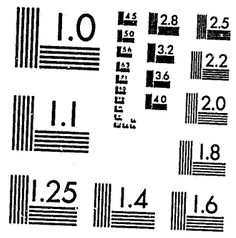
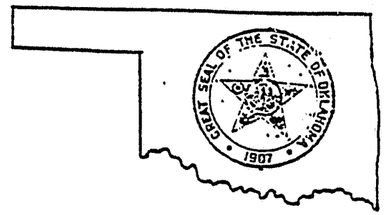


OKLAHOMA STATE
BOARD OF CORRECTIONS



PRISON BED-SPACE REQUIREMENTS, 1982-1986: AN ASSESSMENT IN RESPONSE TO HR 1016

Submitted to the Oklahoma
House of Representatives

January 21, 1982

DEPARTMENT OF CORRECTIONS
3400 N. EASTERN • P. O. BOX 11443
OKLAHOMA CITY, OKLAHOMA 73111

LARRY R. MEACHUM
DIRECTOR

DEPARTMENT OF CORRECTIONS
3400 N. EASTERN – P.O. BOX 11400
OKLAHOMA CITY, OKLAHOMA 73136

January 21, 1982

The Honorable Frank Harbin
Oklahoma House of Representatives
State Capital Building
Oklahoma City, Oklahoma 73105

Dear Representative Harbin:

The Oklahoma Board of Corrections, having completed the study authorized by House Resolution No. 1016, is hereby forwarding to you the study report. This study represents the joint efforts of Department of Corrections staff and the members of the Board.

After projecting the prison bed-space needs over the next five years and examining various options to deal with the anticipated prison overcrowding, we have formulated several recommendations which should receive serious consideration by the legislature. Although new construction is recommended, we believe that it is imperative that the state also adopt other measures to deal with overcrowding: measures which are effective, which can impact the problem much more quickly than new construction, and which are far less expensive.

The primary purpose of the Department of Corrections is to protect society. We believe that our recommendations are consistent with this purpose.

Sincerely,

James Kirk, President
Oklahoma Board of Correctionss

JK/CS:rs

Resolution

ENROLLED HOUSE
RESOLUTION NO. 1016 BY: HARBIN

A RESOLUTION AUTHORIZING THE STATE BOARD OF CORRECTIONS TO CONDUCT A STUDY OF PRISON BED SPACE AND FACILITIES; REQUIRING SUBMISSION OF A FINAL REPORT TO THE LEGISLATURE; REQUIRING COOPERATION FROM THE JUDICIAL AND EXECUTIVE BRANCH OF GOVERNMENT; AND DIRECTING DISTRIBUTION.

WHEREAS, the sentencing practices of the Oklahoma judicial system result in maximum occupancy of state correctional facilities; and

WHEREAS, the incarceration rate in Oklahoma is one of the highest in the nation; and

WHEREAS, Oklahoma is under federal court order to assure that each prison inmate has adequate cell space; and

WHEREAS, to comply with the court order, the state has recently constructed several new prisons and transferred another facility from the Department of Human Services to the Department of Corrections; and

WHEREAS, there appears to be a need for additional cell space in state correctional facilities; and

WHEREAS, such construction must be based on current incarceration rates and present statutes or legislation under consideration by the 1st Session of the 38th Oklahoma Legislature in order to comply with the court order; and

WHEREAS, the Oklahoma House of Representatives has added Two Million Five Hundred Thousand Dollars ($2,500,000.00) to the appropriations for the State Department of Corrections for a new minimum security prefabricated facility; and

WHEREAS, the State Board of Corrections is empowered by statute to establish policies for the operation of the Department of Corrections; and

Correctly Enrolled ..... Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

WHEREAS, the State Board of Corrections has the duty to establish and maintain correctional facilities necessary for the education, training and rehabilitation of prisoners.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 38TH OKLAHOMA LEGISLATURE:

SECTION 1. The State Board of Corrections is hereby authorized to conduct a five-year assessment study of the need for additional bed space and facilities in the Oklahoma corrections system. The study shall include, but not be limited to, anticipated needs for increased prison facility space and anticipated incarceration levels over the next five fiscal years. Agencies in the legislative, judicial and executive branches of Oklahoma government shall cooperate with the Board as necessary for the Board to conduct this study. The Board shall prepare a final report by January 1, 1982, with findings and recommendations for legislative action. The report shall include, but not be limited to, the projected space requirements of the state correctional system over the next five years, needs for additional prison facilities, the advantages and disadvantages of prefabricated facilities over permanent facilities, statutory revisions, and diversion of prisoners to the county system. Said report shall be submitted to the members of the Oklahoma Legislature by January 1, 1982.

SECTION 2. Copies of this Resolution shall be dispatched to the Chairman of the State Board of Corrections and the Director of the Department of Corrections.

Correctly Enrolled: [signature] Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Adopted by the House of Representatives the 21st day of May, 1981.

[signature]
Speaker pro tempore of the House of Representatives

Correctly Enrolled: [signature] Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

OFFICE OF THE SECRETARY OF STATE
Received by the Secretary of State this 22nd
day of May, 1981,
at 1:20 o'clock P.M.
[signature]
By: _____

TABLE OF CONTENTS

Chapter		Page
I.	INTRODUCTION	1
II.	SUMMARY OF FINDINGS	2
	Projected Prison Population Pressure and Bed Space Requirements	2
	Assumption 1: Prison Population Pressure	2
	Assumption 2: Anticipated Capacity	3
	Projected Bed Space Requirements	4
	Construction Options	5
	Alternatives to Imprisonment	6
III.	CONCLUSIONS AND RECOMMENDATIONS	8
	New Prison Construction	8
	New Facilities	8
	Construction Techniques	9
	Alternatives to Imprisonment	10
	County Corrections Expansion	10
	Felony Limit Modification	11
	Mandatory Community Supervision	12
	Parole Process Efficiency	12
	Alternatives to Incarceration For Drinking Drivers	13
	Summary Statement	14

APPENDICES

APPENDIX A: PROJECTION OF PRISON POPULATION PRESSURE, 1982 THROUGH 1990

APPENDIX B: PROJECTION OF CAPACITY AND BED SPACE REQUIREMENTS

APPENDIX C: REPORT OF CONSTRUCTION COMPARISONS

APPENDIX D: ALTERNATIVES TO IMPRISONMENT IN STATE FACILITIES

Chapter I

INTRODUCTION

This report responds to House Resolution No. 1016, which was adopted during May, 1981. Overall guidance for the project was provided by a three-member steering committee of the Board of Corrections. Staff support was provided by the Department's Planning and Research unit, the Central Classification unit, and the Architecture and Engineering unit. The Director, Deputy Directors, and other department administrators have taken an active role in all stages of the project.

This report presents recommendations for action which the state should take to respond to the growing prison population. The recommendations are based on (a) projections of bed space requirements of the state prison system over the next five years, (b) a comparison of the merits of prefabricated vs. conventional prison facilities, (c) an examination of the feasibility of diverting offenders to the counties, and (d) an examination of various alternative-to-imprisonment options.

Chapter II of this report summarizes the findings of the various staff reports developed throughout the study period. These reports provide the information upon which the recommendations presented in Chapter III are based. (Copies of the reports are included as Appendices.)

Chapter II

SUMMARY OF FINDINGS

Projected Prison Population Pressure and Bed-Space Requirements

In order to plan for the future of the corrections system, it is necessary to have some idea of the number of offenders who will require incarceration over the next several years. The report in Appendix A presents a projected range of growth for the prison system, based on varying estimates of state population growth, the rate at which Oklahomans will be committed to prison, and the length of time inmates will remain incarcerated. Both a low and a high prison population projection are presented, but the projection does not take into account the future availability of bed space. The report in Appendix B, however, deals with anticipated capacity changes over the next five years. Because of uncertainties in funding, possible changes in plans and other factors, it is not possible to chart year by year the exact number of beds that will be available. Rather, a low and a high projection for each year are presented.

Assumption 1: Prison Population Pressure

In consideration of the present rapid growth of the inmate population in Oklahoma and the high prison population growth rates in other states, the Board assumes that the high prison population projection is the most likely case. This projection is based on the following assumptions: a) the state's population will grow at the rate it grew during the decade of the 1970's; b) the annual

commitment rate will be 95 persons per each 100,000 population; and c) average time served in prison is 26 months and will not change during the projection period. Table 1 presents the year by year population pressure projection through 1986.

Table 1

Prison Population Pressure Projection
(Total Inmate System Count)

Year	1982	1983	1984	1985	1986
Projection	5750	6050	6200	6350	6500

Assumption 2: Anticipated Capacity

The report in Appendix B considers two possible situations in the prison capacity projections: a) only those construction projects for which funding has already been committed will be completed; or b) construction projects for which funds have been sought will be completed in addition to the other projects. The latter case, the high capacity projection, is the case which the Board assumes to be the more likely to occur. Table 2 presents both the low and high capacity projection, and the 1981 capacity level.

Table 2

Projected Prison Capacity

Year	(1981)		1982	1983	1984	1985	1986
Capacity	(4894)	High	4970	4797	4865	4865	4865
		Low	4970	4747	4750	4750	4750

Projected Bed-Space Requirements

The bed space requirements through 1986 can be projected on the basis of the population pressure projection and the capacity projection. The projected total inmate system count first has to be adjusted to reflect how many of the inmates will actually need prison beds, since the total system count includes inmates in county jails awaiting reception into prison, inmates assigned to other agencies for treatment, inmates at-large on escape status, and so on. Applying this adjustment (i.e., reducing the total inmate system count by 4%) and subtracting this result from the projected capacity results in the projected surplus or deficit in prison beds. Table 3 presents the results of these calculations.

The Board recognizes that projections are at best informed guesses and is aware of the fact that projections in all fields are notorious for being wrong, often drastically. Nevertheless, the very act of planning necessitates that some sort of forecast of the future be made. If the trends upon which the above projection is based were accurately assessed, and if the trends remain constant throughout the projection period, the projection may prove to be reasonably accurate.

Table 3

Projected Bed Space Deficits

Year		1982	1983	1984	1985	1986
Projection	Low	550	1011	1087	1231	1375
	High	550	1061	1202	1346	1490

Construction Options

One of the biggest constraints to relying on new prison construction to solve prison overcrowding problems is the cost of conventional prison construction - from $35,000 to $55,000 per one-inmate cell. Another is the time of construction, which is two to three years for a 400-bed unit (four or more years if inmate labor is used). An option which can reduce both the cost and the time, however, is pre-engineered construction. The construction report presented in Appendix C provides an evaluation of pre-engineered prison construction and a comparison with conventional construction techniques.

This report notes that conventional concrete and masonry construction is the preferred method in all states surrounding Oklahoma for medium and maximum security prisons. Concrete and masonary prisons, if constructed properly, are nearly indestructable. Pre-engineered metal buildings do not compare favorably to concrete and masonry with respect to durability. Moreover, they cannot be made as secure.

Texas is currently building four 1016-bed prisons using pre-engineered metal buildings. One of the 1016-bed prisons is being built by inmates and will cost an estimated $4.5 million, compared to over $10 million for each of the other three similar prisons which are not being built by inmate labor. The construction report notes that all four of these prisons are "... for the most part temporary housing ..." to relieve critical overcrowding problems.

Alternatives to Imprisonment

The report in Appendix D discusses several non-construction options which have the potential of easing overcrowding pressures. Two of the options are alternatives which may reduce the number of persons committed to state prisons. Five options are discussed which are characterized as "post-incarceration alternatives." These are alternatives to divert offenders from the prison system after they have served a portion of their sentences. One option serves to make more county jail space available for adjudicated offenders.

The eight options considered by the Board are listed in Table 4. If Oklahoma is to avoid relying solely on construction to solve the overcrowding problem and is to develop a flexible corrections system, one or more of these options should be adopted. Appendix D contains model legislation for several of these options.

Table 4
Alternatives-to-Imprisonment
Options Reviewed by the
Board of Corrections

Community Corrections Act*
Felony Limit Modification*
Mandatory Community Supervision*
Emergency Overcrowding Legislation*
Judicial Review*
Streamlined Parole Process
Alternate Incarceration for Drinking Drivers
Pre-trial Release

*Model legislation included

Chapter III

CONCLUSIONS AND RECOMMENDATIONS

According to the low projection there will be a deficit of nearly 850 prison beds by the end of 1986. The Board feels that this projection is more likely to be too low than too high. The recommendations which follow are for actions to be taken to create flexibility in the state's prison system so that the projected number of offenders, or even more, can be adequately handled without relying on a massive building program. The Board wants to ensure that the corrections system has adquate capacity while avoiding the creation of too much capacity. Imprisonment has become such an expensive option that it must be used only when absolutely necessary to ensure public protection.

