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REPORT OF THE VIRGINIA STATE CRIME COMMISSION

Shock Incarceration

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA



HOUSE DOCUMENT NO. 9

COMMONWEALTH OF VIRGINIA
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IN RESPONSE TO
THIS LETTER TELEPHONE
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EXECUTIVE DIRECTOR

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

910 Capitol Street

October 17, 1989

MEMBERS:

FROM THE SENATE OF VIRGINIA:
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES:
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ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

TO: The Honorable Gerald L. Baliles, Governor of Virginia
and Members of the General Assembly

House Joint Resolution 321, agreed to by the 1989 General Assembly, directed the Virginia State Crime Commission to "study Shock Incarceration Program as an alternative to lengthy, costly incarceration for suitable inmates," and to "determine the feasibility of such an alternate program, the expected benefits or detriments of such a program and identify the type of inmate who can be best served in the Shock Incarceration Program, if one be adopted."

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission. I have the honor of submitting herewith the study report and recommendations on Shock Incarceration

Respectfully submitted,

Elmon T. Gray
Chairman

ETG/sm

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From the Senate of Virginia:

Elmon T. Gray, Chairman
Howard P. Anderson
Elmo G. Cross, Jr.

From the House of Delegates:

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Corrections Subcommittee Studying

SHOCK INCARCERATION (HJR 321)

Members

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Senator Howard P. Anderson
Delegate Robert B. Ball, Sr.
Mr. Robert C. Bobb
Senator Elmo G. Cross, Jr.
Senator Elmon T. Gray
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I. AUTHORITY FOR STUDY

House Joint Resolution 321, sponsored by Delegate Vincent F. Callahan, Jr. and passed by the 1989 General Assembly, authorized the Virginia State Crime Commission to "(i) study the Shock Incarceration Program as an alternative to lengthy, costly incarceration for suitable inmates (ii) review the Shock Incarceration Program and other alternative types of incarceration that have been implemented in other states and (iii) determine the feasibility of such an alternate program, the expected benefits or detriments of such a program and identify the type of inmate who can be best served in the Shock Incarceration Program, if one be adopted."

§9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission (VSCC) "to study, report, and make recommendations on all areas of public safety and protection." §9-127 of the Code of Virginia provides that "the Commission shall have duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in §9-125, and to formulate its recommendations to the Governor and the General Assembly." §9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the Shock Incarceration Program study as requested by House Joint Resolution 321.

II. MEMBERS APPOINTED TO SERVE

During the April 18, 1989 meeting of the Crime Commission, its Chairman, Senator Elmon T. Gray of Sussex, selected Rev. George F. Ricketts, Sr. to serve as chairman of this subcommittee. Members of the Crime Commission who served on the subcommittee were:

Rev. George F. Ricketts, Sr., of Richmond, Chairman

Senator Howard P. Anderson, of Halifax

Delegate Robert B. Ball, Sr., of Richmond

Mr. Robert C. Bobb, of Richmond

Senator Elmo G. Cross, Jr., of Hanover

Senator Elmon T. Gray, of Waverly

Delegate Raymond R. Guest, Jr., of Front Royal

Speaker A. L. Philpott, of Bassett

III. STUDY DESIGN

The Commission received and reviewed the National Institute of Justice report "Shock Incarceration: An overview of Existing Programs," the Council of

State Governments Backgrounder on Shock Incarceration, and the Briefing Report to the Honorable Lloyd Bentsen of the U. S. Senate on Prison Boot-Camps prepared by the U. S. General Accounting Office. In addition, the Commission maintained a file of current news clippings on Shock Incarceration Programs, including articles from the Richmond Times-Dispatch, Potomac News, USA Today, and Newsweek.

MEETINGS:

1st Subcommittee Meeting:	June 20, 1989
Public Hearing:	July 28, 1989
2nd Subcommittee Meeting:	August 15, 1989
On-site Visit to South Carolina	August 24, 1989
Final Subcommittee Meeting:	September 19, 1989

REPORTS:

Initial Staff Study:	June 20, 1989
Update for Subcommittee Review:	July 28, 1989
2nd Update for Subcommittee Review:	August 15, 1989
3rd Update for Subcommittee Review:	September 19, 1989
Subcommittee's Report to Full Commission:	October 17, 1989

IV. EXECUTIVE SUMMARY

The full Crime Commission met on October 17, 1989, and received the report of the subcommittee. After careful consideration, the findings and recommendations of the subcommittee were adopted by the full Commission.

During the course of the study, the subcommittee met on five occasions, including one meeting held during a visit to the Thames Correction Center (Shock Probation Facility) at Rembert, South Carolina. During the course of those meetings the subcommittee heard testimony from members of the law enforcement community including sheriffs, judges, and the Connecticut Commissioner of Corrections, Mr. Larry Meachum, and was carefully apprised of the status, operation and effectiveness of existing programs in eight other states.

A major purpose of the study was to determine whether or not a shock incarceration program should be instituted in Virginia. The subcommittee voted, after the tour of the South Carolina facility, to institute such a program, closely modeled after South Carolina's.

The boot-camp program has been recommended to occupy the facility currently used for the Youthful Offender Program, located at the Southampton Youthful Offender Center. If the recommendation is put into effect, the cost per bed space in the boot-camp incarceration program is estimated by Corrections officials to be approximately the same as for the Youthful Offender Program. The savings results from the shorter period of stay for the

boot-camp inmate (90 days) as compared to a year or longer. Thus the boot camp program could effectively serve four times the number of offenders for the same cost of the current youthful offender program.

The subcommittee recommended that the "Boot Camp Incarceration Act" be introduced as a pilot project to the 1990 session by Crime Commission members with the legislation to be effective January 1, 1991 and the program to sunset on July 1, 1995. The subcommittee further recommended that the Department of Corrections, Department of Correctional Education and the Parole Board submit their budgetary requirements to the Senate Finance and House Appropriations committees prior to the 1990 session. Finally, the subcommittee recommended that these agencies develop plans based on guidelines for implementing provisions of the proposed legislation with an anticipated on-line date of January 1, 1991.

The major components of the pilot program as approved by the subcommittee are as follows:

A. Participants

- Non-violent felony offenders without prior incarceration
- 18-24 years old
- Physically and mentally healthy

B. Eligibility

- Voluntary participation
- Diagnosis and evaluation of fitness by Department of Corrections and Parole Board prior to sentencing
- May be removed for intractable behavior

C. Sentencing

- Term for years suspended if offender chooses boot camp probation
- Suspended sentence and probation revoked if offender withdraws, is intractable, or violates court's terms

D. Location

- To be determined by Department of Corrections (Southampton projected for males)

E. Capacity

- 100 males
- Females pending results of pilot program

F. Program Length

- 90 days or more (to be established by Department of Corrections)

G. Special Program Elements

- Military drill, ceremony, physical wellness training
- Physical labor
- Drug/Alcohol Education
- Adult Basic Education (ABE)
- General Equivalency Diploma (GED)
- Vocational Assessment

In summary, the pilot program is designed to begin on January 1, 1991 and to sunset on July 1, 1995. The Department of Corrections would have the responsibility to design the program, train employees, and decide its location, and to report periodically to the Governor and General Assembly.

V. BACKGROUND

A. Introduction

Shock incarceration (SI) has emerged as a new trend in the administration of criminal justice. In eight states, an SI program or "boot camp" is offered as an alternative to traditional longer term imprisonment for "youthful offenders." While Virginia does not presently have a shock incarceration program, it does offer alternatives to ordinary imprisonment, including probation and parole, the Community Diversion Incentive Program and the Youthful Offender Program.

In those states utilizing SI, the participants are typically between 17 and 25 years of age, have been convicted of less serious non-violent offenses, and have not been previously imprisoned. Although SI programs were initially for males only; Louisiana, Mississippi, New York, Oklahoma and South Carolina now offer programs for females. SI programs usually last from three to six months (see Appendix B.), during which time participants are exposed to a strict and highly demanding regimen of discipline, military style drilling and marching, physical exercise and physical labor. (See Appendix B-5 for a typical daily schedule at the Florida Boot Camp.) In addition, seven SI programs offer rehabilitative services, with six programs providing drug and alcohol counseling. (See Appendix B.)

B. Location of Facility

Many programs are contained entirely within state prison walls but SI participants are segregated from regular prison inmates throughout their confinement. The objective of segregation within view of ordinary inmates is to give participants insight into the harsh realities of prison life without exposing them to the hazards of abuse, corruption or exploitation by hardened criminals. However, some SI programs operate in separate facilities that are not attached to a larger state prison (e.g., New York's forestry camp).

C. Selection of Inmates

Selection for SI programs is determined by the state departments of corrections (DOC), courts or a combination of both. In Mississippi and Georgia, judges completely control selection while in New York correction officials have total control. In Florida and South Carolina, judges approve

or veto SI placements selected by correction officials.

