

Research Study Number 2.2

**COSTS OF INTERSTATE PRISONER TRANSPORTS:
THE POTENTIAL FOR CAPTIS COST BENEFITS**

COMPUTER
ASSISTED
PRISONER
TRANSPORTATION
INDEX
SERVICE

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PREFACE

The Research Series of the Computer Assisted Prisoner Transportation Index Service (CAPTIS) is the second serial of CAPTIS program documentation. The purpose of the Research Series is to gather essential information and investigate significant issues of relevance to the interstate transport of prisoners so that findings and conclusions of real value may be made available to criminal justice policy makers. Though each is an individual monograph, when fitted together the Research Studies in this serial will provide a comprehensive analysis of present and future problems and opportunities for improvements in interstate prisoner transportation in the United States. Special attention will be given to assessing the potential of CAPTIS as a means of reducing the costs of moving prisoners across state lines.

As presently planned, the Research Series is to consist of three Research Studies with others forthcoming should the need arise. The three Research Studies now scheduled for publication are:

Research Study Number 2.1: Mandates for Interstate Prisoner
Transports

Research Study Number 2.2: Costs of Interstate Prisoner

Transports: The Potential for
CAPTIS Savings

Research Study Number 2.3: Evaluation of CAPTIS Pilot System

Readers desiring further information about CAPTIS research are
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COSTS OF INTERSTATE PRISONER TRANSPORTS:
THE POTENTIAL FOR CAPTIS COST BENEFITS

CAPTIS is designed to save money and manpower in the interstate transport of prisoners. Further, it is intended that these savings be achieved through greater productivity and without adverse impacts upon other important aspects of the prosecutorial, law enforcement, or corrections functions. The dollars and manhours saved through cooperative transports should result in more transports of prisoners across state lines. (Or alternatively, the freeing of these scarce resources for other applications of equal or even greater priority in the state and local criminal justice communities while maintaining transport rates at at least their usual levels.) This Research Study will examine past and present approaches to reducing the expenses incurred in interstate transports, outline the results of the National Sheriffs' Association's (NSA) County Law Enforcement Survey (CLE) pertaining to the costs of moving prisoners across state lines, and estimate the magnitude of the savings that possibly might be obtained by agencies participating in CAPTIS. Its purpose is to provide a full appreciation of the "bottomline" cost benefits -- in both dollars and public policy -- of the CAPTIS concept.

A. AN INDIRECT ACCOUNTING: PAST ATTEMPTS
TO REDUCE INTERSTATE TRANSPORT COSTS

It has not been possible in the past to estimate with any degree of precision the volumes and costs of prisoner transports across state lines. A repository for this data does not exist at the national level, and the states rarely have had the facilities to collect and

maintain transport volumes and cost information in a composite form. There has never been any question, however, that interstate transports are indeed "big ticket items" in the budgets of many state and local criminal justice agencies.

A number of attempts to reduce the costs of interstate transports have been undertaken over the years. With but a single exception, none have proven fully satisfactory and, unfortunately, a few such attempts have involved adverse trade-offs between savings and sound criminal justice policy. But as the solutions proposed are often the best evidence of the magnitude of the problem to be solved, an examination of past efforts to alleviate the financial burdens imposed by interstate prisoner transports is worthwhile. Briefly, decision makers have sought to reduce outlays in money and manpower by reducing either a) the number of transports or b) the expenses per transport. Most of these cost-reduction schemes have focused upon the volumes and expenditures incurred in transports of fugitives, parole and probation violators, and detainees.

1. Attempts to Reduce the Number of Transports

- a. "Prioritizing"

The selection and ranking of criteria in prosecutorial decisions involving the return of fugitives or detainees to stand trial provides the best example of "prioritizing." Transportation costs are of great importance in making these decisions. Insofar as the return of fugitives is concerned, the chief of the extradition section, Los

Angeles County District Attorney's Office put it very bluntly: "The Los Angeles District Attorney's Office makes no bones about the fact that expense is a major consideration." (1) This official listed expense as one of "four main factors considered by the district attorney when deciding whether or not extradition proceedings should be instituted" -- the other three being "soundness of the case," "nature of the charge," and "nature of the expected penalty." (2) These criteria are by no means confined to the Los Angeles District Attorney's Office; they are representative of priorities established by prosecutors throughout the United States.