New Prison Construction

New Facilities

Although the alternative-to-imprisonment options recommended in the next section might, by themselves, provide the flexibility needed to handle the projected increase in prison population pressure, there are two considerations which nevertheless suggest that new prison construction is also necessary. First, due to the current and planned renovation that is taking place at various facilities, there will be a loss of between 29 and 144beds by 1986 depending upon whether the high or low capacity projection is correct. Although minimum security will increase in capacity, maximum security will lose over 300 beds. The Board believes it would be imprudent to allow the prison system capacity to decrease during a period when prison population is expected to increase. The

greatest pressure will likely fall on medium security facilities because of the loss of maximum security beds. This is because many medium security inmates are currently housed in maximum security facilities due to lack of medium security space.

The other consideration is that the projected deficit could be even larger. Not only could prison population pressure increase more than anticipated, but the capacity decrease could be even greater than anticipated. The prudent course is therefore to build additional capacity into the system, preferably medium security beds.

Recommendation 1: **Construct three 400-bed medium security prisons and one 400-bed minimum security prison in FY 1983 or obtain existing facilities equivalent thereto. (Vote 4 to 2)**

Construction Techniques

Having recommended new prison construction, the question to be answered is whether buildings should be concrete and masonry or pre-engineered metal buildings. Study findings indicate the latter are much cheaper and quicker to complete than the former, but they are also less durable and probably not suitable for medium or higher security level inmates. Using conventional construction techniques, a medium security prison, if built in FY 1983, will cost approximately $30 million while a minimum security prison will cost approximately $24 million. The time factor is critical because the prison system may need the new capacity very soon. The issue seems to be durability and suitability versus time and cost of construction. Alternative-to-imprisonment options and temporary measures, however, will give the state the time for construction of concrete and masonry buildings for the new prisons.

Recommendation 2: **Construct conventional concrete and masonry buildings rather than pre-engineered buildings for new prisons. (Vote 6 to 0)**

While building three new prisons may solve the overcrowding problem from 1982 through 1986, other options must be adopted to ensure that the state's prison system will have the flexibility to meet future demands placed on it.

Alternatives to Imprisonment

The recommendations presented in this section are designed to create flexibility in the prison system by increasing the role of county corrections, broadening provisions for the release and alternative placement of offenders, and increasing the efficiency of the system. These recommendations are based on the findings presented in the alternatives to imprisonment report in Appendix D.

County Corrections Expansion

The Board believes that although the Community Corrections Act concept presented in Appendix D has some merit, there is no need to adopt the model legislation also presented in the report. Oklahoma law currently authorizes the state to contract with county jails to house state prisoners and includes other components of the act as well. With the overcrowding that county jails are currently experiencing, it is not feasible to implement any programs which would place greater pressure on county jails. The Board feels, nevertheless, that expansion of local corrections options is an important step in the solution to the prison overcrowding problem. County jail improvement and expansion is needed,

but such should not occur until acceptable jail standards can be adopted to guide facility modifications. If necessary, the state should provide funds to the counties on a matching basis to support improvements to and expansion of their jails.

Decisions to incarcerate offenders are made at the local level; the consequences of those decisions should be realized, to some extent, at the local level. If county jails could be expanded and improved and if statutory authority were provided for counties to operate correctional programs comparable to those operated at the state level, then the community corrections concept could be realized in Oklahoma.

Recommendation 3:

a) **Support, by matching county funds, adoption of state standards for improvement of county jail facilities.**

b) **Pass legislation to authorize county jails to offer a range of correctional programming comparable to the state system.**

c) **Increase the misdemeanor sentencing limit. (Vote 6 to 0)**

Felony Limit Modification

The property offenses which involve the $20 felony limit should be reduced to misdemeanors. This can be accomplished by raising the felony limit to an amount comparable to other states. Although not a great number of offenders would be diverted by such action, more room would be created in the state prison system for dangerous, violent offenders. Model legislation is provided in Appendix D.

Recommendation 4: **Raise the felony limit for certain nonviolent crimes such as larceny from $20 to $500. (Vote 6 to 0)**

The recommendations presented up to this point are important and should help to relieve the overcrowding problem eventually. Other action, however, must be taken to provide immediate relief. The next two recommendations can be implemented very quickly and could have a significant impact on the overcrowding problem. Model legislation supporting each recommendation is presented in Appendix D.

Mandatory Community Supervision

Mandatory community supervision provides for most offenders to be released to community supervision when they are within six months of their discharge date. These offenders will be supervised during the critical first six months of their re-entry into society.

Recommendation 5: **Enact a mandatory community supervision act. (Vote 6 to 0)**

Parole Process Efficiency

Because of certain inefficiencies in the parole process, offenders deemed ready for release to community supervision remain incarcerated for an additional period of time. Some of this delay is caused by the fact that the Governor is the final paroling authority. The majority of the delay, though, is caused by

difficulties in completing parole programs and the time required to complete parole stipulations. Establishing a full time pardon and parole board could also increase the efficiency of the parole process. A full time board could more thoroughly screen each case before making its decision.

Recommendation 6:

a) **Amend the constitution to remove the Governor from the parole process.**

b) **Establish a full-time pardon and parole board.**

c) **Rescind the parole advisor requirement.**

d) **Implement a parole contracting system so that parole stipulations can be completed by the time offenders appear before the Pardon and Parole Board.**

(Vote 5 to 1)

Alternatives to Incarceration for Drinking Drivers

At the present time the Department of Mental Health is running an alcoholic offender treatment program which handles about 40 DUI offenders. This program can be expanded fairly quickly if the necessary funding is provided to the Mental Health Department. This action could result in diversion of as many as 80 additional offenders from the state prison system.

Recommendation 7:

a) **Appropriate enough money to the Mental Health department for a three-fold expansion of the alcoholic offender treatment program.**

b) **Require the Mental Health department to accept for treatment all DUI and similar offenders received into the state prison system.**

(Vote 5 to 1)

Summary Statement

The Board of Corrections recognizes that the mission of the Department of Corrections is to protect society from adjudicated felons. The above recommendations, if followed, will help create flexibility in the state's prison system so that it can continue to achieve its mission in an efficient manner. The capacity of the prison system must be increased, but other measures must also be adopted to ensure that the system can respond adequately to demands placed upon it in the future.

Appendices

Appendix A

PLANNING AND RESEARCH

Projection of Prison Population Pressure, 1982 Through 1990

January 1, 1982

Prepared by Cliff Sandel
Supervisor, Planning and Research

DEPARTMENT OF CORRECTIONS
3400 N. EASTERN - P. O. BOX 11443
OKLAHOMA CITY, OKLAHOMA 73111

Table Of Contents

Section	Page
Executive Summary	1
Introduction	2
The Prison Population Projection Model	4
Intake and Release Analysis vs. Simple Extrapolation	4
The Stollmach Model	5
Parameter Estimation	7
Average Time Served	7
The Releasing Group	7
The Reception Group	8
Number of Receptions Per Year	9
The Prison Population Projection	11
The Projection Range	11
Discussion	14
Technical Appendix	17
References	20

Executive Summary

The Oklahoma Department of Corrections has projected what may be called the inmate population pressure on the state's adult penal system for the years 1982 through 1990. The purpose of projecting prison population pressure is to help policymakers decide correctly whether new beds should be made available and if so, how many and when, to avoid having either too little or too much prison capacity at any time in the future.

To produce the projection, a previously developed model of prison population change was used. This model reflects the dynamic relationship which average time served and reception rate have with prison population level. Because the estimates of the average time served and reception rate parameters may not be completely accurate and because their values may vary during the projection period, both a low projection and a high projection were made, based respectively on low and high estimates of the model parameters. With low parameter estimates, the model projects an increase in population pressure to 5650 by the end of 1986, and continued increase to 5950 by the end of 1990. The projection using high estimates shows pressure increasing to 6500 by the end of the 1986 projection period and continued increase to over 6900 by the end of 1990. The actual level is expected to fall somewhere in between this range.

Projection of Prison Population Pressure 1982 Through 1990

"... accurate projections of correctional populations, even for the short term, are exceedingly hard to formulate."
American Prisons and Jails, Vol. I., p. 91

Introduction

This report presents a projection of the number of adult felons who will require incarceration in Oklahoma state penal facilities through the end of year 1990. Population pressure rather than an actual prison population level is projected. What the actual prison population will be is largely a function of bed space made available in the future, since Oklahoma prisons are currently full and prison population pressures are expected to increase.

The projection is intended to guide policymakers in their efforts to plan for future bed space needs. However, the projection is at best an informed guess as to what will occur in the future. The National Institute of Justice in the recent publication, American Prisons and Jails, stresses the point that the causal links among decisions which affect prison population levels are imperfectly understood. There are, therefore, potential dangers in using projections as part of the planning process. If a projection is actually too high and much weight is given to it, it may lead to the creation of too much capacity; if too low, not enough may be created.

Although an attempt has been made to produce a responsible projection which is neither too high nor too low, there can be no guarantee that the attempt has been successful. The projection must be used carefully with informed

judgement. It is only intended to provide policymakers with a sense of the ranges within which the prison population is likely to grow.

The next section presents a general description of the projection model used. This is followed by a description of how the model parameters were estimated. The last section presents the projection. This projection, however, is not the last word on the subject. It will be updated as new information is acquired. The model parameters will continue to be monitored to detect any significant changes in trends which would cause the projection to be modified. Furthermore, as more and more data are acquired, further refinements of the model will become possible.

The Prison Population Projection Model

Intake and Release Analysis vs. Simple Extrapolation

States have used and are using several types of projection techniques to forecast prison population levels. These techniques are discussed in a recent report published by the Kentucky Bureau of Corrections (1980). This report concludes that the most promising type of projection technique is that which is based on admission and release analysis. In a recent nationwide survey of the accuracy of various projection techniques, techniques which treat intake and release separately were also found to be the best (National Institute of Justice, 1980).

The Kentucky survey and an earlier survey done by the Florida Department of Offender Rehabilitation (1977) found that the most common type of projection technique used by states is extrapolation of past prison population levels using linear regression. Oklahoma has used this technique. This method, however, was found to be the least accurate (National Institute of Justice, 1980). Indeed, simple extrapolation of past population levels fails to include key variables affecting prison population levels. The reliability of such projections depends on three assumption being true (Kentucky Bureau of Corrections, 1980):

1. Present trends will continue unchanged.
2. Prison population level is a simple function of time.
3. Changes in other areas of the criminal justice system will not affect population growth.

These assumptions are likely to be true only over a relatively short period of time, which limits the utility of the approach.

The Stollmach Model

Of the 51 jurisdictions responding to the Kentucky survey, twelve report using some form of analysis of intake and release. Although not reported on the survey, the Pennsylvania Department of Corrections has also used the results of this type of analysis for the assessment of the impact of new sentencing laws on prison population levels (Bell et. al. 1979; Blumstein et. al, 1980). The technique used is based on a projection model developed by Stephen Stollmach when he was with the Washington, D.C. Department of Corrections. This model uses average time served and the number of receptions into prison to predict population changes. Because the model appears to appropriately reflect the dynamics of prison population changes and because the parameters can be estimated fairly easily, the Oklahoma Department of Corrections has adopted it as the primary projection model. Lack of readily accessible data and lack of time preclude the adoption of a more comprehensive intake and release analysis approach such as that used by Florida (Florida Department of Offender Rehabilitation, 1977). However, such a model may be used in the future.

The Stollmach model is a type of intake-release model. The prison population at any point in time is conceptualized as being composed of two groups: those in prison at the beginning of the projection period (the releasing group) and those who have been received since the projection period began (the reception group). At the beginning of the projection period the prison population is composed only of the releasing group. After sufficient time has passed, it is composed only of the reception group.

Each group can have different average time served parameters. This is because each group can be affected differentially by changes in criminal justice system elements. For example, a change in sentencing practices can affect the

average time that the reception group will serve while not affecting those already in prison.

As originally presented, the Stollmach model uses constant values of average time served and reception rate. Because these parameters may not be constant in the Oklahoma case, the model was extended to enable it to incorporate changing values. The Technical Appendix presents the model and its extension.

The next section discusses the techniques used, and problems faced, in estimating the parameters for the model. No projection model, no matter how well constructed, can make accurate projections without accurate input, i.e. parameters.

