criminal Justice Estimating Conference, which includes legislative and executive branch representatives, to forecast corrections populations and estimate the impact of proposed and enacted legislation on them. In 1988, for example, the Florida Criminal Justice Estimating Conference estimated the impact of a newly enacted sentencing bill on prison populations. Chapter 88-181 of the Laws of Florida revised sentencing guidelines to permit "adjacent cell" sentencing without appeal, and removed habitual and violent offenders from guidelines altogether, establishing separate enhanced penalties for such offenders. The conference estimated that the new law would account for 727 additional prison admissions in FY 1989, 2,502 in FY 1990, and 3,278 additional prisoners by FY 1994. [9, p. 4]

Several years ago, Tennessee enacted legislation that had the effect of greatly strength-

ening the role of fiscal notes in the criminal justice policy development process. In 1985, Tennessee enacted a "prison pay-as-you-go bill" (Tennessee Statutes, 9-6-119). The law requires that "for any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law." The law further requires that the amount of such appropriations shall be equivalent to the amounts reflected in fiscal notes prepared by legislative fiscal staff. To give the new requirement teeth, the act states that "any law enacted without the funding required by this section shall be null and void unless such funding is appropriated in the general appropriation act." According to Claire Drowota, staff director of Tennessee's Legislative Oversight Committee on Corrections, the 1985 act has stopped a number of bills that proposed major changes in criminal sentences for which there were no corrections resources.

## CONCLUSION

Sound management of a state's corrections system demands that legislatures have the tools and policies in place to be able to foresee and respond in a coordinated fashion to problems as they arise. Uncoordinated, inconsistent corrections policies can lead to severe and repeated crises in state and local corrections. States should have strong corrections population and forecasting mechanisms in place; exercise the necessary discipline to assure that new corrections initiatives are funded adequately; establish a systemwide sentencing policy with support from all three branches of government; make use of a full range of prison and nonprison sanctions; develop contingency plans in the event that prison crowding must be relieved immediately and make these plans an integral part of sentencing reform and community corrections planning; and coordinate state and local funding for corrections. All these components are necessary elements of a successful state corrections strategy.

## GLOSSARY\*

**Community Service**—Requires offenders to perform public service work, such as assisting in a hospital emergency room or collecting trash in parks.

**Determinate Sentencing**—A sentencing system in which parole release has been abolished and the length of a prison sentence can be "determined" when the sentence is imposed (assuming the offender behaves in prison and does not lose good time credits).

14 **Discretionary Parole Release**—Release date is decided by a parole board or other administrative authority.

**Electronic Monitoring**—Electronic technology that allows law enforcement or corrections personnel to ensure that an offender remains at home during house arrest.

**Emergency Release**—A mechanism to release certain prisoners when prison capacity exceeds institutional limits.

**Equity**—Similar offenders who commit similar crimes are treated alike.

**Good-time**—Days earned for good behavior are used to reduce the offender's stay in prison.

**House Arrest**—Offenders serve their sentence at home and are allowed to leave only for approved activities such as work.

**Indeterminate Sentencing**—The court sets a prison term from a wide sentence range determined by law. The actual length of time served and the release date are determined by the parole authority.

**Intensive Supervision**—Supervision, surveillance, and program support for offenders on probation are greatly increased, and caseloads for supervising officers are smaller than regular probation caseloads.

**Jail**—Secure facility usually operated by local governments to hold people awaiting trial or offenders sentenced to short periods of confinement. (In a few states, jails are managed by the state prison authority.)

**Mandatory Sentencing**—Law requires the court to impose a sentence of incarceration for specific crimes or certain categories of offenders.

**Parole**—Refers to supervision of offenders after release from prison.

**Parole Guidelines**—A set of standards or criteria to assist parole boards and correctional agencies in determining a parole release date.

**Prison**—Secure facility operated by the state or federal government to house convicted offenders.

**Probation**—Court-ordered supervision in the community by a probation agency that often includes conditions, such as restitution, and other acceptable rules of conduct. If the conditions or rules are broken, the probation order may be revoked and the offender imprisoned.

**Proportionality**—Severity of punishment should be commensurate with the seriousness of the crime.

**Recidivism**—The rearrest, reconviction, or reincarceration of a previously imprisoned offender.

**Residential Facility**—Located in the community to house offenders who are sentenced directly by the court or are released from prison into the community. Offenders are allowed to participate in approved activities including work or school and receive support services, such as alcohol treatment, while being supervised by staff.

**Restitution**—Offenders repay the victim in money, or in some cases by performing a service for losses resulting from the crime.

**Revocation of Probation or Parole**—Refers to an offender who breaks the terms and/or conditions of probation or parole and is sent to prison.

**Sentencing Guidelines**—A set of standards to assist courts in determining sentences for convicted offenders. Typically, guidelines are based on the crime and the offender's criminal history and are developed by an independent commission or judicial body.

**Work Release**—A program that allows an inmate to leave prison for work in the community.

---

\*Sources: U.S. Department of Justice, *Report to the Nation on Crime and Justice*, second edition, March 1988; Mary Fairchild, "Just Desserts for Criminals," *State Legislatures*, May-June 1984; and Michael H. Tonry, *Sentencing Reform Impacts* (Washington, D.C.: U.S. Department of Justice, February 1987).