Similar priorities exist with regard to the return of detainees, for here too it has been found that:

The transportation factor is a substantial one. Ordinarily, if an inmate's speedy trial request is to be honored, two deputies will go from the demanding state to the confining state to assume custody of the prisoner, will return him to the demanding state for trial, will return him after trial to the confining state, and then themselves return home. In addition, they must return once again to the confining state, at the expiration of the inmate's sentence there, to transport the prisoner to a penal institution in the demanding state. (3)

(1) Exercise of Discretion in Extradition: The District Attorney's Role, address by Elvyn Holt, Twelfth Annual Conference, National Association of Extradition Officials 4 (May 24, 1976).

(2) Id., 2.

(3) Wexler & Hershey, Criminal Detainers in a Nutshell 7 Crim. L. Bull. 753,758, n. 28 (1971)[hereinafter cited as Nutshell].

It is not surprising then, that when determining whether to dismiss or follow-up a detainer, "the distance of the detainer-filing state from the place of confinement, and the attendant expense involved in transporting the inmate and armed guards to and from the place of trial," are ranked in the prosecutor's mind along with such other factors as "the seriousness of the outstanding charge, the nature and length of the current conviction and sentence, and the inmate's behavior in prison." (4)

It is impossible to quarrel with these decisions. Given the high costs of returning large numbers of fugitives and detainees for trial, prosecutors must assure as best they can that scarce resources are expended as productively as possible -- even though in the real world this frequently means that only the most notorious, accessible, or just unlucky criminals are brought to trial, while many others escape prosecution.

b. Refusals To Return

The high costs of interstate prisoner transports on occasion have wreaked great damage upon the fundamental principles of criminal justice in America. Returning for the moment to transports of detainees, there is considerable evidence that transportation costs in the recent past have had a heavy hand in shaping the law of detainers

(4) Id., 757-58.

vis-a-vis an inmate's right to a speedy trial on the charges underlying detainers lodged against him. This influence was usually found in contexts where an inmate attempted to secure a trial in the detainer-filing state at some time prior to his release in the confining state. Not only did courts in some of these states explicitly find that no effort need be made to obtain custody of the inmate, but a few openly based their decisions on the cost factor, declaring flatly that a state is not required to bear the costs of returning an inmate for trial before the expiration of his sentence in the confining state. The most direct and unmistakable expression of this cost savings appears in an opinion handed down by the court of Criminal Appeals of Oklahoma, "a state which for years has refused all efforts by detained convicts to obtain speedy trials." (5)

The state is not required to assume the additional burden of cost incident to affording a speedy trial, i.e., in returning an accused to the state, who, on his own volition, placed himself beyond the jurisdiction of the state and in the custody of the Federal Government. The costs incident to returning the accused from Leavenworth, Kansas, after the completion of his sentence and in response to the hold order are just and reasonable, but to require the additional burden of a round trip excursion into Oklahoma under the conditions herewith presented would be an unjust and unreasonable burden on the state. The state is in

(5) Note, The Interstate Criminal Detainer And The Sixth Amendment, 23 Ark. L. Rev. 634,643 (1970).

no way responsible for accused's predicament and is in no manner required to extend the hand of charity to him. If he had honored the conditions of his bond, he would have remained within the state, and would have avoided his federal court commitment.(6)

After surveying such decisions, one commentator posed a question for further investigation: "Is the cost factor of any unspoken weight in the decisions of those courts which have explicitly dealt with whether an effort should be required of the prosecutor to retrieve the detainee?" (7) In attempting to answer this question, he discovered that:

No language in the cases gives any hint that this may be so, but a glance at the relative geographical proximity of the two jurisdictions involved in the cases indicates that cost might have been a factor. In the seven cases requiring an effort, the jurisdictions were not widely separated, i.e., Pennsylvania and New Jersey; Texas and Arkansas; Minnesota and Wisconsin; Virginia and New Jersey; California and Oregon; Illinois and Ohio; New York and the District of Columbia. The three cases reversing convictions because no effort