D. Consent to Participate

Offenders in all states are required to sign a consent form volunteering to participate in the SI program. Consent forms help protect the state from liability, provide a basis for punishment and reflect offender commitment to the program. Although admission to the program is voluntary, withdrawal may not be. For instance, withdrawal is prohibited in Oklahoma. Officials there emphasize that SI offenders have repeatedly avoided responsibility for their decisions and permitting withdrawal would strengthen that pattern.

E. Existing Programs in Other States

The first shock incarceration programs in state prisons opened in 1983 in Oklahoma and Georgia. On January 1, 1987, only four programs were in operation. However, by the end of that year, thirteen programs were functioning in eight states. At this time, three jurisdictions are developing SI programs and at least nine additional states are considering establishing shock incarceration programs. (See Appendix B.) SI programs are currently operating in Florida, Georgia, Louisiana, Michigan, Mississippi, Oklahoma, New York and South Carolina. Kansas is implementing a program scheduled to open in June, 1989.

F. Support and Opposition

Shock incarceration has received national media attention and has been endorsed by such public figures as William Bennett, Director of the Office of National Drug Control Policy, and Mayor Edward Koch of New York.

Proponents suggest that SI reduces prison overcrowding; acts as a deterrent; rehabilitates participants and thus reduces recidivism; incapacitates offenders; and provides a necessary level of punishment falling between probation and imprisonment. Critics argue that SI programs increase prison overcrowding because those who would ordinarily be placed on probation are instead sent to SI programs. Other criticisms are that programs other than SI can develop more marketable skills, SI programs are expensive to staff and they foster a "Rambo" mentality in offenders.

Mr. Larry Meachum, Connecticut Commissioner of Corrections, addressed the subcommittee at its September 19, 1989 meeting. Mr. Meachum, who started Oklahoma's boot-camp program, advised the subcommittee of the problems associated with such programs. He stressed that staff abuse toward inmates is a major concern with boot-camp programs and he recommended that staff be routinely rotated out of the program. Furthermore, Mr. Meachum stressed that programs should incorporate special programming including education, vocational training and counseling. Finally, Mr. Meachum emphasized that it is presently too early to assess the overall effectiveness of boot-camp programs.

At this time, little or no empirical study has been conducted on shock incarceration. As a result, the arguments proffered by both sides are as yet arguments and without legitimate substantiation. However, in Georgia and New

York, evaluations by departments of corrections are underway; the National Institute of Justice has funded an evaluation of the SI program in Louisiana. Conclusive findings should be available in about two years.

VI. OBJECTIVES/ISSUES

The following were identified as issues for, and objectives of, the study.

- A. Determine the effectiveness of SI programs with respect to:
 - 1. deterrence
 - 2. rehabilitation
 - 3. punishment
 - 4. incapacitation
 - 5. reduction of prison overcrowding
 - 6. reduction of costs
 - 7. reduction of recidivism
- B. Define the goals of the program (i.e., what is the specific benefit to the Commonwealth?).
- C. Determine whether there is an available boot-camp site in Virginia or whether one must be constructed.
- D. Establish criteria for eligibility to participate in an SI program.

VII. APPLICABLE LAW

A. Virginia's Existing Alternative Programs

- 1. Code of Virginia §53.1-180. Community Diversion Incentive Act.
- 2. Code of Virginia §19.2-311. Youthful Offender Act.

B. Other State SI Programs

Florida, Georgia, Louisiana, Michigan, Mississippi, New York, Oklahoma, and South Carolina all have laws pertaining to shock incarceration.

VIII. PARALLEL STUDIES

Shock Incarceration: An Assessment of Existing Programs is a 110-page National Institute of Justice report describing a study conducted in September and November of 1987 by Abt Associates. The purpose of the study was "to identify and assess existing and proposed SI programs." Phase one of the study involved a review of existing literature and telephone contacts with all 50 state Departments of Corrections. Phase two involved on-site visits and in-depth assessments of shock incarceration programs in the states of Oklahoma, Georgia, Mississippi and New York. (See Appendix C.)

Spit-shine and Double-Time: State Shock Incarceration Programs is a twelve page Backgrounder published by the Council of State Governments (CSG) in February, 1989. The purpose of the study was to evaluate SI programs and goals in the states of Georgia, Florida, Louisiana, Michigan, Mississippi, New York, Oklahoma, and South Carolina. This study concluded that SI programs are too new to have generated any hard data about their effectiveness, but presents preliminary statistics on recidivism rates of SI participants in three states.

Prison Boot Camps: Too Early to Measure Effectiveness is a briefing report to the Honorable Lloyd Bentsen of the U. S. Senate at his request by the United States General Accounting Office in September, 1988. The purpose of the study was "to obtain ... information on the use and advantages of boot camp programs." The study involved on-site visits to Florida and Georgia SI programs, interviews with state corrections officials and a review of available documentation. This study concluded that due to the relatively short period of time that most boot camps have been operating, available data were not sufficient to determine if boot camps reduce costs, overcrowding or recidivism.

IX. DISCUSSION/ANALYSIS

A. Proposed Goals of Shock Incarceration

1. Reduction of Costs

In all four states included in the National Institute of Justice (NIJ) draft study, officials stated that SI program expenditures for food, clothing and consumables are about the same as for regular prisons. However, more intensive demands on custodial and/or rehabilitative staff results in higher daily costs per inmate than standard incarceration. The inmate-to-security staff ratio in Virginia prisons is 2.7 to one. Because the actual method for calculating the ratio is variable and because some SI facilities are within the confines of existing institutions, figures noted in reports for other states are not necessarily indicative of a true ratio and are not necessarily comparable.

It is important to note, however, that officials in all states believe that SI costs considerably less per inmate than standard imprisonment because SI participants are confined for shorter periods. In Virginia, the average cost of standard incarceration per inmate per year is \$17,103 whereas the cost per inmate per session (90 days) in Georgia's SI program is \$3,317 and the cost per inmate per session (90 days) in Michigan is \$5,900.

The NIJ draft study concluded that if SI is to be used to reduce costs, SI programs must admit primarily offenders who would otherwise have received longer prison terms. If that objective is successful, cost savings will more than compensate for increased daily costs per inmate in SI. In addition, the draft report describes other costs to be considered in deciding whether an SI program will reduce overall costs. First, SI dropouts and graduates who fail on supervision receive subsequent prison terms and add to costs. Secondly, construction and financing costs must be considered if a new facility must be

built to house the SI program.

2. Reduction of Recidivism

Recidivism will be an important measure of the effectiveness of SI programs. Recidivism for traditional prison populations nationwide averages 40 to 45 percent. According to the Council of State Governments Backgrounder, some preliminary results from state programs are available. A recent study of the Oklahoma SI program placed recidivism at 15.6 percent. Recidivism data for the 270 participants in the Georgia boot camp program between January 1984 and March 1985 indicated that 39 percent of the graduates had returned to prison within three years of release from the camp. The overall rate during the same period for offenders released from other Georgia prisons was 38 percent. Of the 264 offenders that had completed the South Carolina SI program by August 1988, only eight had returned to prison.

3. Deterrence

The close proximity of most SI boot camps to regular prisons provides participants with a clear and unpleasant view of prison life. Consequently, SI could deter future crime by making the threat of a prison sentence for subsequent crime more credible.

4. Rehabilitation

SI could serve to rehabilitate offenders in two ways. First, the experience of strict discipline could enhance a participants self-control, self-esteem and ability to cope with life's stresses once released. Secondly, additional treatment and vocational components (e.g., education, drug counseling, etc.) might be more effective in addressing problems related to an offender's criminality when offered in a more disciplined and structured environment. (A counter-argument is that more useful rehabilitative (vocational) programs provide a more successful reintegration into society. Another counter-argument is that 90 days (the length of many programs) is not enough time to accomplish legitimate rehabilitation.)

5. Punishment

Under a "just desserts" policy, SI could impose proportional punishments by providing a sanction of punishment more severe than probation but less severe than longer term imprisonment.

6. Incapacitation

In cases where an offender would otherwise have received probation, shock incarceration programs provide a way to reduce an offender's threat to the community. In addition, officials would select participants on the basis of risk. For instance, they might choose offenders at higher risk than those on probation but at lower risk than those who would be imprisoned.

7. Reduction of Overcrowding

SI could be utilized to reduce prison overcrowding only if all or most SI

participants would have otherwise received longer prison sentences. A criticism of SI is that its participants would probably have received mere probation if the program were not available.

B. On-Site Visit to South Carolina/Overview of South Carolina Program

On August 24, 1989, members of the subcommittee studying Shock Incarceration, interested legislators, representatives from the Department of Corrections and the Commission on Prison and Jail Overcrowding and the Crime Commission staff visited the Thames Shock Probation Center at Rembert, South Carolina.

