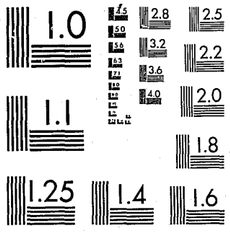

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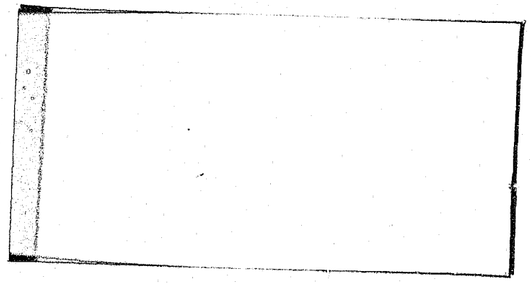

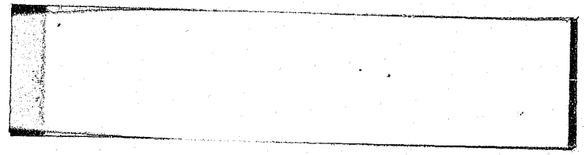

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REVISING CONNECTICUT'S SENTENCING LAWS:

AN IMPACT ASSESSMENT

By

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Executive Summary

Introduction

The purpose of this report is to assess the facility and resource impact of Public Act 80-442 which revises Connecticut's sentencing statutes. This assessment requires, first, an estimation of how prison populations will be affected by the various sections of the act and, second, a specification of how costs will vary as populations change.

There are four features of Public Act 80-442 which potentially will impact on prison facilities and resources: sentences are changed from indeterminate with maxima and minima to definite terms; mandatory minimum sentences are prescribed for certain offenses; longer sentences are required for "persistent" offenders; and good time allowances on sentences over five years are reduced from 15 to 12 days per month. These changes may affect prison populations (if everything else remains the same) by altering admissions, the length of sentences imposed and/or the time actually served. The ways in which each of these effects might occur are described in a series of scenarios.

As populations rise, the type and amount of additional costs will depend on the alternatives chosen to accommodate more prisoners. Four sequential alternatives are presented: additional operating costs to increase populations at existing institutions (Option A); costs of adding capacity at existing institutions (Option B); costs of converting other facilities to correctional use (Option C); and costs of constructing and operating new prisons (Option D).

Population

Given time, resource and data constraints, it was not possible to predict with reliable accuracy every effect of the new law on prison populations.

Indeed, since the statutory changes will alter judges' and prosecutors' decisions in the future, past trends are a poor guide. The best that one can do is simulate possible effects by varying the assumptions regarding how key decisionmakers in the criminal justice system will act, but a more precise statistical probability that these effects will occur, in fact, cannot be derived. However, the scenarios presented in the text describe different ways in which judges, prosecutors and defense attorneys can respond; Appendix B describes in technical terms how a simulation could be carried out. It shows that most of the impact from mandatory incarceration will have occurred by the fortieth month after the law goes into effect; within two years for the persistent felon provisions; and between the fifth and eighth year for reduction in good time allowances from 15 to 12 days per month.

Projections prepared by the Task Force on Prison and Jail Overcrowding were used as the base from which the population effects of PA 80-442 were estimated. If judges now sentence with a knowledge of Parole Board practices and good time allowances, the minimum or conservative impact of fixed sentences will be no increase in population. However, mandatory imprisonment with minimum sentences for selected offenses can be expected to increase population by about 317 by 1985 over the level estimated by the Task Force. If a person has two or more prior convictions for A, B or C felonies and is judged to be a threat to the community (i.e., is a persistent felon), he or she may be sentenced to a term consistent with the next highest felony class for at least three years. The population increase resulting from the persistent felon section will probably not be significant for several reasons. First, judges now give prison sentences to 100 percent of felony class A cases and about 95 percent of classes B and C; second, about 16 percent of the population

is serving sentences of less than three years and many of these probably have fewer than two prior convictions; and finally, only about 5.6 percent have sentences which are at the maximum permitted by current law and would conceivably be upgraded to a higher felony class under the new law.

The above discussion does not imply that prison population will increase by only 317 over the level projected by the Task Force on Prison and Jail Overcrowding. Rather, it is intended to show that even a minimum increase still creates a substantial impact on facilities and resources in an already overcrowded prison system. As projections are changed and more impacts of Public Act 80-442 quantified, the resource effects can be calculated using the cost model described in Appendix A.

Facilities and Resources

Connecticut prisons in December, 1980, housed 2,276 persons in space designed for 2,121, thereby precluding Option A which was to utilize excess capacity at existing institutions. (To even maintain an acceptable level of care, custody and services at this population would require about $221,000.) Expanding capacity at existing institutions (Option B) by 380 beds will require an estimated $2.3 million in capital and operating costs, but would add only 225 slots, if current overcrowding (155) is eliminated. Therefore, even the minimal impact of 317 persons from PA 80-442 could not be accommodated entirely with this option (to say nothing of the population increases arising from other causes as predicted by the Task Force). Option C, converting Camp Hartell to accommodate the overage, would add 250 beds and about $5.8 million in capital and operating costs.

If more than the minimal impact of 317 above the Task Force projections is considered likely, then costs will begin to increase rapidly as facilities

are converted and/or constructed at $72,000 per bed. If fixed sentences add only two percent annually to the population and mandatory sentences 317, operating costs by 1985 will be about $14.4 million or nine percent higher than under the Task Force projections. However, capital expenditures would be $36 million or 400 percent more. (These costs are in 1980 prices.)

The most important issue raised by these cost figures is not what is the impact of PA 80-442 alone, but, rather, can Connecticut afford to continue its present criminal justice policies generally. This issue requires a thorough examination of alternatives to presentence and short-term jail incarceration, expansion of community corrections capacity, bail practices and similar changes in every criminal justice related agency.

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Revising Connecticut's Sentencing Laws

The purpose of this report is to clarify the policy choices made in revising Connecticut's sentencing laws and the consequences of those choices. The report focuses primarily on the effect of Public Act No. 80-442 on the facilities and resources of the Department of Correction (as required by section 27). As with most sentencing reform, the critical concerns for corrections are with the effects of the legislation on the prison population and the resultant costs. The approach taken in this report is to clarify the implications of the bill primarily for corrections and to assess the population and fiscal impacts that can reasonably be expected.

The essence of the bill is that it revises the current indeterminate sentencing structure to a determinate one. In addition to fixed sentences for all felons, three parts of the bill have special implications for corrections: mandatory minimum sentences for certain offenses, increased sentences for persistent or repeat offenders, and reductions in the amount of good time that can be credited to a sentence. These policy choices can produce increases in the prison population through the following effects: (1) an increase in admissions to prison, (2) an increase in the length of sentence, and (3) an increase in the amount of the sentence actually served (i.e., the sentence less good time). The effect of these increases will be seen as higher costs for maintaining the prison population. Thus, the critical policy choice is whether the increase in the certainty and severity of punishment that will result from the new law is worth the price that it will cost.

To clarify the implications of the bill for corrections and assess its impact, the report is organized in five sections. The first section explains IEPS's approach for assessing the effect of Connecticut's sentencing revisions

on the prison population. Briefly, the approach is to examine the changes in law, hypothesize the changes that are likely to take place in criminal justice practices as a result of the new law, and assess the impact of these changes on the prison population and Department of Correction budget. The next four sections of the report assess the effects of fixed sentences, increased sentences for persistent offenders, mandatory minimum sentences, and reduction in good time.

On Assessing the Impact of Sentencing Reform

The usual approach in assessing the impact of sentencing on corrections is to develop statistical predictions for the prison population. In various degrees of sophistication, past trends are analyzed statistically, and prison populations are projected into the future. By changing certain variables, such as the length of sentence, the effects of legislative reforms are predicted. IEPS believes that this approach would be inappropriate in assessing the impact of revising Connecticut's sentencing laws for several reasons.

First, there are technical difficulties in developing models to predict populations accurately. Abt Associates, in its report to the U.S. Congress, Prison Population and Policy Choices, addressed this point by stating that "It is important to stress that there is no technology that will provide precise predictions of prison populations. Even over the short run, the task is both complex and pioneering." 1/ Second, there is insufficient data to attempt to predict the effects of each part of the bill individually. Although the Department of Correction appears to have detailed and reliable data on the sentenced population, data on admissions (i.e., data on court sentences) was not available in sufficient detail for estimating the effect of the sentencing changes. Third, population projections too often tend to be

misconstrued. They are assumed to be accurate predictions (of the effect of changes in sentencing, for example) when in fact they are based on the assumption that all other past trends will continue. Thus, if other changes take place, such as increase in plea bargaining resulting perhaps from the sentencing revision itself, the projections will be in error. In short, as long as the model, data or assumptions about future trends are inaccurate, the projected prison population will be in error. Consequently, policy choices, such as determinate sentencing, which are made on the basis of "predicted" population and fiscal impacts will be misguided.

For these reasons, IEPS believes it would be more constructive to the issue of sentencing reform to focus on the implications of policy choices. The first implication is that revising the sentencing law creates a new sentencing structure. Although this general proposition might seem obvious, the specific changes in the sentencing structure are not simple to discern from a bill as complex as Public Act No. 80-442. Thus, for each sentencing category (e.g., mandatory minimum sentences) we will describe the pertinent sections of the bill and compare them to current law.

The second implication is that changes in the sentencing law will change certain sentencing practices. However, the specific changes in sentencing practices that will result are not easy to determine. For example, if a judge sentenced someone from 5 to 10 years for first degree robbery under the current law, it is impossible to predict where the judge would have fixed the sentence if the new law had been in effect. In short, the best one can do is assume that judges will either continue to sentence at the minimum of the actual current range or at some higher point (not to exceed the maximum of the actual current range). The approach in this report is to explain the theoretical basis for assuming

how much current sentencing practices will change. Thus, this approach addresses the issue of how much sentencing practices might change by focusing the debate on the theoretical rationale for <u>why</u> they will change in the first place. Policy choices can thus be made after considering their implications for criminal justice practice.

Each hypothesis or scenario of how sentencing practices might change has different implications for corrections. Based on alternative sentencing scenarios, one can assess the various impacts on the prison population. The issue, however, is which scenarios (and consequently impacts) are most plausible. The insight gained from the theoretical discussion can indicate which outcomes are most likely. Thus, instead of presenting population projections which might be mistaken for predictions, we will point out the population impacts that can reasonably be expected to result from the changes in the sentencing law.

The final implication of the sentencing changes is the costs they will create. In order to estimate the fiscal impacts of the sentencing revision, an economic model of correctional costs was developed. The model estimates costs in four stages: (1) additional operating costs to accommodate increased populations in existing institutions, (2) costs of adding capacity to existing facilities, (3) costs of renovating other facilities to accommodate prisoners, and (4) construction costs for new prisons. The costs of sentencing changes are estimated by calculating the costs of activating each stage sequentially as needed to accommodate the resultant prison population.

There are several advantages to this approach. First, it focuses the debate on sentencing reform on the implications of sentencing laws for criminal justice practice and correctional facilities and resources. These

issues, not the accuracy of population projections, are the factors on which policy choices should be made. Second, a sound theoretical basis for making policy choices is carefully articulated. Third, the costs that are likely to result (given the most conservative assumptions about the changes that might occur) are available for policy consideration. Finally, critical problems that are likely to arise can be pinpointed and thereby averted.

Fixed Sentences

Public Act No. 80-442 combines two forms of determinate sentencing: fixed sentences and mandatory minimum sentences. This section discusses the provisions for fixed sentences, and a later section analyzes mandatory minimum sentences which are a special case of fixed sentences. Section 10 of the bill establishes definite or fixed prison sentences for felonies committed on or after July 1, 1981. Excluding the mandatory minimum provisions, the sentence must be for a fixed term within the ranges specified below:

Felony	Sentence
Capital Felony	Life (60 years)
Class A -- Murder	25-Life (60 years)
Class A -- Not Murder	10-25 years
Class B	1-20 years
Class C	1-10 years
Class D	1-5 years

The major change in the law is that judges will have to fix a sentence for a specific term within the range. Under current law, judges sentence felons to an indeterminate term by specifying a minimum and maximum sentence. The "effective sentence" (i.e., actual time served) is determined by the parole board. Except for increasing the life sentence to 60 years (under current law it is 50 years), none of the maximum sentences are changed. Thus, the only issue is the effect of requiring fixed sentences. We will, therefore, assess the impact of determinate sentencing on sentencing practices (specifically, changes in sentence lengths), actual time served in prison (i.e., changes in the effective sentence), the prison population and correctional resources.

The current debate on sentencing often assumes that reverting back to determinate sentencing will increase sentence lengths. Indeed, a major rationale for fixed sentencing is a belief that greater deterrence will come from tougher or more severe sentences. The questions that this section addresses are: How much will sentence lengths increase in Connecticut and what will the impact be on the prison population and correctional resources?

The way to answer these questions is to hypothesize the possible effects of the fixed sentencing law on prosecutorial and sentencing practices. This is done by developing scenarios for what sentences might be under the new law and comparing them to what they might be if the current law were still in effect.

There are three plausible scenarios: (1) judges will revise their sentences so that sentences under the new law will be equivalent to what the effective sentence would be if the current law were still in effect, (2) prosecutors will charge bargain some cases thereby reducing the potential for tougher sentences, (3) judges will fix sentences that are tougher, that is, greater than the effective sentences would be under current law. The effect of these scenarios is essentially that minimum sentences under current law could remain the same, decline, or increase once the new law is in effect. The rationale for these possibilities should be fully explored.

Scenario 1: Effective Sentences Remain Unchanged

Under the first scenario if a judge sentenced someone from 5 to 10 years for a first degree rape committed on June 30, 1981, the same rapist having committed his crime one day later (when the new law becomes effective) would be sentenced to roughly five years. The central assumption behind this

scenario is that judges are aware of the influence of parole and adjust their sentences accordingly. In other words, if the judge wanted the offender to serve a seven year sentence (less good time), he would have given the offender perhaps a 7 to 15 year sentence instead of a 5 to 10 year sentence. In short, the length of sentence under the new law would for the most part be fixed at what the minimum sentence would be if the current law were in effect.

There are two possible exceptions to this case. First, judges would set some sentences higher than the minimum (indeterminate) sentence that would prevail under the current law because they know that under indeterminate sentencing the effective sentence for some offenders is greater than the minimum (less good time). In this scenario it is assumed that judges know that approximately 70 percent of all prisoners are paroled when they first become eligible for parole.2/ In the hypothetical example above, the judge would expect the rapist to have about 70 percent chance of being released from prison when he served his minimum sentence less good time (i.e., about two-thirds of the minimum sentence). If the judge were afraid the offender would be paroled when first eligible, he might raise the minimum sentence above 5 years. Thus, under this scenario the new law would have two different effects: judges would leave 70 percent of the sentences at what the minimum under the current (indeterminate) law would be, and they would raise up to 30 percent of the sentences above the minimum.

The critical issues, therefore, are how many offenders (up to 30 percent) will receive sentences above the minimum under current law and how much higher will they be? It is fairly safe to state that under this scenario there will be an increase in sentence lengths for at most 30 percent of the cases and the increase would be at most to the maximum of the indeterminate

range if the current law were still in effect. In essence, the maximum indeterminate sentence is assumed to represent the highest sentence the judge feels an offender deserves. It is impossible, however, to say how close these sentences will be to the maximum of the current indeterminate range. In other words, it is impossible to say exactly where judges will fix these sentences.