(6) Application Of Melton, 342 P.2d 571, 572 (Okla. Crim. 1959), See also Hereden v. State 369, P.2d 478 (Okla. Crim. 1962), Auten v. State, 377 P.2d 61 (Okla. Crim. 1962), and Norman v. State, 54 Del. 395, 177 A.2d 347 (1962). In Norman the prosecutor refused to return the petitioner from Kansas. The Superior Court below held that petitioner's right to a speedy trial had not been violated. The Supreme Court dismissed the petition on a procedural point and did not reach the issue of a denial of the right to a speedy trial.

(7) Note, Detainers And The Correctional Process, Wash U.L.Q., 417,425 n. 37 (1966).

was made involved nearby areas: Illinois and Ohio; New York and the federal detention headquarters in New York; New York and the District of Columbia. But in three of the six decisions explicitly holding no effort need be made, there was substantial distance between jurisdictions: Georgia and Arkansas; Arizona and Washington; Minnesota and Washington.(8)

The cost savings rationale underlying these decisions, whether expressly articulated in the opinion or hidden away in fiscally oriented judicial minds, has been voided by recent Supreme Court holdings that the speedy trial guarantee of the Sixth Amendment is applicable to the states(9) and that upon the inmate's demand the detainer-filing state must make a diligent, good faith effort to bring him to trial.(10) Nonetheless, they remain potent evidence of the tendency to expediency that can be generated in the administration of criminal justice by the frustrations of high costs and tight budgets.

c. Out-Of-State Incarceration

"When a person violates his interstate parole or probation, the sentencing state often feels he should finish serving his sentence

(8) Id.

(9) Klopper v. North Carolina, 386 U.S. 213 (1967).

(10) Smith v. Hooy, 393 U.S. 374 (1969). In Naugle v. Freeman, 450 P.2d 904 (1969) the court of Criminal Appeals ruled that Oklahoma must bear the expense of returning the detainee to stand trial.

within prison walls"; however, "[t]his involves a great deal of transportation expense if the individual must be returned from a distant state where he has been under supervision." (11) Transportation costs assume a troubling policy significance within the context of the Parole and Probation Compact, for "[o]ften a supervisee has only a short period left to serve, so there is some question that it is worth the sending state's time and money to retake him; yet, if he is not retaken, some of the strength and leverage of the rehabilitative system is lost." (12) But under the terms of the Parole and Probation Compact, "incarceration or reincarceration is possible only if the offender is first returned to the sending state," albeit "[i]n many instances, such a procedure is unfortunate because of the administrative and financial burdens involved and because rehabilitation of the offender might be better served by keeping him in the receiving state." (13) The upshot of all this is that "violators (particularly those who have only a few months left to serve) are sometimes permitted to remain on supervision because their states can only afford to retake the most serious cases." (14)

(11) Council of State Governments (CSG), THE HANDBOOK OF INTERSTATE CRIME CONTROL 8 (rev. ed. 1966) [hereinafter cited as CRIME CONTROL].

(12) Brendes, Interstate Supervision Of Parole And Probationers 14 Crime and Delinquency 253, 258 (1968) [hereinafter cited as Interstate Supervision].

(13) CSG, CRIME CONTROL 34.

(14) Id., 8.

The Out-Of-State Incarceration Amendment was developed by the Council of State Governments (CSG) to eliminate altogether the necessity to return parole and probation violators to sending states. It provides that the receiving state may incarcerate a violator in its own prisons to serve the remainder of his sentence. The sending state would then reimburse the receiving state the costs involved, thereby saving the transportation costs incurred in bringing the violator back to its own penal or correctional institutions. The Amendment is applicable if only both the receiving and sending states have ratified it. Unfortunately, "[o]nly eight states have done so, and three of them -- New York, New Jersey, and Connecticut -- are geographically juxtaposed, so that it is easier to return violators rather than incarcerate them out-of-state," and in practice, the Out-Of-State Incarceration Amendment has been used very infrequently. (15)

2. Attempts to Reduce Expenses per Transport

With but one promising exception, attempts to reduce expenses-per-transport have enjoyed little more success than the fruitless efforts to decrease transport volumes. Undoubtedly, this approach has been tried in virtually every category of prisoner transports, but two of the most innovative such undertakings were developed for use under the Parole and Probation Compact.

