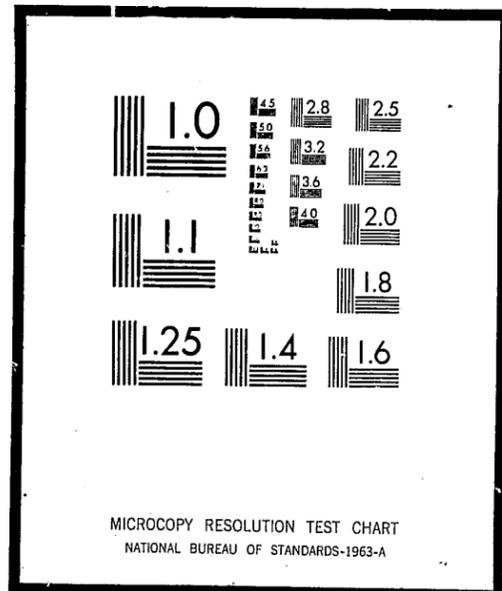


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SURVEY OF UNITED STATES IMPLEMENTATION OF THE UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Submitted to the
Secretary General of the United Nations
by the
Government of the
United States of America



prepared by the
ABA COMMISSION ON CORRECTIONAL FACILITIES AND SERVICES
working in cooperation with
ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS
AMERICAN CORRECTIONAL ASSOCIATION
U.S. BUREAU OF PRISONS

WASHINGTON, D. C.

DECEMBER 1974

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PREFACE

In July, 1974, the U.S. Department of State received a request from the Secretary-General of the United Nations to report on United States implementation of the UN Standard Minimum Rules for the Treatment of Prisoners. Acting under authority of UN Charter Article 64, which provides that the Economic and Social Council may obtain reports from Member States on steps taken to effectuate its recommendations, and pursuant to Economic and Social Council Resolution 663 (XXIV) of July, 1957, which recommended that Member States adopt and apply the Standard Minimum Rules in the administration of penal institutions, the Secretary-General transmitted a special fifteen-page questionnaire covering implementation and adoption of the Rules.

The State Department is pleased to be able to provide the Secretary-General with this formal report on U.S. implementation of the Standard Minimum Rules in addition to the completed questionnaire. It should be noted that this is the first time the United States has been able to supply the United Nations with detailed information on this matter from not only the U.S. Bureau of Prisons but state corrections systems as well. Indeed, the underlying survey on which the U.S. report is based combines comprehensive responses from 48 states, the District of Columbia and Puerto Rico as well as the federal correctional system--an unprecedented but nevertheless essential data base for a federal nation such as ours where the bulk of correctional activity, expenditures, and responsibility lies with state and local governments. Surely, this speaks well for the commitment and interest of our state penal system administrators and their willingness to cooperate with the international community in this respect.

It is hoped that this report will be valuable to the Secretary-General in his efforts to study world-wide implementation of the Rules, an issue that is receiving increased attention by the General Assembly, the Economic and Social Council and other UN bodies. Recognition should be given those organizations that provided necessary assistance during the preparation of this report: The U.S. Bureau of Prisons, the Association of State Correctional Administrators, the American Correctional Association, and the American Bar Association Commission on Correctional Facilities and Services. Their support has enabled the United States to respond in the full and complete manner essential to a meaningful study of the implementation of this important set of international standards.

William B. Buffum

William B. Buffum
Assistant Secretary for
International Organization Affairs
U. S. Department of State

January 15, 1975

INTRODUCTION

Any attempt to survey U.S. compliance with a set of standards such as the UN Standard Minimum Rules for the Treatment of Prisoners is a major task. Being a federal system of 50 states (and the District of Columbia) a comprehensive U.S. report must necessarily include not only federal-level activities but those of the states and localities as well. This kind of information does not submit to easy assembly or interpretation.

At best, one can hope only to review the policies and operations of the fifty state systems, the federal system and the District of Columbia which, in fact, are responsible for prisons and confinement facilities that hold the bulk of offenders sentenced for serious crimes (generally the "felony" classification). Local governments (counties and municipalities) operate most of the nation's jails which hold prisoners awaiting trial or sentence and the majority of offenders serving short sentences for less serious crimes (our "misdemeanor" classification). There are, indeed, over 45,000 criminal justice agencies in the public sector (including police agencies, courts, prosecutors and defenders offices, and corrections, probation and parole departments) about 15% of which have responsibility for the prisons, jails and correctional services of the nation. It is obvious that a survey of federal and state prison practices does not touch upon the whole field of corrections nor, necessarily the most neglected but it does reach the U.S. systems which spend most dollars, house most confined offenders, and are assuming an increasingly large inspection and supervisory role over local jails and institutions.

This can be illustrated by dollar expenditures at the various levels. In fiscal year 1972, all governments in the U.S. spent \$2.4 billion on corrections.* \$146 million was spent at the federal level (predominantly by the U.S. Bureau of Prisons, an agency of the U.S. Department of Justice) which had an average population at that time of about 20,000 inmates. State governments, during the same fiscal year, spent \$1.5 billion on corrections for a population of approximately 190,000 inmates. Local governments spent about \$960 million on corrections while jailing approximately 140,000-150,000 persons at any point in time during that year (approximately 60% unconvicted and 40% serving short-term sentences).**

* Expenditure and Employment Data for the Criminal Justice System, 1971-1972, Law Enforcement Assistance Administration, U.S. Department of Justice and U.S. Bureau of the Census (January, 1974).

** Survey of Inmates of Local Jails in 1972-An Advance Report, Law Enforcement Assistance Administration, U.S. Department of Justice (1974).

The present survey contacted only the federal and 50-state level governments concerning their adherence to the Rules. This means that the 40% or so of incarcerated persons of adult age in the U.S. criminal justice system who are under the jurisdiction of local authorities are not covered under the survey (except by occasional comment from a few state system respondents). Information concerning these jails and institutions would, of course, be important for any fully complete U.S. report on the implementation of the Standard Minimum Rules. Moreover, it is probable that the Rules are less known or adhered to in practice at this level than at the federal and state level (only five states have direct control and jurisdiction over county and local jails).

Nonetheless, it is felt that this report will provide a reasonably accurate and thorough summary of the state of U.S. corrections vis-a-vis the Standard Minimum Rules. By comprehensively considering the overall adherence to the principles of the UN Rules by the major correction systems in the country, the report not only includes data on the best and most progressive practices in the U.S. but profiles the major large scale prisoner holding systems that exert the weight and leadership in this field. In addition, a few states have included comments on the practices in local jails in their responses to item 29 (Prisoners Under Arrest or Awaiting Trial) of Chapter IV of the survey.

I. SUMMARY OF SURVEY FINDINGS

1. The 1974 Questionnaire. In July of 1974, in preparation for the coming Fifth United Nations Congress on Prevention of Crime and Treatment of Offenders and pursuant to its mandate to periodically collect data concerning practices, problems and implementation with respect to the United Nations Standard Minimum Rules for Treatment of Offenders, the Secretary General distributed a questionnaire to all member governments. This was the first such inquiry undertaken since 1967 to which forty-four countries replied. The new inquiry was structured as a questionnaire and such improvements were effected as, it was felt, might encourage a broader, and more meaningful response than had been elicited from the 1967 Inquiry.

2. Basis and U.S. Response. Determination of the United States response to the 1974 Questionnaire was based on an unprecedented survey of all major correctional systems of the United States, i.e., the Federal Bureau of Prisons and the adult corrections departments of the 50 states, the District of Columbia and Puerto Rico. The 1974 Questionnaire was sent to the chief administrator of each of these departments in exactly the same form and content as received by the United States government and other governments, but with minor changes in format to increase the ease and convenience of response (e.g., the text of each rule was added to the portion of the questionnaire seeking rule-by-rule answers on the status of implementation).

3. Extent of U.S. Response. Full responses were received in this 50-state survey from the Federal Bureau of Prisons, 92% of the states (46 states), the Commonwealth of Puerto Rico, and the District of Columbia* It is these 49 responses, that form the basis for the United States report on the 1974 questionnaire. The 49 responses have been combined, without special weighting or allowance for the population of the reporting jurisdictions or the size of their correctional systems, to produce the composite report summarized herein.

4. Reliability of U.S. Response. Because of the nature and comprehensiveness of the responses (only four states did not complete questionnaire and these account for less than 11% of the total U.S. population), it is believed that the composite United States response provides a fair picture of implementation of the Standard Minimum Rules, subject to the following qualifications:

* Responses were received from Vermont and West Virginia just prior to the publication of this report. Raw data has been included in Table I (see pp. 59 and 60) although totals in Table I and the Summary Chart (p. 7) do not reflect information received from these states. Overall findings discussed in the body of the report remain an accurate overview of reported U.S. implementation.

- (i) Since most facilities for the detention of persons awaiting trial are not administered, controlled, or carefully monitored by the state and federal systems, the response is probably not a reliable index of the state of implementation of the Rules for prisoners in such facilities (i.e., the nation's local jails).
- (ii) Since the responses are self-reported assessments by the 49 systems which produced completed questionnaires, there is an inevitable element of difference in interpretation and understanding of the questions, (--including misunderstanding of the questions) which is evident in some of the individual answers. This problem, however, exists among the larger group of nations responding to the questionnaire and is, to that extent, unavoidable in a self-assessment inquiry of this kind.
- (iii) The precision of the responses is limited by the precision of the 1974 Questionnaire itself, since it was considered inappropriate to depart from the content and instructions of the questionnaire as developed by the United Nations.

5. Overall Finding. The general profile which emerges from the United States responses indicates substantial and significant implementation of the substance of the Standard Minimum Rules, but at varying levels for different rules, and as a matter of desirable correctional practice and policy rather than any explicit or conscious attempt to follow the Rules as such.* The 1974 Questionnaire contained three major parts as follows:

- (i) a short initial section (Part I) on legislative and regulatory adoption, dissemination of the rules and their availability for training purposes;
- (ii) A short concluding section (Part III) asking for general comments on future implementation of the rules and how they might be refined and improved (largely optional in nature); and
- (iii) an all important middle section (Part II) asking for a rule-by-rule response on extent of implementation of each of the UN Rules.

The composite results are summarized below.

6. Part I Questions - Legislative and Regulatory Impact. The responses here support the following overall conclusions.

- (i) The Rules have not significantly influenced the prevailing prison law and regulations in the United States (only a minority of the respondents estimated such an impact);
- (ii) The guaranties of the Rules are in fact largely embodied in the prevailing prison law and regulations in the United States. (A clear majority of the respondents reached this conclusion and Part II responses further confirm that judgment);

* Most state efforts today concerning standards are directed to the comprehensive set of Corrections Standards issued in the U.S. in 1973 by the National Advisory Commission on Criminal Justice Standards and Goals.

- (iii) The Rules as such are neither available in penal institutions for staff and prisoners or used as training materials for personnel in the United States. (Due to some apparent confusion, a number of respondents stressed that their own regulations were so available and utilized).

7. Part III Questions - Future Implementation and Modification Measures.

This question inquired as to measures planned for implementation of the Rules, experiments or innovations deviating from the rules, recommendations regarding modifications or new rules that might be adopted in light of changes since the Standard Minimum Rules were Adopted. The composite response indicated:

- (i) few plans for implementation of the UN Rules as such although nearly half the jurisdictions reported development of state master plans, correctional standards, and new programs and facilities of all kinds in substantial harmony with the spirit and principles of the Standard Minimum Rules;
- (ii) few reports of experiments or innovative deviations from the rules (only 2 responding states) and of suggested modifications or refinements (only 6 states).

8. Part II Questions - Rule-by-Rule Implementation.* This was the most extensive section of the report and elicited the fullest measure of response. Overall responses are shown in the attached summary chart and exhibited the following characteristics:

- (i) 78% of the rules were fully implemented on the average (based on the 30 questionnaire groupings of the 88 rules examined). If the Rules on Prisoners Awaiting Trial (Rs. 84-93) and Civil Prisoners (R.94) are eliminated as not generally within the responsibility of or applicable to the responding systems, the average increases to 83%;
- (ii) 14% of the rules, on the average, were implemented in part, and another 4% recognized in principle although not implemented;
- (iii) Twenty jurisdictions fully implemented 80% or more of the rules and fourteen jurisdictions implemented 90% or more of the rules. Eight jurisdictions fully implemented less than 60% of the rules.

9. Part II - Rules Not Fully Implemented. In order to make composite judgments about United States practice (and thereby complete a single questionnaire for the United States) a rather severe standard was developed. It was determined that only rules (or groupings of rules) as to which at least 80% of the 49 responding jurisdictions indicated they were fully implemented would be considered as "Implemented." By this standard, 17 of the 30 groupings of rules have been compositely rated in this category (see chart). Of the thirteen remaining rules (or groupings of rules), which represent the areas least adhered to in United States practice, conclusions are summarized as follows:

- (i) Separation of Categories Rule 8 (30% implement only partially and 11% only recognize in principle) -- The U.S. reports signi-

*In Part II, respondents were asked to check each rule as either "Implemented", "Partially Implemented", "Recognized in Principle", "Not Implemented" or "Not Applicable".

ficant implementation of Rule 8. No responding U.S. jurisdiction disputes the purpose of the Rule. Implementation problems are generally a result of limited resources or inadequate facilities. Some U.S. jurisdictions are exploring the benefits of a liberal interpretation of part (a) of Rule 8 by allowing co-ed education and other program activities.

- (ii) Accommodation - Rules 9-14 (43% only partially implement and 12% only recognize in principle) -- The U.S. reports only limited implementation of Rules 9-14. All respondents recognize and support the requirements of these Rules but physical limitations (e.g., old or poorly designed institutions), overcrowding, and inadequate financial resources are still serious impediments to full implementation. Efforts are underway to rectify some of these problems in a number of states.
- (iii) Exercise and Sport - Rule 21 (20% only partially implement and 8% only recognize in principle) -- The U.S. reports significant implementation of Rule 21 by responding jurisdictions. Deviations from the Rule's requirement that do arise pertain to difficulties in providing requisite exercise for those under maximum custody and the absence or inadequacy of "recreational training" programs.
- (iv) Medical Services - Rules 22-26 (35% only partially implement and 4% only recognize in principle) -- The U.S. reports reasonable implementation of Rules 22-26 although these are among the least implemented Rules of the survey. A number of states indicate methods of health inspection at variance with the medical officer system of Rule 26 and some report resource problems in the medical care area generally.
- (v) Institutional Personnel - Rules 46 to 54 (20% only partially implement and 2% only recognize in principle) -- The U.S. reports significant implementation of Rules 46-54 by the 49 responding U.S. jurisdictions. In practice deviations from these Rules arise in the matter of cross-sex staffing patterns in institutions, on-site residence of the director and medical officer, and civil service status of corrections employees.
- (vi) Inspection - Rule 55 (8% only partially implement, 12% only recognize in principle, and 2% do not implement at all) -- The U.S. reports a reasonable and significant level of implementation of Rule 55. Many states, however, do not have formal systems of inspection and report inspections conducted by various ancillary bodies.
- (vii) Special Category Guiding Principles - Rules 56-64 (28% only partially implement and 9% only recognize in principle) -- The U.S. reports substantial implementation of Rules 56-64 by responding jurisdictions. A large difficulty is still the existence of large institutions and overcrowding. Work-release, community-based treatment and similar concepts are increasingly adopted in practice.