It is clear that under this scenario judges will try to compensate for the fact that offenders are no longer eligible for parole. There are two implications of this. Under a fixed sentencing structure the effective length of sentence could rise or fall. If judges raise sentences so that the effective sentence is on the average greater than it would have been under current law, they will overcompensate and thereby increase the prison population. On the other hand, if they do not raise the effective (average) sentence sufficiently high, they will undercompensate and (everything else being equal) the prison population will decline. Another way of viewing this is that 30 percent of the prisoners are held after their first date for parole eligibility, thereby raising the effective (average) sentence above the average current minimum sentence. Under this scenario, with the fixed sentencing law in effect, judges could either overcompensate or undercompensate for the fact that the parole board currently keeps about 30 percent of the prisoners beyond their minimum sentence (less good time),

This discussion points to the fact that the critical variable for predicting the increase in sentences is the degree to which judges will compensate for the elimination of parole. It is worth noting that there is absolutely no way to measure this critical variable from historical data; consequently, there is no way to accurately predict the effects of the fixed sentencing provisions (§10 of the bill). At best, one would have to make assumptions

about the degree to which judges will compensate for the elimination of parole. Based on the assumption of overcompensation, there will automatically be an increase in the effective sentence; based on the assumption of undercompensation, there will be a reduction in the prison population due to fixed sentencing. Given these predictable outcomes, it is clear that the validity of the assumptions is more critical to the debate on fixed sentencing than projections of the prison population.

There is a second possible explanation for an increase in some sentences above the minimum under current law. Under current law the minimum sentence cannot be greater than 50 percent of the maximum indeterminate sentence (unless the maximum is less than three years). In our example, the 5 year minimum is one-half of the 10 year maximum. If the judge wanted to give the offender the stiffest possible sentence for a class B felony, he would have given him a 10 to 20 year sentence. The highest maximum indeterminate sentence for a class B felony is 20 years; consequently, the highest minimum is 10 years. Under the new law, if the judge wanted to raise the sentence above the 10 year minimum, he could easily do so. Thus, we can assume that under the new law sentences might be fixed higher than the minimum indeterminate sentence if the current law were still in effect and the sentence was at 50 percent of the maximum range for the felony class.

How often is this likely to be the case? On March 31, 1980, there were 32 rapists in Connecticut's prison system. Of these, three prisoners had a 10 to 20 year sentence. Thus, for the crime of rape there would be at most about a 10 percent increase in the number of prisoners with sentences above 10 years. It is interesting to note that one prisoner was serving a 30 to 60 year sentence. The implication of this is that judges can raise the effective

sentence above the 10 year minimum for a class B felony by making the sentences for multiple convictions consecutive instead of concurrent.

If the determinate sentencing law had been in effect when the three rapists had been sentenced for 10-20 years, how much higher might their sentences have been? As we have suggested, if some of these offenders had been convicted of multiple crimes, it is not likely that the fixed sentences would be raised above 10 years. The judges already had the opportunity to do so. Based on estimates from aggregate data about one out of the three offenders will not be paroled at the first eligible date. Furthermore, under this scenario it would be plausible that the parole board might keep all of them incarcerated longer assuming that this was the intention of the judge in giving the maximum 10 to 20 year sentence. The exact effect of the determinate sentencing law could not be predicted because as we suggested earlier the degree to which judges will compensate for the elimination of parole can not be known in advance.

The impact on the prison population could not, however, be significant. The marginal increase in the effective sentences would be negligible. There are relatively few cases where the minimum sentence is at 50 percent of the maximum range for the felony class, and the marginal increase in the average length of stay in prison would be minimal. In conclusion, for whatever reasons that judges might set determinate sentences higher than the minimum indeterminate sentences, the impact on the prison population would in all likelihood be negligible under this scenario.

Scenario 2: Charge Bargaining

The second scenario or hypothesis is that prosecutors will reduce the charges on some cases thereby reducing the potential fixed sentence. In other words, the fixed sentence would be less for some cases than the minimum indeterminate sentence if the current law still applied. Paradoxically, this result comes about only if defendants think judges will give tougher determinate sentences than the minimum of indeterminate sentences. An example of this situation might arise when the prosecutor feels certain that a defendant charged with first degree larceny is guilty, but he does not feel he has enough evidence to gain a conviction. The defendant might view his situation in one of two ways significant in this context. On the one hand, the defendant might rather go to trial than plead guilty to a class B felony. He would actually have a good chance of being acquitted. On the other hand, since he does not know what his chances of acquittal are, he might prefer to plead to reduced charges rather than take the risk of getting a tougher sentence if he is convicted of first degree larceny.

To the extent that the former situation prevails, there will be more acquittals and the number of offenders sentenced to prison would decline. In the latter situation, the prosecutor would agree to reduce the charges to second degree larceny (a class D felony). To the extent that this occurs, the length of the fixed sentence would probably be lower than the minimum indeterminate sentence because there would have been no need for charge bargaining under current law. Again, this result comes about only if defendants expect judges to give tougher sentences when determinate sentencing is in effect. Were this not the case, the same line of reasoning that inferred

charge bargaining from the preceding example would apply to indeterminate sentencing; therefore, there would not be a reduction in fixed sentences below the minimum indeterminate sentence.

It is difficult to estimate the frequency with which charges will be reduced under the new law. However, it is reasonable to assume that the impact on prison population will be minimal. This scenario implies that judges will give tougher sentences if they have to fix sentences than if sentences are indeterminate. Therefore, charge bargaining acts only to offset the impact of tougher determinate sentences. In other words, the increase in the prison population that would result from longer sentences would be offset somewhat by the effect of charge bargaining. The following paragraphs address the possibility of longer sentences.

Scenario 3: Tougher Sentences

A third and final scenario is that judges will give offenders tougher sentences under the new (determinate) law than they would under the existing (indeterminate) statute. This seems to be the predominate belief about fixed sentencing. There are two important explanations for this view.

First, many people believe that judges will increase sentences above the minimum that would prevail under current law. Sentences will increase theoretically because judges will now have more latitude to do so. However, this is in direct contrast to the first scenario and is implicitly based on the assumption that judges are relatively unaware of parole practices. Furthermore, judges already have considerable latitude in setting the minimum sentence. They can set it at up to 50 percent of the maximum sentence. As we suggested earlier, the effect on the prison population of increasing sentences above the 50 percent range (e.g., above 10 years for rape) would be minimal.

Second, it is conceivable that judges would raise sentences above the current minimum as an expression of their concern for retribution. In other words, instead of sentencing someone convicted of first degree larceny for one to five years, the judge would at least give the offender more than a one year fixed sentence. The rationale for this argument is that the public would perceive a one year determinate sentence as being less severe than a one to five year indeterminate sentence. In actuality, the effective sentence is essentially the same, about 8 months (one year less 120 days for good time). Just the same, judges would want to make it appear that they are concerned about retribution and raise the length of sentence. The counter-argument is that judges do not sentence for the sake of appearances but only consider the merits of the case.

Population and Resource Impacts

What can we conclude from the preceding discussion? Will the prison population and correctional resources increase significantly as a result of determinate (fixed) sentencing? The answer to this question depends primarily on whether judges are aware of parole practices and currently set indeterminate sentences so that the effective sentence is as they wish it to be (Scenario 1), or whether judges will increase sentences once they are given more latitude (Scenario 3). A combination of these effects is possible because Scenario o might apply more aptly to some judges whereas Scenario 3 might apply to others. Furthermore, prosecutors might charge bargain some cases in accordance with the logic of Scenario 2.

Rather than try to pinpoint the combined effect on the prison population, we prefer to show a range of plausible effects. So as not to overstate the

case, we will first assume that Scenario 1 has the dominant effect. In other words, the average sentence length under determinate sentencing would be about the same as the average length of stay in prison, that is, the effective indeterminate sentence.

Based on a sample of 1,190 felons released from Connecticut prisons prior to 1978, the average length of incarceration was 26.4 months.[3/] The breakdown of average time served was 131.8 months for class A felons, 40 months for class B, 20.4 months for class C, 15.3 months for class D, 22.7 months for drug law violations, and 15.1 for unclassified crimes. According to Scenario 1, the average time served would not be greater in the future because of determinate sentencing than it would if indeterminate sentencing remained in effect. It is plausible, however, that the average time served in the future would differ from the period prior to 1978 for other reasons. The change would not be due to the change in the sentencing structure per se but to factors such as changes in prosecutorial policy which in turn change the mix of cases across classes (and thereby change the average time served).

In contrast to Scenario 1, the other two scenarios imply changes in the average time served due to the change in the sentencing structure itself. It is difficult to say exactly how much of a change would take place. Scenario 3 would seem to indicate that determinate sentences could increase at most to the maximum indeterminate sentence were indeterminate sentencing still in effect. Scenario 2 would, as we suggested earlier, offset this increase.

Mandatory Minimum Sentencing

Public Act No. 80-442 establishes mandatory minimum sentences for certain offenses. The chart below lists the offenses and the mandatory minimum prison sentences.

Public Act No. 80-442	Offense	Class	Penal Code	Mandatory Minimum Prison Sentence
§16	Assault I	B Felony	§53a-59	5 years
§17	Assault I, victim 60 years or older	B Felony	§53a-59a	5 years
§18	Assault II, victim 60 years or older	D Felony	§53a-60b	2 years
§19	Assault II with a deadly weapon, victim 60 years or older	D Felony	§53a-60c	3 years
§20	Sexual Assault I with a deadly weapon	B Felony	§53a-70a	5 years
§21	Burglary I	B Felony	§52a-101	5 years
§22	Robbery I	B Felony	§53a-134	5 years

In addition to these offenses, section 10 of the bill establishes minimum prison sentences of 5 years for manslaughter in the first degree and kidnapping in the second degree and a minimum prison sentnece of 3 years for manslaughter in the second degree. Furthermore, section 12(i), which amends the persistent offender statute (§53a-40), states that "the sentence imposed may not be less than three years, and . . . may not be suspended or reduced by the court."

There is a difference in the law with respect to the preceding offenses [§10 and §12(i)] and those listed in the chart above (§§16-22). The former

require minimum sentence lengths but leave to the court the option of imposing a sentence other than imprisonment. The latter mandates that the court must sentence all offenders (including first time offenders) convicted of the crimes to prison (for the minimums reported in the chart). We will, therefore, focus primarily on the offenses which carry mandatory minimum prison sentences but recognize that there will also be minimum prison sentences for offenders convicted of certain other crimes such as manslaughter in the first and second degrees.

There are two plausible scenarios for the impact of mandatory minimum sentencing. Under the new law, judges will be required by law to sentence offenders convicted of the preceding crimes (regardless of their prior record) to prison for a mandatory minimum term. Thus, one scenario is that there will be mandatory imprisonment for offenders convicted of these offenses. This will have the effect of increasing both the number of offenders sentenced to prison and their sentence lengths. It is plausible, however, that there will be an increase in trials and charge bargaining because offenders will try to avoid mandatory minimum prison sentence. Under this scenario, trials (ending in acquittal) and charge bargaining will offset both the number of prison commitments and length of sentences that would result from mandatory minimum sentencing (i.e., the preceding scenario).

Scenario 4: Mandatory Imprisonment

In general, the intent of the mandatory minimum provisions of the bill is to increase the certainty and severity of punishment. Sentences would be greater than the minimum sentences under indeterminate sentencing because many offenders currently have minimum sentences less than that required by the bill.

TABLE 1

Minimum Sentences of Incarcerated Population for Six Offense Groups

Offense	Current Minimum Sentence							
	1 Year	2 Years	3 Years	4 Years	5 Years	Over 5 Years	Unknown	Total
Assault I	7	6	13	11	14	29	2	82
Sexual Assault I w/ weapon[a/]	2	8	11	15	23	48	2	109
Robbery I	2	16	65	50	67	102	4	306
Burglary I	2	1	7	3	10	16	2	91
Manslaughter I	0	0	5	4	9	95	3	116
Kidnapping II	0	2	2	5	3	15	0	27
Total	13	33	103	88	126	305	13	681 (239.)

Less than 5 years:

Number	228
Percent	34.9

a/ Includes all cases of this type because data do not indicate use of deadly weapon.

Source: James Harris, Department of Correction
Sentenced Population on March 28, 1980

Table 1 shows the minimum sentences of the March 28, 1980, incarcerated population in six offense categories for which data were available. There were 37 prisoners convicted of assault I serving less than 5 year sentences, and 43 serving sentences of 5 years or more. Thus, approximately 45 percent of the offenders imprisoned for assault I were serving sentences less than the 5 year minimum to be required by the new law. Similarly, about 45 percent of the robbers and 33 percent of the burglars were serving sentences of less than 5 years.

If determinate sentencing without the mandatory minimum requirement had been in effect when these offenders were sentenced, we might have found all or most of the 37 prisoners incarcerated for assault I to have sentences of less than 5 years (as discussed in Scenario b). However, if mandatory imprisonment applied, we would have found all 82 offenders serving sentences for a minimum of 5 years.[4/] Specifically, 51 of these prisoners would be serving sentences for the 5 year minimum, and 29 would be serving sentences over 5 years.

Once the new law goes into effect, all offenders convicted of assault I, burglarly I and robbery I will be sentenced to prison for a minimum of 5 years. There are two effects of mandatory minimum sentencing. First, the number of offenders incarcerated will increase. Offenders who would otherwise be placed on probation or fined (e.g., some first time offenders) would now be imprisoned. Second, none of the offenders sentenced to prison during the next 5 years would be released until they complete their 5 year sentence less good time. Therefore, in 1985 prisons would still be holding almost all offenders committed between 1981 and 1985.

TABLE 2

Mandatory Minimum Sentencing for Assault I
An Illustration of Prisoner Movement

	No Mandatory Minimum Sentencing[a/]			Mandatory Minimum Sentencing		
	Admissions	Releases	Year End Population	Admissions	Releases	Year End Population
1980			82		N/A	82
1981	40	33	89	45	33	94
1982	44	36	97	50	20	123
1983	47	40	105	53	12	164
1984	52	43	114	59	35	185
1985	55	47	122	62	36	211
Total	238	199		269	136	

a/ The number of assault prisoners in the end of year population were generated from the Task Forces projections by assuming that the proportion of assault I prisoners in the 1980 population will be constant in the future. The number of prisoners released was calculated by assuming that the average length of stay prior to 1978 (which was 29.4 months) will also be constant in the future.

TABLE 3

Incarceration Rates for Selected Offenses
Fiscal Year 1975-78

Offense	Range		Average[a/]
	Low	High	
Assault I	70.0	90.7	88.3
Burglary I and II	61.5	78.1	78.7
Robbery I	70.1	86.6	86.7
Manslaughter I	88.5	95.2	94.8
Kidnapping	52.4	63.2	73.2

a/ Includes both confinement only and confinement with probation.

Source: Connecticut Justice Commission, Superior Court Caseflow, 1974-78

The effects of mandatory imprisonment and minimum sentencing can be quite significant. Table 2 shows the effects of mandatory minimum sentencing on prisoner movement using offenders convicted of assault I as an illustration. The year end population without mandatory minimum sentencing is essentially an estimate of the number of assault I prisoners to be found in the prison population projections developed by the Governor's Task Force on Prison and Jail Overcrowding. Thus, by 1985, Connecticut might have 122 assault I prisoners (if the assumptions on which the estimate was made are valid). However, with a change to mandatory minimum sentencing the number of assault I prisoners might be 211. The number of assault I prisoners might nearly double.

Why would the effects of mandatory minimum sentencing be so significant? First, each year more assault I offenders are committed to prison under mandatory minimum sentencing than if the law did not apply. Table 3 shows the incarceration rates for assault I and several other offenses. The table indicates that 88.3% of the offenders convicted of assault I are incarcerated. If 45 offenders were convicted of assault I in 1981, then only 40 of them would be incarcerated without mandatory minimum sentencing; all 45 would be incarcerated if mandatory imprisonment applied. By 1985, there would be 269 admissions to prison under mandatory minimum sentencing.[5/] Thus, there would be 31 more admissions than if there was no mandatory sentencing law.