(15) Brendes, Interstate Supervision 259.

a. The "Maryland Plan"

Independently developed by the state of Maryland, this approach is a new application of the old bond-posting requirement: To qualify for placement in the receiving state, the parolee or probationer must post bond sufficient to cover the cost of his return. Because the sending state does not have an obligation to place the parolee or probationer out-of-state in the first instance, attaching this pecuniary condition to his placement is not illegal, and the results obtained have been very favorable for Maryland. Total transportation costs incurred by that state in returning violators have dropped to at most a few hundred dollars annually, and, supposedly, "[a] number of Maryland's neighbors have adopted this idea and it has apparently worked very well." (16)

Nonetheless, "[t]he argument can be made that this bond requirement violates the spirit of the Compact by imposing a financial obstacle to placing the supervisee in the best possible rehabilitative location," and in the longer run this countervailing "social policy consideration may outweigh financial considerations." (17) Evidently,

(16) Id.

(17) Id.

practical experience has not only proven this criticism valid, but has shown that greivous financial burdens are also placed upon the convict's family, for if he has no money, the task of somehow raising the cash to post the bond required frequently falls upon his spouse or parents -- who often as not are eking out a subsistence living. In many instances, this has led to windfalls for loan sharks. Of Maryland's sister states that have tried the plan, none have retained it, regardless of how well it worked out from a cost-accounting viewpoint.(18)

b. Cooperative Returns

CAPTIS is not new. Over twenty years ago, the CSG, at the urging of officials concerned with the administration of the Parole and Probation Compact, became interested in "cooperative ways and means of reducing the cost of returning persons who have violated the terms and conditions of their parole and probation."(19) Noting that "[n]o small item of expense is involved when it becomes necessary to travel clear across the country to pick up a violator and return him for incarceration in the home state,"(20) the CSG first proposed a system

(18) Telephone conversation with Pleasant Shields, Chairman, Virginia Parole Board, President, Parole and Probation Compact Administrators Association (April 14, 1977).

(19) CSG, CRIME CONTROL 174.

(20) Id.

very similar in basic concept to CAPTIS:

In May 1951 the CSG reported on the possibilities of cooperation, through a clearinghouse system, in returning parole and probation violators. A study of violators returned during a single month indicated that there were numerous clusters among the 115 violators returned during that period which were susceptible of cooperative return procedures. Clothed with the necessary authority, the officers of one state might well have saved other states the cost of trips of several thousand miles, and with very little extra travel on the part of the state acting as agent for the others.(21)

The practical results of this pioneer study, however, were small. Unlike today, the information technology of the 1950s was simply not equal to the task of supporting such a "clearinghouse system." Computerized storage and retrieval systems were in their infancy, and national communications networks, such as NLETS, linking state and local criminal justice communities were nonexistent. In fact, "communication by clearinghouse or any other plan" was never established under the CSG's proposal for cooperative returns.(22)

Further, the concern of the CSG was focused upon only the return of parole and probation violators. No attempt was made to explore fully the possibilities of using the proposed clearinghouse to facilitate cooperation among criminal justice agencies responsible for

(21) Id.

(22) Brendes, Interstate Supervision 258.

other categories of transport, such as, transports of fugitives, witnesses, detainees, and so forth.(23) Because the transport volumes of other potential users were ignored, the services of tens of thousands of escort officers traveling across state lines could never be engaged on a regular basis, reducing the statistical probabilities of arranging cooperative transports of parole and probation violators in a timely manner -- and most receiving states could not or would not incarcerate a violator for more than a very short period pending pick up.(24)

Finally, it was maintained, erroneously, that officers from receiving and third party states must be deputized by the sending state before they could return a violator to its jurisdiction. As the CSG pointed out, however, "very few" states authorized the deputization of out-of-state officers. The upshot was that enabling legislation was thought mandatory before any state could participate in the

(23) The CSG recognized and advised that "cooperative return plans are not limited to the return of persons supervised under the compact," CRIME CONTROL 9, but failed to act further on this insight. Including all possible categories of transports is a key goal of CAPTIS.