- (viii) Classification and Individualization - Rules 67-69 (20% only partially implement and 11% only recognize in principle) -- The U.S. reports substantial implementation of Rules 67-69. A major hindrance to implementation is the lack of proper financial and facility resources. Many reports of recent improvements and program reevaluations were noted.
- (ix) Work - Rules 71-76 (24% only partially implement and 7% only recognize in principle) -- The U.S. reports significant implementation of Rules 71-76 by responding jurisdictions. Principle problem areas are the paying of equitable remuneration for inmate work and general budgetary resource needs.
- (x) Education and Recreation - Rules 77-78 (20% only partially implement and 2% only recognize in principle) -- The U.S. reports substantial implementation of Rules 77-78 by the 49 responding U.S. jurisdictions. Some states reported that compulsory education was either illegal or not in practice.
- (xi) Insane and Abnormal Prisoners - Rules 82-83 (31% only partially implement and 6% only recognize in principle) -- The U.S. reports significant implementation of Rules 82-83 by responding jurisdictions. Instances were reported of no available external psychiatric facilities within other agencies as were limitations on psychiatric after-care services in some states.
- (xii) Prisoners Awaiting Trial - Rules 84-93 (20% only partially implement and 15% only recognize in principle) -- The U.S. reports a rather low level of implementation of Rules 84-93. This is primarily due to the fact that the majority of the state corrections systems do not house persons under arrest or awaiting trial. Such prisoners are customarily detained in county and local jails pending release on bail or a court appearance. Consequently, the status of U.S. implementation of these Rules must necessarily remain one of the non-applicability of the Rules.
- (xiii) Civil Prisoners - Rule 94 (10% only recognize in principle and 69% consider not applicable) -- The U.S. reports a very low level of implementation of Rule 94, primarily because debtors may not be imprisoned merely on the basis of their obligations. It is not clear whether the reported data accurately reflects the pattern of criminal contempt use in the U.S. and so the results should be interpreted with caution.

It should be noted, finally, that the UN clustering of rules produces its own complications in assessing the extent of implementation. Where a jurisdiction was unable or not inclined to fully implement a single rule or part of a rule (possibly a narrow practice or deviation) in a cluster like "Work" or "Institutional Personnel" or "Discipline and Punishment" which contain a half dozen or more separate rules, it was necessary to classify that jurisdiction as partially implementing the whole cluster even though it may have been fully implementing every other rule in the group.

10. Necessity to Refer to Detailed Data. Because of the complex elements that go to make up the United States response, it is probably more important than in other countries with centralized prison systems or smaller federal groupings to refer to the detailed data and findings of the United States survey for a full and accurate picture of Standard Rules implementation. Many of the states of the United States have systems which equal in size, scope and expenditure that of small or even medium sized countries and these should be evaluated in light of the wealth of specific comments, facts, and explanations provided in the body of the full report of the United States survey.* It is believed that responding jurisdictions were unusually candid in identifying implementation problems and indicating less than full implementation of the rules where such situations did in fact exist.

* Like all UN member state responses, the responses of U.S. systems are based on official policies and applicable law and regulations. Therefore, some allowance should be made, even if minor, for the problem of actual day-to-day observance of the rules at the particular institutions of the system.

SUMMARY CHART OF SURVEY RESPONSES

United States
Bureau of Prisons,
50 State Systems,
D.C., Puerto Rico

UNITED NATIONS STANDARD MINIMUM RULES FOR
TREATMENT OF PRISONERS

* * * * *
IMPLEMENTATION OF INDIVIDUAL RULES IN THE
UNITED STATES (NOVEMBER, 1974)

	I	P	I	R	P	I	A
	M	A	M	E	R	M	P
	P	R	P	C	I	P	P
	L	T	L	O	N	L	L
	E	I	E	G	I	C	N
	M	A	M	N	N	I	O
	E	L	E	I	P	T	E
	N	L	N	Z	L	N	B
	T	Y	T	E	E	T	L
	E	E	D			E	E
	D		D			D	
<u>RULES OF GENERAL APPLICATION</u>							
Basic Principle (R. 6)	92%		8%				
Register (R. 7)	94%			4%	2%		
Separation of Categories (R. 8)	59%	30%		11%			
Accommodation (Rs. 9-14)	45%	43%		12%			
Personal Hygiene (Rs. 15-16)	100%						
<u>Clothing and Bedding (Rs. 17-19)</u>	92%		8%				
Food (R. 20)	98%		2%				
Exercise and Sport (R. 21)	72%	20%		8%			
Medical Services (Rs. 22-26)	61%	35%		4%			
Discipline and Punishment (Rs. 27-32)	88%		8%	4%			
<u>Instruments of Restraint (Rs. 33-34)</u>	88%		12%				
Information & Complaints (Rs. 35-36)	86%		12%	2%			
Contact with the Outside World (Rs. 37-39)	100%						
Books (R. 40)	92%		8%				
Religion (Rs. 41-42)	90%		10%				
<u>Retention of Prisoner's Property (R. 45)</u>	90%		8%	2%			
Notification of Death, Illness, etc. (R. 44)	98%		2%				
Removal of Prisoners (R. 45)	96%		4%				
Institutional Personnel (Rs. 46-54)	77%	20%		2%			
Inspection (R. 55)	76%	8%		12%	2%	2%	
<u>RULES APPLICABLE TO SPECIAL CATEGORIES</u>							
Guiding Principles (Rs. 56-64)	63%	28%		9%			
Treatment (Rs. 65-66)	90%		10%				
Classification and Individualization (Rs. 67-69)	69%	20%		11%			
Privileges (R. 70)	96%		4%				
Work (Rs. 71-76)	69%	24%		7%			
<u>Education and Recreation (Rs. 77-78)</u>	76%	20%		2%			2%
Social Relations & After-care (Rs. 79-81)	80%	18%		2%			
Insane and Abnormal Prisoners (Rs. 82-83)	63%	31%		6%			
Prisoners Awaiting Trial (Rs. 84-93)	16%	20%		15%	2%		47%
Civil Prisoners (R. 94)	18%			10%			69%
Total Average %	78%	14%		4%	0.2%		4%

II. SURVEY STRUCTURE AND RESPONSE

The U.S. State Department received a survey questionnaire covering implementation and adoption of the UN Standard Minimum Rules in the Member States of the UN in early August, 1974 from the Secretary General. It was arranged that the American Bar Association Commission on Correctional Facilities and Service (working in conjunction with the Association of State Correctional Administrators, American Correctional Association, and U.S. Bureau of Prisons) would undertake to survey the 53 jurisdictions of the United States that are responsible for the adult correctional systems of the nation. The United Nations attempted a similar international survey of the Rules in 1968 with limited success (only 44 nations responded to the 1968 survey). However, the Crime Prevention and Criminal Justice Section, the UN Secretariat component with responsibility in this area, anticipates a better response rate and more complete data for the 1974 survey.

The content of the UN survey was reprinted in a somewhat more convenient fashion which included the actual UN Rules integrated into the questions themselves. The instructions and wording of questions were reproduced without alteration except where it was necessary to substitute "state" for "country". The survey, as issued by the UN, was divided into three major parts.

Part I contained five questions that involved the influence of the Rules on the prison law and regulations of the state, the embodiment of Rules principles in local law, and the dissemination of the UN Rules especially with respect to training of employees. Simple YES/NO responses were given by checking an appropriate circle. Room for amplifying comments was structured into the survey form and a large number of notations were made. One difficulty that resulted was the apparent ambiguity of the dissemination questions which resulted in answers based on local rules and not the UN Rules.

Part II of the survey sought to measure implementation of the UN Rules in practice, and the U.S. survey form listed each category of the UN Rules with the actual Rules reproduced in small but readable size next to the objective response check-off circles (marked "Implemented", "Partially Implemented", "Recognized in Principle", "Not Implemented", and "Not Applicable"). This simplified the task of filling out the survey because technical phraseologies or uncertain wordings could be noticed very quickly by the respondent and he could mark-up the Rules on the form itself for clarifications. A full-sized edition of the Rules was also supplied every respondent as well as an extra copy of the questionnaire for rough-draft or record purposes. As in Part I, ample space for explanatory comments was provided. Thus, the survey recorded objective and subjective data in a fashion that allowed reasonably simple responses as well as efficient tabulation of replies.

Part III requested only written-type answers to requests for information on measures planned for implementation of the UN Rules in the state, supplemental data on experiments or innovations which deviate from the Rules, and recommendations and suggestions regarding Rules which might be adopted or modified in light of changes which have occurred since 1955 (when the Economic and Social Council first adopted the Rules). Responses to this portion of the survey were made by a great number of respondents.

It was heartening to receive 49 replies from the 53 adult corrections systems surveyed (including the Federal Bureau of Prisons, the District of Columbia and Puerto Rico) as well as responses from 3 state youth authorities which supplied an additional perspective on U.S. implementation. Despite the fact that most jurisdictions were unfamiliar with the UN Standard Minimum Rules and the fact that the survey questionnaire consisted of 17 legal size pages covering 30 Rule categories and 94 Rules, the response rate of 93% was most encouraging for purposes of data significance and as an indication of the importance given to the UN Standard Minimum Rules by the United States. (It should be noted that responses are expected from the remaining 4 states by the time this draft is ready for final submission to the United Nations).

The bulk of the response data is portrayed in Table I on pages This table provides a comprehensive tabulation of all objective responses to questions in Parts I and II of the survey (see discussion in Chapters III and IV of this report). Table II (Overall Implementation), Table III (Degree of Implementation - rank order of jurisdictions), Table IV (Frequency of Implementation - by Rule categories), Table V (Legislative and Regulatory Impact), and Table VI (U.S. map) display the basic data in specialized fashion. References in the text will be made to the various tables as appropriate.

III. GENERAL SURVEY OF LEGISLATIVE AND REGULATORY IMPACT (Survey Part I)

Part I of the survey was designed to measure the impact of the Standard Minimum Rules on corrections legislation and administrative regulations in the U.S. Many of the states had never seen the UN Rules and so could not really have been influenced by them. (The Rules were, however, reprinted in 1972 in the Compendium of Model Correctional Legislation and Standards which was published by the American Bar Association Commission on Correctional Facilities and Services and sent to all State corrections departments and legislatures).

New Jersey, for instance, indicated that the questionnaire for this survey was the first awareness they had of the Rules. The Federal Bureau of Prisons, on the other hand, reports that copies of the UN Rules have been distributed to the members of the House and Senate Judiciary Committees of the U.S. Congress, the staffs of which consider all new proposed prison laws. The Rules are also available at the U.S. Department of Justice and the Federal Bureau of Prisons. The Bureau indicated that the UN Rules do have a direct influence on those empowered to make administrative changes in the Federal prisons.

Other states that report not having been aware of the Rules until this survey questionnaire was received are Louisiana, South Dakota, and Florida. The State of Alaska, however, reported that the UN Rules were used in their entirety as a guideline for the development of the policies and procedures of the Alaska Division of Corrections. Similarly, Delaware reports that its book of inmate rules and an "Inmate Bill of Rights" were based on the Rules. Finally, Vermont reported knowledge of the Rules but indicated that it has relied on many other corrections standards in its development of policy as well.

Part I Findings: 36% of the responding U.S. jurisdictions report that the UN Standard Minimum Rules were an influence on the prevailing prison law. 42% indicated that the Rules were an influence on prevailing executive regulations. 60% reported that the guarantees of the UN Rules were embodied in the prison law itself even if not a direct result of Rules influence.

Eleven jurisdictions reported that the Rules influenced both the general prison law and executive regulations and that the guarantees were embodied in the prevailing law as well (Federal Bureau of Prisons, Alaska,

Colorado, Georgia, Indiana, Montana, Nebraska, Ohio, Oregon, Tennessee and Utah). The Florida Youth Authority also noted similar influence by the Rules. Table summarizes the responses to these questions of the survey.

It should be noted that although 60% of the respondents report that the guaranties of the UN Rules are embodied in the prison law, the comments provided in response to Part II of the questionnaire (see Chapter IV) suggest that this figure may be a bit conservative. Some states may have answered no to the "embodiment" question if some of the UN Rules were not reflected in the prevailing law even though most of the UN requirements were so enacted.

Summary: The U.S. reports that the UN Rules have been a significant influence on the laws and regulations of a number of states. It is also possible to report that the guaranties of the Rules are embodied in the prevailing prison law to a very significant degree (although note should be taken of the data in Chapter IV for a full picture).

The original UN questionnaire asked whether the UN Rules were available in the penal institutions for staff and prisoners, whether they have been otherwise disseminated, and whether they are used in the training of prison personnel. The U.S. must report that these questions were apparently misinterpreted by a large number of responding states. In many instances, the answers given were based upon the availability and dissemination of local, departmental rules and regulations rather than the UN Rules. Therefore, the responses received can not be relied upon to provide a meaningful indication of Rules dissemination in the U.S.

Table I does present the raw response by state on a "Yes-No" basis (Section I.) and 23 jurisdictions did report that they disseminate "rules" to staff and inmates. 17 respondents indicated that the "rules" were otherwise distributed and 21 reported using the "rules" in training of employees. Despite the unreliability of these figures insofar as the UN Rules are concerned, a general pattern of state administrative rule dissemination can be noted, e.g., 47% distribute corrections rules to staff and inmates, 34% otherwise distribute them and 42% use departmental rules and regulations in the training of employees. Undoubtedly these figures are much higher, especially if one postulates that a number of states interpreted the question correctly and answered an honest "no" to the question of whether the UN Rules were disseminated.