Second, by 1985, most of the 269 prisoners would still be in prison. The number of prisoners released under mandatory minimum sentencing comprises two categories. The 82 prisoners held in 1980 would gradually be released as they complete their indeterminate sentences. The prisoners admitted for mandatory minimum sentences would be held until they completed their 5 year sentences less good time. Since good time is computed at the rate of 10 days per month

TABLE 4

The Impact of Mandatory Minimum Sentencing:
An Illustration of the Prison Population

	No Mandatory Minimum Law					Mandatory Minimum Sentencing Law (Public Act No. 80-442, §§16, 21 22)				
Year	Assault I	Robbery I	Burglary I	Other	Total Sentenced Population	Assault I	Robbery I	Burglary I	Other	Total Sentenced Population
1980	82	306	41	2,504	2,950	82	306	41	2,504	2,950
1981	89	331	44	2,736	3,200	94	348	46	2,736	3,224
1982	97	363	48	2,992	3,500	123	435	57	2,992	3,607
1983	105	394	53	3,248	3,800	164	550	83	3,248	4,045
1984	114	425	57	3,504	4,100	185	592	92	3,504	4,373
1985	122	456	61	3,761	4,400	211	652	93	3,761	4,717

for sentences of 5 years or less, an offender with a 5 year sentence could be released after 40 months. Therefore, some offenders given 5 year sentences in 1981 could be released by the end of 1984, and offenders given 5 year sentences in 1982 could be released by the end of 1985. Thus, good time accounts for the fact that there are more offenders released in 1984 and 1985 under mandatory minimum sentencing than there would be in 1982 and 1983. Of the 269 prisoners admitted with mandatory minimum sentences between 1981 and 1985, about 200 would still be in prison at the end of 1985. These represent the cumulative effect of mandatory minimum sentencing.

Table 4 shows the effects of mandatory imprisonment and 5 year minimum sentences of the prison population. By comparing the total population with and without the mandatory minimum law, one can see the impact of the law on the prison population. The total sentenced population in 1980 was taken from a Department of Correction population count on March 28, 1980. The total sentences population without the mandatory minimum sentencing law is based on projections made by the Governors Task Force on Prison and Jail Overcrowding for 1981 to 1985. Assuming for the moment that the Task Force's projections are correct, the total sentenced population will be 4,400 by 1985.

Using the same procedure for robbery I and burglary I as discussed for assault I, we revised the Task Force's projections to include the effects of mandatory minimum sentencing. Assuming that the number of other prisoners will be the same regardless of whether mandatory minimum were in effect, the total sentenced population would be 4,717 in 1985. Thus, by 1985 there would be an additional 317 prisoners due to mandatory minimum sentencing. Whether there will actually be 4,717 sentenced prisoners depends on the accuracy of the Task Force's projections. However, we can say that under this scenario,

the prison population will be considerably greater with mandatory minimum sentencing laws than without them.

Scenario 5: Increased Trials and Charge Bargaining

The conventional belief about mandatory minimum sentencing is that all offenders guilty of assault in the first degree, for example, will be sent to prison for a minimum (5 year) sentence. Thus, it would seem that judges will commit more burglars to prison for a longer time than under fixed sentencing (i.e., determinate sentencing without minimums). Although this will be true for many cases, increased trials and charge bargaining could be a countervailing force.

Under fixed sentencing (without minimum) many individuals accused of assault in the first degree will plead guilty. They believe the judge will be more lenient because they did not put the court through the cost of a jury trial. Under the new law they would face a mandatory minimum sentence of 5 years. Some of these individuals will, therefore, try to charge bargain to a lesser offense in order to reduce their sentence. Those who cannot get the charge reduced are likely to request a jury trial; they have nothing to lose but a sentence slightly longer than 5 years. A percentage of those tried will gain acquittal (because some cases that would otherwise have been plea bargained cannot stand the tests of fact and law required for conviction). Each defendant that gains acquittal under this scenario represents one prison commitment fewer than would occur without mandatory minimum sentencing.

How much will increased trials and charge bargaining offset the effects of mandatory minimum sentencing? The answer to this question depends primarily on the probability of conviction for offenses with mandatory minimum sentences.

If the probability is high, then we would expect there to be few acquittals. In FY 1978, there were 12 assault I trials and 35 pleas.[6/] Seven of the 12 trials ended in acquittal. Were mandatory minimum sentencing in effect, there could have been at most 47 trials for assault I. However, we have no way of knowing exactly how many of the 35 who plead would have requested trials and how many of these would have been acquitted.

Similarly, it is impossible to predict exactly how often prosecutors will be willing to reduce charges to avoid going to trial. To the degree that increased trials and charge bargaining take place, the impact of mandatory minimum sentencing on the prison population will be offset. Consequently, it is important to note that mandatory minimum sentencing could place a serious burden on prosecutorial and court resources and substantially increase the court backlog.

Impact on Prison Population

The two scenarios will prevail to different degrees depending on the nature of the offender and crimes in question. Thus, the effect of trials and charge bargaining will ultimately be a reduction in the extent to which sentencing practices or outcomes reflect the intent of the mandatory minimum sentencing laws

Persistent Offenders

Section 12 of Public Act No. 80-442 revises Connecticut's penal law with respect to persistent or repeat offenders. Under current law there are three categories of persistent offenders: (1) persistent dangerous felony offenders, (2) persistent felony offenders, and (3) persistent larceny offenders [§53a-40(a)-(c), respectively]. In essence, the persistent felony sections permit the judge to give stiffer sentences to an offender who stands convicted of felonies committed on or after July 1, 1981, if he has been previously imprisoned (for a term of more than one year) and "the court is of the opinion that his history and character and the nature and circumstances of his criminal conduct indicate that extended incarceration will best serve the public interest." Similarly, offenders convicted of third or fourth degree larceny (class B and C misdemeanors, respectively) with two prior larceny convictions may if the court deems it in the public interest be sentenced to prison for the term of a class D felony [§53a-40(g)].

Thus, if the judge finds the persistent offender to warrant a more severe sentence than the maximum allowed for the class (as specified in §53a-35), he may sentence the offender to a term authorized essentially for a higher class. Under the current code, a judge can sentence a first time offender convicted of larceny in the second degree (a class D felony) to a maximum of 5 years. If the offender was previously imprisoned for a felony, the judge could impose a sentence up to a maximum of 20 years by raising the sentence to that allowed for larceny in the second degree (a class B felony).

Public Act No. 80-442 revises the categories of persistent offenders and establishes a new definition for a "persistent felony offender" without changing the intent of the penal code (§53a-40). There are two differences

between the bill and the penal code as it applies to persistent felony offenders. First, the new law broadens the concept of persistent offenders to include offenders with two prior convictions. The current law defines persistent offenders in terms of one or more prior imprisonments. Under the new law the courts can impose a tougher sentence on an offender convicted of other than a class D felony with two or more prior felony convictions (for other than class D offenses). If a judge considers it in the public interest to sentence an offender convicted of robbery in the second degree - with two prior convictions - to 20 years (the maximum sentence for first degree robbery), he may do so. Second, persistent felony offenders under the new law must be sentenced to a minimum of 3 years imprisonment.

What effect will the new law have on the prison population? The answer to this question depends primarily on the extent to which sentencing practices are currently consistent with the changes in the law. First, based on a sample of offenders, it appears that judges already sentence about 95 percent of the offenders with two or more prior convictions to prison.[7/] Thus, the increase in prison admissions resulting from the persistent felony offender provision is not likely to be significant.

Second, the number of prisoners that will have their maximum sentences upgraded to the next class is not likely to be high. Table 5 shows the number of prisoners serving the maximum sentence possible for their felony class. (The table includes 10 offenses which make up over one-third the prison population.) Only 5.6 percent of these offenders are serving the maximum sentences allowed by law. Thus, it is reasonable to assume that had the persistent felony offender provision (based on two or more prior convictions) been in effect when these offenders were sentenced, at most there would

be about 5.6 percent of the prison population serving sentences greater than the maximum allowed for the felony class. This is not likely to cause a considerable increase in average time served; therefore, the prison population should not be effected significantly. Furthermore, judges have authority to sentence offenders to longer sentences (in the case of multiple convictions) by imposing consecutive sentences. Table 5 shows that about 4.6 percent of the prison population is serving consecutive sentences. Thus, it would seem that judges are already meeting the intent of the bill by imposing consecutive sentences.

Third, the requirement that prison sentences for persistent felony offenders must be a minimum of 3 years is not likely to cause a substantial increase in the prison population. Table 5 shows that about 16 percent of the prison population is serving sentences less than 3 years. A percentage of these offenders are first time offenders or have only one prior conviction. Table 6 gives the percent distribution of prior convictions from a sample of about 1,200 prison commitments. About 75 percent of the offenders committed for class B felonies and 65 percent for class C felonies have less than two priors. Thus, it is reasonable to assume that of the 155 offenders serving less than 3 year sentences a sizeable proportion might not be persistent felony offenders (as defined by the law). In short, the 3 year minimum sentence is probably already being imposed for most offenders with two or more prior convictions.

TABLE 5

Sentences for Selected Offenses

Offense and Class	Number of Prisoners			
	Total	Serving Maximum Sentences[a]	Serving Consecutive Sentences[b]	Serving Sentences Less than 3 Years
Larceny I (BF)	86	1	0	19
Robbery I (BF)	310	13	6	18
Robbery II (CF)	168	18	11	36
Burglary I (BF)	41	2	2	3
Burglary II (CF)	68	4	3	22
Assault II (BF)	82	7	3	13
Sexual Misconduct I (BF)	109	5	13	10
Sexual Misconduct II (CF)	25	1	1	11
Kidnapping II (BF)	27	2	5	2
Sale of Narcotics (BF)	55	1	1	21
Total	971	54	45	155
Percent of Total	100	5.6	4.6	16

a/ Maximum sentences for class B felonies are 10-20 years; maximum sentences for class C felonies are 5-10 years.

b/ Consecutive sentences imply that the prisoners are serving sentences greater than the maximum for the class.

Good Time

Public Act No. 80-442 revises the current laws with respect to good time. The bill both changes the way good time is calculated and the good time allowance. Currently, offenders sentenced after October 1, 1976, receive good time at the rate of 10 days per month for time served in jail (in presentence status), 10 days per month for the first 5 years of a prison sentence, and 15 days per month for time served after the sixth year. Parole eligibility is calculated by deducting prison and jail good time from the prison sentence and deducting the amount of time spent in jail (in presentence status). Thus, if an offender spent 6 months in presentence confinement and received a 10 year sentence, he would be eligible for parole in 5.2 years. This is calculated by deducting from the sentence 600 good time days for the first 5 years of the sentence, 900 days for the last 5 years, 60 days for jail good time, and 6 months for time spent in presentence confinement.

Under the new law, jail good time would remain at 10 days per month, prison good time would remain at 10 days per month for the first 5 years of a sentence, but beyond the sixth year good time would decline from 15 to 12 days per month. The same hypothetical offender under the new law would be credited 6 months for jail time and would be allowed 60 days for jail good time, 620 days for the first 5 years of the sentence, but only 720 days for the last 5 years. Thus, he could be released after serving 5.7 years. On a 10 year sentence, the new law would keep the offender in prison for an additional 3 months.

The major difference between the new law and the current code is that there is a reduction from 15 to 12 days in the amount of good time credited

after the fifth year of a prison sentence. Thus, the impact of the good time provisions on the prison population would not be felt until 1986. Furthermore, since the reduction in good time only applies to sentences greater than 5 years and only a minority of offenders receive sentences greater than 5 years, the average time served would be increased marginally. Consequently, the increase in the prison population would not be substantial.

Conclusion: Estimating the Resource Impact

In the preceding sections we focused on the implications of Public Act No. 80-442 for sentencing practices and the prison population. Four parts of the bill could potentially effect the prison population: definite sentencing, mandatory minimum sentencing, persistent offenders and good time. As we suggested earlier, it is virtually impossible to predict the impact of these provisions on the prison population. The accuracy of population projections depends primarily on changes in pretrial and sentencing practices, and it is difficult to predict how prosecutors and judges will react to the new law. Therefore, in the preceding four sections we explained several possible scenarios of what changes might take place, and suggested which changes seem most plausible when the theoretical rationale and empirical evidence was sufficient to do so.

Based on the preceding sections, it would not be reasonable to assume that fixed sentencing, persistent felony offenders, or changes in the good time allowance will automatically lead to a significant increase in the prison population. It would be reasonable, however, to posit a significant increase in the prison population as a result of mandatory minimum sentencing. By "significant" we mean that the current capacity in Connecticut Correctional Institutions (CCI) would not be able to accommodate the increase in population (even under the most conservative set of assumptions about the effects of the bill). Although we cannot predict the effect of the bill on the prison population, we can say with certainty that the current capacity of CCIs would have to be expanded if the mandatory minimum sentencing provisions are adopted. Furthermore, to the extent that fixed sentencing, persistent felony offenders

and good time changes increase the average time served, the population will be that much more greater than capacity.

Although we cannot predict the increase in the prison population, we can estimate the cost of hypothetical increases. Appendix A describes a detailed cost model of Connecticut's prison system. (Appendix B explains how a model could be developed to actually predict the effects of sentencing laws on Connecticut's prison population.) The cost model generates estimates of capital costs and operating costs for various CCI capacities. In short, given a projected prison population, we could say with a reasonable degree of accuracy what it would cost to build and operate sufficient CCI capacity to accommodate various size prison populations.

Tables 7 and 8 are "Policy Impact Matrixes" showing the potential impacts of fixed sentencing and mandatory minimum sentencing on the correctional population and its resources. The first columm, which indicates that the bill will have no effect, shows the prison population that could occur in the future regardless of the bill. The population figures are taken from the projections developed by the Governor's Task Force on Prison and Jail Overcrowding. The projections were developed from a statistical (regression) analysis of population trends for five years prior to 1981. (The Task Force's projections were modified to include 70% of the projected sentenced population and 5% of the projected accused population in CCIs.) We cannot predict whether the past trends on which the projections were based will continue in the future. However, by including the Task Force's projections in the Policy Impact Matrixes, we can compare potential effects of the bill to the prison population that would occur if other past trends continued in the future.

Tables 7 and 8 compare three possible impacts of the bill to the Task Force's projections. Impact 2 posits a 2% increase in the projected population due to fixed sentencing. In other words, we are hypothetically assuming that tougher sentences (Scenario 3) will increase the population. The potential increase will be offset by Scenarios 1 and 2; therefore, the effect of Scenario 3 is for illustrative purposes assumed to be a 2% increase in population. (Impact 1, no effect, is based essentially on Scenario 1 and assumes that fixed sentencing does not increase the population.) Impact 3 revises the Task Force's projections to include the effects of mandatory minimum sentencing as discussed in Scenario 4. Impact 4 shows the combined (2%) effect of fixed sentencing and mandatory minimum sentencing. For example, in 1981 there are 35 more prisoners under Impact 2 (than Impact 1) and 25 more prisoners under Impact 3; therefore, the combined effect is an additional 70 prisoners under Impact 4.

Table 7 shows the capital costs that would be required to provide sufficient capacity to accommodate the prison population resulting from the various effects. (All costs are in 1980 dollars.) CCIs are currently at capacity. Therefore, any increase in population will require additional capacity and capital costs. CCI capacity is presently at about 2,121 beds. Thus, a population of 2,315 (as projected by the Task Force for the end of 1981) would require about an additional 200 beds. This additional capacity could be acquried by modifying existing institutions at a cost of $21,000. However, if fixed sentencing or mandatory minimum sentencing laws are adopted (and have the effects on population as presumed under Impact 2 or 3) the cost will total $26,000. The combined effect will be $56,000 which is more than double what it would cost if the laws are not adopted (or have no impacts).