Mr. John Carmichael, Warden of the Thames Shock Probation Center, offered a detailed overview of the program, which is administered by the Department of Probation and Parole. According to Mr. Carmichael, inmates should be kept active and platoons should be systematic. He stressed that education is a strong focal point in the South Carolina Shock Probation program. Inmates spend three hours per day in education. During the 90-day session, inmates achieve an average increase in educational ability of two grade levels. Furthermore, twenty-five percent of those lacking a high school diploma have been able to earn GED's through the Shock Probation program.

The physical training program adopted by the Shock Probation Center was developed by the South Carolina Department of Recreation. In addition to physical exercise, Shock Probation inmates perform approximately seven hours of manual labor each day at various work sites on the prison farm, as well as out in the community.

The South Carolina program includes a drug and alcohol abuse education component, but it does not offer any type of substance abuse treatment or counseling. Inmates with persistent drug problems are removed from Shock Probation and referred through the Department of Probation and Parole to local mental health programs.

The South Carolina system currently houses 14,000 inmates, and the inmate population increases by 3,000 each year. The overall recidivism rate in the South Carolina system is 30% to 35%. The rate of recidivism for the Shock Probation program is said to be less than 5%.

Mr. Carmichael explained that volunteering for the boot camp program is advantageous because the 90-day session replaces the five-year or longer alternative prison sentence, at least twenty-seven months of which would be served.

The sentencing authority rests with the judge. To be eligible for the boot camp program, offenders must be convicted of a crime punishable by five or more years in prison.

Mr. Howard Arden, Deputy Warden of the Thames Shock Probation Center, emphasized the importance of hard work, discipline and education to the boot camp program. When asked whether the program promotes a "macho" mentality in offenders, Mr. Arden explained that the physical fitness and discipline instilled in inmates is marketable in society upon their release. Mr. Arden

added that staff wear regular uniforms and are not permitted to use profanity or violence when dealing with the inmates.

After hearing the presentation and touring the facility, members of the subcommittee held a business meeting and voted unanimously to develop a proposal for a prison boot-camp in Virginia based on the South Carolina model.

C. Meetings to Develop Proposal

On August 30, 1989, Rev. Ricketts, Chairman of the subcommittee studying Shock Incarceration, conducted a meeting among Edward Morris and Michael Leininger of the Department of Corrections, Dan Catley of the Department of Criminal Justice Services, Lin Corbin-Howerton of the Department of Planning and Budget, Richard Hickman of the Senate Finance Committee, James Roberts of the House Appropriations Committee and Crime Commission staff. The group discussed possible program components, eligibility criteria, sentencing structure and location. During this meeting, Rev. Ricketts requested that Commission staff and representatives from interested agencies again meet to devise an outline for a boot-camp prison proposal.

On September 7, 1989, Commission Staff met with Edward Morris, Forrest Powell and James Smith of the Department of Corrections, Clarence Jackson and John Brown of the Parole Board, Osa Coffey of the Department of Correctional Education, and Mary Devine of Legislative Services. After lengthy discussion, the following program outline, modelled significantly upon South Carolina's program, was developed.

D. Pilot Program Proposal

Location: Southampton (males), Goochland (females)
Capacity: Males - 100; females - pending results of pilot program
Program Length: 90-days (three 30-day cycles)

Client Base:

- Non-violent felony offenders with no prior sentence to incarceration as an adult
- 18-24 years of age

Eligibility:

- Must volunteer for program and sign informed consent to participate in boot-camp style program
- Mandatory pre-sentence testing (including complete medical examination) limited to 60 days
- Parole and Corrections participate in eligibility assessment
- Eligibility report sent to judge; judge sentences to boot-camp or other sentence at his discretion

Sentencing:

- Offender must volunteer in writing
- Inmate deemed a probationer
- Determinate sentence issued and suspended on the condition that probationer successfully complete boot-camp program
- Suspended sentence imposed if offender is removed from program

Credit for Time Served:

- Given credit for time served if original determinate sentence is imposed upon revocation of suspension

Special Programming:

- Military drill, ceremony, physical training
- Hard labor
- Drug/alcohol education
- Adult Basic Education (ABE)
- General Equivalency Diploma (GED) Program
- Vocational assessment and referral upon release

Probation:

- Intensive supervision for minimum period of one year after boot camp
- Aftercare including provision that graduate will either work or attend school/vocational training full-time or he/she will be in violation of probation

Program Evaluation:

- Established as Pilot Program
- Intensive review of effectiveness by Department of Corrections
- Evaluate and report to Governor and General Assembly

Implementation:

- Legislation - "Boot Camp Incarceration Act" introduced in the 1990 session by VSCC members, with legislation to be effective January 1, 1991, program to sunset July 1, 1995
- Budgeting - Department of Corrections, Department of Correctional Education, Parole Board to submit budgetary requirement to Senate Finance and House Appropriations committees prior to the 1990 session
- Administrative - Department of Corrections, Department of Correctional Education, Parole Board to develop plan on guidelines for implementing provisions of proposed legislation with anticipated on-line date of January 1, 1991

X. FINDINGS

1. With Respect to Rehabilitation and Reduction of Recidivism, There is Very Little Solid Information Currently Available on the Effectiveness of Shock Incarceration.

At this time little or no empirical study has been conducted on shock incarceration. As a result, the arguments proffered by proponents and opponents of SI are largely arguments and without complete substantiation. However, in Georgia and New York, evaluations by departments of corrections are underway; the National Institute of Justice has funded an evaluation of the SI program in Louisiana. Conclusive findings will be available in about two years. However, the South Carolina program, which also emphasizes rehabilitative component, reports encouragingly low recidivism rates.

2. If SI Is to Be Used to Reduce Costs, Programs Must Admit Primarily Offenders Who Would Have Otherwise Received Longer Prison Sentences.

According to the NIJ study, SI program daily expenditures for food, clothing and consumables are about the same as for regular prisons. However, more intensive demands on staff may result in higher costs per inmate than standard incarceration. Notably, officials in all states believe that SI costs considerably less per inmate than standard imprisonment because SI participants are confined for shorter periods.

The NIJ study concluded that programs must target offenders who would have otherwise received longer prison terms if SI is to be used to reduce costs. If that objective is successful, cost savings will more than compensate for increased daily costs per inmate in SI.

3. SI Could Be Utilized to Reduce Prison Overcrowding Only if All or Most SI Participants Would Have Otherwise Received Longer Prison Sentences.

If SI is to be used to reduce overcrowding, programs must admit primarily offenders who would have otherwise received longer prison terms.

4. SI Could Impose Proportional Punishments.

Under a "just desserts" policy, SI could impose proportional punishments by providing a sanction of punishment more severe than probation but less severe than longer term imprisonment.

5. SI Programs Could Provide a Way to Reduce an Offender's Threat to the Community.

In cases where an offender would otherwise have received probation, SI programs provide a way to reduce an offender's threat to the community. A criticism of SI is that its participants would probably have received mere probation if the program were not available. In such cases, SI is considerably more expensive than existing programs.

6. Most SI Boot-Camps Provide Participants with a Realistic View of Prison Life.

The close proximity of most SI boot-camps to regular prisons gives participants insight into the harsh realities of prison life without exposing them to its dangers. The subcommittee found this to be a beneficial aspect.

7. There is an Available Boot-Camp Site in Virginia.

The Southampton Youthful Offender Center is an appropriate site for a pilot boot-camp program. The facility has a capacity of 100 and is adjacent to a regular prison. Its use will not upset the youthful offender program if recommendations of this subcommittee regarding the youthful offender program are adopted. (See Crime Commission Report on Youthful Offender Act, 1990).

8. The Cost Per Bed Space for SI Should Be Approximately the Same As The Cost for the Youthful Offender Program.

The boot-camp program has been recommended to occupy the facility currently used for the Youthful Offender Program, located at the Southampton Youthful Offender Center. If the recommendation is put into effect, the cost per bed space in the boot-camp incarceration program would be approximately the same as for the Youthful Offender Program.

According to the Department of Corrections, there would be some initial, as yet unprojected, start-up costs for training and various modifications; however, the staffing level would be the same for both programs.

The annual cost per inmate in the Youthful Offender program is \$24,000. If a 90-day term of incarceration is adopted for the boot-camp program, four times as many inmates could be accommodated for the same annual cost. The approximate cost per inmate per session would, thus, be \$6,000 plus the cost of at least one year of intensive supervised probation following release. The current average cost of ordinary probation is \$853.00 annually.

The subcommittee recommended the Department of Corrections develop actual implementation costs and felt this was a better approach than merely developing a broad-based estimate itself. In summary, the subcommittee felt that Virginia would realize long-term cost savings as a result of the reduced incarceration time and reduced recidivism among participants.

XI. RECOMMENDATIONS

Pursuant to HJR 321 (1989), the subcommittee studying Shock Incarceration carefully considered the current status of boot-camp prison programs across the nation. At its final meeting on September 19, 1989, the subcommittee adopted the report for presentation to the full Commission on October 17, 1989. On that date the full Commission received the report of the subcommittee and after careful consideration of the findings unanimously adopted the report with the following recommendations:

A. Establish a Pilot Program Located in an Existing Facility.

Because there is very little solid data available on the effectiveness of shock incarceration, the subcommittee recommended that the boot-camp program

be established as a pilot program with a capacity of 100 males and located at the Southampton Youthful Offender Center. The program length would be at least 90 days.