IV. EXTENT OF RULE IMPLEMENTATION IN PRACTICE (SURVEY PART II)

The average U.S. jurisdiction "implements" (equals or exceeds in actual practice) 78% of the UN Standard Minimum Rules. This constitutes an increase over the 68.5% implementation rate reported in 1969.* An additional 14% of the Rules are "implemented in part" while 4% are not implemented but are reported to be "recognized in principle". Finally, the average U.S. jurisdiction "does not implement" (does not adhere to in practice or in principle) 0.2% of the Rules with 4% of the Rules not applicable to the type of penal system in question. (See Table I).

If the reported results are taken without reservation, the correctional facilities of the U.S. would, in most cases, be model institutions under the measure of the UN Rules. Because the "Civil Prisoner" category is almost universally inapplicable to U.S. criminal justice systems no jurisdiction reported 100% implementation of the Rules (Table II). However, 4 states reported implementation rates of 97%, (Alaska, Colorado, Hawaii and Utah), 6 states rates of 94% and 4 jurisdictions rates of 91%. This places a full 1/3 of reporting jurisdictions at an implementation level of over 90%. (Among the three youth systems sampled, California reported 94% implementation and New York 91%).

In comparison, 15 states reported rates of implementation below 75% including the bottom ranked Wyoming (57%), Georgia (53%), Indiana (53%), Maryland (50%), and Tennessee (50%). It should be noted that most of these states also have significant rates of partial implementation which are discussed in more depth in the analyses of individual Rule categories, which follow.

Since the intrinsic validity of the responses to a voluntary, non-empirical study is always an open matter, we do not, in this report, claim any specific scientific reliability for the findings. Rather, we view the trends and practices sketched by the basic data much as one might regard the readings of a crude barometer with respect to prevailing weather: an indication of how things generally are and a portent of potentially significant change.

*See "International Survey on the Standard Minimum Rule: A Pilot Study," International Review of Criminal Policy (UN) 26:99 (1970).

A. Rules of General Application

BASIC PRINCIPLE (R.6)

Basic principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

U.S. Practice: This principle is reported implemented in actual practice in 92% (44) of the 49 responding U.S. jurisdictions. The remaining 8% indicate partial implementation.

U.S. Comments: The U.S. Federal Bureau of Prisons reported that it must adhere to the requirements of this Rule by virtue of Federal law and Bureau regulations. Only a few state-level respondents commented on Rule 6. Indiana indicated that current state laws were being reviewed in order that full implementation could be ensured in its corrections system. Iowa admits some difficulty in bringing personal attitudes in complete accordance with the Rule in its Penitentiary, even though non-discrimination is the policy. Massachusetts, one of the states reporting partial implementation, said there still are exceptions to the general implementation of the Rule and that departmental regulations on the matter remain to be developed. New Jersey cited specific Division of Correction and Parole Standards that have been promulgated to assist the observance of the principles of Rule 6. North Carolina also reported the importance of Division of Prisons regulations in this area. Wyoming reported partial implementation and added the reservation that "opinion which might contribute to unruly behavior" would not be protected by the Rule 6(2) requirement of respect for religious beliefs and moral precepts. Other comments on part (2) of Rule 6 included Alaska's suggestion that some official recognition process be included in the Rule which would limit the emergence of "psuedo-religions" that may create conflict and South Carolina's caveat that implementation is effected so long as institutional security is not a factor.

Summary: The U.S. reports near total implementation of Rule 6. Practical difficulties with the Rule, where they arise, center on eradicating discrimination at the personal level and dealing with insincere religious groups.

REGISTER (R.7)

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor;
- (c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

U.S. Comments: A number of the U.S. jurisdictions advised that their practice fulfilled the purposes of Rule 7 even though the local procedure varied in some way from the Rule. For instance, the Federal Bureau of Prisons reported that a bound registration book was not utilized but that all information required by the Rule was maintained on record. Alaska uses commitment cards for the official record and a log book only for chronological record keeping. The District of Columbia uses an automatic data processing system (as does Georgia) in conjunction with a central records office. Ohio and Louisiana are currently converting to computerized record-keeping systems. New Hampshire, Rhode Island, and South Carolina utilize individual files containing the required information (although South Carolina maintains a central register in its records office with individual files in the custody of the wardens of the various institutions a "picture card file" system with all information required by Rule 7 included.

Summary: The U.S. reports virtual total implementation of Rule 7. Jurisdictions not indicating actual implementation included 2 engaging in data processing methods and 1 with a central register/institutional personal file system.

SEPARATION OF CATEGORIES (R.8)

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults.

U.S. Practice: 59% of responding U.S. jurisdictions report the implementation of Rule 8, while 30% indicate partial implementation. The remaining 11% recognize in principle the standards set by the Rule.

U.S. Comments: Rule 8 was one of the least implemented Rules of the survey, ranking 27th out of the 30 Rule categories. As a result, comments provided by respondents were quite frequent on this part of the survey.

The Federal Bureau of Prisons practice allows commingling of the sexes for certain program purposes, such as education or counseling since a "healthier institution climate" and better preparation for return to the community were the beneficial results. Illinois also has sexually mixed programs and is currently reconsidering its old policy of separating the sexes. One Massachusetts facility houses the sexes together except for sleeping purposes.

Of those state corrections systems having authority over untried prisoners, a few expressed difficulty in maintaining the segregation required under Rule 8. Alaska indicated that some of its facilities could not always so comply due to space problems. Arizona cited the difficulty of segregating the untried in that state's county jails. Missouri and South Dakota also indicated implementation difficulties caused by facility limitations.

A number of state systems having jurisdiction over young offenders indicated that they segregated by age where possible. Alabama, Georgia, and South Dakota, however, were limited by space and facility constraints in fully implementing part (d) of Rule 8. Idaho reported separation by age only if the younger offender is to be held at a lesser custody level. Oregon, on the other hand, segregates all offenders under age 26 from those 26 or over.

Part (e) of Rule 8 is generally inapplicable to the U.S. due to the elimination of the practice of imprisonment for debts. The states of Alabama, Colorado, Connecticut, Hawaii, Louisiana, Maine, Missouri, Oklahoma, Oregon, South Carolina, and Texas all made specific reference to this point in their comments.

As a general matter, Delaware, Idaho, and Pennsylvania experience difficulty in ensuring compliance with the various requirements of Rule 8 simply because of inadequate resources or space limitations. Wyoming is similarly handicapped but is currently trying to segregate first offenders from multiple offenders. Arkansas and Puerto Rico anticipate greater implementation upon completion of new facilities and Tennessee foresees similar benefits when its new Regional Plan for correctional services is in operation.

Summary: The U.S. reports significant implementation of Rule 8. No responding U.S. jurisdiction disputes the purpose of the Rule. Implementation problems are generally a result of limited resources or inadequate facilities. Some U.S. jurisdictions are exploring the benefits of a liberal interpretation of part (a) of Rule 8 by allowing co-ed education and other program activities.

ACCOMMODATION (Rs. 9-14)

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

U.S. Practice: Of the 49 responding U.S. jurisdictions, 45% report implementing Rules 9-14 on Accommodation. 43% implement these Rules only partially while 12% do not report implementation but do recognize these Rules in principle.

U.S. Comments: Rules 9-14 were among the least implemented in this survey. The difficulties underlying this relatively poor level of implementation were outlined by the respondents in their numerous comments.

One problem noted by the Federal Bureau of Prisons was the impracticality of the one prisoner per room requirement of Rule 9(1) in old, large institutions suffering from overcrowding. New institutions are built to meet this standard, however.

A great many of the states reported compliance difficulties stemming from overcrowding and limited financial resources. California presently houses at least 2 prisoners per cell but expects this to be corrected. The District of Columbia is building a new detention center with single man cells and is attempting to improve present facilities in this regard. Florida suffers from severe overcrowding but a new institution being planned will have single occupancy cells. Illinois has been reducing its old facilities to one per-cell status during the past two years and is near completion. Night supervision in dormitories is now being improved. Nebraska suffers from overlarge cells which necessitate multiple occupancy but new construction may ease this problem eventually. Puerto Rico reports compliance with these Rules in its new institutions but the older ones are still inadequate. Arkansas foresees full implementation upon achieving its 1980 corrections master plan.

Physical limitations prevent compliance in various ways in Georgia, Iowa (which noted heating and cooling problems), Kansas, Louisiana (lack of space), Massachusetts, Missouri (overcrowding), New Jersey (overcrowding and lack of financial resources affected compliance with Rules 9(1), 10, 11(a), and 13), Oklahoma (2 per cell, inadequate dormitory screening), South Carolina (only community pre-release centers and minimum security facilities are very close to implementation), Texas (design prevents one per cell), Virginia and Washington (same multiple occupancy cells).

Oklahoma reported some sanitation (R.12) and bathing (R.13) problems which resulted from a 1973 riot that destroyed much of one institution. Wyoming suffers air, light and space problems (R.10) due to poor facility design. Wisconsin and North Carolina both noted that continuous health inspections are utilized to maintain compliance. Connecticut, one of the 3 states having control over local jails, reported that it is replacing 3 jails not presently in compliance with Rule 10 (air, light, space, etc.).

The only comments from the 3 Youth Authorities was from California which reported limited exceptions to Rule 11(a) (natural light, fresh air) when a short-term, highly secure environment is needed.

Summary: The U.S. reports only limited implementation of Rules 9-14. All respondents recognize and support the requirements of these Rules but physical limitations (e.g. old or poorly designed institutions), overcrowding, and inadequate financial resources are still serious impediments to full implementation. Efforts are underway to rectify some of these problems in a number of states.

PERSONAL HYGIENE (Rs. 15-16)

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

U.S. Practice: 100% of the 49 responding U.S. jurisdictions report full implementation of Rules 15 and 16. Only one other Rule category was reported implemented by all respondents: Contact with the Outside World, Rules 37-39.

U.S. Comments: The only substantive comment on these Rules was provided by Oklahoma which reported that it requires men to be clean shaven and to have short hair. No comments were filed by the three reporting youth systems.

Summary: The U.S. reports total implementation of Rules 15 and 16 by the 48 responding jurisdictions with virtually no comment on nor criticism of the Rules' provisions.

CLOTHING AND BEDDING (Rs. 17-19)

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

U.S. Practice: Full implementation of Rules 17-19 is reported by 92% of responding U.S. jurisdictions with 8% reporting partial implementation.

U.S. Comments: Delaware indicated that it was short of shoes and cold weather jackets at times. The Indiana system permits some minimum security inmates engaged in work-release or study-release programs to wear their own clothing. In New Mexico inmates are sometimes allowed to appear in court wearing institutional clothing. Inmates in North Carolina "advance-centers" are allowed to wear personal clothing. South Dakota reports a general practice of requiring prisoners to wear issued clothing when outside the institutions. Security is the reason given for this.

Summary: The U.S. reports a very high rate of implementation of Rules 17-19. Instances of issued clothing required outside the institution were noted as was one state's occasional difficulty in stocking sufficient supplies of certain items of clothing.

FOOD (R.20)

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

U.S. Practice: 98% of the 49 responding U.S. jurisdictions report full implementation of Rule 20 while 2% indicate partial implementation.

U.S. Comments: The state of Indiana, the only respondent not reporting full implementation of this Rule, states that it is currently working to improve preparation of food in its system. North Carolina noted that the nutritional value of its system's menus is somewhat higher than that required by the State Surgeon General.

Summary: The U.S. reports only one state not fully implementing Rule 20, which state is currently upgrading food preparation in its facilities.

EXERCISE AND SPORT (R.21)

Exercise and sport

21. (1) Every prisoner who is not employed in out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

U.S. Practice: Rule 20 is reported implemented by 72% of responding U.S. jurisdictions. Partial implementation is reported by 20% of respondents and 8% indicate that they recognize the Rule in principle even though not in compliance.

U.S. Comments: The U. S. Federal Bureau of Prisons indicates compliance except where a prisoner is placed in segregation after a disciplinary hearing that determined there was a violation of institution regulations.

A number of states are unable at some of their facilities to provide daily outdoor exercise for prisoners under maximum custody or disciplinary segregation. These include California, Florida (weekly exercise privileges), Indiana (one facility lacks any outdoor time for disciplinary units), Maine, New Mexico (the 5% disciplinary population exercises twice weekly), and Oregon (staffing and security limitations on segregated prisoners).

Delaware reported that "recreational training"(R.21(a)) is not adequate and, in fact, generally non-existent. In a similar vein, Massachusetts noted occasional exceptions to part (2) of Rule 21 where fiscal, physical and personnel constraints exist and Nebraska reported no "recreational training" program per se (although intra-mural and outside competition was held in several sports).

Oklahoma State Prison inmates nearly all are back on a full exercise schedule after temporary restrictions due to the 1973 riot. In South Carolina, exercise and competitive sports are available to all inmates including those employed in outdoor work and those under maximum detention. Tennessee, which reported partial implementation, is taking ongoing steps to improve their program in this regard.

Summary: The U.S. reports significant implementation of Rule 20 by responding jurisdictions. Deviations from the Rule's requirement that do arise pertain to difficulties in providing requisite exercise for those under maximum custody and the absence or inadequacy of "recreational training" programs.

MEDICAL SERVICES (Rs. 22-26)

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation,

and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

U.S. Practice: 61% of the reporting U.S. jurisdictions indicated that they are implementing Rules 22-26 in practice. Another 35% partially implement these Rules with the remaining 4% not implementing them although recognizing them in principle.

U.S. Comments: Although Rules 22-26 do not set out detailed methods of organizing medical and health services in prisons, many of the comments from U.S. jurisdictions reveal how this is done in their systems.

The Federal Bureau of Prisons reports that each of its institutions has at least one full-time psychiatrist with a medical degree (M.D.) or a clinical psychiatrist. Full-time medical doctors are on duty in about 70% of the facilities and full-time physicians' assistants are present in the others with medical doctors on call as needed. Serious medical complaints are handled by transfer to the fully accredited Medical Center for Federal Prisoners at Springfield, Missouri.

In the District of Columbia, the Chief Medical Officer for the Department of Corrections reports to the Assistant Director for Operations.