TABLE 7

Policy Impact Matrix
Correctional Institution Capital Costs[a/]

	Impact 1 No Effect of Bill[b/]		Impact 2 Fixed Sentences[c/]		Impact 3 Mandatory Minimum Sentences[d/]		Impact 4 Fixed and Mandatory Sentences[e/]	
Year	Population	Additional Cost	Population	Additional Cost	Population	Additional Cost	Population	Additional Cost
1981	2,315	$ 21,000	2,360	$ 26,000	2,340	$ 26,000	2,385	$ 56,000
1982	2,540	84,000	2,590	79,000	2,650	2,834,000	2,700	2,804,000
1983	2,760	2,755,000	2,815	2,755,000	3,005	6,000,000	3,060	6,000,000
1984	2,975	6,000,000	3,035	6,000,000	3,250	-0-	3,310	-0-
1985	3,200	-0-	3,265	-0-	3,515	36,000,000	3,585	36,000,000

a/ Cost estimates are derived from Appendix A, Table 11 and are in 1980 dollars. Costs include only the additional outlays required to provide sufficient capacity for the population.

b/ The population count was derived from the prison projections of the Governor's Task Force on Prison and Jail Overcrowding. The population figures for CCIs include about 70% of the projected sentenced population and about 5% of the projected accused population.

c/ The population under the fixed sentence effect of the bill is assumed to be 2% higher than the Task Force's projections.

d/ The population figures add the additional number of prisoners resulting from the mandatory minimum sentencing effect (as derived from Table 4) to the population under Impact 1, no effect.

e/ The population includes the combined effects of fixed sentencing and mandatory minimum sentencing as computed in accordance with b and c above.

If the Task Force's projections become a reality, CCIs will have about 2,760 prisoners in 1983 (regardless of the effects of the bill). In order to accommodate this increase additional capacity will have to be acquired. This can be done by modifying CCIs for $84,000 and by renovating existing facilities in the state at a cost of $2,755,000. The total cost would be about $2,840,000. If mandatory minimum sentencing goes into effect in 1981, it will cost the state a total of $8,834,000 by 1983. Impacts 3 and 4 show that by 1985, Connecticut would have to build about a 500 bed prison. This would cost $36,000,000 (in 1980 dollars). It is worth noting that construction costs are presently increasing at the rate of about 13% per annum. Finally, the population impacts of the bill could continue beyond 1985, thereby requiring additional prisons at the rate of over $36 million per 500 bed facility (in 1980 dollars).

The capital costs only reflect a portion of the costs of incarceration. Table 8 shows the annual costs of operating CCIs for various size populations. The operating cost estimates were developed by including all programs (such as social services, training, and education) and activities such as food services, maintenance, and security. The cost model (described in Appendix A) accounted for the fact that there would be certain fixed costs for CCIs (e.g., maintenance) regardless of the population and additional costs (e.g., education) that would vary depending on the size of the population.

Reading across the rows in Table 8, it is clear that as the populations increase, that is, as the impacts of the bill become greater, costs progressively increase. For example, in 1981, the operating costs if the bill is passed (or has no effect) will be $24.7 million. If fixed sentencing is passed and increases the population by 2%, the cost will be $25.1 million.

TABLE 8

Policy Impact Matrix
Correctional Institution Operating Costs (in millions)[a/]

	Impact 1 No Effect of Bill[b/]		Impact 2 Fixed Sentences[c/]		Impact 3 Mandatory Minimum Sentences[d/]		Impact 4 Fixed and Mandatory Sentences[e/]	
Year	Population	Cost	Population	Cost	Population	Cost	Population	Cost
1981	2,315	$ 24.7	2,350	$ 25.1	2,340	$ 25.0	2,385	$ 25.3
1982	2,540	26.4	2,590	26.8	2,650	27.8	2,700	28.4
1983	2,760	29.1	2,815	29.7	3,005	31.7	3,060	32.3
1984	2,975	31.6	3,035	32.0	3,250	34.4	3,310	35.0
1985	3,200	33.8	3,265	34.5	3,515	36.0	3,585	38.0
Total		$145.6		$148.1		$154.9		$159.0

a/ Cost estimates are derived from Appendix A, Table 11 and are in 1980 dollars.
b/ The population count was derived from the prison projections of the Governor's Task Force on Prison and Jail Overcrowding. The population figures for CCIs include about 70% of the projected sentenced population and about 5% of the projected accused population.
c/ The population under the fixed sentence effect of the bill is assumed to be 2% higher than the Task Force's projections.
d/ The population figures add the additional number of prisoners resulting from the mandatory minimum sentencing effect (as derived from Table 4) to the population under Impact 1, no effect.
e/ The population includes the combined effects of fixed sentencing and mandatory minimum sentencing as computed in accordance with b and c above.

If fixed sentencing has no effect on population and mandatory minimum sentencing laws are adopted, it could cost the state $25.0 million in 1981. In 1981, the combined impact would cost $25.3. This indicates that the bill could cost an additional $600,000 in 1981 once the bill is in effect.

Looking at the totals for the next 5 years, the following conclusions can be drawn. The state will have to spend about $145.6 million if it is to operate CCIs without increasing overcrowding beyond the present degree of overcrowding. If fixed sentencing increases the population by 2%, there will be an additional $2.5 million costs. Clearly, if fixed sentencing increases the population more than 2%, the cost will be more than an additional $2.5 million. Mandatory minimum sentencing could cost an additional $9.3 million, and the combined effect (Impact 4) could cost nearly $15 million more than if the bill has no effect.

How accurate are these cost figures? It would be safe to state that the cost estimates for the various size populations should be reasonably accurate. (They would have to be increased in the future to account for the effect of inflation.) Whether the costs accurately reflect the future amount of correctional resources depends on several factors. First, it depends on whether the Task Force's projections are accurate and whether the hypothetical impacts of the bill become a reality. Second, the cost estimates were gased on the present level of overcrowding; if overcrowding is permitted to increase, the costs will be less than those reported. Finally, the cost estimates reflect what it would cost to expand and operate CCIs but do not imply that the Department of Correction will receive the budget amount indicated.

How much is actually spent on CCIs, therefore, depends on the policy choices of the executive, legislative and judicial branches. At the heart of

the matter is the extent to which policy officials will choose options that cost less and are equally effective in curbing crime and ensuring justice. There are alternatives to madnatory minimum sentencing that could provide more deterrence and retribution than exists now without increasing the correctional population and costs as much as mandatory minimum sentencing would do. Connecticut's policymakers have available a wide range of options (e.g., community-based corrections, alternatives to pretrial incarceration) some of which could keep the costs of sentencing reform down.

FOOTNOTES

1. Andrew Rutherford, et al., Prison Population and Policy Choices, Volume 1: Preliminary Report to Congress, (Government Printing Office: Washington, D.C., 1977), p.5.

2. Donald Parker, "An Analysis of Good Time Allowances in Connecticut Correctional Facilities and the Effects on Misdemeanant and Felon Sentences," (Connecticut Department of Correction: 1978), p .

3. Donald Parker, "Time Served by Felon Inmates," memo dated February 22, 1978 to Jim Harris, Department of Correction.

4. This assumes a constant inflow rate for each length of sentence.

5. Connecticut Justice Commission, "Superior Court Case Flow Data, 1974-78," (Connecticut Justice Commission: Hartford, 1979), p. 19. This assumes that the average incarceration rate for FY 1975-78 would have applied in the future.

6. Connecticut Justice Commission, op. cit., p. 23.

7. Tom Sconolfi, memorandum dated February 5, 1980 to William Carbone, Executive Director, Connecticut Justice Commission.

Technical Appendix A

A Cost Model for Estimating the Resource Impacts of Public Act 80-442

A COST MODEL FOR ESTIMATING THE RESOURCE IMPACTS OF PUBLIC ACT 80-442

The ultimate fiscal impact of legislative changes affecting corrections is dependent on two factors:

(1) the absolute changes in correctional populations occasioned by new practices
(2) the disposition of (increased) (decreased) populations by the Department of Correction

This section focuses on the alternatives available to the department for accommodating (increased) offender populations.

There are four types of institutional alternatives available to the department if inmate populations increase and there are no compensating changes in release rates or use of community alternatives:

A) utilize excess capacity at existing institutions
B) convert other facilities at existing institutions to correctional (inmate) use
C) convert other (free-standing) facilities to correctional use
D) build new correctional institutions

These alternatives may be considered as a continuum of responses: they increase in cost and time required to implement as one moves from (A) to (D). Absorbing small population increases at existing facilities is the least costly and most readily available response: the substantial, "fixed" costs of physical plant, security force and baseline program components have already been expended on behalf of the existing inmate population; and, technically, new inmates could be accommodated immediately. Some additional costs will of course present themselves: food, clothing, supplies and possibly some small increments to security and program staff to maintain inmate staff ratios.

Once this option has been utilized and no more space remains at existing institutions, more costly alternatives must be utilized. Again, these range in cost because of variations in construction, equipment, administration and general staff requirements. The least costly of these three options is the conversion of facilities presently on the grounds of a correctional institution. As with

option (A), many costs have been incurred on behalf of the existing facility and will not require duplication. A partial list includes:

- perimeter security (fences, towers, tower coverage, etc.)
- administration (superintendent, other managerial)
- intake and out-processing services
- records, bookkeeping
- armory, other emergency
- building and grounds maintenance
- utility lines
- special custody areas (administrative, disciplinary, segregation)
- vehicles and maintenance
- prison industry and other program equipment
- recreation facilities

Some of these items may require supplementing but will not be totally duplicated. Emphasis will vary according to the specific institutional arrangement and preference. The major expenses which will be incurred in utilizing this alternative include:

- renovation (i.e., conversion of facilities to reflect spatial arrangements of main institutions; utility lines, etc.)
- security hardware, other special equipment
- additional security personnel
- other items as noted under (A) above: (additional program staff, food, supplies)

The planner has considerable latitude in implementing this second option. Clearly, the more services which can be provided through the existing institution, the lower the cost. A separate recreation, visiting, or medical area may be convenient for staff but costly in resources. Some duplication may be necessary, but otherwise represents a preference which is expensive to indulge.

Alternative (C) subsumes all the costs for the alternatives preceding it and a few more, primarily those noted in (B) as <u>not</u> representing additional costs. New costs beyond those cited might include:

- acquisition of site and existing facilities
- additional central office staff to oversee new unit
- additional transportation costs (hospitals, courts, pre-release planning, meetings, etc.) if facility is remotely located

There are many costs which are only implicitly addressed here, either because they are obvious or depend upon internal departmental efficiency and

scale of operation, which in turn will depend on the absolute magnitude of population increase. For example, if new officers are hired, it is clear that they will require training. What is not readily apparent is the point at which this would necessitate, e.g., an increase in training staff, enlargement of facility, etc. Or, if inmate populations substantially increase, at what point might this require revamping of the prison industries if markets are saturated? Likewise, at what population level might totally new provision methods for e.g., food service, education, etc., be considered? It is inappropriate to assume that one can simply keep multiplying by a factor of population, staff and facilities and keep such support considerations intact. It is not possible here to predict the points at which this will occur, or the potential costs; however, it is critical to keep in mind such changes will happen. Texas, for example, in the face of its increased offender population, no longer has enough TDC farmland to grow all its own food.

Alternative (D), construction of new facilities, again encompasses all the costs preceding it, plus new costs for site acquisition, preparation and physical plant. If ACA standards are followed, new facilities may not house more than 500 inmates; thus an expected population increase of, e.g., 1,000, would have to be accommodated in two institutions.

The total costs for options (B)-(D) will depend on the actual inmate population being accommodated at any one time. Certain costs will be regarded as fixed while others will vary according to the resident population, as in option (A). What this means is that the costs to accommodate population increments of, say, 200 or 400 inmates may be very close. This will depend, again, on spatial considerations and matters of preference and cannot be estimated here.

In summary, ultimate fiscal impact depends on actual inmate populations, the facility options selected to accommodate those populations, and other effects

on operations arising from increased populations and additional facilities. Within a particular facility option, the costs depend on size, preferences about duplication of services or functions, fixed costs and type of construction. The range of additional costs incurred varies with the option selected.

Modeling

It is possible to represent the various cost options in the form of a model(s). This model focuses on the costs associated with constructing and operating total facilities, since a "cost per inmate" is but a derived figure (an average daily inmate cost of $50 does not mean that the cost of two beds in an institution is thus $100). It is wiser (and more useful in planning) to consider population changes in larger increments. A cost/inmate is derived at capacity for each option, however, to facilitate comparisons. As noted above, operating a facility at less than capacity reduces some costs, but the large portion of costs remains fixed, particularly those associated with security.

In the model, total costs are considered to be a function of the actual inmate population, the facilities in use, and a factor for effects on correctional operations as populations and facilities increase;

(1) $TC = f(POP, INST, SCALE)$

where TC = Total Costs
POP: actual inmate population
INST: facility options
SCALE: effects on operations due to larger populations and more institutions

(2) $TC = CP + CS + CE + CK + CM$

where CP = Personnel Costs
CS = Supplies Costs
CE = Equipment Costs
CK = Capital Costs
CM = System Management Costs (see SCALE)

and

CP = sum of personnel costs in the following functional areas:

CP_a: administration
CP_f: food services
CP_{cc}: care and custody
CP_m: medical/dental
CP_e: education
CP_t: training
CP_p: prison industries
CP_c: counseling
CP_g: general services
CP_r: recreation
CP_o: other

These subscripts are repeated for all cost areas; so

(3) $CS = CS_{a, f, cc, m, e, t, p, c, g, r, o}$

(4) $CE = CE_{a, f, cc, m, e, t, p, c, g, r, o}$

(5) $CK = CK_{a, f, cc, m, e, t, p, c, g, r, o}$

but

CK also has three internal divisions, so

(6) $CK = CK' + CK'' + CK'''$

where

CK' = Renovation
CK'' = New construction
CK''' = Ongoing Capital Costs after construction

First year costs, therefore, could be CK' or CK''. but subsequent year costs would be CK'''.

(7) $CM = CM_{a, f, cc, m, e, t, p, c, g, r, o}$

The change (d) in systemwide costs, TC, occasioned by expansion of facilities is:

(8) $dTC = dCP = dCS = dCE = dCK + dCM$

The change (d) in each component (e.g., CP) will depend on the elements (a, f, cc, etc.) and their individual magnitudes. Each facility option (A-D) has a different set of elements with elements increasing as one moves from (A) to (D).

For example, using option (A):

the model is

$dTC = dCP + dCS + dCE + dCK = dCM.$

If the institution is near capacity, then

$dCP = 0$
$dCE = 0$
$dCK = 0$
$dCM = 0$

but

$dCS \neq 0$, specifically
$dCS_{f, cc, m, e, r}$

So

(9) $dTC_A = dCS_f + dCS_{cc} + dCS_m + dCS_e + dCS_r$

and we expect to see some additional costs for food, household supplies, medical supplies and education and recreation supplies.

Note: The applications of this model are suggested and based on data presently available. If it is believed that other components and their elements will be affected, they need only be inserted into (or deleted from) the equations. The model's contribution is the identification of the major factors which affect institutional costs.

Data made available by DOC permit equations for the other options to be developed.

$$dTC_C = dCP_a + dCP_f + dCP_{cc} + dCP_m + dCP_e + dCP_g +$$
$$dCS_a + dCS_f + dCS_{cc} + dCS_m + dCS_g +$$
$$dCE_a + dCE_{cc} + dCE_m + dCE_e + dCE_c + dCE_g + dCE_r +$$
$$CK_a + CK_f + CK'_{cc} + CK'_m + CK'_g + CK'_r$$

This equation is presented as an example. It represents DOC designated cost areas for conversion of a camp to correctional use.

Figure 1 presents a format for identifying the cost elements for each option; it is a pictorial representation of the equations and also functions as a checklist. The checked entries (✓) in Figure 1 designate the areas IEPS believes are likely to be affected by exercising each option.