B. Establish Client Base of Youthful Non-Violent Felony Offenders.

The subcommittee recommended that the "Boot-Camp Incarceration" program be designed for non-violent felony offenders between the ages of 18 and 24 years with no prior sentence of incarceration as an adult. This appears to be the group most responsive to a boot-camp style program.

C. The Parole Board and Department of Corrections Participate in Eligibility Assessment; the Judge Imposes Sentence.

The subcommittee recommended that there be a mandatory pre-sentence testing period, limited to 60 days, which includes a complete medical examination. The Parole Board and the Department of Corrections would conduct the pre-testing and the eligibility assessment. The eligibility report would be sent to the judge, who would sentence the offender to boot-camp or other sentence at his discretion.

D. Require Inmates to Volunteer for Program and Issue Suspended Determinate Sentence.

The subcommittee recommended that offenders be required to volunteer and to sign an informed consent to participate in the boot-camp style program. Inmates of the program would be deemed probationers, and a determinate sentence would be issued and suspended on the condition that the probationer successfully complete the program. The suspended sentence would have to be imposed if the offender is removed from the program for cause. The sentencing court would have discretion to re-sentence only in those cases where an offender failed to complete the program through no fault of his own. This recommendation will ensure that only individuals participate who otherwise would have received a longer prison sentence. This will overcome the objection of "widening the net" and ensure cost effectiveness.

E. Calculate Good-Time Credit for Time Served.

The subcommittee recommended that the probationer be given credit for time served in the boot-camp program if the original determinate sentence is imposed upon revocation of suspension.

F. Subject Inmates to Special Programming.

The subcommittee recommended that the boot-camp program include components of military drill and ceremony, physical training and physical labor. In addition, the program would provide substance abuse education, Adult Basic Education, a General Equivalency Diploma (GED) program and vocational assessment with referral upon release. The most successful programs focus on education and vocational assessment.

G. Follow Boot-Camp Program with Intensive Probation and Aftercare.

The subcommittee recommended that the boot-camp program be followed by at least one year of intensive supervision. There should be an aftercare provision that the graduate either work or attend school/vocational training full-time or be in violation of probation. This recommendation was modelled after the South Carolina concept in which follow-up supervision and employment have proven to be an important component of the success of the overall program.

H. Evaluate the Effectiveness of the Pilot Program.

The subcommittee recommended that the boot-camp program be established as a pilot program and that there be an intensive review of its effectiveness by the Department of Corrections.

I. Introduce "Boot-Camp Incarceration Act."

The subcommittee recommended that the "Boot-Camp Incarceration Act" be introduced in the 1990 Session, with the legislation to become effective January 1, 1991 and the program to sunset on July 1, 1995. Because there is currently very little solid information on shock incarceration, evaluation of the program is vital.

J. Recommend Affected Agencies Submit Budgetary Requirements.

The subcommittee recommended that the Department of Corrections, the Department of Correctional Education and the Parole Board submit budgetary requirements to Senate Finance and House Appropriations Committees prior to the 1990 Session. The subcommittee found that the program should prove to be cost effective and determined from testimony that implementation costs would be minimal. In this regard, the subcommittee felt a detailed cost analysis for implementation developed by the affected agencies would be of greater benefit to the General Assembly than a broad-based estimate developed by the Commission.

K. Request that Affected Agencies Develop Plan Based on Guidelines.

The subcommittee recommended that the Department of Corrections, the Department of Correctional Education and the Parole Board develop a plan on guidelines for implementing provisions of proposed legislation with anticipated on-line date of January 1, 1991. Based upon the evaluation of other states' successful programs, an important component is allowing sufficient time for the careful development of an implementation plan and staff training.

XII. RESOURCES/ACKNOWLEDGEMENTS

The Commission greatly appreciates the assistance of the following in the conduct of this study:

National Institute of Justice

U. S. General Accounting Office

The Council of State Governments

Department of Criminal Justice Services

Mr. Dan Catley, Corrections Specialist

Department of Corrections

Ms. Dee Malcan, Chief of Operations for Community Alternatives

Mr. R. Forrest Powell, Chief of Operations for Programs

Mr. Edward C. Morris, Deputy Director

Ms. Ginger R. Leonard, Lead Analyst

Mr. Michael Leininger, Legislative Liaison

Department of Planning and Budget

Ms. Lin Corbin-Howerton, Staff Director for the Governor's
Commission on Prison and Jail Overcrowding

Fairfax County Sheriff's Department

Sheriff Wayne Huggins

Prince George Circuit Court

Judge W. P. Lemmond

Florida Department of Corrections

Mr. James O. Mitchell, Director of Basic Training Program

Georgia Department of Corrections

Ms. Billie Irwin, Principal Operation Analyst

Louisiana Department of Public Safety and Corrections

Ms. Jean Wall, Corrections Executive Officer

Michigan Department of Corrections

Mr. Donald Hengesh, Director of Special Alternative Incarceration

Mississippi State Penitentiary

Dr. Mike Whelan, Director of Psychiatry

New York Department of Correctional Services

Ms. Cheryl Clark, Director of Shock Development

William S. Key Correctional Center (Oklahoma)

Ms. Kay Statton, Assistant to the Warden

Wateree River Correctional Institution

Mr. Francis Archibald, Warden

Connecticut Department of Corrections

Mr. Larry Meachum, Commissioner

Thames Shock Probation Center

Mr. Howard Arden, Deputy Warden

Mr. John Carmichael, Warden

APPENDIX A

1989 SESSION ENGROSSED

HOUSE JOINT RESOLUTION NO. 321

House Amendments [] - February 6, 1989

Requesting the [*Virginia Department of Corrections Virginia State Crime Commission*] to study Shock Incarceration Program as an alternative to lengthy, costly incarceration for suitable inmates.

Patron—Callahan

Referred to the Committee on Rules

WHEREAS, the General Assembly is concerned over the escalating costs of the incarceration of inmates, the ever-rising prison population and the expected need for additional prisons and jails; and

WHEREAS, [the Departments of Corrections of] several states have experienced success with an alternative type of incarceration that has alleviated their prison crowding problem; and

WHEREAS, [the Virginia Department of Corrections is from time to time studying alternatives that alternatives are studied which may be implemented in Virginia; now, therefore, be it]

RESOLVED by the House of Delegates, the Senate concurring, That [the Virginia Department of Corrections implement a study of the Shock Incarceration Program presently implemented in several states and planned for others. The Department of Corrections shall report to the General Assembly on the Virginia State Crime Commission is requested to study Shock Incarceration Program as an alternative to lengthy, costly incarceration for suitable inmates. The Commission shall review the Shock Incarceration Program and other alternative types of incarceration that have been implemented in other states. The Commission shall determine the feasibility of such an alternate program, the expected benefits or detriments of such a program and identify the type of inmate who can be best served in the Shock Incarceration Program, if one be adopted.]

The [Department Commission] shall complete its work in time to submit its findings and recommendations to the Governor and the 1990 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Official Use By Clerks

Agreed to By

The House of Delegates

without amendment ☐with amendment ☐substitute ☐substitute w/amdt ☐

Agreed to By The Senate

without amendment ☐with amendment ☐substitute ☐substitute w/amdt ☐

Date: _____

Date: _____

Clerk of the House of Delegates

Clerk of the Senate

APPENDIX B

Status of Shock Incarceration Programs

• Jurisdictions Operating Shock Incarceration Programs

JURISDICTION	ENABLING LEGISLATION PASSED	USED EXISTING AUTHORITY	DATE PROGRAM OPENED
Georgia	X		12/83
Oklahoma		X	11/83
Mississippi		X	4/85
Orleans (LA) Parish	X		1/87
Louisiana (DOC)	X		3/87
South Carolina	X		7/87
New York	X		9/87
Florida	X		10/87
Michigan	X		2/88

• Jurisdictions Developing Shock Incarceration Programs

JURISDICTION	EXPECTED START-UP DATE
North Carolina	6/89*
New Hampshire	3/89
Kansas	6/89*

*Contingent on passage of enabling legislation.