Parameter Estimation

In order to use the projection model, certain parameters must be estimated: average time served and the number of receptions per year. The former parameter is actually decomposable into two parts: the average time that will be served by those in prison at the start of the projection period, and the average time that will be served by those who will be received throughout the projection period. The methodologies used to estimate each of the time served and reception parameters are described in this section. In a sense, this section represents the heart of the projection effort. The projection model may be presumed to be valid because it has been used by other states and has even been incorporated into a computerized prison population projection application (Kentucky Council of Governments, 1977). The accuracy of the present projection effort, then, is dependent on the extent to which the model parameters have been accurately estimated.

In order to present a range within which the prison population may change, two values for each parameter were estimated, a "low" value and a "high" value. The most likely case is presumed to occur somewhere in between.

Average Time Served

The Releasing Group

The department's Computer Services unit calculated the average time served for inmates released during the first half of 1981. The result was 20 months. This value, although consistent with the values calculated for 1980, 1979, and 1978, may be too low because it is inconsistent with the recent population growth experienced by the department. Furthermore, during periods

of population growth, release cohorts cannot be used to accurately estimate the mean time served parameter. Therefore, two alternate methods were used.

The Stollmach technique for estimating average time served (the number released during an interval is divided by the average daily population for the interval) was carried out for 1981. The result, 24 months, is the low parameter estimate. Also, the Stollmach model was used to "back predict" the growth of the prison population during 1981, using known beginning and ending populations and the number of receptions. The corresponding value of mean time serviced was 26 months. This is the high estimate.

The Reception Group

The Clifton bill, which went into effect during October, 1980, has affected the amount of time some inmates will serve before release. Those who were and will be received after the effective date of the law who are serving their second or greater incarceration, and who have had at least three felony convictions, cannot be considered for parole until they have served at least one-third of their sentence or ten years, whichever is less. The records of the Pardon and Parole Board indicate that at least 12% of inmates received are affected by this law.

The law probably has already had an impact on the releasing group since offenders have been received who are affected by it. Although it may differentially impact the reception group's mean time to be served in prison, it is impossible to determine what any such affect may be. Therefore, the mean time server parameter of the reception group is estimated to be identical to that of the releasing group.

Number of Receptions per Year

The number of inmates received into prison in a given period of time is dependent on many factors, most notably population growth rates, age structure of the population, and economic factors (Florida Department of Corrections, 1977). The Florida Department of Corrections (1977) uses population projections and projections of unemployment rates to make three-year projections of prison commitments. Beyond the three year period, they rely solely on population projections because the unemployment projections do not extend beyond three years.

Since projections of unemployment rates were apparently unavailable for any period of time in Oklahoma, the present prison population projection effort had to rely solely on population projections. The projections provided by the Bureau of the Census were, however, based on out-of-date data and were thus not directly useable. (The projection for 1985 is less than the 1980 population as determined by the latest census, which in turn is nearly 100,000 larger than the estimate for that year which the Census Bureau had previously published). It was therefore necessary to prepare state population projections before proceeding. Two projections were made.

The low projection was based on the growth rate reflected by the Census Bureau's projection. From 1980 through 1985, this projection represents a 0.84% per year growth in the population while that from 1986 through 1990 represents 1.05% per year. This projection seems quite conservative in light of the fact that Oklahoma grew at a 1.18% per year growth rate during the seventies. The high projection was based on the assumption that this rate of growth would continue through the eighties.

Over the past five years the commitment rate - the number of prison receptions per year per each 100,000 of population - for Oklahoma has varied between 87 and 92. The rate for 1981 is estimated at 88. To project the number of receptions for each year of the projection period, the projected commitment rate is applied to the projected state population. The low commitment pr jection was made by applying a commitment rate of 90 - the average value for 1980 and 1981 - to the low population growth projection. The high projection was made by applying a rate of 95 to the high population growth projection. Tab'e 1 presents the results of these projections plus the estimates for average time served. In the next section the results of using these parameter values in the projection model are presented.

Table 1

Parameter Estimates

Parameter	Low Estimate	High Estimate
Average Time Served (months)	24	26
Receptions Per Year	2,750 first year, 30/year increase	2,950 first year 35/year increase

The Prison Population Projection

As emphasized in the introductory section, accurate projections of prison populations are hard to make. One of the chief reasons for this is the fact that prison population levels fluctuate over time, and it is difficult to predict turning points. Oklahoma's prison population level has experienced several turning points and plateaus since 1926 (see Figure 1). More recently, although there has been some fluctuation, the population has grown steadily (see Figure 2, which was prepared by the statistical analysis unit of the O.S.B.I. using Department of Corrections data). Will this growth continue for the next several years, or is a plateau about to be reached similar to that which occurred after the 12 year growth period which ended in the late 50's? Perhaps the population will decline? The population projection methodology chosen can detect changes in growth rate, which is why it is superior to extrapolating the population growth curve into the future.

The Projection Range

The projection is presented as a range of likely population pressure levels for each year of the projection period. The low boundary of the range represents the effect of low values of the model parameters; the high boundary represents high values of the parameters. Table 2 below presents the projection results as well as the assumptions corresponding to each boundary projection. From the 5400 level at the beginning of 1982, the low boundary reflects a population that increases to 5650 by the end of 1986. The high boundary reflects a population pressure level that continues to increase to 6500 by the end of 1986.

FIGURE 1

INMATE POPULATION OF THE
OKLAHOMA DEPARTMENT OF CORRECTIONS
1926 - 1980

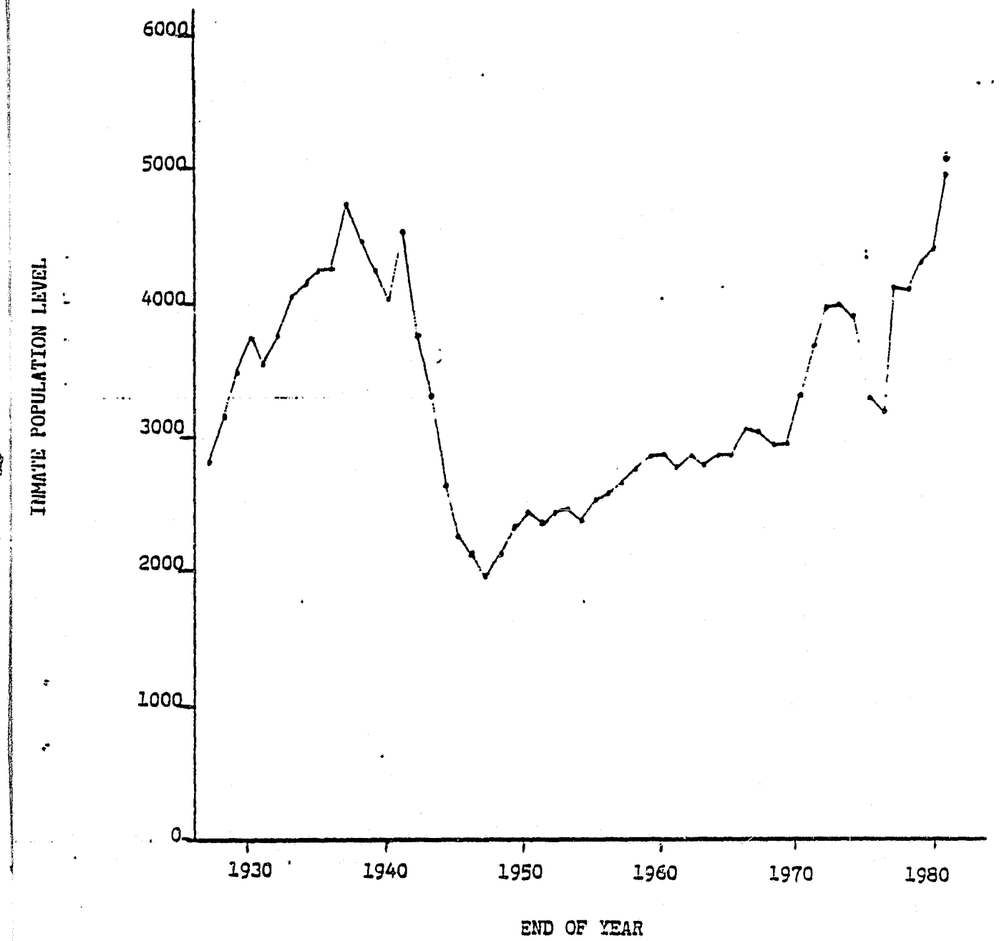
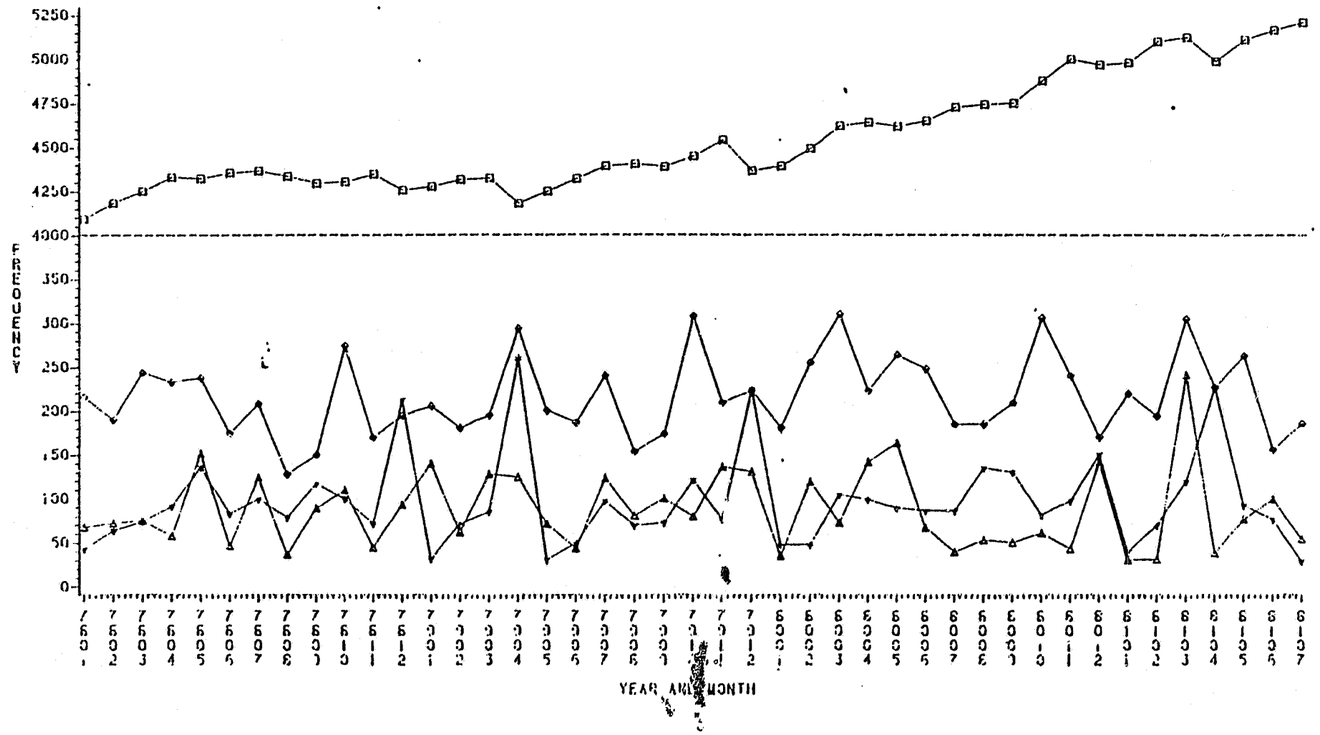


FIGURE 2

OKLAHOMA DEPARTMENT OF CORRECTIONS

PRISON POPULATION VARIABLES
BY MONTH



NUMBER PAROLED IS PLOTTED WITH A TRIANGLE
NUMBER DISCHARGED/RELEASED IS PLOTTED WITH A STAR
NUMBER RECEIVED IS PLOTTED WITH A DIAMOND
TOTAL CORRECTIONS SYSTEM POPULATION IS PLOTTED WITH A SQUARE

(DATA ARE TAKEN FROM DOC RECORDS FROM JANUARY 1978 THROUGH JULY 1981)

Table 2

Prison Population Pressure
Projection
(Total Inmate System Count)

Boundary	Assumptions			End of Year				
	Pop. Growth	Commit. Rate	Avg. Time Served (months)	1982	1983	1984	1985	1986
Low	0.84% thru 1985, 1.05% thru 1990	90 per 100,000	24	5450	5500	5550	5600	5650
High	1.18% thru 1990	95 per 100,000	26	5750	6600	6200	6350	6500