Figure 1

Cost Components and Elements by Facility Option

Option A	CP_a	CP_f	CP_{cc}	CP_m	CP_e	CP_t	CP_p	CP_c	CP_g	CP_r	CP_o
	CS_a	CS_f ✓	CS_{cc} ✓	CS_m ✓	CS_e ✓	CS_t ✓	CS_p	CS_c	CS_g	CS_r	CS_o ✓
	CE_a	CE_f	CE_{cc}	CE_m	CE_e	CE_t	CE_p	CE_c	CE_g	CE_r	CE_o
	CK'_a	CK'_f	CK'_{cc}	CK'_m	CK'_e	CK'_t	CK'_p	CK'_c	CK'_g	CK'_r	CK'_o
	CK''_a	CK''_f	CK''_{cc}	CK''_m	CK''_e	CK''_t	CK''_p	CK''_c	CK''_g	CK''_r	CK''_o
	CK'''_a	CK'''_f	CK'''_{cc}	CK'''_m	CK'''_e	CK'''_t	CK'''_p	CK'''_c	CK'''_g	CK'''_r	CK'''_o
	CM_a	CM_f	CM_{cc}	CM_m	CM_e	CM_t	CM_p	CM_c	CM_g	CM_r	CM_o
Option B	CP_a *	CP_f *	CP_{cc} ✓	CP_m *	CP_e ✓	CP_t ✓	CP_p *	CP_c ✓	CP_g	CP_r ✓	CP_o *
	CS_a *	CS_f ✓	CS_{cc} ✓	CS_m ✓	CS_e ✓	CS_t ✓	CS_p *	CS_c *	CS_g *	CS_r ✓	CS_o ✓
	CE_a *	CE_f *	CE_{cc} *	CE_m *	CE_e *	CE_t *	CE_p *	CE_c *	CE_g	CE_r *	CE_o *
	CK'_a *	CK'_f *	CK'_{cc} ✓	CK'_m *	CK'_e *	CK'_t *	CK'_p *	CK'_c *	CK'_g *	CK'_r *	CK'_o *
	CK''_a	CK''_f	CK''_{cc}	CK''_m	CK''_e	CK''_t	CK''_p	CK''_c	CK''_g	CK''_r	CK''_o
	CK'''_a	CK'''_f	CK'''_{cc}	CK'''_m	CK'''_e	CK'''_t	CK'''_p	CK'''_c	CK'''_g	CK'''_r	CK'''_o
	CM_a	CM_f	CM_{cc}	CM_m	CM_e	CM_t	CM_p	CM_c	CM_g	CM_r	CM_o

Legend: ✓: probable resource cost/impact
*: potential resource cost/impact depending on management preference, building design, and inmate population

Figure 1

Cost Components and Elements by Facility Option

Option C	CP_a ✓	CP_f ✓	CP_{cc} ✓	CP_m ✓	CP_e ✓	CP_t ✓	CP_p *	CP_c ✓	CP_g ✓	CP_r ✓	CP_o *
	CS_a ✓	CS_f ✓	CS_{cc} ✓	CS_m ✓	CS_e ✓	CS_t ✓	CS_p *	CS_c ✓	CS_g ✓	CS_r ✓	CS_o *
	CE_a ✓	CE_f ✓	CE_{cc} ✓	CE_m ✓	CE_e *	CE_t *	CE_p *	CE_c *	CE_g ✓	CE_r ✓	CE_o *
	CK'_a ✓	CK'_f ✓	CK'_{cc} ✓	CK'_m ✓	CK'_e ✓	CK'_t ✓	CK'_p *	CK'_c *	CK'_g *	CK'_r *	CK'_o *
	CK''_a	CK''_f	CK''_{cc}	CK''_m	CK''_e	CK''_t	CK''_p	CK''_c	CK''_g	CK''_r	CK''_o
	CK'''_a	CK'''_f	CK'''_{cc}	CK'''_m	CK'''_e	CK'''_t	CK'''_p	CK'''_c	CK'''_g	CK'''_r	CK'''_o
	CM_a *	CM_f *	CM_{cc} *	CM_m *	CM_e *	CM_t *	CM_p *	CM_c	CM_g	CM_r	CM_o
Option D	CP_a ✓	CP_f ✓	CP_{cc} ✓	CP_m ✓	CP_e ✓	CP_t ✓	CP_p ✓	CP_c ✓	CP_g ✓	CP_r ✓	CP_o ✓
	CS_a ✓	CS_f ✓	CS_{cc} ✓	CS_m ✓	CS_e ✓	CS_t ✓	CS_p ✓	CS_c ✓	CS_g ✓	CS_r ✓	CS_o ✓
	CE_a ✓	CE_f ✓	CE_{cc} ✓	CE_m ✓	CE_e ✓	CE_t ✓	CE_p ✓	CE_c ✓	CE_g ✓	CE_r ✓	CE_o ✓
	CK'_a ✓	CK'_f ✓	CK'_{cc} ✓	CK'_m ✓	CK'_e ✓	CK'_t ✓	CK'_p ✓	CK'_c ✓	CK'_g ✓	CK'_r ✓	CK'_o ✓
	CK''_a	CK''_f	CK''_{cc}	CK''_m	CK''_e	CK''_t	CK''_p	CK''_c	CK''_g	CK''_r	CK''_o
	CK'''_a	CK'''_f	CK'''_{cc}	CK'''_m	CK'''_e	CK'''_t	CK'''_p	CK'''_c	CK'''_g	CK'''_r	CK'''_o
	CM_a	CM_f	CM_{cc}	CM_m	CM_e	CM_t	CM_p	CM_c	CM_g	CM_r	CM_o

Thus far the model has been presented in somewhat abstract terms. It is now necessary to apply the model to the actual operating experience in Connecticut.

The Department of Correction is to some degree involved in all the options outlined above: major institutions are now operating above design capacity; buildings on the grounds of the four major institutions have been or are in the process of being converted to correctional use; other facilities have been explored for conversion; and, the potential need for new institutions has been discussed. Each of the options has been presented by the DOC with cost estimates of varying detail. The objective of the following analysis is to assess the various options in detail, in order to produce cost estimates which are as realistic as possible. The current correctional operations in Connecticut have been used as the foundation of the analysis, since it seems reasonable to assume that (1) the DOC will tend to operate in the future as it has in the past and (2) the DOC is interested in maintaining the quality of correctional services (i.e., new inmates admitted to the system will not be treated differently than those presently receiving services). These considerations have produced estimates of cost impact which may differ from DOC estimates. Since a key assumption is that there are no slack resources (e.g., 100% efficiency) at any institution, any departure from this would produce different cost estimates.

Ideally, one would wish to build a new correctional operation by using inmate/staff and staff/staff ratios, moving from security through programs to administration. This would be expected to vary by the type of institution; in fact, in Connecticut, one does observe differing line/supervisory/support staff configurations for each institution. Additionally, it would be convenient to predict inmate population compositions in order to precisely determine what kinds of staff would be necessary. Absent such perfect information, the assumptions outlined above will guide the analysis. The analysis uses data supplied by DOC,

including: 1980-81 operating costs; plans for facilities' expansion; staff configurations; inmate assignment rosters; institutional organizational plans. Before calculating the impact of new populations, it is necessary to examine current experience. Table 1 presents 1980-81 operating costs for Somers, Enfield, Cheshire and Niantic, arrayed by the cost components and elements introduced earlier (Figure 1). CP, CS, CE and CK are as discussed but the elements have been altered to reflect DOC recordkeeping practices. Care and custody are combined as are education and training; prison industries is handled under a separate financial arrangement and is excluded from the analysis; alcohol/drug programs and inmate pay are included as an "other" cost (and appear in the calculations based on the assumption of comparable populations). The figures in the table are essentially a restructuring of the DOC budgets along lines more suitable for analysis; thus, contracted professional services are included as a personnel cost; CK''' includes repairs and maintenance of plant and equipment.

Methodology

There are essentially three major steps in assessing the resource and cost impact of increases in correctional populations. The first is the identification by facility option (A-D) of the cost components and elements which are affected under each of these options. This is displayed in Figure 1; for example, food service supplies costs will change under any option, while administrative costs are likely to change only with options C and D. (A fuller explanation will be presented as each option is analyzed.) The second step is the estimation of the cost components and elements; this is presented in Table 1. The third step involves determining a utilization rate for these various cost groups, i.e., the inmate unit. For example, food, custody, education/training, drug and medical supplies are expected to vary on a one-to-one basis with inmate populations (i.e., each new inmate will use some of these resources), while other resources, such

TABLE 1

Cost Components and Elements
Connecticut Correctional Institutions, FY 1980-81[a/]

SOMERS

	CP	CS	CE	CK'''	
Administration (a)	471,975	29,502	-0-	1,455	
Food Services (f)	184,449	529,399	-0-	7,039	
General Services (g)	611,664	1,127,866	26,056	95,734	
Medical Services (m)	935,037	181,025	-0-	32,136	
Care & Custody (cc)	6,566,708	173,043	-0-	106.645	
Education & Training (et)	246,039	2,504	-0-	421	
	9,015,872	2,043,339	26,056	243,430	
Other (pay to inmates, alcohol/drug program) (o) (excludes R & D)					325,682

CHESHIRE

	CP	CS	CE	CK'''	
Administration (a)	298,339	2,438	-0-	962	
Food Services (f)	151,489	422,845	-0-	-0-	
General Services (g)	362,852	381,978	13,950	28,997	
Medical Services (m)	171,820	15,229	-0-	27,774	
Care & Custody (cc)	2,339,756	79,757	-0-	10,622	
Education & Training (et)	268,244	3,392	-0-	-0-	
	3,592,560	905,639	13,950	68,355	
Other (o)					358,316

a/ Source: Department of Correction, Budget 1981-82

TABLE 1 (cont.)

Cost Components and Elements
Connecticut Correctional Institutions, FT 1980-81

ENFIELD

	CP	CS	CE	CK'''	
Administration (a)	191,488	3,006	-0-	2,132	
Food Services (f)	92,777	156,868	-0-	400	
General Services (g)	290,108	518,831	17,618	78,593	
Medical Services (m)	39,409	18,920	-0-	25,880	
Care & Custody (cc)	2,168,034	74,592	-0-	2,700	
Education & Training (et)	122,060	1,948	-0-	-0-	
	2,903,876	774,165	17,618	109,705	
Other (o)					155,686

NIANTIC

	CP	CS	CE	CK'''	
Administration (a)	195,473	6,813	-0-	1,052	
Food Services (f)	88,631	164,000	-0-	-0-	
General Services (g)	225,097	249,852	-0-	9,027	
Medical Services (m)	206,905	16,993	-0-	58,271	
Care & Custody (cc)	1,465,588	35,699	-0-	2,080	
Education & Training (et)	68,692	72,282	-0-	579	
	2,250,386	545,639	-0-	71,009	
Other (o)					43,100

as custodial and program staff will vary only with larger increments to the population. In these cases the inmate unit will be larger, say, 5 for the former and 65 for the latter. That is, a new teacher would be required only for a population influx of 65 more persons. These figures can be derived from present inmate/staff ratios under capacity operation. Whether a teacher would in fact be added is not the issue; rather, current DOC operations suggest a particular resource allocation, a norm which can be expected to prevail over time in order to maintain quality.

The assessment of resource and cost impact, then, involves combining population and cost information across the various options. In the following analysis, adjustments have been made to reflect probable operating practice and to produce conservative estimates wherever possible. Ordinarily the resource costs are derived by considering the sum of costs by component and element. It may be, for example, that certain food supplies costs do not directly vary by inmate population but this is difficult to determine. The compensation is made by limiting the categories which are examined for each option: in option A, some administrative supplies may increase but these are excluded. Personnel resources costs represent a "loaded" figure, including a proportion of fringe benefit and related support costs. On an average basis this will lower the resource cost associated with a population increment for options A and B. As discussed earlier, actual utilization rates provide the most concrete basis for analysis. However, a reasonable proxy measure can be developed by assuming that a ratio of e.g., 65/1 does not mean that 65 inmates will be affected but rather, that some constant proportion of those 65 inmates will be. We do not need to know how many inmates are enrolled, only that when the general population increases by some increment, that the participation rate internal to that enrollment will require additional resources.

Each option is discussed separately below and then summarized in the final section.

Option A: Utilize Excess Capacity at Existing Institutions.

This option is not viable at this time since the major institutions are operating beyond their design capacities. However, the analysis is presented in order to (1) round out the theoretical framework; (2) illustrate the potential cost impact of accommodating increased populations over time; and (3) to provide cost figures for subsequent portions of the analysis.

Table 2 illustrates the potential cost impact under option A at the four major institutions. As indicated in Figure 1, the expected areas to be affected by increases in population are:

CS_f : food service supplies costs

CS_m : medical supplies costs

CS_{cc}: care and custody supplies costs

CS_{et}: education and training supplies costs

C_o : inmate pay and drug/alcohol treatment costs

Table footnotes indicate data sources and adjustments.

As the table indicates, additional inmate costs vary from a low of $1,069 at Somers to a high of $2,128 at Niantic. These institutions are presently experiencing overcrowding. Therefore, if the resources indicated in the table were indeed provided, the potential annual cost impact for each institution would be as indicated in Table 3.

TABLE 2

Resource/Cost Increments a/

OPTION A

Cost Component/ Element	SOMERS b/ Inmate Unit	SOMERS b/ Cost/Unit	ENFIELD d/ Inmate Unit	ENFIELD d/ Cost/Unit	CHESHIRE e/ Inmate Unit	CHESHIRE e/ Cost/Unit	NIANTIC f/ Inmate Unit	NIANTIC f/ Cost/Unit
CS_f	1	$481	1	$388	1	$919	1	$1,051
CS_m	1	133 c/	1	133 c/	1	33	1	109
CS_{cc}	1	157	1	185	1	173	1	229
CS_{et}	1	2	1	5	1	7	1	463
C_o	1	296	1	385	1	779	1	276
Total Cost/Inmate		$1,069		$1,096		$1,911		$2,128

a/ Source: Department of Correction, Budget 1981-82 (See Table 1)
J.F. Carroll, Chief Fiscal Officer, Capacities of the Prisons.
b/ Design Capacity: 1,101; R & D costs not included; decision based on conversations with Raymond Corrigan.
c/ Combination of Somers/Enfield costs to avoid overstatement.
d/ Design Capacity: 404
e/ Design Capacity: 460
f/ Design Capacity: 156

TABLE 3

Resource/Cost Impact of Overcrowding

Institution	Excess Population a/	Total Annual Impact
Somers	81	$ 86,589
Enfield	17	18,632
Cheshire	26	49,686
Niantic	31	65,968
Total	155	$220,875

a/ Population figures as of December, 1980. Appropriate adjustments should be made as figures change.
Somers: Mr. Brennan, CCI-Somers Dec. 31, 1980 (by telephone 1/16/81)
Niantic: Population Report, Dec. 15, 1980.
Enfield: Report of Custody & Production Activities, Dec. 18, 1980.
Cheshire: Jerome Smith, Memo to Jim Harris, Dec. 18, 1980.

Option B: Convert Facilities at Existing Correctional Institutions.

The DOC has extensive plans for converting spare facilities at all the major institutions to correctional use. The analysis here will focus on presenting these conversions and the DOC suggested operating costs and comparing this with the potential operating costs suggested in Fugure 1 and the text. Figure 1 illustrates both probable and potential resource/cost impacts associated with utilizing an option of this type. These potential impacts depend not only on operating style and building constraints but also upon population size. It is not likely that adding 25-50 beds at an institution would occasion an increase in administrative or medical personnel. However, as one moves to 100-200-person increments, this assumption might change. Perhaps only historical experience with these conversions will indicate the final impact but the figure provides a reference as to where such impact might occur.