The Senior Medical Officer of each institution makes regular reports to the institution superintendent or administrator and also to the Chief Medical Officer. The state of Massachusetts has a Department-wide Director of Medical Services who is charged with improving the health care delivery system within the Department of Correction and developing stronger ties with health care delivery systems in the community. Fiscal, physical and personnel constraints still prevent implementation in some facilities. North Carolina maintains a 98-bed acute hospital facility for all offenders requiring in-patient services. Each major institution has on-site para-medical personnel and physicians on contract (who make rounds on a regular basis). The State of Wyoming does not have a medical officer in its penitentiary. Medical services are provided by community physicians on a contract basis in conjunction with the state hospital and health department. Florida has recently expanded mental health services and has psychiatrists and/or psychologists in all major institutions.

A few states indicated alternative methods of performing the inspection functions of Rule 26. Illinois reports that it has technical and professional staff, other than the medical officer, to conduct such inspections as are enumerated in this Rule. In Kansas, the State Department of Health Services inspects the institutions for medical problems and makes recommendations to the institution Director and the Department of Corrections. Louisiana reports insufficient medical personnel to perform all of the functions required by Rules 22-26, including the inspection duties. The State of Maine has state-required inspections of institutions but not necessarily by a medical officer. New Jersey reports implementation of Rule 26 inspection provisions by special units within the Department of Institutions and Agencies, its Division of Correction and Parole, and the State Department of Health which advise the Division Director as to their recommendations. In New Mexico the Medical Officer does not advise upon the quality and preparation of food. Oklahoma reports that the Medical Officer has no inspection responsibilities of the kind outlined in Rule 26 and Oregon indicates that a Food Service Specialist and Safety and Sanitation Officer handle inspection functions. Tennessee has recently legislated a Jail Inspection Division to conduct Rule 26-type inspections thereby relieving the medical officer of this task. Finally, the states of Texas, South Dakota, and Washington do not have medical officer inspections because other staff or agencies perform the inspection duties.

Comments by some states concerned Rule 23's pre-natal and infant care provisions. Idaho currently makes no provisions for nursery care of infants. Iowa and Nebraska do not allow infants in the institution but arrangements with outside hospitals are made. Texas, in reporting partial implementation of these rules, noted that childbirth is always arranged to take place in a local hospital and never within an institution.

An assortment of other comments were submitted on these Rules. California suggests that the medical services Rules be modified to recognize the role of paraprofessional medical personnel in assisting physicians. Lack of funds and unavailability of qualified applicants for medical positions reportedly plague Kentucky's attempts to implement these Rules.

New Jersey indicated that it does not require reports of the effect of imprisonment on a prisoner's health as a matter of policy. Ohio reported that state statute requires the Chief Physician to keep an extensive record of each prisoner's vital statistics, including condition of all major body organs and life processes. South Carolina reports full and detailed implementation is hindered by limited resources. Finally, the New York Division for Youth indicated that full-time physicians are present only in larger facilities since smaller facilities utilize community-based medical services.

Summary: The U.S. reports reasonable implementation of Rules 22-26 although these are among the least implemented Rules of the survey. A number of states indicate methods of health inspection at variance with the medical officer system of Rule 26 and some report resource problems in the medical care area generally.

DISCIPLINE AND PUNISHMENT (Rs. 27-32)

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of punishment which may be inflicted;
- (c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

U.S. Practice: 88% of responding U.S. jurisdictions report implementation of Rules 27-32. Another 8% partially implement them and the remaining 4% recognize them in principle although do not implement them to any degree.

U.S. Comments: Federal Bureau of Prisons policy statement 7500.5B (Inmate Discipline) places inmate discipline authority in an institution-based Adjustment Committee under the institution head. The Committee must investigate all charges of inmate misconduct within 24 hours of segregation, inform the inmate of specific charges in writing and allow an opportunity to answer, and formally review cases in which an inmate spends more than 10 continuous days in segregation (thereafter repeated every 30 days if segregation is continued). All such reviews are to be documented and reviewed by the next higher authority (assistant-warden or warden). All reports must state the full facts, cite witnesses and the inmate's statement, and contain a statement of conclusions, evidence relied upon and the disposition.

The Rule 32 requirement of medical officer inspection of prisoners under punishment is departed from in a number of states. Inspection by medical assistants or nurses rather than by the medical officer is the occasional practice where staffing or resources are limited. California, Colorado, South Dakota and Washington all report reliance on medical corpsmen, nurses, etc. rather than the medical officer or other physicians. In Oregon a trained medical technician visits twice daily and reports to the medical officer. In Maine, daily visits are made by the medical officer or his designate (e.g., a Registered Nurse). Nevada reports medical officer visits under Rule 32 three times a week or upon request. In Florida's 14 road prisons, segregated prisoners are seen every 72 hours by medical personnel.

Another area of comment was the Rule 32(1) diet reduction provision. A number of jurisdictions remarked that punishment by dietary reduction was prohibited: the District of Columbia, Illinois, New Jersey, Oregon, South Carolina, the New York Department of Youth, and Puerto Rico all noted such a prohibition. Nebraska reported that some of the punishments mentioned in Rule 32(2) and (3) are allowed and therefore part (3) inspections were unnecessary. New Jersey also indicated the inapplicability of Rule 32(3) on this ground.

Massachusetts reports the promulgation of disciplinary rules and regulations. Such rules are furnished to the prisoners of Ohio and Administrative Order 804 states that the rules shall not be abusive or punitive in purpose nor more numerous or restrictive than is necessary to produce responsible and orderly conduct. In Rhode Island, prisoners may defend themselves before the disciplinary board (prior to punishment) with retained counsel, if desired. In South Carolina, inmates also receive copies of the grievance and disciplinary procedures. The Department there also has an Ombudsman program which operates in the interest of the inmate population. The Puerto Rico Uniform Code of Rules and Regulations for Penal Institutions guarantees a full due process hearing before punishment is ordered.

On the matter of punishments, it should be noted that South Carolina reports no use of corporal punishment, Kansas reports no "solitary isolation" (although "administrative segregation" from the general population is used), and Alabama admits continued use of "dark cell" punishment.

Summary: The U.S. reports a high rate of implementation of Rules 27-32. Deviations occur primarily from the Rule 32 requirement that the medical officer visit and inspect prisoners in punishment status rather than nurses or medical corpsmen.

INSTRUMENTS OF RESTRAINT (R. 33-34)

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

U.S. Practice: Of the 49 responding U.S. jurisdictions 88% implement Rules 33 and 34 in practice while 12% partially implement them.

U.S. Comments: Few comments were made with respect to these Rules. California and Oregon report using handcuffs and waist chains during the transporting of prisoners. Oregon and Idaho also use handcuff-chains in such situations.

The state of Maine noted that it makes minimal use of the types of restraints mentioned in Rule 33.

New Jersey indicated that no central rules exist on use of restraint equipment and that local units therefore exercise some discretion in the matter. Wyoming admitted occasional exceptions to Rule 33 in practice.

Indiana reported that the medical officer is consulted only with respect to long-term restraints and not for short-term instances. Illinois offered the suggestion that the UN Rules include a provision on the use of chemical antipersonnel agents such as tear gas and mace. Such a provision would require written central office directives for the use of such agents as a matter of last resort to regain control of a cell or cellblock.

Summary: The U.S. reports substantial compliance with Rules 33 and 34. The most notable deviations from these Rules involved instances of controlled use of chains during transport and an instance of a lack of central rules on use of restraints.

INFORMATION TO AND COMPLAINTS BY PRISONERS (Rs. 35-36)

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

U.S. Practice: Rules 35 and 36 are reported implemented in 86% of the 49 responding U.S. jurisdictions. 12% report partial implementation and 2% merely recognize them in principle.

U.S. Comments: The Federal Bureau of Prisons customarily exposes every new inmate to an oral orientation program which provides the kinds of information required by these Rules. However, efforts are underway to supplement this with a written handbook, although it is not yet operative in all institutions.

Illinois, by state law and departmental regulations, reports complying with these Rules and also providing law book collections in adult facilities and prisoner and youth advocates for all residential settings. A locked-box mail system to the warden and department director is in use.

In South Carolina an ombudsman program fulfills the requirements of Rules 35 and 36. Recent state legislation in Kansas has authorized the setting up of an ombudsman program through which inmate or staff complaints will be investigated. The Massachusetts Department of Correction has supported legislation to create an ombudsman but the Legislature has not passed it.

Wisconsin reports the recent development of formal complaint review procedures. North Carolina implemented new grievance procedures in March, 1974 which include a Grievance Commission that receives complaints in the first instance. The State of Massachusetts also reports recent efforts aimed at formalizing grievance mechanisms. Rhode Island is presently revising its Handbook of Rules.

Other comments include Maine's report that sealed letters and inmate advocates are utilized in its grievance system; New Hampshire reports that it has no inspectors as such (although inmates have written access to outside officials), and Puerto Rico reports that Rule 35 information is not made available to individual prisoners but is put in the institution library. Nebraska made the interesting comment that Rule 35(1) and (2) situations have never arisen, impliedly suggesting that inmates never make complaints or requests to officials.

Summary: The U.S. reports substantial compliance with Rules 35 and 36. A number of jurisdictions are currently attempting to formalize their prisoner grievance procedures by legislation or departmental regulation.

CONTACT WITH THE OUTSIDE WORLD (Rs. 37-39)

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their

interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

U.S. Practice: 100% of the 49 responding U.S. jurisdictions report full implementation with these Rules.

U.S. Comments: The Federal Bureau of Prisons implements the provisions of Rules 37-39 by means of regulations covering correspondence, visits, mail and the like. Illinois reports that the state constitution and department regulations embody provisions the equivalent of these Rules.

Two other comments were noted. Kansas reported that all inmates are allowed to possess personal television sets. Colorado indicated that the Rule 38(2), covering stateless or non-diplomatically represented prisoners, did not apply to its system.

Summary: The U.S. reports adoption of Rules 37-39 by all responding jurisdictions.

BOOKS (R.40)

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

U.S. Practice: 92% of responding U.S. jurisdictions fully implement Rule 40 in practice while 8% report partial implementation.

U.S. Comments: Florida reported that a full-time librarian is on duty in each of its major institutions. Illinois indicated that compliance is required by departmental regulations and court decisions. Law libraries were reported in all institutions having general libraries in Illinois and Ohio. South Carolina has legal materials available in all of its prison library facilities. Maine reported having "a very liberal policy" with respect to reading materials. Massachusetts, however, reported that fiscal and personnel constraints reduce the level of implementation in some institutions. Rhode Island prison libraries are reported "insufficient" at present, but the Director of Education is taking steps to improve the situation. Books donated by citizens are beginning to appear in prison libraries there.

Summary: The U.S. reports a very high degree of implementation of Rule 40. A few states report inadequate resources for libraries in some institutions.

RELIGION (Rs. 41-42)

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

U.S. Practice: 90% of the responding U.S. jurisdictions report implementation of Rules 41 and 42 in practice. The other 10% report partial implementation.

U.S. Comments: The States of Georgia and South Carolina reported that limited resources prevent full implementation of Rule 41(1) (appointment of qualified religious representative). Idaho states its policy as generally granting full religious freedom unless a religion advocates anti-social or illegal conduct (such as certain forms of satanism). Iowa foresees a policy of allowing community religious leaders access to institutions rather than hiring permanent "chaplains" as a result of recent court decisions.

The State of Ohio's policy is "to provide inmates with the opportunity to pursue their chosen religious beliefs". Ohio acknowledges the existence of many religious groups including Buddhism, Christianity, Judaism, Islam and Hinduism. Oregon reported that under Federal case law, it need allow representatives only from "recognized" religious groups. Wyoming urges all prisoners to attend services of the denomination of their choice.

Summary: The U.S. reports a high degree of implementation of Rules 41 and 42 by responding jurisdictions. Some implementation difficulties arise with respect to the question of what religious should be recognized and occasional shortages of resources.

RETENTION OF PRISONERS' PROPERTY (R.43)

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

U.S. Practice: Of the 49 U.S. jurisdictions that replied to the survey, 90% indicated that full implementation of Rule 43 was achieved while 8% reported partial implementation and 2% recognized the Rule in principle.

U.S. Comments: Some jurisdictions have alternatives to storage of personal property. Florida allows personal clothes to be sent to the prisoner's home. Missouri allows personal items to be sent to whatever address the prisoner requests.

Storage policies vary somewhat. For example, in North Carolina, all inmate property is receipted and stored. Indiana, on the other hand, reports a lack of facilities sufficient to store all a prisoner's personal belongings. In Idaho, most valuables may not be retained upon entry. With respect to medicines and drugs, both the District of Columbia and New

Jersey keep outside medicine from the prisoner and issue other medicine if determined necessary. Regarding money or effects sent to the inmate after admission, South Carolina returns to the sender any items not allowed in the possession of the prisoner.

Summary: The U.S. reports a high level of implementation of Rule 43. Deviations are not major, mostly concerning the prohibition of outside drugs as a matter of policy instead of allowing a discretionary judgement by the medical officer.

NOTIFICATION OF DEATH, ILLNESS, TRANSFER, ETC. (R.44)

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

U.S. Practice: 98% of reporting U.S. jurisdictions indicate full implementation of this Rule with 2% partially implementing.

U.S. Comments: Only two comments were offered with respect to this Rule. California, the only state not to report full implementation, reports that it does not consider the informing of the prisoner's family of his transfer to be in the nature of a right. The second comment received was from South Carolina which indicated that visits to the bedside of critically ill family members or relatives within South Carolina was allowed. In the case of an out-of-state visit, the Governors of both South Carolina and the other state must grant prior permission.

Summary: The U.S. reports virtual total implementation of Rule 44. One jurisdiction declines to inform family of a transfer as a matter of right.

REMOVAL OF PRISONERS (R.45)

Removal of prisoners

45. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

U.S. Practice: Of the responding U. S. jurisdictions, 96% report full implementation of Rule 45 and 4% report partial implementation.

U.S. Comments: The only comment rendered on Rule 45 was from the State of Wyoming, which reported only partial implementation, and implied that implementation was at times dependent on the "situation". Full compliance was the goal, however, and the Rule is generally complied with.

Summary: The U.S. reports a very high degree of implementation of Rule 45.

INSTITUTIONAL PERSONNEL (Rs. 46-54)

Institutional personnel

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

U.S. Practice: Rules 46-54 are reported implemented by 77% of reporting U.S. jurisdictions. 20% report partial implementation and 2% report no implementation although the Rules are recognized in principle. (One jurisdiction failed to make a response to this item on the survey).