## BIBLIOGRAPHY

1. Austin, James. *The Use of Early Release and Sentencing Guidelines to Ease Prison Overcrowding: The Shifting Sands of Reform*. San Francisco: National Council on Crime and Delinquency, 1986.
2. Carter, Stephen A. "Approaches for Capital Cost Avoidance in State Correctional Facility Construction." Presentation to NCSL Seminar for Fiscal Chairs, January 10, 1987.
3. Carter, Stephen A. "Do Prisons Have to Cost So Much?" Presentation to the National Conference of State Legislatures, November 19, 1987.
4. Carter, Stephen A. "Prisons Can Cost Less." *State Legislatures* 14, no. 2 (February 1988): 22-24.
5. *Corrections Compendium* XII, no. 8 (February 1988).
6. Cory, Bruce, and Adams, Linda. *Prison and Public Policy: National Jail and Prison Overcrowding Project 1981-1987*. Philadelphia: The National Joint Prison Overcrowding Project, 1988 (draft).
7. Fabricius, Martha, and Gold, Steven D. *State Aid to Local Governments for Corrections Programs*. Denver: National Conference of State Legislatures, April 1989.
8. Federal Bureau of Investigation. *Crime in the United States, 1987*. Washington, D.C.: U.S. Department of Justice, 1988.
9. *Florida Consensus Estimating Conference*, Book 5, Vol. 4, Spring 1988.
10. Hutchison, Tony. "The Legislative Role in Revenue and Demographic Forecasting." *Legislative Finance Paper #58*. Denver: National Conference of State Legislatures, August 1987.
11. Irwin, John, and Austin, James. *It's About Time: Solving America's Prison Crowding Crisis*. San Francisco: National Council on Crime and Delinquency, 1987.
12. Klimko, Frank. "No Easy Answers: States Search for Solutions to Crowding." *Corrections Compendium* XI, no. 10, April 1987.
13. MacDonald, Douglas C. "The Cost of Corrections: In Search of the Bottom Line." *Research in Corrections* II, no. 1.
14. National Council on Crime and Delinquency. "The Corrections Crisis in Florida." *NCCD Issue Paper*. Madison, Wis.: National Council on Crime and Delinquency, 1989.
15. Petersilia, Joan. *Expanding Options for Criminal Sentencing*. Santa Monica: The Rand Corporation, 1987.
16. "Prison Overload Sends Felons to Wrong Places." *The Denver Post*, January 23, 1989.
17. Randall, Sharon. "Sensible Sentencing." *State Legislatures* 15, no. 1 (January 1989): 14-18.
18. Schmidts, Annesley K. "Electronic Monitoring of Offenders Increases." Washington, D.C.: National Institute of Justice, 1989 (prepublication copy).
19. Schmidt, Peter, and Witte, Ann D. *An Economic Analysis of Crime and Justice*. Washington, D.C.: Academic Press, Inc., 1984.
20. Sims, B., and O'Connell, J. *Early Release: Prison Overcrowding and Public Safety Implications*. Olympia, Wash.: Office of Financial Management, 1985.
21. "Status Report: State Prisons and the Courts." *The National Prison Project Journal*. ACLU National Prison Project, no. 18, Winter 1989.
22. Tonry, Michael H. *Sentencing Reform Impacts*. Washington, D.C.: National Institute of Justice, February 1987.
23. U.S. Department of Commerce. *Government Finances in 1986-87*. Washington, D.C.: Bureau of the Census, November 1988.
24. U.S. Department of Justice. *BJS Annual Report, Fiscal 1986*. Washington, D.C.: Bureau of Justice Statistics, April 1987.
25. U.S. Department of Justice. Bureau of Justice Statistics press release. September 11, 1988.
26. U.S. Department of Justice. "Population Density in State Prisons." *Bureau of Justice Statistics Special Report*. Washington, D.C.: Bureau of Justice Statistics, December 1987.
27. U.S. Department of Justice. "Prisoners in 1987." *BJS Bulletin*. Washington, D.C.: Bureau of Justice Statistics, April 1988.
28. U.S. Department of Justice. "Probation and Parole, 1987." *BJS Bulletin*. Washington, D.C.: Bureau of Justice Statistics, November 1988.
29. U.S. Department of Justice. *Report to the Nation on Crime & Justice*. Washington, D.C.: Bureau of Justice Statistics, March 1988.

## NATIONAL CONFERENCE OF STATE LEGISLATURES

The National Conference of State Legislatures serves the legislators and staffs of the nation's 50 states, its commonwealths and territories.

NCSL was created in January 1975 from the merger of three organizations that served or represented state legislatures. NCSL is a nonpartisan organization with three objectives:

- To improve the quality and effectiveness of state legislatures;
- To foster interstate communication and cooperation; and
- To ensure states a strong, cohesive voice in the federal system.

The Conference has offices in Denver, Colorado, and Washington, D.C.

## CRIMINAL JUSTICE PAPERS

This series addresses state criminal justice policy issues and is prepared for legislators. *State Legislatures and Corrections Policies: An Overview* is the second in this series. Other papers planned for 1989 examine community corrections, juvenile justice reform, prison industries, sentencing guidelines, drug treatment in a correctional setting, and state aid to local governments for corrections.

## HOW TO ORDER

The following papers may be ordered from: Marketing Department, National Conference of State Legislatures, 1050 Seventeenth Street, Suite 2100, Denver, Colorado 80265, 303/623-7800.

1. *State Aid to Local Governments for Corrections Programs*, \$10.
2. *State Legislatures and Corrections Policies: An Overview*, \$10.