Table 4 summarizes the conversion units and potential bedspace for the four major institutions.

TABLE 4

Conversions and Capacities at Existing Instituion [a/]

Institution	Conversion Unit	Population
Somers	G Room Unit	60
	Hospital Unit	30
	G Block Unit	30
		120
Enfield	BOQ	40
	Firehouse Unit	30
		70
Chesire	South Block Basement	40
	North Block Basement	50
		90
Niantic	North Building	100
		100
Totals	8	380

a/ Sources: John R. Manson, Cost Comparison-New Dormitory Units, memo to Hon. A. V. Milano, Sept. 15, 1980. Telephone conversation with John Manson, Jan. 9, 1981.

Tables 5-8 present comparative resource/cost information for DOC and IEPS assumptions for the conversions at each major institution. The major IEPS adjustments constitute a recalculation of "other expenses" and the addition of fringe benefits to DOC base salary costs. Other adjustments are noted in the table; capital construction costs are not adjusted. It would be logical to introduce a higher cost than entry-level for the correctional officers, since it is improbable that brand-new personnel would be supervising an inmate population apart from the main facility. However, in this case it is also probable that such new personnel would be spread throughout the overall facilities and the cost figure is a net change. All figures are based on present salary and operating costs. Conversions which will take place at future dates should incorporate capital and operating inflation rates.

Table 5 presents the resources and costs for the conversions at CCI-Somers. The IEPS estimates include the incremental inmate costs developed for Option A. These are less than DOC estimates of "other expenses" and IEPS total costs are reduced accordingly. However, some targeted areas where additional impacts might be felt are presented under "Additional Costs." These are included because although a single conversion of, e.g., 40 beds, might not require any additional resources, a new population of 120 inmates, the total Somers conversion, will necessitate some changes. Food service personnel have been increased by one average unit, since the present relationship to the population is one food service employee to every 122 inmates. This figure is understated, however, since the necessary space and equipment to accommodate this individual could not be estimated. The ratio of inmates to medical personnel is 40/1, so an

TABLE 5

Comparative Resource/Cost Impacts [a]

Option B - SOMERS

		DOC				IEPS			
Conversion Unit	**ADP**	**Resource**	**Qty.**	**Avg.Cost**	**Tot. Cost**	**Resource**	**Qty.**	**Avg.Cost**	**Tot.Cost**
G Room Unit	60	Corr.Off. (cc)	12	$13,753	$165,036	CP_{cc}	12	$15,857[c]	$190,284
		Other Exp.	60	3335.85[b]	200,151	CSf,m,cc, et,o	60	1,069[d]	64,140
		Renovation Costs	NA	NA	NA[e]	Ck'	NA	NA	NA
Total first year noncapital costs					$365,187				$254,424
Hospital Unit	30	Corr.Off (cc)	6	$13,753	$ 81,438	CP_{cc}	6	$ 15,857	$ 95,142
		Other Exp.	30	3335.85	100,076	CSf,m,cc, et, o	30	1,069	32,070
		Renovation Costs	NA	NA	NA[f]	Ck'	NA	NA	NA
Total first year noncapital costs					181,514				127,212

TABLE 5

Comparative Resource/Cost Impacts [a/]

Option B - SOMERS

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
G Block	30	Corr.Off (cc)	6	$ 13,753	$ 81,438	CP_{cc}	6	$ 15,857	$ 95,142
		Other Exp.	30	3335.85	100,076	CSf,m,cc, et,o	30	1,069	32,070
		Renovation Costs	NA	NA	NA [f/]	Ck'	NA	NA	NA
		Total first year noncapital costs			181,514				127.212
		Total Costs			728,215				508,848
		Additional Costs [f/]			- 0 -	CPf	1	20,404	20,404
						CPm	2	19,851	39,702
						Cpet	1	14,473	14,473
						CPc	1	18,694	18,694
						Cpcc	1	18,694	18,694
									112,057
		Grand total			728,215				620,905

a/ Sources: John R. Manson, Cost Comparison-New Dormitory Units, memo to Hon. A. V. Milano, Sept. 15, 1980. Telephone conversation with John Manson, Jan. 9, 1981.
b/ Based on 1979-80 average "other expenses" (non-personnel) per inmate at Somers.
c/ Includes salary and fringe benefits at 15.3% (see G. Legaz, Cost Analysis of Correctional Standards - Connecticut): IEPS, 1979.
d/ See Table 2.
e/ Conversion completed; Renovation costs not available.
f/ See text for explanation.

increase of two staff seemed reasonable here; education/training staff serve 65 inmates on average so one position was added; a caseworker was also added (CP_c). Finally, the rates of line correctional officers to supervising officers was examined. The present ratio is 16 line officers to one supervisor; since a new staff complement of 24 is planned, one new correctional sergeant position was added. These additional costs add $112,057 to the earlier estimate, producting a grand total which is still less than DOC estimates. A major component of DOC "Other Expenses" was purposefully omitted from IEPS estimates. General service costs are a substantial portion of these other expenses ($1029/inmate). It seems reasonable to assume that these units are already being heated, watered and otherwise serviced by existing general services resources since they are on the grounds of the institution. To include them in the new estimates would appear to be double counting. Not included are additional equipment, or administrative supplies or personnel or utilities costs.

It should be briefly noted that the DOC may choose to operate these converted facilities with no increases in personnel beyond the specified correctional officers. It is possible, for example, to do without additional food services resources by lengthening dining periods or holding prepared food longer. Similarly, class sizes might be expanded or medical treatment queues extended. The intent is to suggest additional resources which might be warranted if treatment of new populations is to substantially mirror treatment of present populations. New average inmate costs for the first year are $6068 using DOC figures and $5174 using IEPS figures.

Table 6 presents conversion information for CCI-Enfield. The total conversion will add 70 beds to Enfield's capacity. Accordingly, some

TABLE 6

Comparative Resource/Cost Impacts[a/]

Option B - Enfield

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
Firehouse	30	Corr.Off. (cc)	7	$ 13,753	$ 96,271	CPcc	7	$ 15,802[c/]	$110,614
		Other Exp.	30	3018.74[b/]	90,562	CSf,m,cc, et,o	30	1,096[d/]	32,880
		Renovation Costs	NA	NA	5,000	Ck'	NA	NA	5,000
Total first year noncapital costs					186,833				143,494
BOQ	40	Corr.Off. (cc)	7	13,653	96,271	CPcc	7	15,802	110,614
		Other Exp.	40	3018.74	120,750	CSf,m,cc, et,o	40	1,096	43,840
		Renovation Costs	NA	NA	16,000	Ck'	NA	NA	16,000
Total first year noncapital costs					217,021				154,454

TABLE 6

Comparative Resource/Cost Impacts[a/]

Option B - Enfield

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
Total costs					$403,854				$297,948
Additional Costs[e/]					-0-	CPm	1	19,851	19,851
						CPcc	1	18,694	18,694
									38,545
Grand Total					$4-3,854				$336,493

a/ Sources: John R. Manson, Cost Comparison-New Dormitory Units, memo to Hon. A. V. Milano, Sept. 15, 1980. Telephone conversation with John Manson, Jan. 9, 1981.
b/ Based on 1979-80 average "other expenses" (non-personnel) per inmate at Enfield.
c/ Includes salary and fringe benefits at 14.9% (see G. Legaz, Cost Analysis of Correctional Standards - Connecticut): IEPS, 1979.
d/ See Table 2
e/ See text for explanation.

additional costs are suggested; the caveats of the Somers discussion remain. The inmate/staff ratio for medical personnel of 40/1 suggests at least one new position; similarly, the line staff/supervisor ratio of 7.25/1 prompted the addition of one sergeant. Food service ratios (45/1) and education/training ratios (67/1) indicate that these positions may be needed. Present bias towards the conservative excluded them from the estimates at this time. Average inmate costs during the first year are $5769 using DOC estimates and $4807 using IEPS estimates.

Table 7 illustrates the results for CCI-Cheshire, for 90 new beds. DOC and IEPS estimates for other expenses were closer, resulting in more comparable total cost figures. Additional costs were limited to medical and training personnel; the lower ratios at Enfield seem to justify this. It is possible that additional food service personnel will be necessary. Correctional staff/supervisor rations would appear to justify another position, but the low ratio (5.4/1) and the location of the conversion units suggest postponement. Accordingly, average inmate costs are $4268 using DOC estimates and $4408 using IEPS estimates.

A major conversion has also been planned for CCI-Niantic, including a more detailed staffing plan (Table 8). The DOC estimates utilize an "other expense" cost based on operations at Montville, whose operations presumably are similar to those planned for North Building. These costs are one-half the "other expenses" at Niantic; however, Montville's costs do not include alcohol and drug treatment, and planned 1980-81 education and training expenses are $660. The IEPS estimates are derived, as for the other institutions, from the major variable costs associated with new populations;

TABLE 7

Comparative Resource/Cost Impacts[a/]

Option B - CHESHIRE

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
South Block Basement	40	Corr.Off. (cc)	6	$ 13,753	$ 81,438	CPcc	6	# 15,885[c/]	$ 95,310
		Other Exp.	40	2457.87	98,315	CSf,m,cc, et,o	40	1,911[d/]	76,440
		Renovation Costs	NA	NA	5,000	Ck'	NA	NA	5,000
Total first year noncapital costs					$179,753				$171,750
North Block Basement	50	Corr.Off. (cc)	6	13,753	81,438	CPcc	6	15,885	95,310
		Other Exp.	50	2457.87	122,894	Csf,m,cc et,o	50	1,911	95,550
		Renovation Costs	NA	NA	30,000	Ck'	NA	NA	30,000
Total first year noncapital costs					$204,332				$190,860

TABLE 7

Comparative Resource/Cost Impacts[a/]

Option B - CHESHIRE

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
Total Costs					$384,085				$362,610
Additional Costs[e/]					-0-	CPm	1	22,639	22,639
						CPet	1	11,449	11,449
									$ 34,088
Grand total					$384,085				$396,698

[a/] Sources: John E. Manson, Cost Comparison-New Dormitory Units, memo to Hon. A.V. Milano, Sept. 15, 1980. Telephone conversation with John Manson, Jan. 9, 1980.
[b/] Based on 1979-80 average "other expenses" (non-personnel) per inmate at Cheshire.
[c/] Includes salary and fringe benefits at 15.5% (See G. Legaz, Cost Analysis of Correctional Standards - Connecticut): IEPS, 1979.
[d/] See Table 2
[e/] See text for explanation.

TABLE 8

Comparative Resource/Cost Impacts[a/]

Option B - NIANTIC

		DOC				IEPS			
Conversion Unit	ADP	Resource	Qty.	Avg.Cost	Tot. Cost	Resource	Qty.	Avg.Cost	Tot.Cost
North Building	100	Corr.Capt.	1	$ 20,159	$ 20,159	CPcc(Capt)	1	$23,344[c/]	$ 23,344
		Corr. Lts.	6	18,289	109,704	CPcc(Lt)	6	21,179	127,074
		Corr.Off.	26	13,753	357,578	Cpcc(CO)	26	15,718	408,668
		Fd. Sv. Supv.	1	16,695	16,695	CPf	1	19,333	19,333
		Corr. Nurse	1	16,577	16,577	CPm	1	19,196	19,196
		Corr.Rehab. Svc.Off.	1	15,152	15,152	CPc	1	17,546	17,546
		Clk.Typ.	1	9,107	9,107	CPa	1	10,546	10,546
		Clk.III	1	9,939	9,939	CPa	1	11,509	11,509
		Corr.Mtn, Offs.	2	15,152	30,304	CPg	2	17,546	35,092
					$585,215				$672,308
		Other Exp.	100	2035.47[b/]	203,547	CSf,m,cc, et,o	100	2,128[d/]	212,800

TABLE 8

Comparative Resource/Cost Impacts [a/]

Option B - NIANTIC

Conversion Unit	ADP	DOC Resource	DOC Qty.	DOC Avg.Cost	DOC Tot. Cost	IEPS Resource	IEPS Qty.	IEPS Avg.Cost	IEPS Tot.Cost
		Renovation Costs	NA	NA	$ 49,950	CEcc,f, Ck'cc,e, c,t			$35,700
									$49,950
Total noncapital costs					$788,762				$885,108
Additional costs [e/]					-0-				-0-
Grand total					$788,762				$885,108

a/ See Table 7
b/ Computed on basis of Montville Center. Average "other expenses" at Niantic = $4,081/ inmate.
c/ Includes salary and fringe benefits at 15.8% (See G. Legaz, Cost Analysis of Correctional Standards - Connecticut): IEPS, 1979.
d/ See Table 2
e/ See text for explanation.

they approximate Montville's, although the composition is somewhat different. No additional expenses are allocated to the Niantic conversion, either by DOC or IEPS. Two teachers from the main institution will also have duties at the North Building; it remains to be seen as to whether staff positions for this function will eventually be required.

Option C: Convert Other Institutions to Correctional Use.

The DOC is presently exploring the possibility of converting facilities in other uses to correctional institutions. One facility, Camp Hartell, has been extensively analyzed and detailed estimates of capital improvements, staff, supplies, equipment are available. Another facility, Laurel Heights, has not been completely analyzed and only aggregate estimates of renovation and operating costs are available. Table 9 presents the detail of the Hartell conversion. Whether this particular facility is utilized is not critical at this time; the advantage of having detailed resource and cost estimates for this type of conversion is useful. A comparison of the resource/cost impacts is made under DOC and IEPS assumptions; the DOC estimates have been categorized along the components and elements developed earlier. The IEPS estimates include fringe benefits for salaried employees. An examination of Connecticut pay schedules for correctional personnel suggests that the base salaries used in both estimates may be too low. Future planning should take this into account. The IEPS estimates also include some expenses that normally would be encountered in long-term operation, notably education and training supplies and maintenance of plant and equipment. Because of the newness of the facility, these latter costs may not occur at this magnitude immediately, but, nevertheless, should be taken into consideration. The IEPS estimates for per capita costs,

TABLE 9

Comparative Resource/Cost Impacts [a]

	DOC	OPTION C				
	CP	CS	CE	CK' [c]	CK'''	OTHER
Administration (a)	$ 77,073	$ 2,000	$ 10,848	$ 32,500	$ -0-	$
Food Services (f)	59,704	228,125	-0-	416,000	-0-	
Care & Custody (cc)	1,543,193 [b]	61,805	52,200	1,532,245	10,795	
Medical (m)	103,552	13,000	25,806	104,000	-0-	
Education (e)	54,500	-0-	11,900	-0-	-0-	
Training (t)	see (c)	-0-	-0-	-0-	-0-	
Counseling (c)	122,395	-0-	8,041	39,000	-0-	
General Services (g)	45,133	270,250	249,761 [d]	39,000	-0-	
Recreation (r)	13,801	509	12,513	221,000	-0-	
Other (o)						22,498
	2,019,351	575,689	371,069	2,383,745	10,795	22,498
Total Conversion & First Year Costs	5,484,147					
Annual Costs [1]	2,605,835					
Per Capita Costs (ADP=250)	10,423					

TABLE 9 (Contd)

Comparative Resource/Cost Impacts

	IEPS	OPTION C				
	CP	CS	CE	CK'[c]	CK'''	OTHER
Administration (a)	$ 88,557	$ 2,000	$ 10,848	$ 32,500	$ 1,319[h]	
Food Services (f)	67,876	228,125	-0-	416,000	248[h]	
Care & Custody (cc)	1,773,129	61,805	52,200	1,532,245	1,671[h]	
Medical (m)	108,960[f]	13,000	25,806	104,000	16,015[h]	
Education (e)	62,621	1,250[g]	11,900	-0-	-0-	
Training (t)	see (c)	see (e)	-0-	-0-	-0-	
Counseling (c)	140,632	-0-	8,041	39,000	-0-	
General Services (g)	51,858	270,250	249,761	39,000	48,634[h]	
Recreation (r)	15,857	509	12,513	221,000	-0-	
Other (o)						43,198[i]
	2,309,840	576,939	371,069	2,383,745	67,887	43,198
Total Conversion & First Year Costs	5,752,678					
Annual Costs[j]	2,954,666					
Per Capita Costs (ADP=250)	11,819					

TABLE 9 (cont'd)

a/ Source: Camp Hartell Conversion Plans.
b/ Includes contracted professional services and religions.
c/ Includes contingency and contractors fees at 30%.
d/ Includes stand-by generator and related equipment at $200,000.
e/ Includes fringe benefits at 14.9% (Enfield rate).
f/ Fringe benefit rate applied only to non-contracted personnel.
g/ Annual education and training supplies based on Enfield per capita cost X 250 population.
h/ Annual maintenance of plant and equipment based on Enfield per capita costs X 250 population.
i/ Includes Enfield per capita drug/alcohol treatment costs x 250 population.
j/ No inflation factor; includes CP, CS, CK'''.

therefore, exceed by $1,400 the DOC estimates. This information is detailed enough to serve as a model for future conversions of this type. The Laurel Heights conversion is estimated to cost $6 million for renovation and about $10,000 annually per capita for a 500-inmate population. Annual per capita costs at Enfield are presently $9,800 (for a capacity of 404) so a figure ranging between $10,000 - $11,000 seems reasonable.