U.S. Comment: A number of comments were elicited by Rule 53. California believes in using staffs composed of both sexes in either male or female institutions as long as the right of privacy is maintained. It noted that strict segregation of cross-sex staff and prisoners becomes "reactionary" in a fully modern system. Similarly, Florida reported no implementation of Rules 52 or 53 and termed them regressive since in that state both sexes work in both male and female institutions. In New Mexico, the Women's Penitentiary is run by a male. In Oklahoma, on the other hand, male officers work under female supervision in the Women's Treatment Facility. Oregon reports having female staff on duty at all times with special accompaniment unnecessary. Colorado said Rule 53(1) did not apply since women were housed in completely separate institutions. The California Youth Authority reports conducting successful experiments with male custody staff (under female supervision) in female dorms and vice versa.

Another frequently commented upon requirement is found in Rules 50(2) and 52(1)-- that the director and a full-time medical officer live on the premises of the institution. Neither is required to live at the institution in the District of Columbia. In Maine, the head administrator no longer must live at the institution although the Warden of the State Prison still must do so. Maine also indicated that its institutions were not large enough to come under the Rule 52(1) requirement that a full-time medical officer live on the grounds. The State of Oregon reports that it does not require the medical officer to live on the premises since medical technicians are on duty at all times. In Rhode Island no personnel live at the institutions because they are located on the same reservation as the State General Hospital and Institute of Mental Health. Nebraska questioned whether "immediate vicinity" meant neighboring community.

Some references were made to the Rule 47 staff training provisions. Illinois reports that in its system, staff training and development are priorities as is recruitment of cultural and ethnic staff representatives of the prisoner population. It was also noted that Departmental Regulations allow internal investigations to ensure proper staff conduct. In Kansas, initial training has been expanded from 160 to 180 hours in the first year, including 56 hours of Behavioural Sciences. 80 hours of in-service training are given per year thereafter. Massachusetts reported recent improvements in in-service training as well, and noted that the employee selection process includes the candidate's assuming the role of an inmate in another state. Tennessee is currently planning training and staff development improvements on a comprehensive basis.

A few states do not implement the Rule 46(3) requirement of employee civil service status. Arkansas has no civil service system in corrections but reported that tenure is subject only to good conduct, efficiency, and physical fitness under administrative regulations. Nebraska also reported no civil service system in corrections but said that it uses a "merit system". Tennessee indicated that the requirements of Rule 46(3) (including civil service) is recognized as essential but is a prerogative of the state legislature.

The salary clause of Rule 46(3) was a problem in a few states. Indiana reported inadequate salaries in some job classifications. Kansas reported a 40% annual turnover of Correctional Officers which was partly attributed to salaries below even those of local law enforcement agencies. Wyoming also admitted that its salary structure needs improvement.

Remaining comments were varied. Utah indicated that it has been without a full-time physician since 1973 and relies on a physician under contract 5 days per week. Budget limitations prevented the implementation of Rules 49 and 52 in Georgia, and of Rules 46(3), 49(1), and 52(2) in South Carolina. New Jersey, without elaboration, reported that it is not its policy to implement Rules 47(2), 49(1), 52(1), and 53(3). Massachusetts reported occasional fiscal constraints on the implementation of Rule 49. Finally, Kansas noted a statutory rate of 1 social worker per every 50 inmates in its comment on Rule 49.

Summary: The U.S. reports significant implementation of Rules 46-54 by the 49 responding U.S. jurisdictions. In practice, deviations from these Rules arise in the matter of cross-sex staffing patterns in institutions, on-site residence of the director and medical officer, and civil service status of corrections employees.

INSPECTION (R.55)

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

U.S. Practice: Rule 55 is reported implemented by 76% of the U.S. jurisdictions that responded. Partial implementation is reported by 8% of the respondents while 12% did not report implementation but did recognize it in principle. 2% flatly reported no implementation and 2% indicated Rule 55 was not applicable to their systems.

U.S. Comments: Most of the comments concerned inspection methods where no formal system of inspectors existed. However, South Carolina does have a jail and prison inspection system in regular operation and Illinois relies on Department of Corrections inspection and consultant specialists (who focus on local jails) to regularly survey the state facilities for safety, sanitation, health services, living conditions, and adherence of programs and procedures to laws and regulations.

The District of Columbia reports that monthly inspections are made by the Superintendent and assistant administrators (security officers inspect on their regular shifts) and written reports go to the Assistant Director for Operations. The institution Directors and Assistant Directors also make inspections. In Idaho, various state agencies must "approve" the State Correctional Institution and they can transfer inmates if necessary. No inspection of city or county jails are made, however.

Kansas reports having no appointed inspector but indicates that the institution directors are responsible to the Secretary of Corrections. The Legislative Committee on Institutions and a Citizen Advisory Board may conduct inspection tours on request. Missouri reported that a citizen's review committee is now being appointed which would have inspection capability. Montana indicated that the Director of the institution, the Board of Institutions and the Governor's Office make visits on occasion.

Nevada is another state with no inspector system and it reports that the Grand Jury is required to visit institutions once every four years. South Dakota also has Grand Jury inspections as well as inspections by the Governing Board of the system. In New Hampshire, a seven citizen Board of Trustees oversees system administration and a state statute provides that the Governor and his Executive Council are official "visitors" charged with annual inspection of institutions. The Director of Institutions and his staff occasionally inspect North Dakota facilities and Legislative Committees and individual legislators have at times inspected.

Ohio reports that the Governor has recently appointed a Citizen's Corrections Panel for routine inspections. Rhode Island indicated that it expects to benefit from an American Correctional Association program (funded by the Federal Law Enforcement Assistance Administration) involving inspection and accreditation of prisons. In Utah the Governor calls upon the U.S. Bureau of Prisons for periodic inspection assistance. Annual inspections are reported in Wyoming, conducted by the State Board of Charities and Reform (which operates the institutions).

Summary: The U.S. reports a reasonable and significant level of implementation of Rule 55. Many states, however, do not have formal systems of inspection and some report that inspections are conducted by various ancillary official bodies.

B. Rules Applicable to Special Categories

1. PRISONERS UNDER SENTENCE

GUIDING PRINCIPLES (Rs. 56-64)

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The régime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release régime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabi-

litation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

U.S. Practice: 63% of the responding U.S. jurisdictions report full implementation of Rules 56-64. Partial implementation is reported in 28% of the respondents and 9% merely recognize them in principle.

U.S. Comments: The great majority of comments on these Rules concerned the provision on population size of closed institutions [R.63(3) and (4)]. The Federal Bureau of Prisons reports that it still maintains facilities of over 500 inmates but says it is subdividing them into smaller treatment units. New institutions are to be built to house 500 or less inmates. The District of Columbia has one institution with 820 inmates but reports plans to reduce it to 400. The State of Florida admits it has some institutions holding more than 500 prisoners.

Illinois indicated that it has made considerable progress recently in many areas mentioned in these Rules but noted that forced reliance on "mega-prisons" for the majority of offenders is its greatest shortcoming. The State of Maine's long range plan is for institutional populations of 100 and no more. The Maine State Prison is now down to 329 inmates because of work-release and pre-release units now in operation. Because the Trenton State Prison still houses over 1000 inmates, New Jersey reports that Rules 63(3) and (4) are only recognized in principle. South Carolina's only large facility houses 1500 but plans exist to phase it out (all other facilities are smaller than 500 inmates) and general implementation of these Rules occurs except where resources are insufficient. Texas reports a problematic overly large prisoner population. South Dakota noted that compliance with 63(1) could not be expected since only one institution exists in the state.

Four jurisdictions report having made a definite commitment to community-based corrections programs. Kansas' policy is a growing emphasis on the smaller community-type operation. Massachusetts reported that it is moving toward an extensive community-based program while using community volunteers to establish this with prisoners in the more traditional institutions. The State of Washington still has two large institutions but is committed to a community-based program. Puerto Rico indicated it has a new law that focuses on community treatment and that it uses the closed institutions only for dangerous offenders.

A second area of comment concerns extra-institutional and transitional programs. The District of Columbia reports the existence of a job placement unit based on a working agreement with the U.S. Government, the District of Columbia Government, the District of Columbia Board of Trade, and private industry. Kansas has work release programs for only a small percentage of its prisoners but expansion of these is expected under recently passed legislation. Missouri reports that implementation is starting on methods to achieve gradual reentry into society. The State of North Dakota has limited pre-release programs available but plans to expand current ones and add new ones. Wyoming reports having no pre-release programs as of yet.

Oregon was the sole state to comment on Rule 60(1) which would minimize disparities between prison life and life at liberty. It noted that group self-government would not be acceptable in prison but that in Oregon each individual participates in all decisions concerning his own situation. In a different vein, Louisiana simply reported that funding is a general problem in the context of Rules 56-64. Nebraska's new Master Plan is reported to include all of the principles of these Rules even though some may be ideal or unattainable (e.g. offenders returned to society "not only willing but able to lead a law-abiding and self-supporting life". R.58).

Summary: The U.S. reports substantial implementation of Rules 56-64 by responding jurisdictions. A large difficulty is still the existence of large institutions and overcrowding. Work-release, community-based treatment and similar concepts are increasingly adopted in practice.

TREATMENT (Rs. 65-66)

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

U.S. Comments: Few comments were submitted on these two Rules. Alabama reported insufficient funding and staffing to allow compliance. Massachusetts indicated this was a problem at times as well. Illinois admitted continuous updating of treatment programs but said that the spirit of these standards is addressed by current activities.

Georgia articulated its goals under these Rules thusly: to provide adequate staff and programs to meet individual needs. South Carolina's mission is to provide humane treatment to and rehabilitation of inmates during their incarceration.

As to Rule 66 reports, the District of Columbia practice is to prepare progress reports on sentenced inmates every 6 months. Kansas has a central Reception and Diagnostic Center that does a complete social history, psychiatric evaluation and medical check which information becomes a part of the inmate's file and stays with him during his incarceration.

Wyoming briefly noted that it utilizes group counseling and specific counseling treatment programs.

Summary: The U.S. reports a high level of implementation of Rules 65 and 66 on treatment. Insufficient staffing and funding are a hindrance to implementation in some states.

CLASSIFICATION AND INDIVIDUALIZATION (Rs. 67-69)

Classification and individualization

67. The purposes of classification shall be:
- (a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;
 - (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.
68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.
69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

U.S. Practice: Of the 49 responding U.S. jurisdictions, 69% report that they implement these three Rules. 20% partially implement them and 11% report that they recognize them in principle but do not implement them.

U.S. Comments: Facility and resource inadequacies were cited by a number of jurisdictions as problems hindering implementation. In Alabama, overcrowding and a basic lack of facilities prevents proper separation of "bad influence" prisoners from the general population. Georgia reported having a classification system but said understaffing and overcrowding impede full implementation of individual treatment programs. Idaho's lack of funds prohibits separation by custody or crime. The State of Illinois indicated that institutional counseling is now being structured in the form of an individualized case management system. However, the scale of maximum security incarceration works against individualization which requires small case ratios for program services.

Massachusetts reports general implementation except where fiscal, physical or personnel constraints arise. Recent legislation mandates the Commission of Corrections to develop a classification system reflective of these Rules. In Nebraska, compliance is as complete as present facilities allow. The diagnostic and evaluation center is designated as one of the four major correctional divisions and will be operational shortly. In South Dakota, limited facilities prevent separation for treatment.

Some idea of the types of classification methods to be found in U.S. corrections systems can be had from some of the other comments. Kansas reports that its current classification system merely specifies custody status. Under the Secretary of Corrections' reorganization plan, there will be a classification Unit Team composed of the classification counselor, correctional officer of the appropriate housing unit,

program personnel, and the inmate, which will develop the inmate's personal program. North Carolina's classification system separates prisoners into maximum, close, medium and minimum security classes in order to achieve proper housing assignments.

Ohio statutes require that the Department shall provide for classification or separation into grades with promotion or degradation according to merit or demerit and require that entry shall be made in the register as to the condition of a prisoner and the best plan of treatment. Oregon classifies to individually tailored programs, not group categories, and tries to provide the widest possible range of program options. South Carolina reports that institutional classification teams provide "follow-along" services to inmates after initial classification is made. Comments from the Youth Systems indicate separation as to age, size maturity, and individual needs. The California Youth Authority has experimented with even finer separations including a "perceptual diagnostic system". Finally, Texas reports not being able to implement individual treatment programs while Wyoming says it is now reevaluating its entire classification and treatment programs.

Summary: The U.S. reports substantial implementation of Rules 67-69. A major hindrance to implementation is the lack of proper financial and facility resources. Many reports of recent improvements and program reevaluations were noted.

PRIVILEGES (R.70)

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the prisoners in their treatment.

U.S. Practice: 96% of U.S. jurisdictions responding report full implementation. 4% report partial implementation.

U.S. Comments: Only a few comments were made on Rule 70. Illinois reported that by state law, department regulation, and practice, "positive reinforcement" measures are carried out. These include furloughs, self-help groups, early release for good behavior, community program involvement, telephone privileges, minimum security housing and training programs, resident income for services and other privileges. The State of Kansas reports the use of differential privileges according to custody level. Those in minimum custody may be granted unsupervised furlough release for 48 hours to prepare their parole plan (housing, employment, etc.). Massachusetts incorporates the Rule 70 principles into its individual classification programs. As has been mentioned in the comments to Rules 67-69 above, Ohio regulates promotion or degradation between grades by a merit/demerit system and by employment and instruction in industrial pursuits and by education activities. Correct daily records of individual performance and progress are kept.

Summary: The U.S. reports a very high level of implementation of Rule 70. No explanatory comments by the few non-complying jurisdictions were noted.

WORK (Rs. 71-76)

Work

- 71. (1) Prison labour must not be of an afflictive nature.
 - (2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.
 - (3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.
 - (4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
 - (5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
 - (6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.
72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.
- (2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.
73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.
- (2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of

the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

U.S. Practice: Implementation is reported by 69% of the U.S. jurisdictions responding to the survey. 24% report partial implementation while 7% indicate only recognition in principle of Rules 71-76.

U.S. Comments: A number of comments were received concerning the Rule 76(1) requirement of a system of equitable remuneration. Alabama reported no equitable remuneration "per se" for inmates employed in prisons industries. In Arkansas and Florida, time off for good behavior or "gain time" is granted rather than wages (although in Florida some specialized inmate vocational trainers receive stipends). Indiana reports having no equitable remuneration of any kind and noted that some of the work in its facilities is not training oriented either. The State of Maine reportedly lacks the statutory authority and the funds to pay inmate workers. Remedial proposed legislation has been defeated in the three most recent legislatures. In Oregon, routine work not connected with agriculture or industry merits pay only when exemplary. South Carolina reports that all inmates are eligible for work incentive bonus payments. Texas, on the other hand, pays no money whatsoever for inmate work.