• 9 States Express Strong Interest in Shock Incarceration

Alabama	Nevada	Utah
Arizona	Tennessee	Virginia
Colorado	Texas	Wyoming

SHOCK INCARCERATION TREATMENT COMPONENTS





JURISDICTION	Drug/ Alcohol Counseling	Reality Therapy	Relaxation Therapy	Individual Counseling	Recreation Therapy	Therapeutic Community
Georgia						
Oklahoma	X	X	X	X	X	
Mississippi		X	X	X		
Orleans Parish	X			X		
Louisiana	X	X		X		
South Carolina	X				X	
New York	X	X		X	X	X
Florida	X	X	X			

SHOCK INCARCERATION ELIGIBILITY CRITERIA

JURISDICTION	Offender Age Limits	Limit on Type of Current Offense	Must have No Prior Prison Sentence	Limit on Current Sentence	Must have No Physical or Mental Impairment	Offender Must Volunteer	Other
Georgia	17-25	none	yes	1-5 years	yes	yes	
Oklahoma	18-22	non-violent	yes	none	yes	yes	
Mississippi	none	non-violent	yes	none	no	yes	
Orleans Parish	none	non-violent	yes	≤ 7 years	yes	yes	
Louisiana	none	parole eligible	must be first felony conviction	≤ 7 years	yes	yes	Division of Probation and Parole must recommend; court must recommend; DOC must find of- fender is particularly likely to respond favorably.
South Carolina	17-24	non-violent	yes	≤ 5 years	yes	yes	
New York	16-24	non-violent, non-escape	yes	indeter- minate	yes	yes	No prior indeter- minate sentence; eligible for parole within 3 years.
Florida	none	none	yes	none	yes	yes	

SOURCE: "Shock Incarceration: An Overview of Existing Programs", June 1989,
National Institute of Justice, U.S. Department of Justice

A Comparison of State Shock Incarceration Programs

	DATE PROGRAM OPENED	PROGRAM LENGTH	RECIDIVISM RATE DATA BASE	STAFFING RATIO (Inmates:Staff)	SHOCK INCARCERATION COSTS/Inmate	STANDARD INCARCERATION COSTS/Inmate	
FLORIDA	October 1987	90-120 days	5.59%	2.9 : 1	Slightly higher than standard	\$14,133 / year	
GEORGIA	December 1983	90 days	21.3% / 12 mos.	8.3 : 1	\$3,342 / year	\$12,717 / year	
LOUISIANA	March 1987	90-180 days	19% / 24 mos. (Based on parole violations and/or subsequent felony behavior)	30 : 1	\$1,620-3,240 / session	\$9,125 / year	
MICHIGAN	February 1988	90 days	8% / 12 mos.	4.4 : 1	\$5,900 / session	\$22,240 / year	
MISSISSIPPI	April 1985	up to 180 days	18% / 30 mos.	8.65 : 1	Same as standard	\$8,840 / year	
NEW YORK	1987	180 days	15-17%	N/A	\$9,000 / session	\$20,000 / year	 Based on return to prison
OKLAHOMA	November 1983	8 weeks	N/A	11 : 1	Same as standard	\$11,702 / year	 Indirect costs and construction costs excluded
SOUTH CAROLINA	July 1987	90 days	< 5% / 24 mos.	4.2 : 1	\$2,070 / session	\$12,400 / year	 Construction costs excluded  Employee benefits excluded

Source: Crime Commission Staff Analysis

TYPICAL DAILY SCHEDULE-FLORIDA BOOT CAMP

<u>Hours</u>	<u>Activity</u>
0400-0420	Wake up/prepare for barracks inspection
0420-0430	Personal inspection
0430-0530	Physical training (barracks being inspected)
0545-0625	Breakfast
0625-0635	Flag ceremony/reveille
0635-0655	Repair/fix barracks inspection deficiencies
0700-1100	Drill/counseling/obstacle course
1100-1140	Lunch
1140-1150	Head count
1200-1600	Work detail
1600-1640	Dinner
1640-1730	Drill and ceremony
1730-1745	Flag ceremony/retreat
1745-1845	Extra physical training/clean up detail
1845-2000	Uniform and barracks preparation
2000-2030	Sick call
2030-2100	Quiet time/study time
2100	Head count/lights out

APPENDIX C

Oklahoma's Regimented Inmate Discipline (RID) Program

Oklahoma's Regimented Inmate Discipline (RID) program is located in a 145 bed quadrangle at the Lexington Assessment and Reception Center, about 60 miles south of Oklahoma City. It was the first SI program, established in November, 1983. Lexington is Oklahoma's main reception center and also houses about 600 long term general population inmates. The RID living unit is classified as medium security.

The DOC screens offenders received at Lexington for placement in RID. Those who meet statutory criteria may volunteer for RID. Inmates live in single or double-bunked cells.

As in other SI programs, RID emphasizes strict discipline, physical training and drill. However, other than housekeeping and institutional maintenance, there is no formal hard labor component. Rather, inmates spend three to six hours each day in educational and vocational programs. Drug abuse education programs, and individual and group counselling also are provided. Oklahoma gives greater emphasis to education and vocational training than any other existing SI program. RID participants are separated from general population inmates except during vocational training and education programs.

The DOC prepares a resentencing plan for each inmate. When an inmate completes the 120 day SI program, the DOC recommends that the judge resentence them to probation, under supervision requirements outlined in the resentencing plan. If the judge refuses to resentence, the DOC can transfer the offender to "community custody", where he will serve the balance of his prison term in a tightly structured community setting, supervised by a correctional officer and will comply with the supervision requirements established in the resentencing plan. The offender may begin community custody with a six-month stay at a halfway house, followed by home detention and intensive supervision.

Oklahoma officials acknowledge that their RID program costs more than similar living units at Lexington. The RID unit has 17 staff positions, including 9 custody and 6 program staff--about 6 more total positions than a comparable non-Rid unit. It costs about \$349,500 to operate RID each year, or about \$129,500 more than a comparable living unit at Lexington.

In late 1987 Oklahoma opened a RID program for females at the Mabel Bassett Correctional Facility in Oklahoma City.

Georgia's Special Alternative Incarceration (SAI) Programs

The Georgia Department of Corrections operates two Special Alternative Incarceration (SAI) programs for male offenders. Their basic structure and design are the same, although they differ in minor respects. Judges control SAI selection and impose SAI as a condition of a probation sentence. If offenders complete SAI successfully, there is no need to resentence them to probation.

The first SAI program opened in December 1983 at the Dodge Correctional Institution in South-central Georgia, near Chester. The DOC opened a second program in March 1985 at Burruss Correctional Institution near Forsyth to reduce the backlog of cases waiting for an available SAI slot. Both are relatively new medium security institutions. In both SAI inmates are completely segregated from general population inmates who also reside at the institutions.

Burruss takes cases from northern Georgia, including metropolitan Atlanta. Dodge takes cases from more rural southern Georgia.

Georgia's 90 day SAI programs involve physical training, drill, and hard work. There are two exercise and drill periods each day, with eight hours of hard labor in between. At Dodge, SAI inmates often are transported to other state facilities or prisons to perform labor-intensive tasks. Sometimes they perform community service for nearby municipalities and school districts. At Burruss SAI inmates work on the grounds of the Georgia Public Safety Training Academy, adjacent to the prison. Except when they are doing community service, SAI inmates work under supervision of armed guards.

There is little emphasis on counselling or treatment. Programs are offered on drug abuse education and sexually transmitted diseases. A parole officer assigned to each program coordinates reentry planning. When SAI graduates are released, they go on regular probation supervision.

At Dodge CI, 100 inmates are double-bunked in two 25 cell units connected by a central control room. At Burruss, 100 inmates are single-bunked in four 25-cell units, each two of which share a central control room. Because it takes more staff to cover four units than two, the Burruss SAI program has 20 staff positions, compared with 12 for Dodge. The annual operating budget for Burruss' SAI program is \$468,734, compared to \$320,729 for Dodge. Georgia officials maintain that it costs no more to operate SAI at Dodge and Burruss than to run other living units at those prisons.

Mississippi's Regimented Inmate Discipline Programs

Mississippi operates its Regimented Inmate Discipline (RID) program in a minimum security camp located about a mile from the nearest other prison facility on its Parchman complex. The camp can hold 140 inmates, who are housed in large open dormitories.

Judges control the selection process. They may sentence any offender to RID who meets very broad statutory criteria. The DOC admits any offender sentenced by the courts (who passes medical screening); if necessary, the SI program will tailor a physical regimen to fit the abilities of older or physically impaired offenders.

Mississippi's RID features physical training, drill and ceremony, hard labor, and treatment. Mississippi officials recently restructured the program to add four hours of hard labor each day to reduce the amount of idle time, and revised and amended a reality therapy curriculum. There is no educational or vocational component to the program.

Mississippi recently shortened the Parchman program from 120 to 90 days, and added a 60 day reentry component, where RID graduates live in a half-way house and perform community service. Thereafter, they are released to regular probation supervision. Initially, RID graduates also were assigned a community volunteer who acted as adviser, mentor, and role model. However, conflict over the roles of the volunteers and probation officers, coupled with concern for liability issues, lead the DOC to scrap the community volunteer component.

The Parchman program has 13 staff members, including 6 custody and 5 program staff, and costs \$279,715 to run each year, about the same as other minimum units at Parchman. At the time of our study, cost estimates for the reentry halfway house were not available.

In early 1987 Mississippi opened an RID program for women at its new Rankin County Correctional Institution near Jackson. Inmates share a dormitory living area with a group of non-RID trusties. At the time of our visit, 12 women were in the RID program, down from the maximum of 30. Two custody staff were assigned full time, with a program director and several other staff positions assigned on a part-time basis.