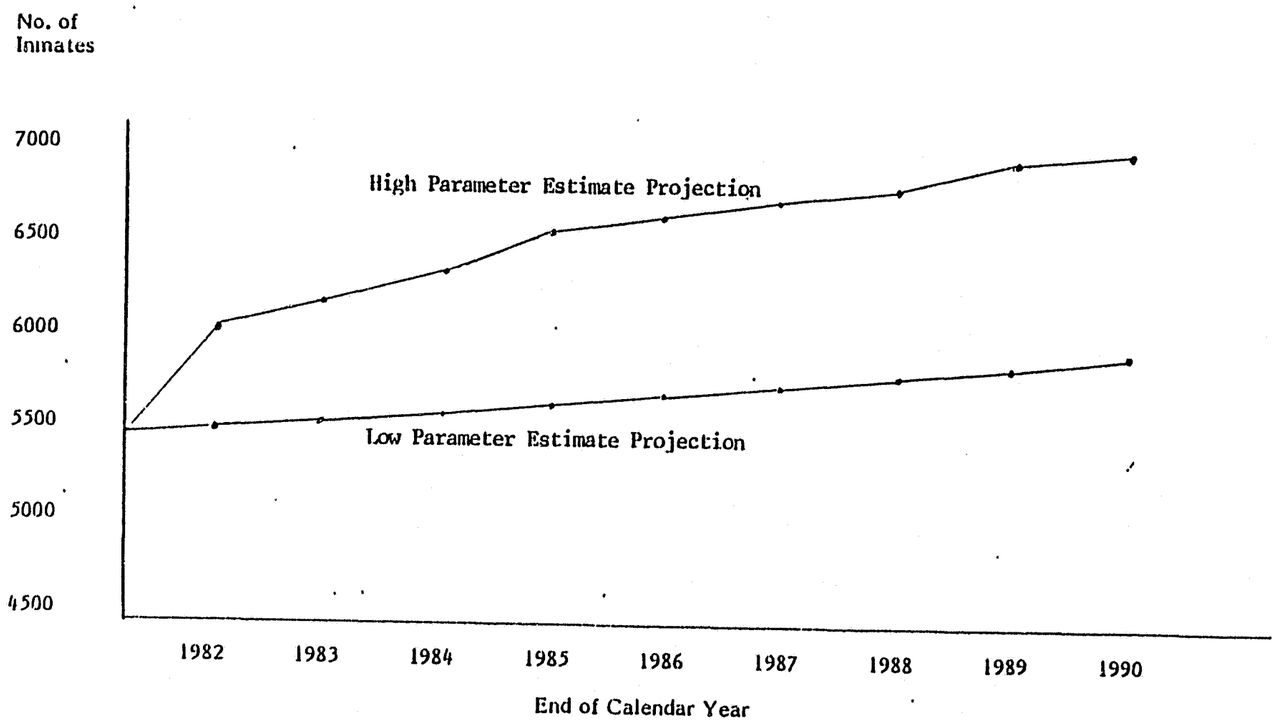
Figure 3 presents a graph of the above data as well as the data for 1987 through 1990. These latter year projections must be regarded as extremely tenuous. In fact, projections much beyond two or three years must be considered with a great deal of reservation and skepticism.

Discussion

The projection boundaries indicate continued population growth. As many as 6500 inmates may be needing incarceration in the state system by the end of 1986. What implications does this result have for the question of new prison construction? On the one hand, the state must not have insufficient prison capacity to meet the needs of a the criminal justice system; on the other

FIGURE 3

TOTAL INMATE SYSTEM COUNT
PROJECTION



hand, the state must not build more beds than are necessary because of the cost and because of the danger of the self-fulfilling prophecy discussed earlier.

To adequately address this issue, the population pressure projection must be examined with respect to future prison capacity estimates based on construction, demolition, and renovation currently in progress and for which funds have been appropriated or requested. The projection must also be adjusted to reflect what the corresponding at-facility count is estimated to be for each year of the projection period. (The total inmate system count is larger than the at-facility count because it includes inmates assigned to service agencies, on escape status, in county jails awaiting reception, and so on.) The bed space projections will be the subject of a subsequent report.

As a final cautionary note, it must be reemphasized that the projection and its implications must be considered skeptically. Planning based on the projection, moreover, should be flexible to allow for modifications to the projection. The department will continue to monitor the model parameters and will update the projection periodically based on new information. Changes in sentencing practices, parole board behavior, projected state population growth, arrest and conviction rates, etc., etc., etc., can drastically affect the prison population level, and there is no guarantee that one or more of these will not change significantly in the near future.

Technical Appendix

The Basic Stollmach Model

The equation for the basic model is as follows*:

(1) $Nt = Ns + (No - Ns)\, e^{-ut}$

where

Nt = the population at time t (i.e. the projected population);

Ns = the stable population (i.e. the final population level);

No = the population at the present time;

e = the base of the natural system of logarithms;

u_t = the turnover rate (i.e. the inverse of the mean time of stay in prison).

This equation is actually the result of a synthesis of two separate equations representing models of population change for the two components of the prison population identified by Stollmach: the "releasing" group and the "reception" group. The releasing group is composed of inmates in prison at the start of the projection period. These inmates will decline in number until none are left. The reception group has no members at the start of the projection period but increases over time until a stable population level is reached. This occurs when the reception rate and release rate for this group are equal and no one is left in the releasing group.

Stollmach develops the component models in terms of expected values of the population level of each group. The expected value of the releasing group, Xt, is determined to be:

*The development of this model both from deterministic and stochastic assumptions is described in Stollmach, 1973.

(2) $E(Xt) = No\, (e^{-ut})$

while that of the reception population, Yt, is:

(3) $E(Yt) = Ns\, (1-e^{-ut})$

He points out that the turnover rate parameter for each group can differ to better reflect changes in sentencing policy, parole board behavior, and so on. For example, the turnover rate for the reception group may be estimated to be slower than that of the releasing group because of an observed increase in sentence lengths received by incoming inmates.

The Model Extended

To make projections with two different values of the turnover rate, equation (1) must be decomposed into its parts. The expected value formulations presented above cannot be used to make projections.

To begin, the notation of equation (1) is changed slightly to better reflect its dynamic nature:

(4) $Nt = Ns + (Nt\text{-}1 - Ns)\, e^{-ut}$

This formulation explicitly shows that the population projection for each period is based on the previous projection. Since the population at time Nt is composed of the releasing group plus the reception groups, equation (4) can be modified as follows:

$$Nt = Xt + Yt = Ns + (Xt - 1 + Yt - 1 - Ns)\, e^{-ut}$$

or

(5) $Nt = Ns + (Xt\text{-}1)\, e^{-ut} + (Yt\text{-}1 - Ns)\, e^{-ut}$

Now, if the turnover rate for the releasing group equals u_x and that of the reception group equals u_y, equation (5) becomes:

(6) $Nt = Ns + (Xt\text{-}1)\, e^{-ux} + (Yt\text{-}1 - Ns)\, e^{-uy}$

The model can be further extended to include changes in its parameters during a projection period. Only a slight modification to equation (6) is necessary to allow the model to include changing values of the turnover rate parameter. The equation is modified by subscripting u_x and u_y, thus:

(7) $Nt = Ns + (Xt-1)\, e^{-u_x(t)} + (Yt-1 - Ns)\, e^{-u_y(t)}$

To project Nt the current values of both turnover rates must be known.

For the model to be practical, one further extension is needed. It must be able to incorporate a changing reception rate. Up to this point in the discussion no mention has been made of the role of the reception rate, and it has not appeared explicitly in the model. Actually, it is a component of Ns, the stable population. If the reception rate is denoted by g, the stable population is defined as follows:

$Ns = g/u$

Since the turnover rate u is the inverse of the mean time served, the stable population is also defined as the reception rate times the mean time served. If, for example, 3000 inmates are received per year, and if the mean time served is 2 years, the population will reach 6000. Of course, if either u or g is changing and continues to change, Ns will continue to change. Equation (8) allows for a changing reception rate:

(8) $Nt = (Xt-1)\, e^{-u_x(t)} + g(t)/u_{x(t)} + (Yt-1 - g(t)/u_{y(t)})\, e^{-u_y(t)}$

Equation (8) is the form of the model used for this projection effort.

References

Bell, Wendy et. al.
1979 The Impact of New Sentencing Laws on State Prison Populations in Pennsylvania. Pittsburg: Urban Systems Institute.

Blumstein, Alfred, et. al.
1980 "Crime, Punishment, and Demographics." American Demographics (October): 32-37.

1980 "Demographically Disaggregated Projections of Prison Populations." Journal of Criminal Justice (Vol. 8): 1-26.

Florida Department of Offender Rehabilitation
1977 Comparative Analysis of Population Projection Methods.

1977 Inmate Population Projections

Foster, Jack, et. al.
1977 Planning for Changes in Corrections Populations. Lexington, Kentucky: Council of State Governments.

Kentucky Bureau of Corrections
1980 Survey of Projection Techniques.

National Institute of Justice
1980 American Prisons and Jails. U.S. Government Printing Office.

Oklahoma Department of Economic and Community Affairs
1981 Final Population and Race Totals for Oklahoma.

Oklahoma Employment Security Commission
1981 Handbook of Oklahoma Employment Statistics, Vol. 1. Oklahoma Employment Security Commission.

State of Maryland
1977 "A Detailed Explanation of the Arrest/Demographic Inmate Population Projection Technique." Master Plan for the State System, Appendix A.

Stollmach, Steven
1973 "Predicting Inmate Populations from Arrest, Court Dispositions, and and Recidivism Rates." Journal of Research in Crime and Delinquency (July): 141-162.

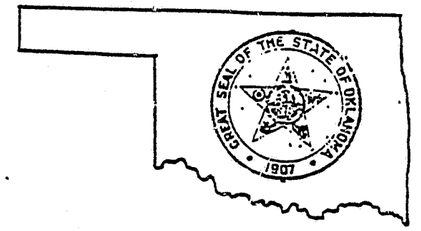
U.S. Bureau of the Census
1980 Estimates of the Population of States, by Age: July 1, 1971 to 1979. U.S. Government Printing Office.

1979 Illustrative Projections of State Populations by Age, Race, and Sex: 1975 to 2000. U.S. Government Printing Office.

1977 Projections of the Population of the United States: 1977 to 2050. U.S. Government Printing Office.

Appendix B

PLANNING AND RESEARCH



Projection of Capacity and Bed-Space Requirements

January 1, 1982

Prepared by
Dan Merritt

DEPARTMENT OF CORRECTIONS
3400 N. EASTERN - P. O. BOX 11443
OKLAHOMA CITY, OKLAHOMA 73111

Introduction

Based on the results of "Projection of Prison Population Pressure, 1982 through 1990" (Sandel, 1981), this report relates expected changes in prison capacity over the next several years to the projected prison population pressure. However, there are uncertainties which limit the precision of a capacity projection such as whether or not proposed construction at Mabel Bassett Correctional Center or renovation at the Oklahoma State Penitentiary Trusty Unit will be accomplished, and whether or not the F-Cell House at Oklahoma State Penitentiary will be renovated or replaced by a new 200-bed unit.

The following section of this report presents year by year the current construction plans and options of the Oklahoma Department of Corrections and the projected impact on its current prison capacity. Following the procedure used in the population projection report, the range within which the capacity is likely to change over the next several years is presented. To make a capacity projection, several factors were considered: renovation, demolition, and construction projects currently in progress or for which funding has been appropriated or committed, and proposed construction projects for which funding is being sought but has not yet been committed.

In the last section, the method of projecting future bed-space needs is described, and a chart is presented showing the projected bed space needs for the next few years given certain combined population pressure and projected prison capacity conditions.

Construction Plans and Options, 1982 through 1986

At the present time there are no definite plans for any capacity changes at the following facilities: Lexington Assessment and Reception Center,

Stringtown Correctional Center, Joseph Harp Correctional Center, Conner Correctional Center, Jess Dunn Correctional Center, and all community correctional centers. Changes in capacity will occur at Oklahoma State Penitentiary (OSP), Oklahoma State Reformatory (OSR), Quachita Correctional Center (OCC), McLeod Correctional Center (MCC), and Mabel Bassett Correctional Center (MBCC). Table 1 presents the low and high capacities that could exist at these facilities during the next four years. The low capacity figures are based on current and future construction for which funding has been committed; the high capacity projections are based on planned construction for which funding will be sought but has not as yet been committed. Capacity changes over the next several years are discussed below.