(24) Brendes, Interstate Supervision 258.

clearinghouse system.(25)

The cumulative effect of these many handicaps was devastating. Corrections administrators took a second look at the proposed clearinghouse system. As its many complications and uncertain utility came more fully into view, many came to doubt that the return of violators was, after all, "a significant enough problem to warrant such a proposal," and fell back upon the wishful and vain hope that "the increased speed and lower costs of transportation may eliminate the need for such arrangements." (26)

(25) CSG, CRIME CONTROL 174. It is not clear why the CSG thought it was necessary to deputize the parole and probation officers of the receiving state before they could return probation and parole violators to the sending state. These personnel are not required to arrest the violator -- he is usually taken into custody by a local sheriff's or police department -- but only to transport him. This conclusion was apparently arrived at in an unpublished staff memorandum which has since been lost. For a fuller discussion of this question see Legal Feasibility Analysis Number 3.4: May An Officer Transport a Prisoner of Another State Without Being Specially Deputized by that State?

(26) Brendes, Interstate Supervision 258-59.

c. The Use of Light Aircraft (27)

The record of attempts to reduce expenses per transport apparently has not been one of unrelieved failure: Some criminal justice agencies now transport prisoners using single or twin-engined aircraft which they may own or charter from agencies of state and county governments, from general aviation companies, or from flying services that specialize in high volumes of prisoner transport. Many agencies exploiting the potential of light aircraft report savings of 50 percent or better over any other mode of transportation, including the large commercial lines. These claims have been documented in numerous cost studies. EXHIBIT I: Cost Comparisons, reproduces figures appearing in the January 1976 FBI Law Enforcement Bulletin in which expenses

- (27) This discussion presents preliminary findings drawn generally from a variety of sources, including the following: Operations Division, Office of the Director, U.S. Marshals Service, MOVEMENT OF PRISONERS BY AIR OTHER THAN SCHEDULED AIRLINES (Aug. 2, 1976); County of San Diego, Air Transportation of Prisoners (Jan. 12, 1966) (interdepartmental correspondence); Mathews, The Use of Charter Airlines in Extradition Cases, FBI L. Enforcement Bull. 9 (Jan. 1976); Prison in the Sky, Newsweek (June 16, 1975); Crumbo, Cost of Moving Inmates Cut, Ft. Lauderdale News, (Oct. 6, 1977); Hillinger, The Pistol-Packing Airline, Los Angeles Times, (Apr. 18, 1975); Interviews and materials provided by Mr. Jim Shoun, Chief Pilot, Colorado Air Transport, Denver, Colorado; Mr. William Main, president, Security Transport, Visalia, California; Mr. Robert Calvert, president, Air Security Transport, Ft. Lauderdale, Florida; and Mr. Bill Hensley, president, Baltimore Airways, Glen Burnie, Maryland.

EXHIBIT I: COST COMPARISONS

	COMMERCIAL FLIGHT	MOTOR VEHICLE	CHARTER FLIGHT
Mileage one-way (between same point of origin and destination)	250 miles to destination (no commercial airport) plus 50 miles of road travel.	425 miles	280 miles (landing site at destination).
Salary costs (for 2 officers)	\$270 (1)	\$180 (2)	\$90 (3)
Transportation	\$302 (includes car rental)	\$102	\$226
Lodging, food, miscellaneous expenses	\$154	\$101	\$20
Total cost	\$726	\$383	\$336

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- (1) Only one morning flight a day available. Therefore, considering arrival, driving time, and judicial hearing, trip would take 3 days.
- (2) Trip would take 2 days minimum.
- (3) Trip would take less than 1 day.

incurred when transporting prisoners by commercial airlines, motor vehicles, and charter planes are contrasted.

The "charter flight" figures in EXHIBIT I were derived from the operations of a general aviation company providing light aircraft for several purposes other than prisoner transport. As such they may be representative of expenses incurred by criminal justice agencies (a) that use their own aircraft intermittently for prisoner transport or (b) charter state and county aircraft as they are needed and available. Agencies using flying services specializing in high volumes of prisoner transports may benefit from economies of scale that allow them to capture even greater cost savings.