Option D: Build New Correctional Institutions.

The final option, new construction, will be exercised as options A-C become exhausted. The DOC has prepared some aggregated figures for two 500-bed institutions, estimating construction costs at $50,000/bed and annual operating costs at $13,000 per inmate. These facilities are planned as medium-security and are said to most resemble Enfield in operating style. No detailed operating plans exist, but a tentative figure of $10,800 (the midpoint between Enfield and Option C operating costs) could be used as a reliable proxy. However, with options C and D it is important to note that since these will be exercised at some future date (with the longest lead time for option D) that these figures must be inflated to reflect a more accurate future cost. Enfield's per capita costs are estimated to increase to $10,850 in fiscal year 1981-82, an increase of 10.6 percent. Should such trends continue, this cost will increase to more than $16,000 for the fiscal year 1985-86.

Table 10 presents detailed cost information for the construction of a 500-bed, medium-security institution. This was prepared because IEPS had some concern about a $50,000/bed estimate being used in decisionmaking about new institutions. In the table, detail is provided by type of space on net and gross square feet and the construction costs for each type of space.

TABLE 10

NEW CONSTRUCTION COSTS OF MEDIUM-SECURITY INSTITUTION[a]

TYPE OF SPACE

OPTION D

	Management & Staff (CK'a,g,)	Support (CK'f,g)	Program (CK'me,t,p,c,r,o)	Housing (CK'cc) (Single cell)
Base Construction				
Net Sq. Ft/inmate[b]	38.6	78.7	94.4	151.3
Conversion Factor[c]	1.5	1.48	1.45	2.0
Gross Sq. Ft/inmate	47.9	116.5	136.9	302.6
Cost/Sq. Ft.	$73.98[d]	$ 92.80[d]	$ 75.71[d]	$ 99.76[d]
Cost/space	4283	10,811	10,365	30,187
Inmates	500	500	500	500
Total Costs/space	2,141,721	5,405,500	5,182,500	15,093,500
Total Costs	$27,823,221			
Additional Charges				
A.I.A. fees (est. 8%)[e]		$2,225,858		
Change Order Contingency (5%)[f]		1,391,161		
Construction Supervision (2.3% est.)		639,934		
Agency Fee (3.5% est.)[g]		973,813		

TABLE 10 (contd)

Additional Charges (contd)	
Equipment (10%) [h/]	$ 2,782,322
Insurance & Bid (1% est.)	278,232
Grand Total	$36,114,541
Average Bed Cost	72,229
Other Potential Charges	
Site Acquisition	Unknown
Site Preparation (5 - 15%) [i/]	$ 1,391,161 - $4,173,483 ($2,782 - $8,347/bed)
Finance Charges (10 - 15% est.)	$70,000,000 +

a/ Source: Estimates prepared by IEPS, Cost Analysis of Correctional Standards Project; Maria-Teresa Cruz, A.I.A.; Federman Construction Consultants, Inc. Estimates derived from construction costs of 6 facilities in 4 States.
b/ Interior Room measurements.
c/ Allowance for wall thickness, hallways, stairwells, showers, dayrooms, etc.
d/ January 1981 figures.
e/ Range: 7 - 9%.
f/ Standard contingency fee.
g/ Fee to State agency by firm supervising construction.
h/ Moveable equipment such as beds, bookcases, etc. Base construction costs only include built-in equipment.
i/ Includes utilities, perimeter roads, parking, playfields, courtyard, landscaping, etc.

The additional charges, at 29.8 percent, are consistent with the 30% figure used by DOC to prepare the Hartell estimates. The estimated costs, in January 1981 dollars, exceed $72,000 per bed. This figure is still an understatement since site acquisition and site preparation charges are not included. The latter will add $3,000 - $8,000 per bed, so a $75,000/bed estimate is suggested for planning purposes. Finance charges in excess of $70 million will be imposed if the construction is financed by, say, a bond issue with a 30-year repayment. Annual carrying charges, then (principal and interest) would exceed $3 million per year for 30 years.

Construction costs are presently rising at a rate of 1 percent/month, or 13 percent annually. A $75,000 bed in January 1981 will cost $84,000 in January 1982, and conceivably, could approach $118,000 in 1985 if trends continue.

Summary. Having explored the resource/cost impacts of the options, it remains to summarize the results and consider the effects of varying populations.

Option A: Increasing the inmate populations will theoretically add to institutional costs as follows:

Somers:	$1,069
Enfield:	$1,096
Cheshire:	$1,911
Niantic:	$2,128

Since the institutions are presently operating above design capacities, the annual impact (with no further overcrowding) is estimated at $220,875.

Option B: Currently planned conversions will add 380 beds to the system, with the following anticipated capital and annual costs/inmate:

Institution		Capital	Operations
Somers:	120 beds	NA	$5,174 (IEPS)
Enfield:	70 beds	$16,000	$4,807 (IEPS)
Cheshire	90 beds	$35,000	$4,408 (IEPS)
Niantic	100 beds	$49,950	$8,851 (IEPS)

IEPS estimates are lower than those of the DOC.

Option C: Anticipated conversions of two facilities (Camp Hartell and Laurel Heights) will add 750 beds to the system. (At this time, Hartell seems uncertain and Laurel Heights is still on the drawing boards; therefore, any delay should prompt inflation of the figures.) Capital and annual operating costs/inmate are:

Hartell:	250 beds	$2,754,814	$11,800
Laurel Hts:	500 beds	$6,000,000	$10,800

Option D: Capital construction costs for a medium-security 500-bed institution were estimated in detailed form. Future construction dates will necessitate increasing both the operating and capital costs. Present costs are anticipated as follows:

Construction: $72,226/bed (excluding site acquisition, site preparation and finance charges)

Operating: $10,800/inmate

IEPS cost estimates are less than DOC figures for operating costs and substantially exceed them for capital construction.

Using the Options: Connecticut has an architectural design capacity in its prisons and jails of 3,528 beds and an enhanced capacity of 3,872 beds. The prison capacity, which is the primary focus here, is 2,121 beds: 1,965 male and 156 female. Each institution presently is operating above capacity: 124 men and 31 women.

Assessing potential institutional capacities yields the following information:

Present capacity: 2,121 inmates

Overcrowding: 155 inmates

Option B conversions: 380 beds

less: overcrowing 155

Net Option B beds: 225

Option C conversions: 750 beds

Net short-term beds available: 975

It is necessary to recognize a critical distinction between inmate population increases and new bedspace. Population increases are more of a continuous function while increased bedspaces are not. In other words, population may steadily grow at 10 - 15 - 20 per month, but the accommodations for this population must occur in certain fixed sizes. If overcrowding is to be avoided completely, then excess capacity must occur some of the time. The problem is less acute under Option B, since most of the institutional conversions are in small units, e.g., 30 - 40 beds and lead time is short. The single exception would be the 100-bed conversion at Niantic. As one moves to Options C and D, however, this flexibility lessens. Essentially, the decision becomes whether or not to convert or build a 250-bed (or 500-bed) institution. Therefore, if inmate populations should grow to, e.g., 500 beyond present institutional capacity, Camp Hartell or a similar facility would be necessary to accommodate the "extra" 120 inmates not placed in Option B alternatives. Hartell would experience excess capacity of 130 beds until populations increased. The costs of this excess capacity rise as one moves through the options. The BOQ or G Block

conversions are not very costly either in renovation or operating terms. They are part of existing institutions and many "fixed" costs such as perimeter fencing, guard towers, security force, utilities, etc., are already in place and borne by the major institution. All these costs must occur anew, however, for a converted or new facility. One cannot build half a fence, or boiler plant, or staff half the towers. There will be a certain minimum security force necessary regardless of the population. The only costs not incurred by operating at less than capacity are the incremental costs noted earlier (Table 2) and perhaps some personnel costs. The Superintendent and many others, however, will be at the institution whether it is one-third full or operating at capacity.

The most glaring example of this, of course, occurs with Option D. Short-and-long-term-capital construction costs in excess of $100 million will be incurred regardless of the population, as will a substantial proportion of operating costs.

What emerges from this is what is known as a "step function," which simply means one does not move smoothly or continuously from one step to the next, but rather in larger increments, or steps. The step function for Connecticut correctional institutions is somewhat as follows in Table 11. Included are the various per capita operating costs for the different options. When all option B Conversions are utilized at a particular institution, the additional costs are reflected in a higher per capita cost. The stepwise feature suggests that at least the total capital costs and a substantial portion of the operating costs will be incurred when the population falls within the range of each step, or option.

TABLE 11

CORRECTIONAL POPULATIONS AND FACILITY OPTIONS[a/]

STEP	CCI CAPACITIES	OPTION	COSTS CAPITAL	COSTS PER CAPITA	CUMULATIVE COSTS CAPITAL	CUMULATIVE COSTS OPERATING
1	2121	NA	NA	NA		23,777,350
2	2122-2151	B_1	NA	$4,240		23,904,562
3	2152-2181	B_2	NA	4,240		24,031,774
4	2182-2241	B_3	NA	5,174[b/]		24,398,255
5	2242-2271	B_4	5,000	4,783	5,000	24,541,749
6	2272-2311	B_5	16,000	4,807[b/]	21,000	24,734,748
7	2312-2351	B_6	5,000	4,294	26,000	24,906,498
8	2352-2401	B_7	30,000	4,408[b/]	56,000	25,131,446
9	2401-2501	B_8	48,850	8,851	105,950	26,016,554
10	2502-2751	C_1	2,754,814	11,800	2,860,764	28,966,554
11	2752-3251	C_2	6,000,000	10,800	8,860,764	34,366,554
12	3252-3751	D_1	36,113,000	10,800	44,973,764	39,766,554
13	3752-4251	D_2	36,113,000	10,800	81,086,764	45,166,554
14	4252-4751	D_3	36,113,000	10,800	117,199,764	50,566,554

a/ Options B_1 - B_3 are Somers conversions; B_4 -5, Enfield; B_6 - 7, Cheshire; B_8, Niantic; C_1 - Hartell; C_2 - Laurel Heights; $D_{1,2,3}$ - new, 500-bed institutions.

b/ See cumulative effect discussed in text.

The information in the table is presented in current dollars. Any future planning should incorporate a 13 percent annual increase in constructions costs and a 10 - 15 percent annual change in operating costs.

There are other costs associated with system expansion which were not discussed. One area involves CM, or the range of managerial costs occasioned by substantially enlarging the system. It is not inappropriate to assume that, for example, doubling the institutional population might necessitate changing and expanding the managerial structure. Other costs associated with release procedures and the community network service provision will eventually be impacted by population increases. The preceding discussion on such spillover effects was essentially institutionally-based. Systemwide planning, however, requires anticipation of all potential spillovers and estimation of their probable resource impacts.

Technical Appendix B

An Approach to Simulating the Effect of Public Act 80-442, An Act Revising The Sentencing Laws.

AN APPROACH TO SIMULATING FUTURE PRISON POPULATION

The purpose of this Appendix is to describe how a projection can be made and the assumptions necessary to make them.

Admissions. Time series data (over a reasonable length of time) on all felony cases in which guilt was determined would allow the estimation of the admissions distributions of sentences by categories.

Releases. Release distributions can be estimated in one of two ways with slight variations in accuracy. Time series analysis of release data could be used to estimate the release distributions. A second option is less costly but involves a biasing assumption. That is, one could assume that release will occur at the earliest possible time. The release distribution in this latter case becomes calculable as a function of sentence length at admission and the good time associated with sentence length.

Prison Population. Future prison populations then would be a function of the expected admissions and expected releases plus the current population and expected releases. Handling of the current population requires information on time remaining to serve by each person as well as the length of sentence. (An alternative is to know how much time has already been served is an assumption that the current distribution of population is evenly distributed across sentence length.)

A.1 The number of people coming before the court on felony charges will remain unchanged after new laws on sentencing and release go into effect.

A.2 Parole and Pardon Boards do not change their release practices from those pre-existing.

A.1 If information about release is unavailable, the alternative is:
Parole Boards release prisoners at the first opportunity and each prisoner obtains maximum good-time allowance.
Note that this latter assumption is very conservative. Estimates based on this assumption should underestimate the population.

A.3 In the absence of exact information about length of sentence already served (of the current population), the current population is evenly distributed over the respective sentences to be served.

A.4 The length of sentence to be served goes into effect on the day of admission.
This assumption can be relaxed with information about the amount of time in jail prior to sentencing.

A.5 Every sentence is determinant or, if not, the lower end of the sentence is the length which will be served.
This assumption is the most problematic. However, the lower end assumption guarantees that the estimate will be conservative.

The Model. The model below uses Assumption A.2[1] rather than its alternative to simplify presentation. If A.2[1] is used, only the following

admission distributions are needed:

1. Expected Monthly Admission Distribution for categories which will now have 5-year minimum mandatory and for which sentences historically have been for less than five years.

2. Expected monthly admission distribution for all categories (not overlapping with the 5-year minimum mandatory) in which the 3-year mandatory sentence applies.

3. Expected monthly admission distribution for all categories in which the sentences have historically been greater than five years.

The model would simulate over four populations and add the results to estimate population.

Step 1. Existing Populations. At time t_o, a prison population exists. Starting at time t_1 a portion of that population will be released. Under Assumption A.3[1] the calculation proceeds as follows:

For each sentence length there is a probability of release in the next time period. For example, if there are 24 people with one-year sentence, 2 will be released. (12 months in a year; assuming even distribution, 2 come in each month over the past year). If the starting, pre-existing population is symbolized as PP_o and the releases at t_1 are symbolized as PPR_1, then $PP_1 = PP_o - PPR_1$

If we look to some future time then the remaining portion of that original population would be

$$PP_N = PP_o - \sum_{1}^{N} PPR_i$$

Obviously, at some time in the future all of the pre-existing population will have passed through the system and $PP_N = 0$.

Step 2. Five-Year Minimum Populations. If the law goes into effect at t_1 we can begin to estimate the impact of the five-year minimum law. This law has two impacts. The first is the provisions that everyone found guilty will be incarcerated. Let FC stand for the number of expected convictions and FI stand for the number historically incarcerated. From Admissions history we know that:

$FI = P_{FC}(FC)$

where P_{FC} is the proportion of those convicted who were historically incarcerated.