1982

By the end of 1982, additional beds are scheduled to become available system wide. At McLeod Correctional Center, one of the dormitories will be expanded to accomodate 50 more beds. The OSP-Trusty Unit will acquire 50 beds when the OSP-Women's Ward is converted to male housing. At MBCC, 45 beds will be added to the current capacity of 65 when renovation of the "old" housing unit is completed; however, when the OSP Women's Ward is converted, there will be 24 fewer beds for females in the system. Although construction of two 112-bed units and two 40-bed units at OSP-Inside is scheduled to be completed in July of 1982, this will result in no increase in capacity because of a loss of beds in other areas. At present, funds have been promised for the renovation of F-Cell House, but there is also a proposal being submitted to the legislature requesting a new 200-bed unit. If the latter is funded the F-Cell House will not be renovated for housing but will remain open until the new unit is completed. The East and West Cell Houses will be closed at the end of 1983 in

TABLE 1

AT-FACILITY CAPACITY CHANGES: 1982-1986

END OF YEAR / CAPACITY	1981	1982		1983		1984		1985		1986	
FACILITY	CURRENT	LOW[1]	HIGH[2]	LOW	HIGH	LOW	HIGH	LOW	HIGH	LOW	HIGH
OSP-Inside	863	863	863	550	550	550	550	550	550	550	550
OSP-T.U.	225	275	275	275	325	275	325	275	325	275	325
OSR	361	361	361	451	451	410	410	410	410	410	410
OCC	226	226	226	226	226	270	270	270	270	270	270
MCC	279	329	329	329	329	329	329	329	329	329	329
MBCC	65	110	110	110	110	110	175	110	175	110	175
TOTAL	2019	2164	2164	1941	1991	1944	2059	1944	2059	1944	2059
SYSTEM TOTAL	4894[3]	4970	4970	4747	4797	4750	4865	4750	4865	4750	4865

1. Low capacity includes, during any one year, those beds currently available plus the beds scheduled to be acquired because of construction or renovation completion during that year minus the beds lost because of demolition or renovation completion during that year.
2. High capacity includes all of the above plus those beds which might be acquired through proposed construction or renovation.
3. Includes 69 beds at OSP-Womens' Unit which will be converted to 50-bed housing for minimum security males at the OSP-Trusty Unit.

any case. If new construction at OSP-Inside is not approved, then F-Cell House will be renovated and both East and West Cell Houses can remain open until the renovation is completed in July, 1983. In either situation, the OSP-Inside capacity will be the same. In summary, the low and high capacity projections for the system in 1982 are the same, 4970, reflecting an increase in capacity of 74 beds over the previous year.

1983

For the end of 1983, the low and high capacity projections for all facilities remain the same except for OSP-Inside, OSR, and the OSP-Trusty Unit. The low and high capacity projection for OSP-Inside assumes that either renovation of F-Cell House is undertaken and completed and that East and West Cell Houses are closed, or a new 200-bed unit is begun and F-Cell House remains open, but East and West Cell Houses are closed. Either situation will mean a loss of 313 beds at OSP.

The low capacity projection for the OSP-Trusty Unit assumes that there will be no change in capacity from the previous year. The high capacity projection, however, assumes that a proposal to expand the old Women's Building by 50 beds will be approved and funded during the FY 1982 legislative session. Also during 1983, a 90 bed minimum security unit is scheduled for completion at OSR. This will increase its capacity, temporarily, to 453 beds. The capacity will be reduced in 1984.

In summary, the low capacity projection for the system is 4747 beds, reflecting a loss of 223 beds over the low capacity for the previous year. The high capacity projection for the system is 4797, which reflects a loss of 173 beds

over the high capacity projection for the previous year. Again the variance is due to whether or not proposed construction is funded.

1984

For the end of 1984, the low and high capacity projections for all facilities remain the same as for 1983 except for OSR, OCC, and MBCC. The assumptions for the low and high projections at OSP remain the same as those for 1983. At OSR, construction of four 80 bed units is scheduled to be completed in January of 1984 to take the place of existing housing inside the walls. This will account for an overall increase of 49 beds at OSR, which is reflected in both the low and high capacity projections for that facility (See Table 1.)

At OCC, both the low and high capacity projections assume that all construction of housing units will have been completed to take the place of existing housing. Both projections reflect an increase of 44 beds.

At MBCC, the low capacity projection will remain the same as for 1983. The high capacity projection, however, assumes that funds have been made available for the construction of a 65 bed unit which is likely to be completed by the end of 1984. This construction would result in 50 more beds for women. The low and high capacity projections remain the same through 1986.

In summary, the low capacity projection for the system is 4750, which reflects a three bed increase over the previous year's low capacity projection. The high capacity projection for the system is 4865, which reflects a 68 bed increase over the previous year's high capacity projection.

1985 and 1986

For the end of 1985 and 1986, the low and high bed-space projections for all facilities and for the system remain unchanged. All projections are based on assumptions previously explained.

Summary

The impact of current construction, construction options, and proposed, but not yet funded, construction over the next four years will be: (1) a loss of 313 beds at OSP by either the end of July, 1983; (2) a gain of 50 beds at OSP-Trusty Unit and possibly a gain of 50 more beds sometime by the end of 1983; (3) a gain of 49 beds at OSR by the end of 1984; (4) a gain of 44 beds at OCC by the end of 1984; (5) a gain of 50 beds at MCC by the end of 1982; (6) and a gain of 45 beds at MBCC by the end of 1982 and possibly 65 additional beds sometime between the end of 1984 and the end of 1986 if funding is approved. Because of the loss of the beds at OSP Women's Unit (current rated capacity, 69) the number of beds for female prisoners will have decreased by 24 from 174 to 150 by the end of 1982, but the number of beds may increase by 41 from 174 to 215 sometime between 1984 and the end of 1986.

Given the above projected changes in the bed capacity at each facility, the bed space capacities for each security level for both male and female prisoners can be projected as presented in Table 2. The projected capacity by the end of July, 1983 (both low and high), for maximum security indicates a loss of 313 beds; by 1984, for medium security (both low and high), a loss of 41 beds. By 1984, for minimum security, the low capacity projection indicates an increase of 234 beds; the high capacity projection indicates an increase of 284 beds. For

TABLE 2

PROJECTED PRISON CAPACITY

END OF YEAR / CAPACITY / SECURITY LEVEL		1981	1982		1983		1984		1985		1986	
		CURRENT	LOW[1]	HIGH[2]	LOW	HIGH	LOW	HIGH	LOW	HIGH	LOW	HIGH
SEX	MAX.	983	983	983	670	670	670	670	670	670	670	670
MALE	MED.	1876	1876	1876	1876	1876	1835	1835	1835	1835	1835	1835
MALE	MIN.	1035	1135	1135	1225	1275	1269	1319	1269	1319	1269	1319
MALE	COM.	638	638	638	638	638	638	638	638	638	638	638
FEMALE	MAX. MED.	174[3]	150	150	150	150	150	215	150	215	150	215
FEMALE	COM.	105	105	105	105	105	105	105	105	105	105	105
SUB-TOTAL		4811[3]	4887	4887	4664	4714	4667	4782	4667	4782	4667	4782
MEDICAL AND SLEEP-OUT BEDS		83	83	83	83	83	83	83	83	83	83	83
AT-FACILITY		4894[3]	4970	4970	4747	4797	4750	4865	4750	4865	4750	4865

1. Low capacity includes, during any one year, those beds currently available plus the beds scheduled to be acquired because of construction or renovation completion during that year minus the beds los because of demolition or renovation completion during that year.

2. High capacity includes all of the above plus those beds which might be acquired through proposed construction or renovation.

3. Includes 69 beds at OSP-Women's Unit which will be converted to 50-bed housing for minimum security males at the OSP-Trusty Unit.

community security there is no projected capacity increase. Thus, by the end of 1985, the low capacity projection for all facilities indicates a net loss of 144 beds under the present capacity; the high capacity projection indicates a net loss of 29 beds under the present capacity.

Future Bed Space Requirements

In order to project the future bed-space requirements of the ODOC, it is necessary to make a year-by-year comparison of the high and low projected prison populations presented in the Sandel report and the high and low projected bed-space capacities. Since the prison population projection represents total system population projections, an estimate has been made of the percentage of that total system projection which will be "at-facility". At any point in time, the total system prison population will be composed of prisoners who are being housed in ODOC facilities (at-facility) and prisoners who are being housed elsewhere, such as county jail trusties, patients at Eastern State Hospital, etc. A comparison of the total system count and the "at-facility" count before August, 1980, indicates that the "at-facility" count represented, on the average, 96% of the total system count. After August, 1980 however, the "at-facility" count represented, on the average, 93% of the total system count. The difference in the two percentages can be explained by an increase in the total system count due to the "back-up" in the county jails. Since HB 1064 went into effect, county jails have been retaining prisoners already considered to be under the jurisdiction of the Department of Corrections as part of a relief measure to maintain court ordered prison capacity. It should not be assumed that this act will always remain in effect, however. In fact, the act has already been modified to allow any county jail which has more inmates than its rated

capacities to deliver inmates to the Department of Corrections after 72 hours' notice. If either the act is rescinded or counties reach capacity because of increased numbers of pre-trial detainees, misdemeanant prisoners, and the like, there will be no county jail back log, and the at-facility count will again likely be 96% of the total count. Therefore, the 96% average before August, 1980, was used to estimate an "at-facility" population projection based on the total system population projection.

In Figure 1, the projected bed space needs of the Oklahoma Department of Corrections are presented for the end of years 1982 through 1986 in four possible situations: (1) low prison population and high bed-space capacity; (2) low prison population and low bed-space capacity; (3) high prison population and high bed-space capacity; and (4) high prison population and low bed space capacity. The bed-space needs have been computed by taking 96% of the low or high population projection for a given year and subtracting that figure from the low or high projected capacity. For example, to project the bed-space needs at the end of 1983 given a high population and a high capacity, 96% of the high population projection (6050) is subtracted from the high bed-space capacity projection for that year (4797) indicating a need for 1011 beds if the assumed condition holds true.

Because of the increase in female commitments and the future conversion of the OSP-Women's Ward to male housing, an immediate need for bed-space for women will arise. A possible solution to the immediate problem is to petition the court to also allow double-celling at Mabel Bassett Correctional Center in the new 65 bed unit that is now operational, at least until, and if, the proposed construction of another 65 bed unit is completed.

FIGURE 1

PROJECTED BED-SPACE REQUIREMENTS: 1982-1986

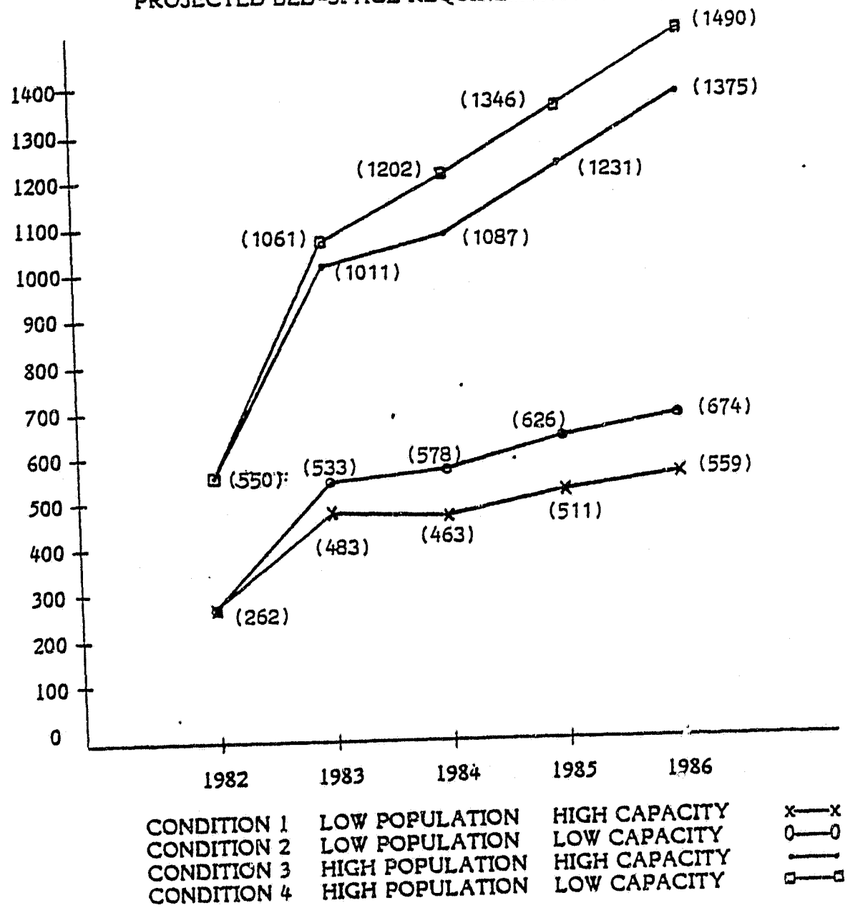


TABLE 3

PROJECTED BED-SPACE REQUIREMENTS

PROJECTION		END-OF-YEAR				
POPULATION	CAPACITY	1982	1983	1984	1985	1986
LOW	HIGH	262	483	463	511	559
LOW	LOW	262	533	578	626	674
HIGH	HIGH	550	1011	1087	1231	1375
HIGH	LOW	550	1061	1202	1346	1490

Additional bed space needs, based on the projections in Table 3, could arise as early as 1983. At OSP, 313 maximum security beds will be lost by July, 1983, and 41 medium security beds will be lost at OSR in 1984. Although the greatest loss of beds will be maximum security, Central Classification reports that there are currently 200 to 250 prisoners classified as medium security who are being housed at OSP-Inside because there are not enough medium security beds. The implication is that additional medium security bed-space may need to be acquired in some way.