Criminal justice agencies using light aircraft instead of large commercial airlines for prisoner transportation report that savings accrue for a number of reasons:

1. FAA rulings prohibit the use of visible restraints and require that no more than one prisoner may be transported on board commercial airlines and that at least two escort officers be provided if the prisoner is regarded as "dangerous." Manpower is also wasted by the delays caused by the red tape and special security arrangements required when attempting to transport prisoners by the large commercial airlines. But when prisoners are transported by light aircraft, restraints may be used freely and depending upon the configuration of the aircraft and its crew, a number of prisoners may be transported in complete safety without criminal justice agencies being required to detail any escort officers for inflight security. The delays occasioned when using commercial airlines are avoided altogether.

2. Light aircraft can pick up and deliver prisoners at many locations along the flight paths to and from their destination. With planning, the amount of deadhead time can be minimized and the charges for air

mileage kept very low. This is not possible when commercial airlines are used.

3. There are more than 12,000 airports located throughout the country that are suitable for single or twin engine operation, but only 250 airports are available for use by large airlines. The greater availability of the smaller airports decreases the ancillary manpower and transportation expenses customarily incurred when escort officers proceed by automobile to and from delivery or pick up points.

Light aircraft are not always the least expensive means of transporting prisoners. So many variables impact cost calculations that generalizations are very risky; however, commercial airlines are considered to be usually less expensive when prisoners must be transported distances of over 1500 miles and sometimes may be less expensive for distances as short as 700 miles. At the other end of the scale, security vans or buses carrying groups of prisoners may prove less expensive than light aircraft for transports of up to 500 miles.

Still, it must not be overlooked that the lack of timely information required to arrange cooperative transports -- a deficiency which CAPTIS is intended to remedy -- probably restricts the cost savings potential of light aircraft far more than that of any other means of prisoner transportation. If CAPTIS is successful, agencies owning or chartering light aircraft from the public or private sector could use it as a "reservation" service to fill their planes and eliminate nonproductive flight time altogether. Light aircraft could be flown from coast to coast and back again, picking up and dropping off prisoners all along the way, and even very short distance transports could be made at very little cost.

B. A DIRECT ACCOUNTING: THE COUNTY LAW ENFORCEMENT
SURVEY AND CURRENT ESTIMATES

The NSA is now completing a survey of the 3,058 sheriffs' and 40 police departments responsible for county law enforcement in the United States. The questionnaire used asks several questions pertaining to transports conducted during 1976. An overview of some tentative findings of this survey is presented in EXHIBIT II: Preliminary Volume And Cost Estimates Of Transports Conducted By County Law Enforcement Agencies In 1976.

The cost figures obtained from the CLE survey are useful but probably too conservative. It appears that few respondents included a burdened overhead rate when reporting manpower costs. As burdened overhead is present in all departments and may reach 50 percent of the average officer's salary in some, the cost figures given for manpower were undoubtedly too low. Figures obtained from a previous NSA survey of nine states that by statute are made fiscally responsible for the costs incurred pursuant to extradition proceedings (28) demonstrate that these costs also are actually higher than those reported by sheriffs' and county police departments responding to the CLE questionnaire. According to the state figures, the average cost of transportation per prisoner is \$437.07 or \$135.50 more than the \$301.57 figure derived from the CLE results.

(28) Survey reported in NSA, Interstate Transportation Index Service: A Feasibility Study 10 (1976).

EXHIBIT II

PRELIMINARY VOLUME AND COST ESTIMATES OF
TRANSPORTS CONDUCTED
BY COUNTY LAW ENFORCEMENT AGENCIES IN 1976

CLE Survey

QUESTION 1. How many fugitives and prisoners did your department return from other states last year?

Departments responding to this question	=	1,132
Total prisoners returned	=	11,673
Average numbers of prisoners returned per department	=	10.3

Note: Multiplying the average number of prisoners returned per the departments responding to QUESTION 1 by the entire sample population of sheriffs' and county police departments provides an approximate estimate of the total prisoners returned by all county law enforcement agencies in 1976:

3,098 sheriffs' and county police departments
x 10.3 = 31,000 PRISONERS RETURNED

QUESTION 1A. About how much did this cost?