As far as inmate savings are concerned, Colorado reports that the matter is voluntary in its system and in the District of Columbia there are no controls upon inmate funds. The State of New Jersey has made it

illegal for inmates to save money, however. South Carolina makes it possible for prisoners to save their money but they need not do so.

Work days in Kansas rarely exceed 4 hours and in Illinois, there are no "full" work days due to the problems inherent in the mass movement of prisoners.

South Carolina reports that the Corrections Department complies with the state Occupational Safety and Health Act and also provides workman's compensation to prisoners. Louisiana indicated that it has no funds for indemnity programs but noted that inmates can file suit against the state for injuries suffered. California reports that its prisoner indemnity program is not the same as that for free workmen.

A number of other comments were more general in nature. California reports that the basic intent is to provide full inmate employment but overcrowding and rapidly increasing populations create idleness nonetheless. Hawaii's Correctional Industry system plans to broaden the workbase and experience for the inmate worker under "new contractual arrangements". Illinois reports that its Corrections Industry is being upgraded with more career opportunities planned and contemporary equipment that will allow the production of products similar to those on the open market. The State of Kansas reports that the license tag and farming operations will be phased out if the Legislature agrees with the proposal. Kansas State Industries will still be producing paint, soap, wax, metal furniture, and re-upholstered furniture in the various correctional institutions.

Massachusetts is putting growing emphasis on education and training in the community although work within institutions is still important. New Jersey admits the continuation of antiquated production methods in its industries due to budget inadequacies. Also, Rule 74 (safety and indemnification) and Rule 75 (working hours) are recognized in principle only. The State of Rhode Island reports that only a small percentage of its prisoners can be employed on anything close to a full-time basis. The last session of the General Assembly failed to enact legislation to improve the situation but appropriate bills will be resubmitted. In Tennessee, state statutes hamper the aligning of jobs and training with real world requirements. In South Dakota, prisoners are not required to work at all.

With respect to Rule 73(2), South Carolina indicated that no department work supervision over trustees working for free-world concerns is maintained until they return after work to the institution. Inmates on work release must deposit earnings with the Department and withdraw only upon full release.

Summary: The U.S. reports significant implementation of Rules 71-76 by responding jurisdictions. Principle problem areas are the paying of equitable remuneration for inmate work and general budgetary resource needs.

EDUCATION AND RECREATION (Rs. 77-78)

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

U.S. Practice: 76% of responding U.S. jurisdictions report full implementation of Rules 77-78. 20% report partial implementation while 2% recognize them only in principle and 2% find them not applicable to their systems.

U.S. Comments: The State of Illinois reports full, official implementation of the Department's School District which offers fully accredited academic and vocational training and career counseling. The District of Columbia permits sentenced prisoners to attend area universities to further their education. In Kansas an inmate can take advantage of complete education programs up to an AA degree without leaving the institution. If in minimum custody status, he can obtain a BA or BS degree from a local university or college. Kansas was the state that responded with a "not applicable" answer. The reason for this was that it is felt that each individual inmate has the right to refuse treatment. This is not compatible with their reading of Rule 77 which requires "compulsory" education of illiterates and the young.

The States of Louisiana, Maine, Rhode Island, and South Dakota all reported that either the law in their jurisdiction does not permit compulsory education after a certain age (usually 16 yrs.) or education is not compulsory for some other reason.

Wyoming reported that its goal is to make prisoners proficient enough in education or some trade so that they will be able to cope with society. Also, the State of Illinois reports that leisure time activities and especially indoor recreation have been priorities in the last two years.

Summary: The U.S. reports substantial implementation of Rules 77-78 by the 49 responding U.S. jurisdictions. Some states reported that compulsory education was either illegal or not in practice.

SOCIAL RELATIONS AND AFTER CARE (Rs. 78-81)

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

U.S. Practice: 80% of the responding U.S. jurisdictions report implementation of Rules 78-81. 18% indicate partial implementation. 2% recognize these Rules in principle but do not implement them in practice.

U.S. Comments: Alabama reports that funding and staffing limitations prohibit such care for all inmates in the system. The District of Columbia and the State of Wisconsin make parole officers available to all prisoners for transitional assistance. Illinois regulations and practice show emphasis on efforts to maintain a prisoner's family contacts, although decentralization is not sufficiently advanced to fully implement this. Telephone privileges, completely uncensored mail, and home furlough programs are all utilized to this end. Kansas reports that after-care services are less than adequate because of staff shortages. Current efforts at expanding services involve joint cooperation with the Social Rehabilitation Services Department (Welfare Department) to establish contact between field services of the corrections department and available resources to ensure that the offender's care and treatment is complemented by similar care of the family.

Massachusetts is further developing community volunteer programs and is contracting for other services from other agencies. North Dakota reports having made considerable improvements in getting families to participate with inmate treatment programs but more program capacity is needed. South Carolina indicates that its community pre-release and work release programs (with voluntary organizations assisting in providing services) implement the requirements of these Rules. On a less positive note, Louisiana reports that out-of-state prisoners returning home are not provided with sufficient funds for travel nor an adequate issue of clothing. Wyoming says it is currently making improvements in this area.

Summary: The U.S. reports a quite substantial level of implementation of Rules 78-81 by the responding jurisdictions. Some resource and staffing difficulties do exist and work to hinder implementation by some states.

2. INSANE AND MENTALLY ABNORMAL PRISONERS (Rs. 82-83)

B. INSANE AND MENTALLY ABNORMAL PRISONERS

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

U.S. Practice: 63% of the responding U.S. jurisdictions report implementation of Rules 82 and 83. Partial implementation is reported by 31% of responders with 6% recognizing these Rules in principle.

U.S. Comments: Some jurisdictions report the existence of transfer arrangements with other agencies. Florida reports a reciprocal agreement with the Division of Mental Health allowing the transfer of psychotic prisoners to its hospitals. In Georgia, psychopathic prisoners can be sent to a psychiatric hospital and it is planned that prisoners with lesser abnormalities will be handled in a similar fashion. Kansas relies on the only available facility-- a state hospital located in a rural area-- but reports inter-agency problems. It supports legislative proposals to relocate the hospital or build a new facility nearer the Kansas Reception and Diagnostic Center in Topeka where proper professional support staff could be recruited and the Menninger Foundation be utilized. In Massachusetts, a prisoner may be voluntarily or involuntarily committed to a mental health facility by statutory authority. Puerto Rico has a new law providing that the mentally insane prisoner be kept in a mental hospital. Implementation of this is reported underway. Pennsylvania indicates efforts are underway to coordinate such services with other agencies.

Some states rely on corrections department facilities. Iowa reports that its corrections department has its own hospital for inmates found to be insane, suffering from other mental disease, or having personality or character disorders. North Carolina has some mental health facilities with the department of corrections and notes that only a judge can order a prisoner admitted to a mental facility under state law. Oregon provides psychiatric in- and out-patient services within the corrections system.

North Dakota reports that it must keep some mentally ill prisoners in prison because there is no available facility for the criminally insane. Under New Mexico law, certain prisoners who can't be safely kept in jails may be held at the penitentiary for "safekeeping", including persons with mental diseases. Tennessee's goal is 100% treatment capability when community treatment is not feasible. Kentucky and Nevada corrections systems are awaiting construction of new psychiatric facilities by other agencies.

Maine reports, in response to Rule 83, that there is no legal jurisdiction after the maximum sentence is served but encourages mental health treatment during parole. Indiana reports limited psychiatric services in the after-care stage. New Jersey indicated that the network of community mental health agencies is inadequate for psychiatric after-care of all inmates in need. Finally, Puerto Rico is in the process of working on agreements with other government agencies to provide post-release treatment for the mentally ill.

Summary: The U.S. reports significant implementation of Rules 82-83 by responding jurisdictions. Instances were reported of no available external psychiatric facilities within other agencies as were limitations on psychiatric after-care services in some states.

3. PRISONERS UNDER ARREST OR AWAITING TRIAL (Rs. 84-93)

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special régime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

U.S. Practice: 16% of the 49 responding U.S. jurisdictions report the implementation of Rules 84-93. Partial implementation is reported by 20%, 15% only recognize these Rules in principle while 2% simply do not implement them or support them. 47% reported that these Rules were not applicable to their systems.

U.S. Comments: The Federal Bureau of Prisons reports that it does not implement Rules 87, 88, 89, and 91. It also notes that untried prisoners are granted special privileges insofar as they do not compromise the security of the institution nor endanger staff or other inmates.

A total of 23 reporting states responded to these Rules with "not applicable". Not all made comments but it can be reported that California, Florida, Indiana, Louisiana, Maine, Michigan, Nebraska, North Dakota, Oregon, and Wisconsin specifically indicated that their state corrections systems have jurisdiction only over convicted felons. Oregon noted that the only circumstance under which it could report implementation would be where a convicted prisoner was awaiting trial on other charges. Massachusetts reported that its state system has the responsibility for setting standards for local jails. The State of Maine reported that the state system can inspect and close down a local jail if necessary.

It was unclear from some comments whether the responding state system was relating conditions as they knew them to be in local or county jails or whether it was reporting on pre-trial detainees within the state system. It is likely that the following comments are "hearsay" evidence about unaffiliated county and local jails.

A persistent difficulty appears to be the failure to separate the untried prisoner from others, especially from convicted misdemeanants. Puerto Rico reports that it is physically impossible to separate them. Idaho indicates there is a lack of funds for a proper facility that would allow separation. The State of Illinois reports that the only one of these Rules not implemented is the separation of convicted misdemeanants from pretrial defendants in local jails. The approach being undertaken is to develop alternative settings and programs for misdemeanants and to let as many pre-trial defendants out on bond as is consistent with the public safety. In Kansas the local jails do not have the space for separation and can not provide single cells under Rule 86 but only single bunks. The State of Pennsylvania reports that total separation is physically impossible due to inadequate financing.

Rhode Island has maintained an Awaiting Trial Unit located as a separate wing of its Maximum Security Facility. The Unit is now being relocated to a separate building. In South Carolina the only untried kept in state facilities are those needing "safekeeping" or youthful defendants undergoing pre-trial investigation but complete segregation from convicted prisoners is reported impractical.

Alabama, Connecticut, and Puerto Rico all report that pre-trial detainees wear the same clothes as other prisoners (Connecticut citing hygiene and laundering requirements).

As for private medical care, Connecticut (one of 3 states having jurisdiction over local and county jails) reports private care is generally not permitted because the state has full 24 hour responsibility for medical treatment. In Kansas, the responsibility of the local sheriff for medical care in jails prevents general private treatment.

Alabama reports that pre-trial prisoners are not allowed to work because there are no separate facilities that would allow it. Maine reports that pre-trial detainees are treated just as other prisoners and that some jails house no fewer than 2 or 3 per cell.

4. CIVIL PRISONERS (R. 94)

D. CIVIL PRISONERS

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

U.S. Practice: 18% of the responding U.S. jurisdictions report full implementation of Rule 94 while 10% report recognizing it in principle. 69% report that Rule 94 is not applicable in their jurisdiction.

U.S. Comments: It should be noted that imprisonment for debts has long been eliminated at Common Law. The Code State of Louisiana also prohibits incarceration for such a reason. The criminal contempt power of the court can, however, be enforced by imprisonment, whether under the common law or local statute.

The States of Illinois, Maine, Nebraska, New Hampshire and North Dakota were the only states to specifically report the illegality of imprisonment for debts, although the law on the matter is virtually universal. No states directly mentioned imprisonment for criminal contempt although Maine noted that imprisonment could arise for failing to pay a fine (such as \$5 per day) in that state. Nebraska indicated that there could be imprisonment for failing to pay assessed alimony payments or for failure to support children. Both of these appear to rest upon the law of contempt. Puerto Rico, on the other hand, reported that lack of facilities and a proper budget prevent separating "civil prisoners" from others, but there was no elaboration as to what constituted a civil prisoner. Wisconsin made mention of civilly committed persons (such as for psychiatric conditions) which are cared for by other agencies.

Summary: The U.S. reports a very low level of implementation of Rule 94, primarily because debtors may not be imprisoned merely on the basis of their obligations. It is not clear whether the reported data accurately reflects the pattern of criminal contempt use in the U.S. and so the results should be interpreted with caution.

V. FUTURE IMPLEMENTATION OR MODIFICATION MEASURES (PART III)

Part III of the survey sought information on any plans to implement the Standard Minimum Rules in the states as well as comments on experimental or innovative programs that deviate from the Rules. Recommendations or suggestions for changes or modifications of the Rules were also requested.

A. U. S. Plans for Implementation

The U. S. is pleased to report that the State of Connecticut became the first U. S. jurisdiction to officially adopt, as a matter of record, the UN Standard Minimum Rules on November 8, 1974. The Connecticut Council of Correction, with the Commissioner of Correction as ex officio member, adopted the Rules as a preamble to the Administrative Directives of the Connecticut Department of Correction and ordered continuing inspection as to their adherence. The Connecticut adopting order incorporated the Standard Minimum Rules in full with only minor, footnoted exceptions and reservations being made. It is significant that Connecticut is one of the few states that has direct jurisdiction over convicted and awaiting trial prisoners. Thus complete implementation can be expected at all levels.

In addition to Connecticut, three other states have taken action to adopt the Rules. The Governor of South Carolina signed an Executive Order adopting the Standard Minimum Rules and charging the Director of Corrections with implementation and enforcement (November 14, 1974). Likewise, the Governor of Ohio signing an Executive Order adopting the Rules and their "philosophy, intent, principle, and purpose" and ordering Departmental adherence (November 18, 1974). (Copies of the three preceding directives are appended to this report.)

Finally, the Commissioner of Corrections of the State of Illinois has recently adopted the UN Rules as a matter of Departmental policy. Although not promulgated by formal regulation, the Rules have been distributed in quantity to all institutions for inmates and corrections staff alike with the admonition that the Illinois system should adhere to or exceed the principles outlined therein. It should also be noted that an early concern with the Rules was demonstrated in October 1971, when the State of Pennsylvania distributed and posted the UN Rules in its institutions after the Attorney-General endorsed the action by way of a press release.