New York's Camp Monterey Shock Incarceration Facility

Camp Monterey Shock Incarceration Facility is operated by the New York State Department of Correctional Services (NYSDOCS), and is located at Beaver Dams, New York, about twenty miles north of Corning. Camp Monterey is a "stand-alone" minimum security institution, and houses 250 SI inmates. The institution has a total of 131 staff (83 custody positions) of which 26 (13 custody positions) were added when the camp was converted to SI. It costs \$3,667,562 to operate the camp each year, about \$458,470 more than a standard NYSDOCS camp.

NYSDOCS selects inmates who meet statutory criteria from among regular prison admissions, and offers them the chance to volunteer for SI. About half those eligible volunteer. Judges play no role in the selection process. Inmate platoons enter the program once a month and remain together as a unit throughout the six month program. Each platoon lives in a large open dormitory. When inmates complete the program, they are released by the parole board to an intensive form of parole supervision.

In addition to physical training and drill and ceremony, inmates perform eight hours of hard labor each day. Following evening drill and ceremony, inmates participate in therapeutic community meetings, compulsory adult basic education courses, individual counselling and mandatory recreation. Inmates with substance abuse problems must attend Alcohol and Substance Abuse Treatment. The program involves extensive reentry planning and job seeking skills training.

The program features a monthly "graduation" ceremony patterned after those used at the conclusion of military basic training. DOC officials attend and give graduation speeches. Awards are made to the inmate who scored highest on the rating system used by staff, and to the inmate who showed the greatest improvement.

NYSDOCS recently opened a second 250 bed SI facility at Camp Summit, and is considering adding a women's unit to the Camp Summit SI program.

CSG Backgrounder -- Shock Incarceration

Summary of State Shock Incarceration Programs

Florida:

Title: Basic Training Program
Location: Sumter Correctional Institution, Bushnell
Code Citation: Section 958.04 FS, revision of Chapter 958
Operational Since: 1987
Program length: 90-120 days
Capacity: 100
Number of participants: 190 as of March 1988
Number completing program: 143
Budget Request:
 A. Salaries: \$499,426
 B. Expenses: \$96,900
 C. Operating Capital Outlay: \$45,002
TOTAL: \$641,328

Sentencing: Inmates sentenced pursuant to Chapter 958, Youthful Offender Act and designated as youthful offenders, i.e. selected first time offenders, age 24 or under serving ten years or less and not a capital or life felon are eligible provided that there are no physical or psychological limitations that would preclude participation in a strenuous physical or intensive regimented program. Judges sentence offenders to prison. Correctional officials, with judges' approval, select from those volunteering for the program. The program is geared, through "skillfully worded" legislation to decrease the prison population by admitting youth offenders who would otherwise have been incarcerated.

Program Goals:

- o Divert selected youthful offenders from long periods of incarceration.
- o Require cooperation and coordination between the Department of Corrections and the Florida Judicial System.
- o Provide the inmate with the opportunity to become involved in the decision making process concerning his future.
- o Instill confidence, self-respect and pride in accomplishments.
- o Place responsibility directly on the inmate for successful completion of the program.
- o Promote the development of self discipline through the military model of treatment.
- o Coordinate with the Court to effect placement on probation upon successful completion of the Program.

Evaluation: Anticipated in 1989

Contact: Florida

Basic Training Program
James G. Mitchell, Director
Youthful Offender Program Office
Florida Department of Corrections
1311 Winewood Boulevard
Tallahassee, FL 32399-2500
Phone: (904) 488-5021

CSG Backgrounder -- Shock Incarceration

Georgia:

Title: Special Alternative Incarceration (SAI)
Location: Al Burruss Correctional Training Center, Forsyth
Dodge Correctional Institute, Chester
Code Citation: Statute 42-8-35.1, 1983
Operational Since: Burrus (1983), Dodge (1985)
Program length: 90 days
Capacity: 100 beds at each facility
Annual diversion capability: 800
Participants: As of March 1988: 2400
Number completing program: 2160
Cost: \$36.85/day (\$3317/session) as compared to \$13,450 for one year's standard institutionalization.
Sentencing: Judge sends offender to camp as part of a probation sentence.
Classes are offered during the last month for job readiness, including twelve hours on job interviewing, job application and communications skills.

Contact: Georgia:

Special Alternative Incarceration
Larry Anderson
Diversion Programs Coordinator
Georgia Department of Corrections
Probation Division
Suite 954, East Tower
Floyd Veterans Memorial Building
Atlanta, GA 30334
Phone: (404) 656-4696

Kansas:

The program will be set up as an alternative under the Community Corrections guidelines. State funds will be channeled through the two counties in which the programs will be operating. Two facilities are being renovated to house a mixed male and female population of one hundred inmates at each center. Programs will be six months in length. They will consist of military discipline with a public works focus and an Outward Bound activity.²⁴

Louisiana:

Title: Intensive Motivational Program of Alternative Correctional Treatment (IMPACT)
Location: Hunt Correctional Center, Orleans Parish
Code Citation: Act 185, 1986 - La. R.S. 15:574.4(A) and Art 901.1, C.Cr.P.
Operational Since: Hunt (March 1987), Orleans Parish (January 1987)
Program length: 90-180 days
Capacity: 120 beds
Cost: Rep. Raymond Jetson estimates that the state could save about \$750,000 the first year and about \$3 million over five years.

CSG Backgrounder -- Shock Incarceration

Sentencing: Presentence or postsentence investigation report notes offender's eligibility and suitability for IMPACT. The Division of Probation and Parole may also recommend an offender in the process of probation revocation.

Other Instructional Activities:

- "DI's Course": two hours a week; exploration of concepts and information related to work and work behavior
- "Ventilation" Therapy
- "Reeducative" Therapy
- "Substance Abuse" Group
- "Prerelease" Group

Evaluation: The Louisiana State University, in collaboration with the Louisiana Department of Public Safety and Corrections, is currently studying the IMPACT program for a period of two years beginning in August 1987. The components under study are system changes, cost/benefit analysis, offender changes and comparisons, and program evaluation.

Contact: Louisiana
IMPACT
Jean Wall
Department of Public Safety and Corrections
P.O. Box 94304
Capitol Station
Baton Rouge, LA 70804-9304
Phone: (504) 342-6740

Michigan

Title:	Special Alternative Incarceration (SAI)
Location:	Camp Sauble, Free Soil
Code Citation:	Established by H.B. 691 as amendment to Section 1, Chapter XI of Act No. 175 of the Public Acts of 1927
Operational since:	March, 1988
Program length:	90 days
Capacity:	156

As of December 1988 there had been 350 admissions to the program, 132 of which had successfully completed the program. One hundred probationers were returned to court for reasons of program refusal (56), medical discharge (19), court rule violation (18), no improvement (5), and not qualifying (2). One hundred eighteen probationers were in the program at the end of the month.²⁵ Cost: \$5,900 per prisoner as compared to an average cost of \$19,225 for conventional incarceration.

CSG Backgrounder -- Shock Incarceration

Evaluation: Research by Michigan State University is in progress.

Contact: Michigan
Special Alternative Incarceration
Donald Hengesh, Director
Michigan Department of Corrections
Grandview Plaza
P.O. Box 30003
206 E. Michigan Ave.
Lansing, MI 48909
Phone: (517) 373-0287

Mississippi:

Title: Regimented Inmate Discipline (RID)
Location: Parchman Prison (men)
Rankin County Correctional Institute (women)
Code Citation: Section 47-7-47 Mississippi Code 1972 Annotated
Operational Since: 1985
Program Length: Up to 180 days
Capacity: 130 at Parchman; 75 in Community Services Phase

Program Goals: The program is designed to gradually shift participants from "an initially intense, externally mandated system of forced behavioral change" to "internally controlled, productive behavior."²⁶ These phases utilize the facilities at the State Penitentiary (Phase I), Corrective Work Center facilities (Phase II) and Community Services Division (Phase III).

Contact: Mississippi
Regimented Inmate Discipline
Mike Whelan
Mississippi State Penitentiary
Parchman, MS 38738
Phone: (601) 745-6611

New Hampshire:

A 96 bed facility is under construction at the New Hampshire State Prison for a shock incarceration program. Startup date is July 1990. Legislation authorized the formation of a committee to develop the program as part of a major prison expansion project.²⁷

New York

Location: Monterey Shock Incarceration Facility, Schuyler
County (men)
Summit (men and women)
Wayne County
Essex County

CSG Backgrounder -- Shock Incarceration

Code Citation: Correction Law 112.866; Rules and regulations: Chapter XI, Part 1800, 1987

Operational Since: 1987 (Monterey), 1988 (Summit), 1989 (Wayne Co. and Essex Co.)

