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MAY 1990

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RESEARCH REPORT



Prepared by

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THE POTENTIAL USE OF LOCAL JAILS TO HOUSE STATE PRISON INMATES

**Prepared for the Joint Interim Subcommittee
on Adult and Juvenile Detention**

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Montana Legislative Council**

May 1990

INTRODUCTION

This paper presents additional information from the jail survey conducted, in January 1990, by the Joint Interim Subcommittee on Adult and Juvenile Detention. The survey was conducted as part of the legislative study requested by Senate Joint Resolution No. 23, which was passed by the 1989 Montana Legislature.

The purpose of this paper is review data from the jail survey to examine the potential use of jails to house inmates from the state penitentiary, thereby alleviating overcrowding in the state prison and possibly providing increased revenue for local jails through state prison reimbursements.

In addition, this paper is specifically intended to assist the Governor's Criminal Justice and Corrections Advisory Council, which is charged with addressing the issue of prison overcrowding. The Council has requested information from the jail survey that will help the Council study the feasibility of using local jails as an alternative to confining felons in the state penitentiary. Together with other information that will be provided, it is hoped that this paper will assist the Council in studying this option for alleviating overcrowding at the state prison.

DATA AND ANALYSIS

In order to assess the potential use of local jails to house state prison inmates, data from the jail survey was compiled to show the capacity and utilization of jails identified in the survey. Data was specifically retrieved and listed showing the location of each jail, the current number of permanent beds in the jail, the average daily jail population, and the greatest number of inmates held in the jail during any single day in calendar year 1989. The results of this tabulation are shown in Table 1 on page 3.

The data shows information for a total of 49 jails. Of the total, 36 jails have a capacity that exceeds daily use at all times. In each of these jails, the number of permanent beds exceeds both the average daily jail population and the highest population count during the past year. Each of these jails could potentially be used to house inmates from the state prison if they meet jail standards and have good jail conditions.

To explore this possibility, the computer was queried in order to identify which, if any, of these 36 jails: (1) meet or substantially meet current, accepted jail standards; and (2) are rated as having good or excellent overall jail conditions. The results of this analysis are shown in Table 2 on page 4.

As can be seen, a total of 13 jails out of the 36 that had extra jail capacity meet all the conditions specified above. In these 13 jails, there is a total of 228 current beds and a combined, average daily population of between 39 and 43 inmates. In addition, local officials report that there would be an additional 44 beds available in these jails if the full designed capacity of the jail were utilized (e.g., if additional funding were made available to open pods or other areas of the jail not currently in use). These jails have the greatest potential for use in housing state prison inmates because they at least substantially meet jail standards, are in good or excellent condition, and have available bedspace for additional inmates.

Table 1

Local Jail Capacity and Daily Inmate Population

<u>Name</u>	<u># Beds</u>	<u>Avg daily pop.</u>	<u>Pop. high</u>
Anaconda-Deer Lodge	24	5	15
Beaverhead	32	5	15
Big Horn	32	3	30
Blaine	17	4	12
Broadwater	10	6	7
Carbon	7	4	7
Cascade	68	66	81
Chouteau	16	5	10
Custer	36	11	18
Cut Bank	**	**	**
Daniels	8	0	2
Dawson	12	11	12
Fallon	10	2	4
Fergus	37	7	14
Flathead	66	57	77
Gallatin	43	28	41
Garfield	6	5	1
Glacier	10	5	11
Golden Valley	**	**	**
Granite	7	2	6
Havre	11	1	6
Hill	24	6	16
Jefferson	23	11	25
Lake	52	47	50
Lewis & Clark	47	33	50
Lincoln	25	15	24
Madison	9	2	5
McCone	4	0	1
Mineral	10	4	8
Missoula	82	75	93
Park	20	12	20
Phillips	9	2	4
Pondera	17	3	9
Powder River	16	1	3
Prairie	11	0	1
Ravalli	17	13	21
Richland	17	6	12
Roosevelt	32	2	22
Rosebud-Colstrip	8	1	4
Rosebud-Forsyth	24	7	14
Sanders	24	6	20
Sheridan	16	2	6
Silver Bow	38	26	43
Stillwater	6	2	4
Sweetgrass	4	0	4
Teton	8	0	3
Treasure	4	0	1
Valley	16	4	8
Wheatland	6	-NA-	4
Whitefish	15	2	10
Yellowstone	136	125	141

Key: ** = Does not operate a jail.
NA = No data available.

Source: Montana State Legislature, Joint Interim Subcommittee
on Adult and Juvenile Detention, Jail Survey.

Table 2

Local Jails with Current Potential for Use in Housing State Prisoners,
Based on Evaluation of Selected Factors

<u>Name</u>	<u>Standards</u>	<u>Conditions</u>	<u># Beds</u>	<u>Avg daily pop.</u>	<u>Pop. high</u>
Beaverhead	b	c	32	5	15
Big Horn	b	d	32	3	30
Chouteau	a	d	16	5	10
Fallon	a	d	10	2	4
Granite	b	c	7	2	6
Phillips	b	c	9	2	4
Pondera	b	c	17	3	9
Prairie	b	c	11	0	1
Richland	b	c	17	6	12
Roosevelt	b	c	32	2	22
Rosebud-Forsyth	b	c	24	7	14
Wheatland	b	c	6	-NA-	4
Whitefish	b	c	15	2	10

Key: a = Jail fully meets standards.
b = Jail substantially meets standards.
c = Jail has overall good conditions.
d = Jail has overall excellent conditions.

Source: Montana State Legislature, Joint Interim Subcommittee on Adult and Juvenile Detention, Jail Survey.

Two other jails - the Yellowstone County and Jefferson County jails -- also have potential for use in housing state prisoners. Both of these jails substantially meet jail standards and are rated in excellent condition. And, while neither of these jails seem to have available bedspace at the present time, both would have space for additional prisoners if funding were made available to open up pods or other areas of the jail. If the full designed capacity of these jails were used, there would be an additional 34 beds in the Yellowstone County jail and 3 beds in the Jefferson County detention facility.

OTHER CONSIDERATIONS

While there appears to be a potential for use of local jails to house inmates from the state prison, it is not clear whether local jails could actually be used for this purpose. The standards for incarceration of inmates in the local jail are not as stringent as the standards for confinement of state prison inmates. In general, the standards relating to state prison inmates impose greater requirements for rehabilitation, day programs, exercise, and recreation than do the standards for local jails. Hence, even if a jail met all accepted standards for the design and operation of a jail, it might not meet standards for detention of state prison inmates.

In addition, the state criminal statutes typically require that, upon conviction of a felony, a person "shall be imprisoned in the state prison." Similarly, state law also defines a felony "as an offense in which the sentence imposed upon conviction is death or imprisonment in the state prison for any term exceeding 1 year." Thus, if the statutes are strictly construed, they seem to preclude use of the local jail for the general housing of convicted felons who otherwise would be placed in the state prison.

CONCLUSION

Based on data from the jail survey, a total of 13 jails currently have the potential for use in housing state prison inmates. In addition, another two jails potentially could be used if the full designed capacity of the jail were utilized for the detention of prisoners.

However, state law and the standards for confinement of state prison inmates may restrict any actual use of local jails to house inmates from the state prison.

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