(1) Transportation Costs (air fare,
meals, lodging, etc.)

Departments responding to this question	=	797
Total transportation costs	=	\$2,747,340
Average transportation cost per prisoner return	=	\$301.50

(2) Manpower Costs (escort salary)

Departments responding to this question	=	602
Total manpower costs	=	\$1,183,000
Average manpower costs per prisoner return	=	\$156.75

Note: Multiplying the average reported cost per prisoner returned by the number of prisoners returned by all county law enforcement agencies in 1976 provides an approximate estimate of the total costs incurred by those agencies in that year:

31,000 prisoners returned x \$458.25 = \$14,205,750 Total Cost

In light of these contrary cost indications, a modest upward revision of the CLE manpower and transportation figures is necessary and justified to more accurately reflect the fiscal realities of interstate prisoner transportation. This upward revision is further supported by the number of escort man-days required for each transport. If each transport averages two days (one day out and one day return), and half of these transports require one escort and half require two; the average escort manpower per transport is three man-days. This estimate coupled with the transportation cost data from the CLE survey produces a conservative cost estimate of \$500. Therefore, for the purposes of planning estimates, a figure of \$500 henceforth will be used as the total average cost (manpower plus transportation) per prisoner moved across state lines. Using this revised figure, the total cost of all interstate prisoner transports accomplished by sheriffs' and county police departments in 1976 can be calculated more accurately (31,000 prisoners x \$500) at \$15,500,000.

It is believed that sheriffs' and county police departments carry out most of the prisoner transports accomplished pursuant to the legislation for interstate crime control, but county law enforcement agencies do not by any means account for all such transports. Transports conducted by state and municipal law enforcement agencies also must be considered. Both the NSA's CLE survey and an earlier survey taken in 1975 by the Department of Public Safety, Lakewood, Colorado indicate that extraditions (the largest single transport category) are performed by a great variety of law enforcement agencies, see EXHIBIT III: County Law Enforcement Departments Report Shared

Responsibilities For The Return Of Fugitives, and EXHIBIT IV: The City Of Lakewood Survey: Agencies Providing Prisoner Escort.

Given the lack of data about interstate transports conducted by state and municipal law enforcement agencies, projections of volumes and costs can and must be arbitrary and can be justified only as preliminary planning estimates. Assuming, however, that these agencies accomplish slightly less than one-half of the transports effected by county law enforcement agencies and that the expenses incurred are equivalent, state and municipal police departments transport 15,000 prisoners across state lines yearly at a cost of \$7,500,000.

Several thousand more transports are conducted annually in corrections. For example, approximately 4,000 inmates were transported in 1975(29) to institutions in other states. Most of these transports were conducted by corrections personnel, and if the expenses incurred in transporting inmates across state lines are equivalent to those

(29) U.S. Department of Justice, PRISONERS IN STATE AND FEDERAL INSTITUTIONS ON DECEMBER 31, 1975, NATIONAL PRISONER STATISTICS BULLETIN NO. SD-NPS-PSF-3 at 22-23 (Feb. 1977).

EXHIBIT III

COUNTY LAW ENFORCEMENT AGENCIES REPORT SHARED
RESPONSIBILITIES FOR THE RETURN OF FUGITIVES

CLE Survey

QUESTION 3. Is your department the only agency in the
county that handles the return of fugitives?