Program Length: 180 days

Capacity: 250 at each facility

Cost: Estimated at \$9,000 per inmate per year, compared to a systemwide cost of \$19,400.²⁸ "For the first 321 releases from shock camps through November 21, 1988, the Department saved an estimated \$5.1 million, over what it would have cost to incarcerate each inmate for their full minimum sentences."²⁹

Sentencing: Corrections Department selects participants.

Program Goals: The goal of the program is one of "habilitation" rather than rehabilitation which is "to turn out a better class of muggers."³⁰ Program areas consist of Drill Instruction, Network, Work Squads, Education, ASAT, and Recreation. Inmates are evaluated on six generic indicators: Respect, Positive Effort, Cooperation, Following Instructions, Accepting Criticism and Program Progress. Inmates participate in labor-intensive work projects for seven hours each workday. Projects include community service, cutting trees and clearing brush for the state Department of Environmental Conservation, and construction and maintenance at the camp itself.

Treatment Components:

Network Program: Emphasizes community living and socialization skills

ASAT: Substance abuse education and group counseling

Individual counseling

Structured educational program: A full day each week and week nights

Pre-release

Of 996 inmates selected for SI between July 13, 1987 and November 14, 1988 444 were still active as of December 1988, 321 have graduated and 231 were transferred out without having completed the program.³¹ "Of the first 164 inmates at Monterey, 112 graduated, a dropout rate of 32 percent."³²

Contact: New York
Shock Incarceration
Glenn S. Goord, Deputy Commissioner
Department of Correctional Services
The State Office Building Campus
Building 2
Albany, NY 12226
Phone: (518) 457-2947

CSG Backgrounder -- Shock Incarceration

Oklahoma:

Title: Regimented Inmate Discipline (RID) Program
Location: William S. Key Correctional Center, Ft. Supply
(after February 15, 1989)
Code Citation: Nonviolent Intermediate Offender Act 1983, codified
in Oklahoma Statutes as Title 22, Section 995 (HB
1395) and O.S.S. 982a (S.B. 127)
Operational Since: 1984
Program length: 8 weeks
Capacity: 80 cells
Cost: The annual operational budget runs about \$7.5 million excluding the health
staff.
Sentencing: Requires the Department of Corrections to submit a sentence
modification and a rehabilitation plan to the sentencing court. Under the
delayed sentencing program the Department of Corrections files a Specialized
Offender Accountability Plan (SOAP) with the court clerk on each RID
participant.

Program Goals: 1) to increase the degree of overall offender accountability in a
positive manner, especially with respect to the crime victim and community, and
2) to facilitate improved interaction and functioning of the criminal justice
system.

Programs Titles: Daily Living Skills, Narcotics Anonymous, Alcoholics
Anonymous, Substance Abuse Education, Stress Management and Relaxation Training,
Education (GED, ABE), Vo-tech evaluation, Pre-release, Religious Services,
Recreation.

Program Evaluation: Of the first 403 participants 83 percent were high school
dropouts; 59 percent were involved with some kind of drug use; 91 percent were
unemployed at the time of arrest; 97 percent were living at poverty level.³³ Of
the first 291 to complete RID program: 14 percent were program failures that
were transferred elsewhere for extended incarceration; 21 percent were
transferred to a minimum security facility for skill training or some other
program participation prior to release; 25 percent were transferred to a
community treatment center for work release; 35 percent were released directly
to the streets with intensive supervision.³⁴

A study of 50 Nonviolent Intermediate Offender program participants who had
not recidivated back into the prison system lists seven critical points that 37
to 46 of the individuals identified as having a positive effect on their ability
to remain free: mentoring, discipline, regimentation, exposure to vo-tech skill
areas, counseling, vo-tech testing (analysis), and time to think.³⁵

Contact: Oklahoma (as of February 15, 1989)
Regimented Inmate Discipline Program
Ron Anderson, Deputy Director
William S. Key Correctional Center
Box 61
Ft. Supply, OK 73841

Background -- Shock Incarceration

South Carolina

Location:

Males: Thames Shock Probation Center, Wateree River Correctional Institution, Rembert

Females: Shock Probation Unit Women's Correctional Center, Columbia

Code Citation:

Omnibus Criminal Justice Improvement Act of 1986

Operational Since:

(Both), 1987

Program length:

(Both) 90 days

Capacity:

Males, 96; 96 additional beds are planned for the end of 1989

Females, accepting 8 per month

Participants:

648 as of February 6, 1989

Sentencing: Corrections officials select those fitting SI eligibility criteria from those admitted to prison. Judges have an approval or veto over placements.

Education is a strong focal point in the SI program. Twenty five percent of those lacking a high school diploma have been able to obtain GEDs through the SI program.³⁶ Inmates spend three hours per day in education.

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Males:

Thames Shock Probation Center

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Wateree River Correctional Institution

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APPENDIX D

1 D 9/26/89 Ward C 9/29/89 rbc

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend the Code of Virginia by adding in Chapter 18 of Title
4 19.2 an article numbered 3, consisting of a section numbered
5 19.2-316.1, and in Title 53.1 an article numbered 5, consisting
6 of a section numbered 53.1-67.1, relating to Boot Camp
7 Incarceration.

8

9 Be it enacted by the General Assembly of Virginia:

10 1. That the Code of Virginia is amended by adding in Chapter 18 of
11 Title 19.2 an article numbered 3, consisting of a section numbered
12 19.2-316.1, and in Title 53.1 an article numbered 5, consisting of a
13 section numbered 53.1-67.1, as follows:

14 Article 3.

15 Boot Camp Incarceration Program.

16 § 19.2-316.1. Eligibility for participation; evaluation;
17 sentencing; withdrawal or removal from program.--An individual who is
18 (i) convicted on or after January 1, 1991, of a nonviolent felony,
19 (ii) between the ages of eighteen and twenty-four at the time of the
20 commission of the offense, and (iii) has never before been sentenced
21 to incarceration as an adult may be eligible for sentencing as
22 provided herein.

23 Following conviction and prior to sentencing, upon its own motion
24 or motion of the defendant, the court may order such defendant
25 committed to the Department of Corrections for a period not to exceed
26 sixty days from the date of conviction for evaluation and diagnosis by
27 the Department and the Parole Board to determine suitability for

1 participation in the pilot Boot Camp Incarceration Program established
2 pursuant to § 53.1-67.1. The evaluation and diagnosis shall include a
3 complete physical and mental examination of the defendant.

4 The Department of Corrections and the Parole Board shall conduct
5 the evaluation and diagnosis and shall review all aspects of the case
6 within sixty days from the date of conviction and shall recommend that
7 the defendant be committed to the Boot Camp Incarceration Program upon
8 finding that (i) such defendant is physically and emotionally suitable
9 for the program, (ii) such commitment is in the best interest of the
10 Commonwealth and the defendant, and (iii) facilities are available for
11 confinement of the defendant.

12 Upon receipt of such a recommendation and written consent of the
13 defendant to participate in the program, and a determination by the
14 court that the defendant will benefit from the program and is capable
15 of returning to society as a productive citizen following a reasonable
16 amount of intensive supervision and rehabilitation including program
17 components set forth in § 53.1-67.1, the court shall impose sentence
18 as authorized by law and suspend execution of the sentence and place
19 the defendant on probation. Such probation shall be conditioned upon
20 the defendant's entry into and successful completion of a Boot Camp
21 Incarceration Program established by the Department of Corrections
22 pursuant to § 53.1-67.1. The court may impose such other terms and
23 conditions of probation as it deems appropriate.

24 Upon the defendant's (i) voluntary withdrawal from the program,
25 (ii) removal from the program by the Department of Corrections for
26 intractable behavior, or (iii) refusal to comply with the terms and
27 conditions of probation imposed by the court, the defendant shall be
28 brought before the court for hearing. Upon a finding that the

1 defendant voluntarily chooses to withdraw from the program, exhibited
2 intractable behavior as defined herein, or refused to comply with
3 terms and conditions of probation, the court shall revoke the
4 suspended sentence and probation. Upon revocation of the suspension
5 and probation, the provisions of §§ 53.1-191, 53.1-196 and 53.1-198
6 through 53.1-201 shall apply retroactively to the date of sentencing.

7 Upon the defendant's failure to complete the program or to comply
8 with the terms and conditions of probation imposed by the court
9 through no fault of his own, the defendant shall be brought before the
10 court for hearing. Notwithstanding the provisions for pronouncement
11 of sentence as set forth in § 19.2-306, the court, after hearing, may
12 pronounce whatever sentence was originally imposed, pronounce a
13 reduced sentence, or impose such other terms and conditions of
14 probation as it deems appropriate.

15 "Intractable behavior" means that behavior which, in the
16 determination of the Department of Corrections, (i) indicates an
17 inmate's unwillingness or inability to conform his behavior to that
18 necessary to his successful completion of the program or (ii) is so
19 disruptive as to threaten the successful completion of the program by
20 other participants.