Another way of relieving the potential overcrowding situation is to remove the present restrictions placed on Horace Mann and Kate Barnard Community Correctional Centers by making the qualifications the same as all other community correctional centers. Although this would only create a few additional beds initially, it would allow for expansion of these centers in the future and would enhance programming flexibility.

In a subsequent report, recommendations for responding to the overcrowding problem will be presented. New construction options as well as alternatives-to-incarceration programs will be reviewed.

REPORT

OF

CONSTRUCTION COMPARISONS

Prefabricated Metal Buildings
vs
Conventional Concrete/Masonry Buildings

in Prison Construction

October 1, 1981

Prepared by
Vernon K. Davis
Director, Architecture/Engineering Unit
Oklahoma Department of Corrections

I. OBJECTIVE

To determine the advantages and disadvantages of prefabricated and permanent construction in response to the question raised in HR 1016, May 21, 1981.

II. ASSUMPTION

The term "prefabricated" is assumed to mean "pre-engineered" in the common uses of the words in the construction trade.

III. FACTS BEARING ON THE OBJECTIVE

A. Permanent prison construction is defined as conventional construction using materials with an effective useful life exceeding 20 to 30 years. Such materials are concrete and concrete products such as pre-cast panels and components, concrete masonry blocks (CMU), and heavy structural steel. This construction is generally constructed entirely on-site but in some circumstances may be pre-fabricated in modules at an off-site location and assembled into the larger complex on-site.

B. Pre-engineered buildings are generally constructed on-site from light weight metal sheets assembled to heavy structutal steel beams which were pre cut, or pre-engineered, at a manufacturers plant before being shipped to the site. The life of this type of building is generally dependent upon the manner and success with which the light metal is protected from deterioration due to weather and damage, willful or accidental. Annual maintenance costs for this type or construction can be expected to increase significantly after 15 or 20 years. Most manufacturers will warrant their pre-engineered buildings for 20 years.

IV. DISCUSSION

The Construction Units of the Corrections Department of each surrounding state was contacted in order to obtain information concerning the construction procedures used in their recently completed prison construction. This information is shown below and is summarized in Annex A.

LOUISIANA

Louisiana has six facilities recently completed or now under construction. Two facilities were reported as being typical of their current program. A new 1000 bed maximum to medium facility was completed in Washington Parrish in 1978. It is a new total facility, i.e., it consisted of housing for inmates, housing for staff, an industrial building and all required administration and services for 1000 inmates. The construction was of conventional concrete and block masonry. 96 maximum security cells of 77 sq. ft. each were included but the bulk of the housing was in open dormitories of 25 men each allowing 83 sq. ft. per man. Four 25-bed dormitories were built together in a single building with sanitary and security facilities. All dormitories were connected to a central service building by covered walkways. Total cost of the housing and services for inmates was $24,365,000. Additional costs for the industrial area and staff housing was $3,642,450.

Louisiana also constructed a 500-man unit in Clayborne Parrish for a total cost of $11,218,000. It is of conventional block masonry and concrete construction and was arranged as 100-man open dormitories around a central administration and services area.

Lousisana does not use pre-engineered metal buildings because of their relatively short life in the State's damp, humid climate and the susceptability of the metal to inmate caused damage.

ARKANSAS

Arkansas completed a new 184-man unit at its Cummins Prison in 1980. Its cost was $2,375,000 which included only the 184 one-man cells. The residents use the existing administration and services of the prison. Construction was of conventional pre-cast concrete insulated panels for the exterior and concrete block interior walls. 70% of the work was done by free world

(FW) contract and the remaining 30% was done by inmates. These were medium security cells containing 70 sq. ft.

Arkansas limits the use of steel pre-engineered buildings to warehouses and other similar support structures.

MISSOURI

The Missouri Eastern Correctional Facility was completed in January 1981. It is a 500-man medium security facility built at a cost of $25 million. It is a complete facility containing administration, services, visitor facilities and one-man cells of 72 sq. ft. per cell. 32 cells are clustered together in an "X" pattern and two 32-cell units are located on either side of a control area so that 64 men are under central control. The 64-man wings are configured into four buildings. Conventional block and brick masonry was used and the construction was by FW contract. Missouri officials are planning another similar project three years in the future and are estimating the cost at $45 million.

Metal pre-engineered buildings are used only as warehouses, shops, and maintenance facilities. They have used them for temporary housing on a few occasions but moved the inmates to permanent facilities of conventional concrete and masonry construction as soon as possible. The cost of additional security for the inmates in metal structures made them uneconomical.

COLORADO

Colorado has been active in prison construction having just completed two new prisons. The Centennial Correctional Facility is a new 336-cell maximum security facility built at a total cost of $10,622,762 which includes staff dining area (inmates are fed in their cells), seven multipurpose/conference rooms, one tower, 12 control rooms and related service and program areas. The seven housing units contain 48 cells in 3 pods of 16 cells each. Each cell contains 80 sq. ft. The facility was constructed by FW contract.

The Shadow Mountain Correctional Facility is a medium security facility containing 384 single cells in four buildings. There are four 48-man dining areas, four counseling rooms, eight control rooms and associated administrative and service areas. Each cell contains 70 sq.ft.

Both facilities employed conventional masonry block and concrete construction. The Shadow Mountain facility used an inmate work

force with corrections department employees supervising them with a ratio of one employee to 6 to 10 inmates. The total cost of the facility was $6,708,128 which Colorado officials compare to over $9 million in comparable FW construction contract costs.

Colorado did not include pre-engineered buildings in this construction except as construction warehouses at the Shadow Mountain facility.

TEXAS

Texas has had a new 2000-man prison under construction for five years and is expected to have it completed in 1983. It is being built entirely by an inmate work force under the supervision of corrections department supervisors. A ratio of one supervisor to 10 or 12 inmates is maintained with a work force of 250 being used on this, the Beto I prison. The facility is over 50% complete with the completed portion in use. It is a complete facility containing 60 sq. ft. cells with bunks for two men. The cells are constructed of pre-cast concrete, masonry block, and cast-in-place concrete using conventional methods. The estimated cost will be $35 million including staff and inmate housing, administrative and service areas, industrial facilities, concrete batch plant and casting yard.

Over the years, Texas has experimented with steel buildings to provide dormitory housing for all security levels inmates. Now under construction is a 2016-man prison at the Ramsey Unit using pre-engineered buildings provided by Armco. The material being used is Armco's Kor-Met I Wall Panel, an insulated panel consisting of color coated 26-guage steel sheets bonded to either side of an inner core of polyurethane foam so that a single structural unit, 3 inches thick and in varying lengths as required, is provided. The 24-inch wide panels are assembled to a structural steel framework using blind clips so that no fasteners are visible when the building is completed. A clear span of 120 ft. is provided with an eave height of 16 ft.

Inmate beds are arranged in a head to toe arrangement along either side of a pre-cast concrete wall 4 1/2 ft. high in which steel plates have been formed. Steel bunk and shelve units are welded to the plates. This open dormitory will house inmates with 30 sq. ft. allocated to each inmate. This allocation is easily increased by moving the 4 1/2 ft. wall during construction reducing the total capacity of the units. Texas is building one 1016-man unit at an estimated cost of $4.5 million using inmate labor. It is expected it will take them 18 months to complete the facility. They are building three more 1016-man units as complete prisons including staff housing for an estimated $35 million using FW contracts and expect the contract units to be

complete in 8 months.

Discussions with Texas officials revealed that these units are for the most part temporary housing to relieve the very critical bed shortage Texas is experiencing as indicated by the numbers of prisoners occupying tents at this time. They also said that these units will house the work force that will be used to build the permanent housing to be constructed over the next several years.

Additional information on this construction is available in the Trip Report attached as Annex B and the product information sheet attached as Annex C.

OKLAHOMA

Oklahoma has completed three 400-man prisons during the last four years, all using conventional concrete and masonry. All are single cells with 60 to 63 sq. ft. in each cell. These medium security prisons cost an average of $13 million each in 1979 dollars. All construction was by FW contract.

Maximum security cells for 304 inmates are now under construction at McAlester at an estimated final cost of $15 million using a FW construction contract. A minimum security cell house for 90 inmates is under construction at the Oklahoma State Reformatory at an estimated cost of $1.5 million using inmate labor. Both of these projects are using conventional concrete and masonry methods except a new shotcrete concrete application is being used at OSR.

Also under construction are concrete and concrete masonry built 90 -man minimum security cell houses at Ouachita CC. All of our minimum and medium security units are built with 60 to 63 sq. ft. per cell. The construction at Ouachita is to replace pre-engineered metal buildings which were no longer able to meet minimum code requirements, partly because of their deteriorated condition.

OTHER CONSIDERATIONS

To this point, only conventional concrete and masonry construction and pre-engineered steel buildings have been discussed. There is a truly prefabricated concrete method that may be considered. Construction Modules, Inc., of San Antonio, Texas, has produced prefabricated concrete modules which have been used to build a Parish Detention Facility in Homer, Louisiana. The layouts of this facility are found in Annex D.

Reinforced concrete modules, which were completely equipped as

shown in Annex D, were constructed in a pre-casting yard in San Antonio and then trucked to the construction site in Louisiana, where they were lifted into place by a crane. They were connected to utilities, assembled into the layout shown, and the site completed by "stick building" the support and service structures on site. The individual four-cell module cost $35,000 delivered to the site and connected. Other modules were constructed to provide the day space required. This method has not been used to build a complete prison as yet but it should certainly be considered as a viable alternative in future planning.

V. CONCLUSIONS

A. Conventional concrete and masonry construction.

(1) Advantages:

a. This is the preferred method of construction in all surrounding states for medium to maximum security prisons.

b. Equally useable for cells or dormitory construction.

c. Can be pre-cast on- or off-site.

d. Completed structures are virtually indestructable if constructed properly.

(2) Disadvantages:

a. Cost. Prison construction will cost $45,000 to $55,000 per maximum security, one-man cell, in 1983 and $35,000 to $45,000 per medium security cell.

b. Time of Construction. A 400-man prison will take 2 to 3 years for normal construction using FW contracts and two to three times as long using inmate labor.

c. Labor. Skilled labor is required to lay block and to finish concrete. This skilled labor may not be available for inmate construction.

B. Pre-engineered metal buildings.

(1) Advantages:

a. Time of construction. Much faster than conventional concrete and masonry.

b. Cost. Can be less expensive than a comparable concrete and masonry building if the relatively short life of the metal building is acceptable.

(2) Disadvantages:

a. Security. Is less secure than concrete and cannot be used as a cell house without use of more secure materials such as concrete or concrete blocks.

b. Life. The useful life of a metal building is more seriously affected by climate and poor maintenance than a similar structure constructed from concrete.

SUMMARY OF CONSTRUCTION IN SURROUNDING STATES

STATE	SECURITY LEVEL	WHEN COMPLETED	NUMBER BEDS	SQ. FT. PER MAN	TOTAL COST COST/BED	TYPE CONSTRUCTION	CONSTRUCTED BY	REMARKS
Louisiana	Medium	1978	1000	77/80	$24,365,000 24,000	Conventional masonry cells (96 only) and dormitories.	FW Contract	Complete facility.
	Medium	1981	500	80	11,218,000 22,000	Conventional masonry dormitories	FW Contract	Complete facility.
Arkansas	Medium	1980	184	70	2,375,000 13,000	Conventional pre-cast concrete. 1-man rooms.	70% FWC 30% inmate	Housing only.
Missouri	Medium	1981	500	72	24,500,000 49,000	Conventional masonry. 1-man rooms.	FW Contract	Complete facility.
Kansas	Minimum	1980	56	60	1,982,400 35,400	Conventional poured concrete.	80% FWC 20% Inmate	Complete field camp.
Colorado	Maximum	1980	336	80	10,623,000 32,000	Conventional masonry. 1-man rooms.	FW Contract	Complete facility.
	Medium	1980	384	70	6,760,000 17,600	Conventional masonry 1-man rooms.	Inmate	Complete facility.
Texas	All	1983	2000	60/30	35,000,000 17,50[illegible]	Conventional masonry 1 or 2 man cells.	Inmate	Complete facility.
	All	Planned	1016	30	4,500,00[illegible] 4,50[illegible]	Pre-engineered Armco steel. Dormitories.	Inmate	Complete facility.
	All	Planned	1016	30	13,000,0[illegible] 13,0[illegible]	Pre-engineered Armco steel. Dormitories.	FW Contract	3 complete facilities are planned.
Oklahoma	Medium	1979	400	60	13,000,000 32,000	Conventional masonry 1-man rooms.	FW Contract	Complete facility.
	Maximum	1982	304	63	15,000,000 42[illegible]000	Conventional pre-cast concrete, masonry.	FW Contract	Housing and industries areas.