The first impact under mandatory sentence is to increase the expected population from FI to FC. Hence the increase in FI (FI+) is FI+ = FC-FI. Consequently, we can build the following projections at t_1, t_2, t_3. Let FP_E stand for the population of this group.

TABLE 2

	Without New Law	With New Law
t_o		
t_1	$FP_1 = FI_1$	$FP_1 = FI_1 + FI_1+$
t_2	$FP_2 = FI_1 \& FI_2$	$FP_2 - (FI_1 + FI_1+) + (FI_2 + FI_2+)$
t_N	$FP_N = \sum_{i=1}^{N} FI_i$	$FP_N = \sum_{i=1}^{N} (FI_i + FI_i+)$

The second impact of the mandatory minimum is on release from prison. For example those previously receiving three-year sentences could be considered for release in three years minus good time. Assuming earliest release (Assumption A.2) a person sentenced to three years could obtain one year of good time; 36 months - (36 times 10 days). Hence a three-year sentence serves two years.

The impact of mandatory minimum sentences on population must take account of the good time deduction. The maximum good time on a five-year sentence is 600 days or approximately 20 months. Subtracting the 20 months we have an estimated sentence served of 40 months.

Under the old provisions of law, all of the people sentenced to three years would be released at the end of two years (under Assumption A.2). With the new provision, these people would not be released until the end of 40 months (3 years, 4 months). Hence, during the third year, the prison population would be increased by the number of people whose sentences would have been three years but now are five.

To represent this phenomena symbolically, let us simplify by referring to length of sentence as the length minus maximum good time. The mandatory minimum would then be described as 40 months.

We may demonstrate the impact as follows:

TABLE 3

t_1

$t_2 \quad RFI_2 = \Sigma FI_{11}$

$t_3 \quad RFI_3 = \Sigma FI_{12} + FI_{21}$

$t_4 \quad RFI_4 = \Sigma FI_{13} + \Sigma FI_{22} + \Sigma FI_{31}$

$t_5 \quad RFI_5 = \Sigma FI_{14} + \Sigma FI_{23} + \Sigma FI_{32} + \Sigma FI_{41}$

Each of the (EFI)'s can be read according to the subscripts where the first subscript indicates effective sentence length and the second subscript indicates the time of entry. Hence at time t_2, all of the persons with a sentence (effective) of one time unit who entered at time "1" will be released. At time t_4 all of the people with the unit sentences at t_3, with 2 unit sentences at t_2, and with 3 unit sentences at t_1 will be released.

We may blend the results of Tables 2 and 3 to show the following:

TABLE 4

	Without New Law	With New Law
t_1	$FP_1 = \Sigma_j^5 FI_{j1}$	$FP_2 = \Sigma_j^5 (FI_{ji} + FI_{j1})$
t_2	$FP_2 = \Sigma_j^5 \Sigma_i^2 FI_{ji} - RFI_2$	$FP_2 = \Sigma_j^5 \Sigma_i^2 (FI_{ji} + F_{ji})$
t_3	$FP_3 = \Sigma_j^5 \Sigma_i^3 FI_{ji} - \Sigma_{k=2}^3 RFI_k$	$FP_3 = \Sigma_j^5 \Sigma_i^3 (FI_{ji} + F_{ji})$
.	.	.
.	.	.
.	.	.
t_{39}	$FP_{39} = \Sigma_j^5 \Sigma_i^{39} FI_{ji} - \Sigma_{k=2}^{39} RFI_k$	$FP_{39} = \Sigma_j^5 \Sigma_i^{39} (FI_{ji} + F_{ji})$
t_{40}	$FP_{40} = \Sigma_j^5 \Sigma_i^{40} - \Sigma_{k=2}^{40} RFI_k$	$FP_{40} = \Sigma_{ji}^5 (FI_{ji} + F_{ji}) - RFI_{40}$

The impact of the new law with respect to mandatory incarceration length should be clear. The population will increase in the first time period by the number of persons who would not have been incarcerated. This amount is added at each time period. Hence by the thirty-ninth month, the population would be increased by 39 times the expected number of those currently paroled in a month for the offenses requiring a mandatory minimum prison sentence.

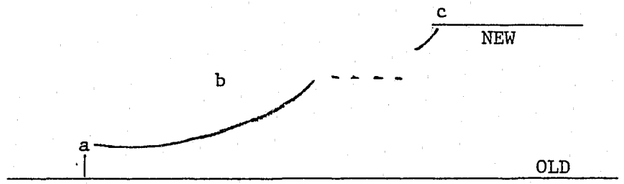
The mandatory sentence length will begin to further increase the population by a different (and growing quantity) each month by holding those who would have otherwise been released. Hency by the thirty-ninth month, the total increase would be:

$39(FI+) + \sum_{k=2}^{39} RFI_k$

Between the first month and the fortieth month prison population in the affected categories should rise sharply. After the fortieth month, the population should stabilize at the new high. Graphically the impact might be something like the following:

Figure 1

Prison Population Growth in 5-Year Minimum Categories



a. effect of mandatory incarceration.

b. changing slope - effect of mandatory minimum.

c. new slope stabilized.

The graph should not be interpreted as representing the actual curves. However, "a" will be abrupt, "b" will be an accelerating curve, and "c" should be stable.

Step 3. Three-Year Minimum for Persistent Felons. The three-year minimum for persistent felons is identical in impact to the five-year mandatory described above. The only difference is that the impact will begin to stablize at the twenty-fourth month (36 months minus good time) rather than 40 months. We will not go through the model again, but we introduce the following symbols for later use:

$TI+$ indicates the number of people incarcerated due to the mandatory incarceration provision (same principle as FI+).

RTI_k indicates the number of felons who would have been released at time k (same principle as (RFI_k).

Step 4. Effect of Reduction of Good Time. The recuction of good time refers to all calculations on sentences over 5 years. For each 11 months of sentence after 5 years, prisoners will serve approximately 1 month longer (33 days). Good time will change from 15 days per month to 12 days. This difference of 3 days will accumulate to a month after 11 months.

The affected population in this case will be all those sentenced for over 5 years. Let us call this population SI. The increase in projected populations due to SI will not occur until month 46. The logic is as follows:

a.) The calculation of 10 days per month for the first 5 years is unaffected by the new law. Hence from Step 2 above, we can note that there would be no releases before month 40 under either law.

b.) Since this demonstration is in months, we will accumulate days into months (estimated 30) for the purpose of estimating good time. The first difference occurs at month 46 when persons convicted for 5 years and 11 months (71 months) have earned 20 (first 5 years) and 5.5 (next 11 months) months of good time.

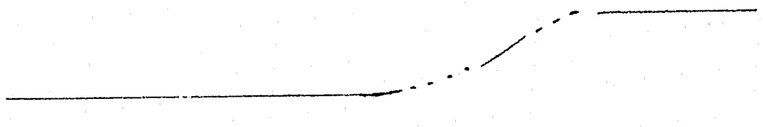
At month 46, persons convicted in the initial period for 71 months would be released under the old, but not the new. The population increase for each time period will be by the number of those released under the old, but not under the new, law. While this effect starts off as a

marginal increase in population, the slope will continue to change for an indefinite time. In principle, it will continue until the longest sentence found in Step 1 (of the pre-existing population) is passed through the system. This principle is best understood by noting that the difference between time served for the 5-year-and-11-month sentence is only 30 days; for 10 years it is 180 days or about 6 months; for 20 years the difference is 360 or about 1 year.

Since the formula for calculation gets quite complex, we will not present it here. Figure 2 demonstrates the principle:

FIGURE 2

Effect of Good Time Changes



t_o t_{46} t_{45} t_{46} t_{47} t_{48} t_{49} t_{70}

A model based on the previous discussion would proceed by running through all of the implied calculations and summing the results. The final projection would add the following values for new and old.

Old Model

$$POP_t = PP_o - \sum_{k}^{t} PPR_k + \sum\sum_{ji} FI_{ji} - \sum_{k-2}^{} RFI_k +$$

$$\sum\sum_{ji}^{3t} TI_{jt} - \sum_{k-2}^{} RTI_k + \sum_{k-2}^{} RTI_k + \sum\sum_{j-6^i}^{mt} SI_{ji}$$

$$\sum_{k=46}^{t} RSI + \sum\sum_{j=1i}^{5t} OI - \sum_{k=1}^{t} ROI_k$$

where PP, PPR refers to existing prisoners,

FI, RFI refers to categories under 5-year minimums,

TI, RTI refers to categories under 3-year minimums,

OI, ROI refers to all other categories under 5 years,

j indexes sentence length

i indexes initial time of entry in monthly periods,

k indexes release months.

New Model.

$$POP_t = PP_o - \sum_{k}^{t} PPR_k + \sum\sum_{j=5}^{5t} FI_{ji} +$$

$$\sum\sum_{ji}^{5t} FI + - \sum_{k=40}^{t} RFI_k +$$

$$\sum\sum_{j=3}^{3t} TI_{ji} + \sum\sum_{j=3}^{3t} TI + -$$

$$\sum_{k=24}^{t} RTI_k + \sum\sum_{j=6\ i}^{max\ t} SI_{ji} -$$

$$\sum_{k=47}^{t} RSI_k^* + \sum\sum_{j=1\ i}^{5t} OI_{ji} - \sum_{k=1}^{t} ROI_k$$

The differences in the two models show up in the following ways:

In admissions, the old accumulates

$$\sum\sum_{j=1\ i}^{5t} FI_{ji} + \sum\sum_{j=1\ i}^{3t} TI_{ji}$$

while the new accumulates

$$\sum_{j=5}^{5} \sum_{i}^{t} FI_{ji} + \sum\sum_{j=5\ i}^{5\ t} FI_{ji} + \sum\sum_{j=3\ i}^{3t} TI_{ji} + \sum\sum_{j=3\ i}^{t} TI_{ji}$$

Two sets of persons are included. Additionally the subscripts have implications for release. The sentence length subscript, j, runs from 1-to-5 and 1-to-3 in the old model. In the new model there is no 1-4 and 1-2 in the two cases. Hence the impact on release.

For the old model releases from FI + TI begin to be subtracted from the population at k = 2. In the new model they do not start being released until k = 40 and k = 24 respectively. The difference in these two sums becomes a permanent change in prison population.

The effect of good time is not effectively represented by the formula.

$$\text{As } t \text{ increases the difference } \sum_{k=46}^{t} RSI - \sum_{k=47}^{t} RSI^{*}_{k}$$

will grow larger.

Technical Appendix C

Legal Review of Connecticut Determinate Sentencing Law, P.A. #80-442

INSTITUTE FOR ECONOMIC AND POLICY STUDIES, INC.
Correctional Economics Center

BILLY L. WAYSON
President

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Vice President/Treasurer

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Vice President/Secretary

MEMORANDUM

TO: Billy L. Wayson, President

FROM: Neal Miller, Attorney

DATE: December 31, 1980

RE: Legal Review of Connecticut Determinate Sentencing Law, P.A. #80-442

A review of the new determinate sentencing law in Connecticut shows a small need for clarification and revisions.

(1) The primary area of concern involves the removal of direction from correctional administrators for determining the length of an inmate's sentence. One consequence of similar action in other states has been the growth in inmate population. A common mechanism to act to reduce inmate population has been to authorize the correctional authorities to petition the court to reduce sentences of a number of inmates so that they can be released early. Sections 24 and 25 of P.A. #80-442 provide for such a "safety valve".

However, two problems exist with this mechanism.

A) First, the authority is conditioned upon a finding by the Commissioner that the number of inmates in all the correctional institutions adversely affects the health, safety and welfare of all the inmates. When this finding is made, the Commissioner may then ask the court to reduce bail requirements of the pretrial detainees or the modification of sentence of convicted inmates. Individualized hearings follow, with the state's attorneys permitted to intervene. The petition trigger of overcrowding in all institutions does not seemingly permit the Commissioner to distinguish between facilities used to house pretrial detainees and those used solely to house convicted inmates. Nor does it permit distinctions between facilities that house different classes of inmates, i.e., classification based on sex, age, security risk, etc. of the inmates. Thus, should the facilities designed to hold special inmate populations be overcrowded, the situation would not trigger the sentence reduction process. Instead the Commissioner would have to transfer special population inmates to other facilities designed for other inmate populations. For example, should the facilities for first offender youth be overcrowded, new youth inmates could be sent to less crowded facilities even if they are housing serious, recidivist offenders.

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It can be argued, however, that the legislation in question does not require that the Department ignore classirication differentials, especially where to do so might violate other legal requirements that require separation of inmate populations, e.g., juveniles from adults. This line of thought suggests that the Department initiate a rule making procedure to state well in advance its proposed policies that will guide it in determining when overcrowding exists including setting forth any limits on mixing different inmate populations.

B) A second problem with the authority for the Commissioner to petition the court for sentence reduction is that it ignores any need to consider inmate-centered conditions that call for sentence reduction. In the debate relating to the recodification of the federal penal code, the concern has been expressed for retaining the authority for sentence reduction in cases involving relevant information that could not have been available at the time of sentencing. This includes evidence tending to exculpate the defendant (e.g., a later confession by the perpetrator), evidence showing a significant change in the inmate's status such as terminal illness, significant service to the state, or extremely significant evidence of rehabiliation indicating no good reason to continue incarceration; and, decrease in the substantive law that authorizes imprisonment. See Section 2302(c) of the U.S. Senate Recodification proposal, §.1722, 96th Congress, 2nd Session.

It may be that the governor's power to reprieve sentences (Constitution Article IV §13) includes the power to grant pardons based on the criteria discussed above. If so, the governor should be asked to establish a decision-making process and criteria involving the Department of Correction for the purpose. This may, of course, be a politically difficult request, given the recency of the determinate sentencing law's passage. It might be preferrable then to wait until an appealing, dramatic case of an inmate deserving modification in sentence appears to request action from the governor. Alternatively, the state legislature might be asked to amend the sentencing law to permit selected individualized sentence reductions as discussed above. This approach might however result in renewed sentence disparities, one of the evils which determinate sentencing is directed at.

(2) A much less serious problem is presented by Section 18-7a, providing for good time reductions in sentence. The law as amended provides no check on the amount of good time that can be deducted. Hoffman and Stover in their article "Reform in the determination of prison terms: equity, determinancy and the parole release function" in Hofstra Law Review 89 (1978) argue that a similar proposal in the context of the federal criminal code recodification would merely transger discretion from the parole board to the institution. Yet the control of release decisions by institutional staff formed the primary basis for a parole system; return to the system ignored the lesson of history, unless efforts are made to structure institutional discretion. One way to structure discretion is to institute a rulemaking procedure that will establish procedures for the taking away of good time and a penalty schedule similar in concept to the determinate sentencing law schedule itself. Consideration might be given to putting a "cap" on the total amount of good time that may be taken away for any one rule breaking incident (such as Illinois has).

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(3) A third, minor problem in Public Act #80-442 lies in Section 24, providing for a reduction in bond for pretrial detainees where the Commissioner petitions the court on his finding of overcrowding. However, this section authorizes the inmate to refuse to be released, notwithstanding the finding of overcrowding. It is not clear what function is served by this provision, although it might permit an inmate to thereby earn good time for presentence incarceration. Given the costs to the state of incarceration, there seems to be little reason to authorize inmates to refuse release.

(4) A fourth potential problem lies in Section 25 (c) of the determinate sentencing law, mandating immediate release of inmates granted sentence modification. This may have the effect of preventing any significant prerelease preparation, since this would have to occur prior to the actual sentence modification order. Of course if requests for modification are routinely granted, the Department can schedule prerelease preparation prior to the court order date without fear of limited cost effectiveness. Alternatively, the Department can include in its request for modification a delayed date for the orders implementation.

This provision of the law also permits inmates to refuse release. Given the requirement for probation upon release and the possible interruption of program involvement, this situation is distinct from the pretrial detainee to warrant allowing the inmate a voice in the release decision.

END