Formal adoption by the U.S. Government and such states as Indiana and Nevada is a distinct possibility in the near future and it is anticipated that the Association of State Correctional Administrators will call for formal adoption of the rules by all state systems before the advent of the Fifth UN Congress on Prevention of Crime and Treatment of Offenders in September of 1975.

Changes and improvements are underway at a more specific level in a number of states. Often this activity does not concern the UN Rules per se but does generally reflect their standards and requirements.

For instance, expansion of community services and community-based corrections programs is underway in Ohio and Pennsylvania. Attention is being given to pre-release and post-release programs in North Dakota and New Jersey. Upgrading of staff training in North Dakota and Alabama is reported receiving emphasis. Ohio plans to increase its role in the inspection of county and local jails. Louisiana is undertaking a study of the merits of decentralizing the State Penitentiary by establishing smaller specialized institutions at appropriate locations, and is exploring improvements in medical services and the possibility of a Workman's Compensation insurance system for inmates. In a similar vein, Pennsylvania plans regionalized facilities with the goal of keeping prisoners closer to home. (Some existing structures will be completely rebuilt).

Alabama also reports it will be expanding its psychiatric unit, (which will become a part of the central classification system) to provide diagnostic, treatment and after-care services in coordination with other agencies. Expansion of a facility to allow separation of youthful first offenders is planned as well. Wyoming indicated that it plans better compliance with Rules in the areas of better cell facilities, dental equipment and separation of first offenders from more hardened criminals. It is also carefully evaluating the Rules provisions on the medical officer. A Pennsylvania legislative bill now under consideration would coordinate probation, correctional and parole services. Pennsylvania notes that all future Federal Law Enforcement Assistance Administration funded projects will be required to comply with the Standards of the Standards and Goals Committee of the Commonwealth of Pennsylvania. New Jersey, which already has comprehensive Division Standards covering the scope of the UN Rules, plans to adopt other Standards in such areas as pre-release, volunteers, training, and inmate's rights and responsibilities.

Comprehensive standards are soon to be adopted in a number of states, although not necessarily directly inspired by the UN Rules. In Arkansas, a new Commission on Criminal Detention Facilities is in the process of adopting standards for all the detention facilities in the state, none of which will be less rigorous than the UN Rules. The Connecticut Department of Correction (which has adopted the UN Rules) plans to recommend adoption of rules that would place every correctional facility in the state under such regulations (a goal it doubts can be achieved by any other state within 10 years!). The Massachusetts Department of Correction reports that rules and regulations will be established that are reflective of the UN Rules. Wisconsin reports that its rules for adult offenders have progressed beyond the UN Minimum Rules. It noted that a standardized set of rules of conduct, penalties, and disciplinary procedures for all adult correctional institutions is currently being developed.

Long range master plans are under development in a few of the states. Florida reports work underway on a six-year Master Plan for Correctional Programs and Facilities. Georgia's six-year Master Plan is

based on the standards of the National Advisory Commission on Criminal Justice Standards and Goals (released in 1974) and contemplates year-by-year legislative changes and facility, staff, and program improvements. Nebraska is in the process of developing a state master plan for corrections that will satisfy most of the directives set down in the UN Rules, with the exception of Rules 84-93 dealing with untried prisoners. Substantial inter-agency cooperation will be needed and this may make implementation difficult. Finally, Rhode Island has produced a Pre-Design Plan for the Rhode Island Adult Correctional Institutions. The voters of Rhode Island recently approved the expenditure of \$7.5 million for modernization of facilities and the Governor is studying the Plan for the best ways to allocate expenditures. All possibilities are in accordance with the UN Rules.

The States of South Dakota, North Carolina, South Carolina, Idaho, Hawaii, Colorado, and California all reported, in response to this portion of the survey, that they presently exceed the UN Rules in all important respects. They freely admit that they cannot follow the Rules in toto but do indicate that where financial and facility inadequacies are at the root of non-compliance, they continuously try to procure additional public support and additional funds.

B. U.S. Experiments and Innovative Deviations from the U.N. Rules

Only two states provided comments on this section of the survey. This may be due to the completeness of some comments to specific Rule categories and the availability of research reports in the general literature.

Wisconsin made note of three experimental projects. A demonstration project involving contract institutional release resulted in individualized mutually acceptable written release agreements drawn up by the inmate, a project coordinator, a Parole Board member, and a representative of the Warden. A due process hearing procedure to review the issuance of conduct and disciplinary reports was implemented to enable inmates to have access to staff advocate services and adversary hearings. An inmate complaint review system was adopted to provide five levels of appeal, the highest of which is the Secretary of the Department of Health and Social Services.

North Dakota reports an attempt to provide group therapy for inmates with drug problems along with those with alcohol problems. The experiment was not too successful and the groups are being treated separately again.

C. Recommendations for the Modification of the U.N. Rules

Six states made recommendations for the modification of the UN Rules. California suggested that the Rules be divided into two or more phases such that undeveloped prison systems could apply "phase one" standards at first and then other phases as experience and resources allow. An example would be the strict segregation of prisoners by sex in a poorly developed system which might give way to a coeducational system when resources and facilities have progressed sufficiently.

South Carolina made the suggestion that the scope of the Rules be broadened to take into consideration current emphasis and developments such as pre-trial and pre-sentence assessments and measures. The Rules should also cover situations involving outbreaks of violence and use of firearms.

The State of Illinois made a number of suggestions. First, it proposed adding a legal materials section under Rule 40 on books. Second, it was suggested that the UN Rules have a Rule dealing with the confidentiality of criminal justice data following the completion of sentence. Third, potential Rule provisions might cover qualifications of parole board members; censorship of mail; civil and criminal liability of correctional employees; automatic pardon or striking of criminal justice records after seven years of crime-free conduct after termination of sentence; and the community placement of geriatric offenders.

Hawaii's suggestion was that the "state use" concept of Correctional Industry should be modified to allow for sub-contracting of industry to broaden inmate work experience and provide an in-community source of work for aftercare support.

South Dakota offered the view that the UN Rules are actually somewhat overbroad in some areas in the context of small institutions that have limited finances.

UNITED NATIONS SURVEY ON IMPLEMENTATION OF
STANDARD MINIMUM RULES

United States Responses

TABLES

TABLE I: MASTER CHART OF SURVEY REPLIES

U. N. STANDARD MINIMUM RULES FOR TREATMENT OF PRISONERS	Federal Bureau of Prisons	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	
	I. Legislative and Regulatory Impact																
Influence on prison law	Y		Y	N	Y	N	Y	N	N		N	Y	N	Y	N	Y	
Influence on executive regulations	Y	Y	Y	Y	Y	N	Y	N	Y		N	Y	N	Y	N	Y	
Rule guaranties in the prison law	Y	Y	Y	Y	N	Y	Y	N	N		Y	Y	Y	N	N	Y	
Rules available in institutions (staff and inmates)	N	Y	Y	Y	N	N	Y	Y	N		N	Y	N	Y	N	Y	
Rules otherwise disseminated	Y		Y	Y	N	N	Y	N			N	Y	N	Y	N	Y	
Rules used in training prison personnel	N	Y	Y	Y	N	N	Y	Y	N		N	Y	N	Y	N	Y	
II. Extent of Rule Implementation in Practice																	
Basic Principle (R. 6)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	PI	
Register (R. 7)	I	I	I	I	I	I	I	I	I	RIP	I	I	I	I	I	I	
Separation of Categories (R. 8)	I	PI	I	RIP	PI	I	I	I	PI	PI	I	PI	I	PI	PI	I	
Accomodation (Rs. 9-14)	PI	PI	I	RIP	PI	PI	I	PI	PI	PI	PI	RIP	I	I	PI	PI	
Personal Hygiene (Rs. 15-16)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Clothing and Bedding (Rs. 17-19)	I	I	I	I	I	I	I	I	PI	I	I	I	I	I	I	PI	
Food (R. 20)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	PI	
Exercise and Sport (R. 21)	I	I	I	RIP	I	I	I	I	PI	I	PI	PI	I	I	I	PI	
Medical Services (Rs. 22-26)	I	I	I	PI	I	I	I	I	PI	I	PI	PI	I	PI	I	PI	
Discipline and Punishment (Rs. 27-32)	I	PI	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Instruments of Restraint (Rs. 33-34)	I	I	I	I	I	PI	I	I	I	I	I	I	I	I	PI	I	
Information to and Complaints by Prisoners (Rs. 35-36)	I	I	I	I	I	I	I	I	PI	I	I	I	I	I	I	I	
Contact with the Outside World (Rs. 37-39)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Books (R. 40)	I	I	I	I	I	I	I	I	I	I	I	PI	I	I	I	I	
Religion (Rs. 41-42)	I	I	I	I	I	I	I	I	I	I	I	PI	I	PI	I	I	
Retention of Prisoner's Property (R. 43)	I	I	I	I	I	I	I	I	I	I	I	I	I	PI	I	PI	
Notification of Death, Illness, Transfer, etc. (R. 44)	I	I	I	I	I	PI	I	I	I	I	I	I	I	I	I	I	
Removal of Prisoners (R. 45)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Institutional Personnel (Rs. 46-54)	I	I	I	I	PI	PI	I	I	RIP	I	I	PI	I	I	I	PI	
Inspection (R. 55)	I	I	I	I	I	I	I	I	RIP	I	I	I	I	RIP	I	I	
Rules Applicable to Special Categories																	
Guiding Principles (Rs. 56-64)	I	I	I	RIP	I	PI	I	I	I	I	I	I	I	I	I	PI	RIP
Treatment (Rs. 65-66)	I	PI	I	I	I	I	I	I	I	I	I	PI	I	I	I	I	
Classification and Individualization (Fs. 67-69)	I	PI	I	RIP	I	I	I	I	I	I	I	PI	I	RIP	PI	PI	
Privileges (R. 70)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Work (Rs. 71-76)	I	I	I	I	PI	PI	I	I	PI	I	PI	PI	I	I	PI	PI	
Education and Recreation (Rs. 77-78)	I	I	I	PI	I	I	I	I	PI	I	I	PI	I	I	I	I	
Social Relations and After-care (Rs. 79-81)	I	PI	I	I	I	I	I	I	I	I	I	I	I	I	PI	I	
Insane and Mentally Abnormal Prisoners (Rs. 82-83)	I	I	I	RIP	RIP	I	I	I	PI	I	PI	PI	I	I	I	PI	
Prisoners Under Arrest or Awaiting Trial (Rs. 84-93)	PI	PI	PI	RIP	RIP	NA	NA	I	NI	PI	NA	NA	I	RIP	PI	NA	
Civil Prisoners (R. 94)	NA	NA	I	I	NA	NA	I	NA	I	I	NA	NA	NA	I	NA	NA	
TOTALS																	
Y = Yes																	
N = No.	I																
I = Implemented	PI																
PI = Partially Implemented	RIP																
RIP = Recognized in Principle	NI																
NI = Not Implemented	NA																
NA=Not applicable																	
	27	22	29	21	23	22	29	28	18	26	23	16	29	22	22	16	
	2	7	1	2	4	6		1	9	3	5	11		5	7	11	
				7	2				2	1		1		3		1	
									1								
	1	1			1	2	1	1			2	2	1		1	2	

(Table I: Cont'd)

	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan	Minnesota	Mississippi	Missouri	Montana	Nebraska	Nevada	New Hampshire	New Jersey
I. Legislative and Regulatory Impact																
Influence on prison law	Y	Y	Y	N	N	N	Y	N	N	N	Y	Y	Y	Y	N	N
Influence on executive regulations	Y		Y	N	N	N	Y	N	N	N	Y	Y	Y	Y	N	N
Rule guaranties in the prison law	N	Y	N	Y	Y	Y	Y	Y	N		Y	Y	Y		N	Y
Rules available in institutions (staff and inmates)	Y	N	Y	N	N	N	N	Y	N		N	Y	Y	Y	N	N
Rules otherwise disseminated	N	N	Y	N	N	N	N	Y	N		N	N	N	Y		Y
Rules used in training prison personnel	Y	N	N	N	N	N	N	Y	N		N	Y	N	N	N	N
II. Extent of Rule Implementation in Practice																
Basic Principle (R. 6)	PI	I	I	I	I	I	PI	I	I		I	I	I	I	I	I
Register (R. 7)	I	I	I	NI	I	I	I	I	I		I	I	I	I	I	I
Separation of Categories (R. 8)	I	PI	I	I	I	PI	PI	I	I		RIP	I	RIP	I	I	I
Accommodation (Rs. 9-14)	I	RIP	I	PI	I	PI	PI	I	I		PI	I	PI	I	I	PI
Personal Hygiene (Rs. 15-16)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Clothing and Bedding (Rs. 17-19)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Food (R. 20)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Exercise and Sport (R. 21)	I	I	I	I	I	RIP	PI	I	I		I	I	PI	PI	I	I
Medical Services (Rs. 22-26)	I	PI	PI	PI	I	PI	PI	I	I		I	I	PI	I	I	PI
Discipline and Punishment (Rs. 27-32)	I	I	I	I	I	I	I	I	I		I	I	I	PI	I	I
Instruments of Restraint (Rs. 33-34)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	PI
Information to and Complaints by Prisoners (Rs. 35-36)	I	PI	I	I	I	I	PI	I	I		I	I	I	I	I	PI
Contact with the Outside World (Rs. 37-39)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Books (R. 40)	I	I	I	I	I	PI	PI	I	I		I	I	I	I	I	I
Religion (Rs. 41-42)	I	I	I	I	I	PI	I	I	I		I	I	I	I	I	I
Retention of Prisoner's Property (R. 43)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	PI
Notification of Death, Illness, Transfer, etc. (R. 44)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Removal of Prisoners (R. 45)	I	I	I	I	I	I	I	I	I		I	I	I	I	I	I
Institutional Personnel (Rs. 46-54)	I	PI	I	I	I	I	PI	I	I		I	I	I	I	I	I
Inspection (R. 55)	I	RIP	I	I	I	PI	I	I	I		RIP	PI	I	NA	RIP	I
Rules Applicable to Special Categories																
Guiding Principles (Rs. 56-64)	I	PI	I	RIP	I	PI	PI	I	I		PI	I	RIP	I	I	PI
Treatment (Rs. 65-66)	I	I	I	I	I	PI	PI	I	I		I	I	I	I	I	I
Classification and Individualization (Rs. 67-69)	I	RIP	I	I	I	PI	PI	I	I		I	I	PI	I	I	I
Privileges (R. 70)	I	PI	I	I	I	I	PI	I	I		I	I	I	I	I	I
Work (Rs. 71-76)	I	I	I	PI	I	RIP	PI	I	I		I	I	I	I	I	RIP
Education and Recreation (Rs. 77-78)	I	NA	I	PI	I	PI	PI	I	I		I	I	I	I	I	I
Social Relations and After-care (Rs. 79-81)	I	RIP	I	PI	I	PI	PI	I	I		PI	I	I	I	I	I
Insane and Mentally Abnormal Prisoners (Rs. 82-83)	I	RIP	PI	I	PI	I	PI	I	I		I	I	I	PI	I	I
Prisoners Under Arrest or Awaiting Trial (Rs. 84-93)	PI	RIP	NA	NA	PI	NA	PI	NA	NA		NA	I	RIP	NA	I	NA
Civil Prisoners (R. 94)	NA	RIP	NA	NA	NA	NA	NA	NA	NA		NA	NA	I	NA	NA	NA
TOTALS																
Y = Yes	I	27	16	26	21	27	15	12	28	28	23	28	23	24	27	22
N = No.	PI	2	6	2	5	2	11	17			3	1	4	3	1	5
I = Implemented	RIP		7		1		2				2		3		1	1
PI = Partially Implemented	NI				1											
RIP = Recognized in Principle	NA	1	1	2	2	1	2	1	2	2	2	1		3	1	2
NI = Not Implemented																
NA = Not applicable																