ANNEX A

DEPARTMENT OF CORRECTIONS
3400 N. EASTERN – P.O. BOX 11443
OKLAHOMA CITY, OKLAHOMA 73111

MEMORANDUM
September 22, 1981

TO: Gary Parsons

FROM: Vernon Davis

Subject: TRIP REPORT of visit to the Texas Department of Corrections (TDC), September 14 to 17, 1981

The purpose of the trip was to obtain background information for a report I have been asked to prepare for the Oklahoma Board of Corrections on the relative merits of "prefabricated" prison construction and permanent prison construction. Of particular interest was the 900-man prisons being constructed by TDC for $4.5 million.

Thanks to the outstanding hospitality of Mr. Gene Shepard, Assistant Director for Construction, TDC, and his staff, I was able to visit Ramsey 2 and 3 and Beeto 1 prisons and the site of the Grimes County prison.

PRE-FABRICATED (PRE-ENGINEERED) CONSTRUCTION

Discussions with the staff revealed many interesting facts concerning the TDC plans. For the most part, the new 900-man prisons are considered as temporary housing to alleviate the very critical prison bed shortage in the Texas system. Texas has had to resort to the use of tents in order to accomodate its population. The pre-engineered (or prefabricated, if you prefer) buildings are being and will be used to house this overflow and, where new permanent prisons are to be built, to house the construction work force. With the exception of three 1016-man temporary prison units to be built by free-world construction contracts, all prison construction in Texas is built by an inmate work force supervised by TDC employees.

The 900-man prison has been redesignated a 1016-man prison by reducing the number of square feet per inmate from the original

ANNEX B-1

design criteria of 40 sq. ft. per man to 30 sq. ft. per man. The units are configured as an open dormitory, 120 ft. by 240 ft., constructed on a concrete floor. The floor has copper tubes imbedded in it through which hot water is passed to provide radiant heating. The buildings are constructed using Armco KOR/MET I Wall Panel, an insulated panel consisting of color coated 26-guage steel sheets bonded to an inner core of polyurethane foam so that a single structural unit, 3 inches thick and in varying lengths to 16 feet, and formed in a tongue and groove shape so that a 24 inch wide panel is formed. The panels are assembled onto a structural steel framework using blind clips so that no fasteners are visible when the building is completed. A clear span of 120 feet is provided with an eave height of 16 feet. Exhaust fans are roof-mounted to provide ventilation and movement of air.

Inmate beds are arranged in a head to toe arrangement along either side of a 4 1/2 ft. concrete wall with steel plates imbedded to which the steel bunk and steel locker are welded. Toilets, urinals and wash basins are located in the center of the unit under an elevated security walkway which extends the length of the unit. Showers are located in the laundry unit, a separate building at the other end of the complex. Complete plans of the complex showing the housing, kitchen/dining, line administration, prison administration, training, medical, recreation, chapel and laundry units are being obtained from TDC.

It should be noted that Armco warrants their product for 20 years. Technically speaking, the unit would be classified a temporary building. Under normal environmental conditions, the building should be useable for a much longer period of time. The building material, panels, structural steel, windows, and doors are costing TDC $7.50 per square foot, delivered to site and stockpiled. Erection costs, concrete foundation and slab, security walkways and control areas, and electrical and mechanical materials and equipment are not included in that cost. Total cost of all materials will approximate $25.00 per sq. ft.

I visited two dormitories similar to the one described above which are now in use. Though built on a smaller scale (60 ft. by 120 ft.), I could easily visualize the larger structure. The building is comfortable and well lighted by daylight coming through the standard sized windows with bars over them. The outside temperature was 85 degrees F. and the temperature inside was 75 degrees F. at 2:00 PM. The exhaust fans were able to maintain a comfortable temperature even with most of the windows closed and the dormitory fully occupied by its 60 inmates. These two units were erected by a 26-man inmate crew in five months in 1979 at a total materials cost of $17.25 per sq. ft.

In summary, this type of pre-engineered building is excellent for dormitory type temporary housing, or permanent dormitories if you are willing to accept the potential major cost of replacing deteriorated metal parts in 25 to 30 years. This type of structure cannot be used in a one- or two-man cell arrangement because the light guage metal can be penetrated by an inmate given the unobserved opportunities such an inmate would have. It would be necessary to construct cells from some type of concrete or sheet steel product. This would effectively increase the cost to more than that of a conventionally constructed cell house.

PERMANENT CONSTRUCTION

Beeto 1 is a 2000-man prison now under construction using inmate labor. It was started in 1976 and is expected to be completed in 1983. Approximately one-half of the prison has been completed and is now in use. TDC operates its own concrete batch plant and concrete pre-casting yard on site and uses inmates in all phases of construction. Approximately 250 inmates are in the construction work force and are under the supervision of 25 TDC employees who are crew foremen.

All of the TDC permanent prisons now under construction and planned for future construction use a similar design. Cell blocks are conventional three-tiered concrete cells with a barred front wall, pre-cast concrete side walls with steel plates imbedded to which two steel bunks are welded. The rear wall is cast in place and forms the pipe chase for all cell plumbing. Each cell is 6 ft. by 10 ft. The exterior wall of the cell house consists of an inner wall constructed of concrete masonry units (CMU) separated from a pre-cast curtain wall by 3 inches of insulation. Ventilation is provided by roof mounted exhaust fans.

TDC is under a court order also but it appears to be quite different from ours. They are limited to 500-man new prisons but hope to be able to sectionalize the 2000-man unit in some manner so as to comply with the order. TDC staff members were reluctant to discuss this matter. They feel they will be permitted to continue to house two men in a 60 sq. ft. cell.

I was impressed by the TDC construction operation. Potential construction workers are identified during their initial classification procedures and are so designated and assigned. Each prison has a construction element assigned to it which is under operational control of Mr. Shepard. There are over 400 TDC employees in construction with 2500 inmates assigned. A ratio of

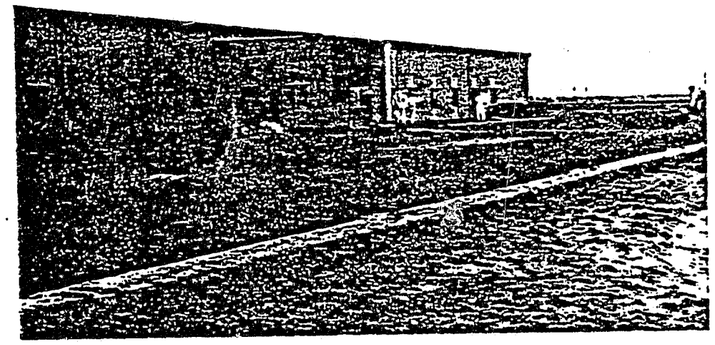
10 or 12 inmates to each TDC foreman is considered desireable. Each construction site has a construction office with inmate draftsmen, clerks, supply room clerks, etc., used in great numbers.

All inmates, including those in construction, are worked 10 hours each day, Monday through Thursday, and 0700 to 1200 on Fridays. The remainder of Friday and Saturday is used for programs and administration. They are not paid but receive two days good time credit for each day worked.

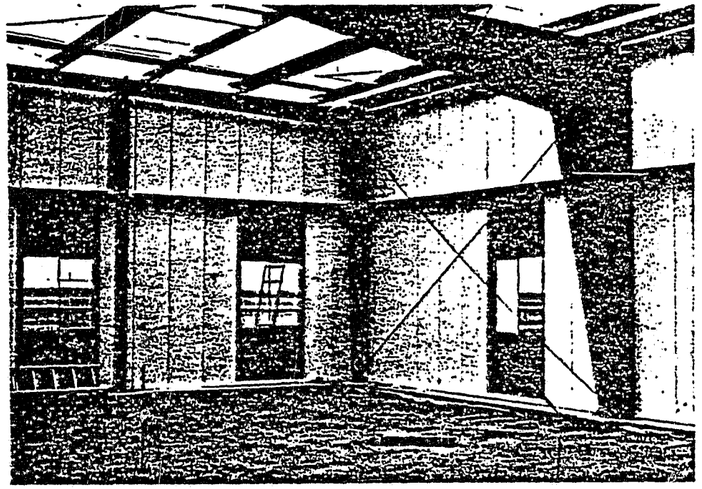
The quality of work is acceptable--similar to that done by inmates in our system. Sabotage is a problem with the inmates enjoying crimping conduit to be imbedded, leaving out sections of buried sewer pipe and other actions--similar to those we experience in our jobs.

One desireable characteristic of a large prison complex is the ability to design and use energy saving features. To this end, at Beeto 1, a large garbage incinerator is used to: 1.) dispose of all combustible garbage generated by the complex and 2.) provide all steam required in the operation of the prison's physical plant. This is economically feasible only where you have sufficiently large quantities of combustible garbage to keep the unit operating all of the time.

In summary, TDC is doing an excellent job in their construction program using prison labor. The design concepts used in Texas are different than ours, mainly because of the differences in numbers of persons being served in the prison systems. A true comparison of systems is not possible because of the numbers. All of their permanent prisons are using conventional concrete and steel construction techniques. The estimated cost of Beeto 1 is over $35 million using inmate labor with 8 years to construct. This total cost includes the prison, employee housing, water system (wells), and a complete conventional two stage sewage treatment plant. Also included are industrial facilities. This computes to just over $17,000 per inmate bed but is really not comparable to our newer corrections centers because of the differences in concepts.

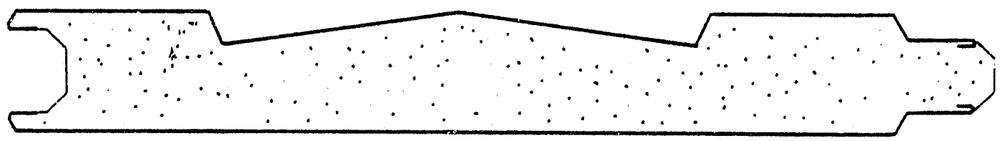


Exterior view of ARMCO Kor-Met I unit under construction at Ramsey 3.



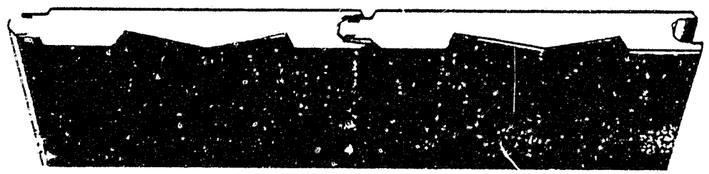
Interior view of Kor-Met I unit at Ramsey 3.

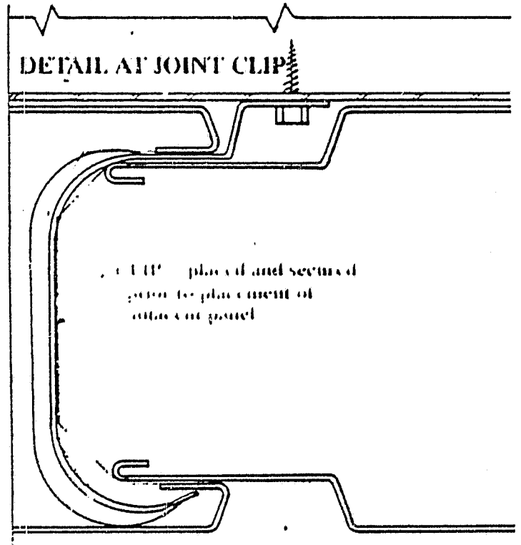
Armco KOR/MET I Wall Panel: dimensional dat



Nominal Dimensions: Thickness 3"; Width 24" coverage module; Length 28' maximum; Weight 2.5 psf.

KOR/MET I Joint
Cross section illustrates joint configuration for KOR/MET I Wall Panels. A unique clip, used at the top and bottom of the panel and at the girt, secures both the inner and outer surfaces, eliminating exposed through-wall fasteners.