21 "Nonviolent felony" means any felony except those included in
22 Articles 1 through 7 (§§ 18.2-30 through 18.2-67.10) of Chapter 4;
23 Articles 1 and 2 (§§ 18.2-77 through 18.2-94) of Chapter 5; §§
24 18.2-279 through 18.2-282 of Article 4, and §§ 18.2-289 and 18.2-290
25 of Article 5 of Chapter 7; §§ 18.2-370 and 18.2-370.1 of Article 4 of
26 Chapter 8; § 18.2-405 of Article 1 of Chapter 9; and Article 7 (§§
27 18.2-473 through 18.2-480.1) of Chapter 10 of Title 18.2 of this Code.

28 Article 5.

1 Boot Camp Incarceration Program.

2 § 53.1-67.1. Establishment of program; supervision upon
3 completion; report; effective date of provisions.--Beginning January
4 1, 1991, and continuing until December 31, 1995, the Department shall
5 establish, staff and maintain at any state correctional facility
6 designated by the Board of Corrections a Boot Camp Incarceration
7 Program of intensive supervision for the rehabilitation, training and
8 confinement of individuals committed to the Department under the
9 provisions of § 19.2-316.1. No more than 100 individuals shall be
10 confined pursuant to the program at any one time. The program shall
11 include components for drill and ceremony, physical labor, counseling,
12 remedial education including drug education, and vocational
13 assessment.

14 Upon completion of the program, the individual shall be released
15 from confinement and remain on probation and subject to intensive
16 supervision for a period of one year or for such other longer period
17 as was specified by the sentencing court. As a condition of such
18 probation following the boot camp component, a probationer's
19 successful participation in employment, vocational education or other
20 educational programs may be required pursuant to policies established
21 by the Board of Corrections.

22 2. That the provisions of this act shall expire on July 1, 1995.

23 #

Felonies Ineligible for Boot-Camp Incarceration

Article 1.

Homicide.

Sec.

- 18.2-30. Murder and manslaughter declared felonies.
- 18.2-31. Capital murder defined; punishment.
- 18.2-32. First and second degree murder defined; punishment.
- 18.2-33. Felony homicide defined; punishment.
- 18.2-34. [Reserved.]
- 18.2-35. How voluntary manslaughter punished.
- 18.2-36. How involuntary manslaughter punished.
- 18.2-37. How and where homicide prosecuted and punished if death occur without the Commonwealth.

Article 2.

Crimes by Mobs.

- 18.2-38. "Mob" defined.
- 18.2-39. "Lynching" defined.
- 18.2-40. Lynching deemed murder.
- 18.2-41. Shooting, stabbing, etc., with intent to maim, kill, etc., by mob.
- 18.2-42. Assault or battery by mob.
- 18.2-43. Apprehension and prosecution of participants in lynching.
- 18.2-44. Civil liability for lynching.
- 18.2-45. Persons suffering death from mob attempting to lynch another person.
- 18.2-46. Jurisdiction.

Article 3.

Kidnapping and Related Offenses.

- 18.2-47. Abduction and kidnapping defined; punishment.
- 18.2-48. Abduction with intent to extort money or for immoral purpose.
- 18.2-48.1. Abduction by prisoners; penalty.
- 18.2-49. Threatening, attempting or assisting in such abduction.
- 18.2-49.1. Parental abduction; penalty.
- 18.2-50. Disclosure of information and assistance to law-enforcement officers required.
- 18.2-50.1. Emergency control of telephone service in hostage or barricaded person situations; penalty.

Article 4.

Assaults and Bodily Woundings.

- 18.2-51. Shooting, stabbing, etc., with intent to maim, kill, etc.
- 18.2-51.1. Malicious bodily injury to law-enforcement officers; penalty; lesser included offense.
- 18.2-51.2. Aggravated malicious wounding; penalty.
- 18.2-52. Malicious bodily injury by means of any caustic substance or agent or use of any explosive.
- 18.2-53. Shooting, etc., in committing or attempting a felony.
- 18.2-53.1. Use or display of firearm in committing felony.
- 18.2-54. Conviction of lesser offenses under certain indictments.
- 18.2-54.1. Attempts to poison.
- 18.2-54.2. Adulteration of food, drink, drugs, cosmetics, etc.; penalty.

18.2-55. Bodily injuries caused by prisoners, probationers or parolees.

18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.

18.2-56.1. Reckless handling of firearms; reckless handling while hunting.

18.2-57. Assault and battery.

18.2-57.1. Assault and battery against law-enforcement officers; penalty; lesser included offenses.

Article 5.

Robbery.

18.2-58. How punished.

Article 6.

Extortion and Other Threats.

- 18.2-59. Extorting money, etc., by threats.
- 18.2-60. Threats of death or bodily injury to a person or member of his family.
- 18.2-60.1. Threatening the Governor or his immediate family.
- 18.2-60.2. Members of the Governor's immediate family.

Article 7.

Criminal Sexual Assault.

- 18.2-61. Rape.
- 18.2-62. [Reserved.]
- 18.2-63. Carnal knowledge of child between thirteen and fifteen years of age.
- 18.2-63.1. Death of victim.
- 18.2-64. [Repealed.]
- 18.2-64.1. Carnal knowledge of certain minors.
- 18.2-65. [Repealed.]
- 18.2-66. Effect of subsequent marriage to female over fourteen years of age.
- 18.2-67. Depositions of complaining witnesses in cases of criminal sexual assault and attempted criminal sexual assault.
- 18.2-67.01. Not in effect.
- 18.2-67.1. Forcible sodomy.
- 18.2-67.2. Inanimate object sexual penetration; penalty.
- 18.2-67.2:1. Marital sexual assault.
- 18.2-67.3. Aggravated sexual battery.
- 18.2-67.4. Sexual battery.
- 18.2-67.5. Attempted rape, forcible sodomy, inanimate object sexual penetration, aggravated sexual battery, and sexual battery.
- 18.2-67.6. Proof of physical resistance not required.
- 18.2-67.7. Admission of evidence.
- 18.2-67.8. Closed preliminary hearings.
- 18.2-67.9. Testimony by child victims using two-way closed-circuit television.
- 18.2-67.10. General definitions.

Article 1.

Arson and Related Crimes.

- Sec.
18.2-77. Burning or destroying dwelling house, etc.
18.2-78. What not deemed dwelling house.
18.2-79. Burning or destroying meeting house, etc.
18.2-80. Burning or destroying any other building or structure.
18.2-81. Burning or destroying personal property, standing grain, etc.
18.2-82. Burning building or structure while in such building or structure with intent to commit felony.
18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.
18.2-84. Causing, inciting, etc., commission of act proscribed by § 18.2-83.
18.2-85. Manufacture, possession, use, etc., of fire bombs or explosive materials or devices.
18.2-86. Setting fire to woods, fences, grass, etc.
18.2-87. Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized.
18.2-87.1. Setting off chemical bombs capable of producing smoke in certain public buildings.
18.2-88. Carelessly damaging property by fire.

Article 2.

Burglary and Related Offenses.

- 18.2-89. Burglary; how punished.
18.2-90. Entering dwelling house, etc., with intent to commit murder, rape or robbery.
18.2-91. Entering dwelling house, etc., with intent to commit larceny or other felony.
18.2-92. Breaking and entering dwelling house with intent to commit assault or other misdemeanor.
18.2-93. Entering bank, armed, with intent to commit larceny.
18.2-94. Possession of burglarious tools, etc.

Article 4.

Dangerous Use of Firearms or Other Weapons.

- 18.2-279. Discharging firearms or missiles within or at occupied buildings.
18.2-280. Willfully discharging firearms in public places.
18.2-281. Setting spring gun or other deadly weapon.
18.2-282. Pointing or brandishing firearm or object similar in appearance.

Article 5.

Uniform Machine Gun Act.

- 18.2-289. Use of machine gun for crime of violence.
18.2-290. Use of machine gun for aggressive purpose.

Article 4.

Family Offenses; Crimes Against Children, etc.

- 18.2-370. Taking indecent liberties with children.
18.2-370.1. Taking indecent liberties with child by person in custodial or supervisory relationship.

Article 1.

Riot and Unlawful Assembly.

- 18.2-405. What constitutes a riot; punishment.
Article 7.

Escape of, Communications with and Deliveries to Prisoners.

- 18.2-473. Persons aiding escape of prisoner or child.
18.2-473.1. Communication with prisoners; penalty.
18.2-474. Delivery of articles to prisoners.
18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners.
18.2-475. Officers, etc., voluntarily allowing prisoner convicted of or charged with felony to escape; penalty.
18.2-476. Officers, etc., willfully and deliberately permitting prisoner not convicted of or charged with felony to escape or willfully refusing to receive prisoner; penalty.
18.2-477. Prisoner escaping from jail; how punished.
18.2-477.1. Escapes from residential care facility.
18.2-478. Escape from jail or custody by force or violence without setting fire to jail.
18.2-479. Escape without force or violence or setting fire to jail.
18.2-480. Escape, etc., by setting fire to jail.
18.2-480.1. Admissibility of records of Department of Corrections in escape cases.