(Table I: Cont'd)

	New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah	Vermont*	Virginia
I. Legislative and Regulatory Impact																
Influence on prison law	N	N	N	Y	N	Y	Y	N	N			Y	N	Y	N	N
Influence on executive regulations	N	N	N	Y	N	Y	Y	N	N			Y	Y	Y	N	N
Rule guaranties in the prison law	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y	Y	Y	N
Rules available in institutions (staff and inmates)	N	N	N	Y	N	N	Y	N	N	N	N	Y	Y	Y		Y
Rules otherwise disseminated	N	N	N	N	N	N	Y	N	N	N	N	N	Y	Y		Y
Rules used in training prison personnel	N	N	N	Y	N	N	Y	N	N	N	N	Y	Y	Y	N	Y
II. Extent of Rule Implementation in Practice																
Basic Principle (R. 6)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Register (R. 7)	I	I	I	I	I	I	I	I	I	RIP	I	I	I	I	I	I
Separation of Categories (R. 8)	I	I	I	I	PI	I	PI	I	PI	RIP	RIP	I	I	I	NI	I
Accommodation (Rs. 9-14)	I	PI	I	I	PI	I	I	I	RIP	I	RIP	RIP	I	I	PI	PI
Personal Hygiene (Rs. 15-16)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Clothing and Bedding (Rs. 17-19)	PI	I	I	I	I	I	I	I	I	I	PI	I	I	I	I	I
Food (R. 20)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Exercise and Sport (R. 21)	PI	I	I	I	I	PI	I	I	I	RIP	PI	RIP	I	I	PI	I
Medical Services (Rs. 22-26)	PI	I	I	I	I	I	I	I	PI	RIP	RIP	PI	I	I	PI	I
Discipline and Punishment (Rs. 27-32)	I	I	I	I	I	PI	I	I	I	RIP	PI	I	I	I	I	I
Instruments of Restraint (Rs. 33-34)	I	I	I	I	I	PI	I	I	I	I	I	PI	I	I	PI	I
Information to and Complaints by Prisoners (Rs. 35-36)	I	I	I	I	I	I	I	I	I	I	I	RIP	I	I	I	I
Contact with the Outside World (Rs. 37-39)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Books (R. 40)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Religion (Rs. 41-42)	I	I	I	I	I	PI	I	I	I	I	I	I	I	I	I	PI
Retention of Prisoner's Property (R. 43)	I	I	I	I	I	I	I	I	I	I	PI	I	RIP	I	I	I
Notification of Death, Illness, Transfer, etc. (R. 44)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Removal of Prisoners (R. 45)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	PI
Institutional Personnel (Rs. 46-54)	PI	PI	I	I	I	I	I	I	I	I	I	PI	I	I	I	PI
Inspection (R. 55)	I	I	PI	I	I	I	I	I	NI	I	RIP	I	I	PI	PI	I
Rules Applicable to Special Categories																
Guiding Principles (Rs. 56-64)	I	I	PI	I	I	PI	I	I	I	PI	I	PI	I	I	I	PI
Treatment (Rs. 65-66)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	PI
Classification and Individualization (Rs. 67-69)	I	I	I	I	I	I	I	I	I	I	RIP	PI	PI	I	PI	PI
Privileges (R. 70)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Work (Rs. 71-76)	I	PI	I	I	I	I	I	I	I	PI	RIP	I	PI	I	PI	I
Education and Recreation (Rs. 77-78)	I	I	I	I	I	I	I	I	I	PI	I	RIP	PI	I	I	PI
Social Relations and After-care (Rs. 79-81)	I	I	PI	I	I	I	I	I	I	I	I	I	I	I	I	PI
Insane and Mentally Abnormal Prisoners (Rs. 82-83)	PI	PI	PI	I	I	I	PI	I	PI	I	PI	I	PI	I	I	PI
Prisoners Under Arrest or Awaiting Trial (Rs. 84-93)	NA	I	NA	NA	NA	NA	PI	PI	RIP	NA	NA	NA	NA	I	PI	I
Civil Prisoners (R. 94)	NA	NA	NA	NA	NA	NA	I	NA	NA	NA	NA	RIP	NA	I	I	RIP
TOTALS																
Y = Yes	I	23	25	24	28	26	23	27	26	18	18	15	23	29	14	22
N = No.	PI	5	4	4		2	5	3	2	8	1	8	3	1	15	7
I = Implemented	RIP										3	8	6	2		1
PI = Partially Implemented	NI									1						1
RIP = Recognized in Principle	NA	2	1	2	2	2	2			1	1	2	1	2		
NI = Not Implemented																
NA = Not applicable																

(Table I: Cont'd)

	Washington	West Virginia*	Wisconsin	Wyoming	Puerto Rico	Grand Totals for Adult Systems*					California Youth	Florida Youth	New York Youth			
I. Legislative and Regulatory Impact																
Influence on prison law	N	Y	N	N	Y							N	Y	N		
Influence on executive regulations	N	Y	Y	N								N	Y	N		
Rule guaranties in the prison law	Y	Y	Y	N	Y							Y	Y	Y		
Rules available in institutions (staff and inmates)	Y	Y	Y	Y	N							N	Y	N		
Rules otherwise disseminated	Y		Y	Y								N		N		
Rules used in training prison personnel	Y	Y	Y	Y	Y							N	Y	N		
						I	PI	RIP	NI	NA						
II. Extent of Rule Implementation in Practice																
Basic Principle (R. 6)	I	/	I	PI	I	45	4					I	I	I		
Register (R. 7)	I	/	I	I	I	46		2	1			I	I	PI		
Separation of Categories (R. 8)	I	/	I	PI	PI	29	15	5				I	I	NI		
Accommodation (Rs. 9-14)	I	/	I	PI	PI	22	21	5				I	I	I		
Personal Hygiene (Rs. 15-16)	I	/	I	I	I	49						I	I	I		
Clothing and Bedding (Rs. 17-19)	I	PI	I	I	I	45	4					I	I	I		
Food (R. 20)	I	/	I	I	I	48	1					I	I	I		
Exercise and Sport (R. 21)	I	/	I	I	I	35	10	4				I	I	I		
Medical Services (Rs. 22-26)	I	/	I	PI	I	30	17	2				I	I	I		
Discipline and Punishment (Rs. 27-32)	I	/	I	RIP	I	43	4	2				I	I	I		
Instruments of Restraint (Rs. 33-34)	I	/	I	PI	I	43	6					I	I			
Information to and Complaints by Prisoners (Rs. 35-36)	I	/	I	PI	PI	42	6	1				I	I	I		
Contact with the Outside World (Rs. 37-39)	I	/	I	I	I	49						I	I	I		
Books (R. 40)	I	/	I	I	I	46	3					I	I	I		
Religion (Rs. 41-42)	I	/	I	I	I	44	5					I	PI	I		
Retention of Prisoner's Property (R. 43)	I	/	I	I	I	44	4	1				I	I	I		
Notification of Death, Illness, Transfer, etc. (R. 44)	I	/	I	I	I	48	1					I	I	I		
Removal of Prisoners (R. 45)	I	/	I	PI	I	47	2					I	I	I		
Institutional Personnel (Rs. 46-54)	I	/	I	I	I	37	10	1				I	I	I		
Inspection (R. 55)	I	/	I	I	I	37	4	6	1	1		I	I	I		
Rules Applicable to Special Categories																
Guiding Principles (Rs. 56-64)	PI	/	I	PI	I	31	14	4				I	I	I		
Treatment (Rs. 65-66)	I	/	I	I	I	44	5					I	I	I		
Classification and Individualization (Rs. 67-69)	I	/	I	RIP	I	34	10	5				I	RIP	I		
Privileges (R. 70)	I	/	I	I	I	47	2					I		I		
Work (Rs. 71-76)	I	/	I	I	I	34	12	3				I		I		
Education and Recreation (Rs. 77-78)	I	/	I	PI	I	37	10	1		1		I	I	I		
Social Relations and After-care (Rs. 79-81)	I	RIP	I	PI	I	39	9	1				I	I	I		
Insane and Mentally Abnormal Prisoners (Rs. 82-83)	I	PI	I	I	RIP	31	14	4				I	I	I		
Prisoners Under Arrest or Awaiting Trial (Rs. 84-93)	NA	NA	NA	I	RIP	8	10	7	1	23		NA	NA	I		
Civil Prisoners (R. 94)	NA	NA		RIP	RIP	9		5		34		NA	NA	NA		
TOTALS																
Y = Yes																
N = No.																
I = Implemented	I					27	25	28	17	24		1143		28	22	26
PI = Partially Implemented	PI					1	2		10	3					1	1
RIP = Recognized in Principle	RIP							1		3						
NI = Not Implemented	NI															3
NA = Not applicable	NA					2	2	1								59

*Note: Data from Vermont and West Virginia was not received in time to adjust grand total figures. The raw responses have been included, however. Basic percentage totals may still be taken as representative of the degree of overall U.S. implementation (see Summary Chart on page 9 of this report).

TABLE II: OVERALL IMPLEMENTATION

Composite Averages for All Responding Jurisdictions

Percent of Rules Equaled or Exceeded (Implemented)	77.8 %
Percent of Rules Implemented in Part	14.0 %
Percent of Rules Recognized in Principle	4.0 %
Percent of Rules Not Implemented	0.2 %
Percent of Rules Not Applicable to Respondents	4.0 %

TABLE III: FREQUENCY OF IMPLEMENTATION
By Rule Categories

Rule Category	Percent of Jurisdictions Equaling or Exceeding UN Rule	Rule Category	Percent of Jurisdictions Equaling or Exceeding UN Rule
Personal Hygiene (Rs. 15-16)	100%	Exercise and Sport (R. 21)	72
Contact with the Outside World (Rs. 37-39)	100	Classification and Individualization (Rs. 97-69)	69
Food (R. 20)	98	Work (Rs. 71-76)	69
Notification of Death, Illness, Transfer (R. 44)	98	Guiding Principles (Rs. 56-64)	63
Privileges	96	Insane and Mentally Abnormal Prisoners (Rs. 82-83)	63
Removal of Prisoners (R. 45)	96	Medical Services (Rs. 22-26)	61
Register (R. 7)	94	Separation of Categories (R. 8)	59
Books (R. 40)	92	Accommodation (Rs. 9-14)	45
Clothing and Bedding (Rs. 17-19)	92	Civil Prisoners (R. 94)	18
Basic Principle (R.6)	92	Prisoners Under Arrest or Awaiting Trial (Rs. 84-93)	16
Treatment (Rs. 65-66)	90		
Religion (Rs. 41-42)	90		
Retention of Prisoner's Property (R. 43)	90		
Discipline and Punishment (Rs. 27-32)	88		
Instruments of Restraint (Rs. 33-34)	88		
Information to and Complaints by Prisoners (Rs. 35-36)	86		
Social Relations and Aftercare (Rs. 79-81)	80		
Institutional Personnel (Rs. 46-54)	77		
Inspection (r.55)	76		
Education and Recreation (Rs. 77-78)	76		

TABLE IV: LEGISLATIVE AND REGULATORY IMPACT

[X = positive responses; - = negative responses]

Jurisdictions Reporting	Influence on Prison Law	Influence on Executive Regulation	Rule Guarantees in the Prison Law
Federal Bureau of Prisons	X	X	X
Alabama	-	X	X
Alaska	X	X	X
Arizona	-	X	X
Arkansas	X	X	-
California	-	-	X
Colorado	X	X	X
Connecticut	-	-	-
Delaware	-	X	-
District of Columbia			
Florida	-	-	X
Georgia	X	X	X
Hawaii	-	-	X
Idaho	X	X	-
Illinois	-	-	-
Indiana	X	X	X
Iowa	X	X	-
Kansas	X		X
Kentucky	X	X	-
Louisiana	-	-	X
Maine	-	-	X
Maryland	-	-	X
Massachusetts	X	X	X

Jurisdictions Reporting	Influence on Prison Law	Influence on Executive Regulation	Rule Guarantees in the Prison Law
Michigan	-	-	X
Minnesota	-	-	-
Mississippi			
Missouri	-	-	X
Montana	X	X	X
Nebraska	X	X	X
Nevada	X	X	-
New Hampshire	-	-	-
New Jersey	-	-	X
New Mexico	-	-	X
New York			
North Carolina	-	-	X
North Dakota	-	-	X
Ohio	X	X	X
Oklahoma	-	-	-
Oregon	X	X	X
Pennsylvania	X	X	-
Rhode Island	-	-	X
South Carolina	-	-	-
South Dakota			X
Tennessee	X	X	X
Texas		X	X
Utah	X	X	X
Vermont			
Virginia	-	-	-
Washington	-	-	X
West Virginia			

Jurisdictions Reporting	Influence on Prison Law	Influence on Executive Regulation	Rule Guarantees in the Prison Law
Wisconsin	-	X	X
Wyoming	-	-	-
Puerto Rico	X		X
California Youth	-	-	X
Florida Youth	X	X	X
New York Youth	-	-	X
Totals	19 adult 1 youth	22 adult 1 youth	32 adult 3 youth

END