Total answering yes	=	1215
Percentage	=	76.8
Total answering no	=	354
Percentage	=	22.4
Total not answering	=	13
Percentage	=	0.8

EXHIBIT IV

THE CITY OF LAKEWOOD SURVEY:
AGENCIES PROVIDING PRISONER ESCORT

STATE RESPONDING	AGENCY PROVIDING PRISONER ESCORT
Alabama	County Sheriff or Agency investigating and filing charges
Alaska	State Police
Arizona	State Police, County Sheriff or Agency initiating filing of charges
Arkansas	County Sheriff
California	Agency investigating and filing charges
Colorado	Primarily County Sheriff, could be agency filing charges
Connecticut	Police Department involved or State Attorney's Office
Delaware	Agency investigating and filing original charges
Florida	County Sheriff
Georgia	State Police or State Patrol
Hawaii	Municipal Police Agency
Idaho	County Sheriff
Illinois	County Sheriff
Indiana	The agency investigating and filing the original charges
Iowa	County Sheriff
Kansas	County Sheriff
Kentucky	Usually County Sheriff but could be anyone designated by applicant

Louisiana	Primarily Parish Sheriff
Maine	Agency investigating and filing charges
Maryland	State, County or Municipal Agency
Massachusetts	Agency investigating and filing and the State Police attached to D.A.'s Office
Michigan	Agency investigating and filing charges
Minnesota	County Sheriff
Mississippi	County Sheriff
Missouri	County Sheriff
Montana	Agency investigating and filing original charges
Nebraska	Does not respond to questionnaire
Nevada	County Sheriff
New Hampshire	State Police or County Sheriff
New Jersey	State Police
New Mexico	County Sheriff
New York	Agency investigating and filing charges
North Carolina	County Sheriff
North Dakota	The agency filing charges (normally Sheriff's Office)
Ohio	County Sheriff
Oregon	County Sheriff often aided by State Police
Pennsylvania	State Police, County Sheriff, or Municipal Police Agency
Rhode Island	Agency investigating and filing charges
South Carolina	Agency investigating and filing charges
South Dakota	County Sheriff

Tennessee	Agency investigating and filing charges
Texas	Agency investigating and filing charges
Utah	Agency investigating and filing charges
Vermont	County Sheriff and State Police
Virginia	The agency investigating and filing charges
Washington	The agency investigating and filing charges
West Virginia	Primary - State Police Secondary - County Sheriff
Wisconsin	Agency investigating and filing charges
Wyoming	County Sheriff

EXHIBIT V

TOTAL ESTIMATED VOLUMES AND COSTS OF
INTERSTATE PRISONER TRANSPORTS

CRIMINAL JUSTICE AGENCY TRANSPORTING	NUMBER OF PRISONERS TRANSPORTED	COST OF TRANSPORTS
County	31,000	\$15,500,000
State and municipal	15,000	\$ 7,500,000
Corrections	<u>4,000</u>	<u>\$ 2,000,000</u>
	50,000	\$25,000,000

incurred in transporting fugitives, witnesses, and so forth: the total costs to corrections departments of these transport categories are \$2,000,000.

Altogether then, as EXHIBIT V: Total Estimated Volumes and Costs of Interstate Prisoner Transports shows approximately \$25,000,000 are expended each year by criminal justice agencies to transport 50,000 prisoners across state lines.

C. CAPTIS AND COST SAVINGS

CAPTIS promises to reduce the transportation and manpower expenses of moving a prisoner across state lines by a significant amount. Of course, prisoner transportation expenses are constant -- he or she must be moved. But, three-fourths of the expenses for air fare, meals, lodging, and so forth and all the salary expenses are directly attributable to the escorting personnel.

Assume that a demanding agency contracts to have a prisoner transported. As a conservative estimate, it stands to realize "on the average" a potential savings of \$200 (\$100 in transportation expenses and \$100 in escort officer's salary) plus a savings in time of 1.5 man days realized by making available the officer, who would have been otherwise utilized as an escort, for regular duty. The term "on the average" is used because the terms of the contract will provide that the demanding agency share the transport costs. But in this case the

outlay would be recovered whenever a demanding agency transports a prisoner for another agency, and on a cumulative basis would tend to balance out over a period of time.

Cost benefit can mount quickly at a savings of \$200 and one-and-a-half man days per transport. If by the use of CAPTIS agencies across the country identify and arrange for the elimination of 5000 escort trips (10 percent), the estimated annual savings will be:

5000 trips x \$200 per trip = \$1,000,000

5000 trips x 1.5 man days = 7,500 man days -- representing those days presently devoted to escort duties that would be available for regular duty or special projects. The potential savings are appreciable on the whole and present one of the most obvious justifications for the use of CAPTIS.

END