Maximum Allowable Spans in Ft. & In. (Meters)

Based on		Wind Load in PSF (Pascals) 15 (720)	20 (960)	25 (1200)	30 (1440)	35 (1680)
Defl. = 180	L	12'-8" (3.86)	10'-6" (3.20)	9'-0" (2.74)	7'-10" (2.38)	7'-0" (2.13)
Defl. = 120	L	15'-6" (4.74)	13'-6" (4.10)	11'-9" (3.58)	10'-5" (3.19)	9'-5" (2.87)
Strength		15'-6" (4.74)	13'-6" (4.10)	12'-0" (3.67)	11'-0" (3.35)	10'-2" (3.10)

Recommended Girt Elevations - Feet(m)

Armco Framed Building Wall Height Feet (m)	Wind Load - PSF (Pa) "L" Design 15 PSF (720 Pa)	"N" & "C" Design 20 PSF (960 Pa)	"E" Design 25 PSF (1200 Pa)
10 (3.05)	None	None	None
12 (3.66)	None	None	None
14 (4.27)	None	None	10 (3.05)
16 (4.88)	10 (3.05)	10 (3.05)	10 (3.05)
20 (6.10)	10 (3.05)	10 (3.05)	10 (3.05)
24 (7.32)	12 (3.66)	12 (3.66)	12 (3.66)
30 (9.14)	15 (4.57)	10 & 20 (3.05 & 6.10)	10 & 20 (3.05 & 6.10)

ANNEX C-1

material specifications*

The insulated wall panels consist of color-coated steel outer surfaces with a center core of polyurethane foam. The encapsulated core is foamed in place (not laminated) and is bonded to both the interior and exterior steel-faced surfaces so that all components act compositely, resulting in a single structural unit.

The panel, 3 inches thick (nominal) and up to 28 feet long with tongue and groove vertical joints provides a covering width of 24 inches. The vertical joint is provided with factory-applied sealant for air and weathertightness. Structural fastening of the panel to its supports is by a concealed clip.

The KOR/MET I Panel is compatible with all standard (framed) Armco Building Systems. This assures the structural (design) capabilities and weathertightness of the finished exterior wall.

The Panels conform to the following standards:

Panel Surfaces have a base metal of 26-gage zinc-coated steel tested in accordance with ASTM A-446 to meet or exceed a minimum yield point of 37,000 psi and coated with G 90 weight of zinc per ASTM A-525. The color coating is factory applied prior to fabrication.

The exterior embossed surface has a contoured face and is color coated with DURANAR* 200, a thermosetting fluoropolymer enamel, nominal 1-mil (.001") thick. Color shall be choice of manufacturer's standards.

The interior embossed surface is basically flush except at joints. It is color coated with DURACRON 100, a thermosetting acrylic enamel, nominal 1-mil (.001") thick. Color is Parchment. The color coating has USDA approval for use in food handling and manufacturing facilities.

The Insulating Core is a factory-applied foamed-in-place system of rigid polyurethane foam having a density of 2.0 pcf (minimum) - 2.3 pcf (maximum) with 95 percent closed cells.

Fire Hazard Characteristics
The panel has been tested by recognized testing agencies resulting in the following ratings when used as an exterior wall panel:

UNDERWRITERS' LABORATORIES, INC.
Test Standard—U.L. #723
(ASTM E-84) Classification BUBT

Tests	Foam Core	Finished Panel
Flame Spread	25	25
Fuel Contributed	5	0
Smoke Developed	145	500

Test Standard—U.L. #1040 Classification NYVQ
Full Scale Corner Fire Exposure - performance classified based upon UL acceptance criteria

FACTORY MUTUAL RESEARCH
Test Standard—F.M. #4411

Tests	Finished Panel	Classification
†Vertical Fire Spread - core	Approved	Class I Building Material - Not requiring sprinklers of itself.
†Heat Contribution - Calorimeter	Approved	
†Susceptibility to Radiant Heat	Approved	

Test Standard—F.M. #4880

Full Scale Corner Fire Exposure	Approved	Class I Building Material – Not requiring sprinklers of itself when used with a non-combustible occupancy.

†*CAUTION. These ratings alone do not define the hazards presented by this material under actual fire conditions. The marketers of this product advise that it is combustible and may constitute a fire hazard if improperly used or installed and should only be used as directed by the specific instructions accompanying the product.*

*Armco reserves the right to substitute structural shapes and materials with equivalent properties without prior notice.

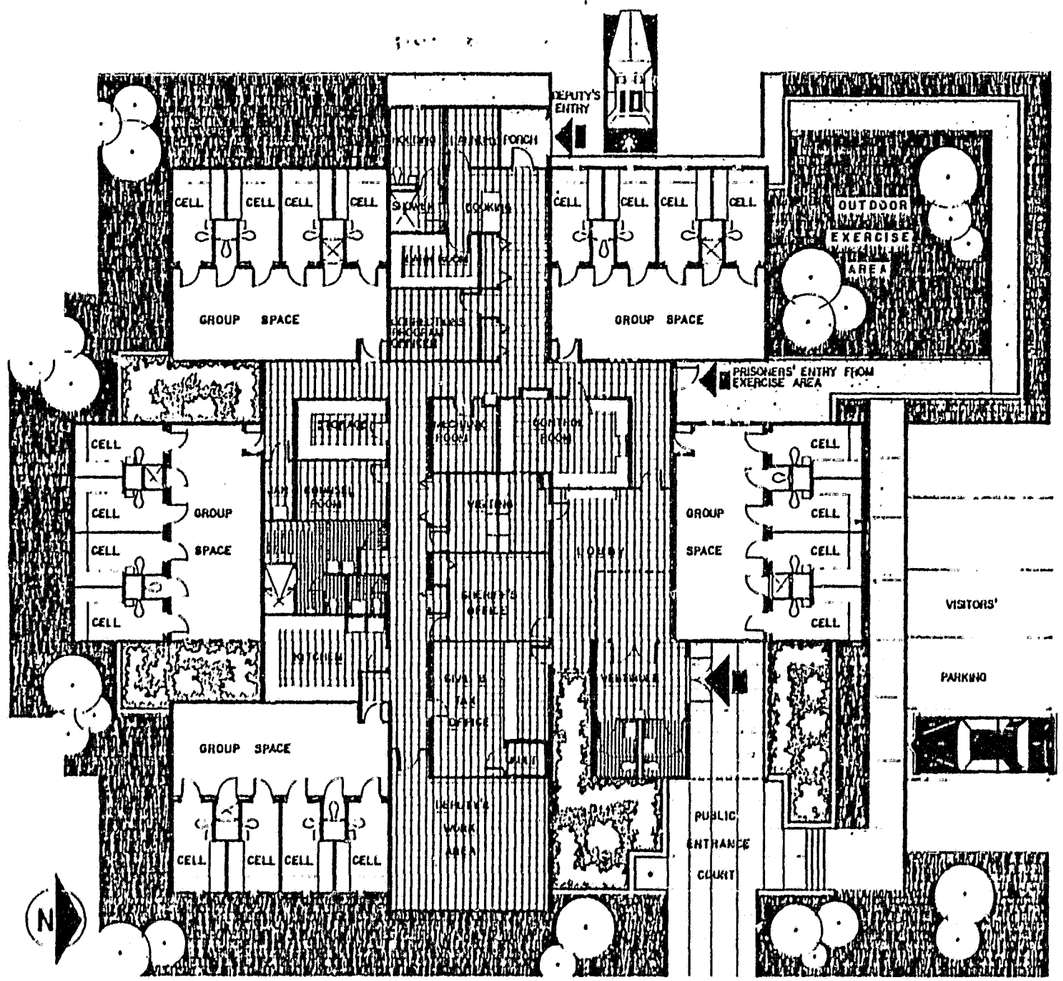
The Heat Transfer ("U") Value, tested and based upon an average core thickness, is not greater than .05 for 3-inch-thick wall.

The Sealant is a non-drying, non-skinning, fire retardant, synthetic elastomer-base material conforming to the performance requirements of the National Association of Architectural Metal Manufacturer's NAAMM Standard #SS-la-68.

Trim, such as exterior base, caps, closures, flashings, interior trim, etc., is of zinc-coated steel. Where exposed to the weather, these components are color coated in accordance with the panel manufacturer's standards.

Concealed Structural Fasteners are of corrosion-resisting coated steel. All fasteners for miscellaneous trim, etc., exposed to the weather (exterior) are stainless steel or aluminum, and color coated where required.

ANNEX C-2



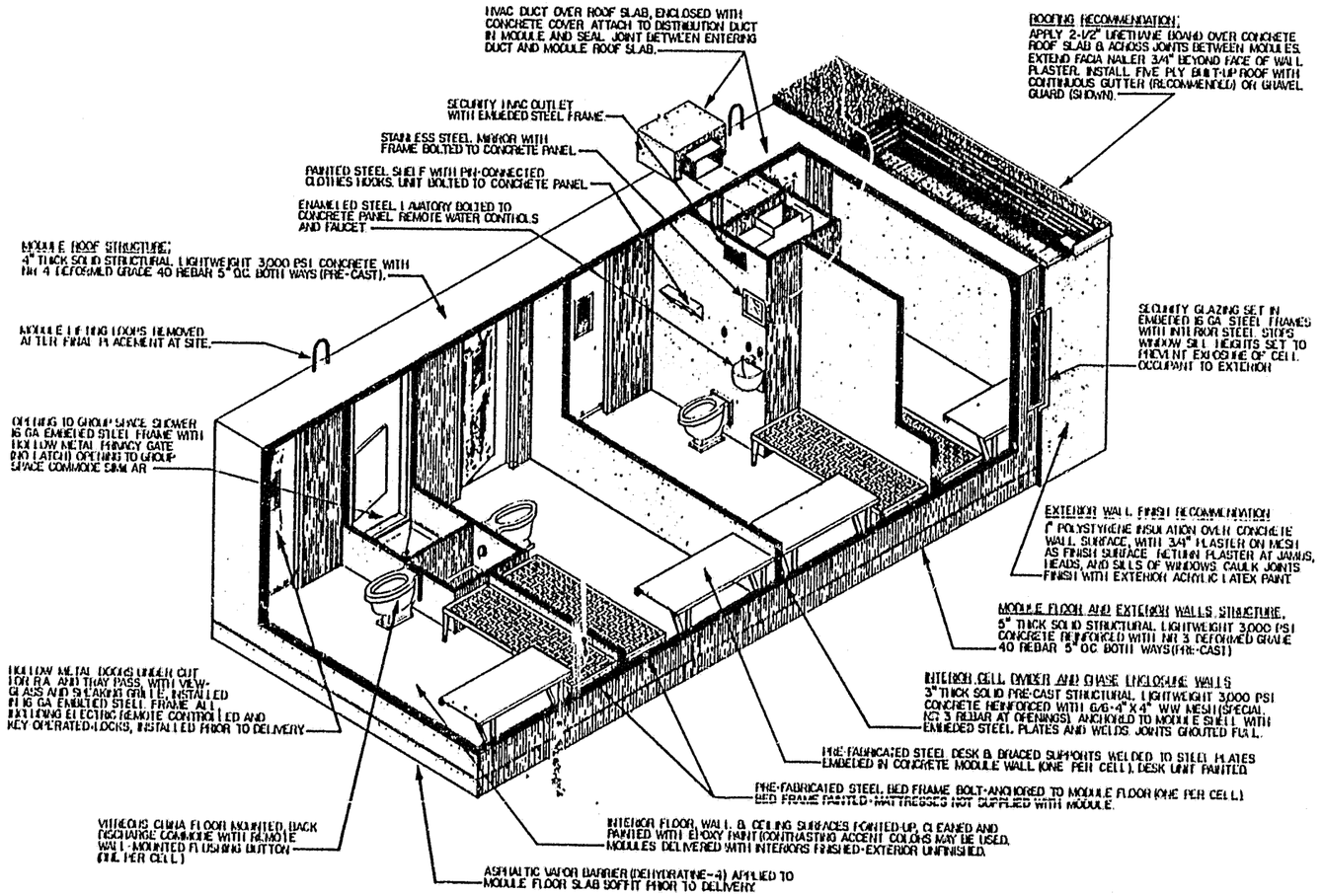
BUILDING FLOOR PLAN • CLAIBORNE PARISH DETENTION FACILITY • HOMER, LOUISIANA

GRAPHIC SCALE: 0 5 10 15 20 25 30 35

CONTRACTOR:
DON M. BARRON, CONTRACTOR, INC • FARMERVILLE, LOUISIANA

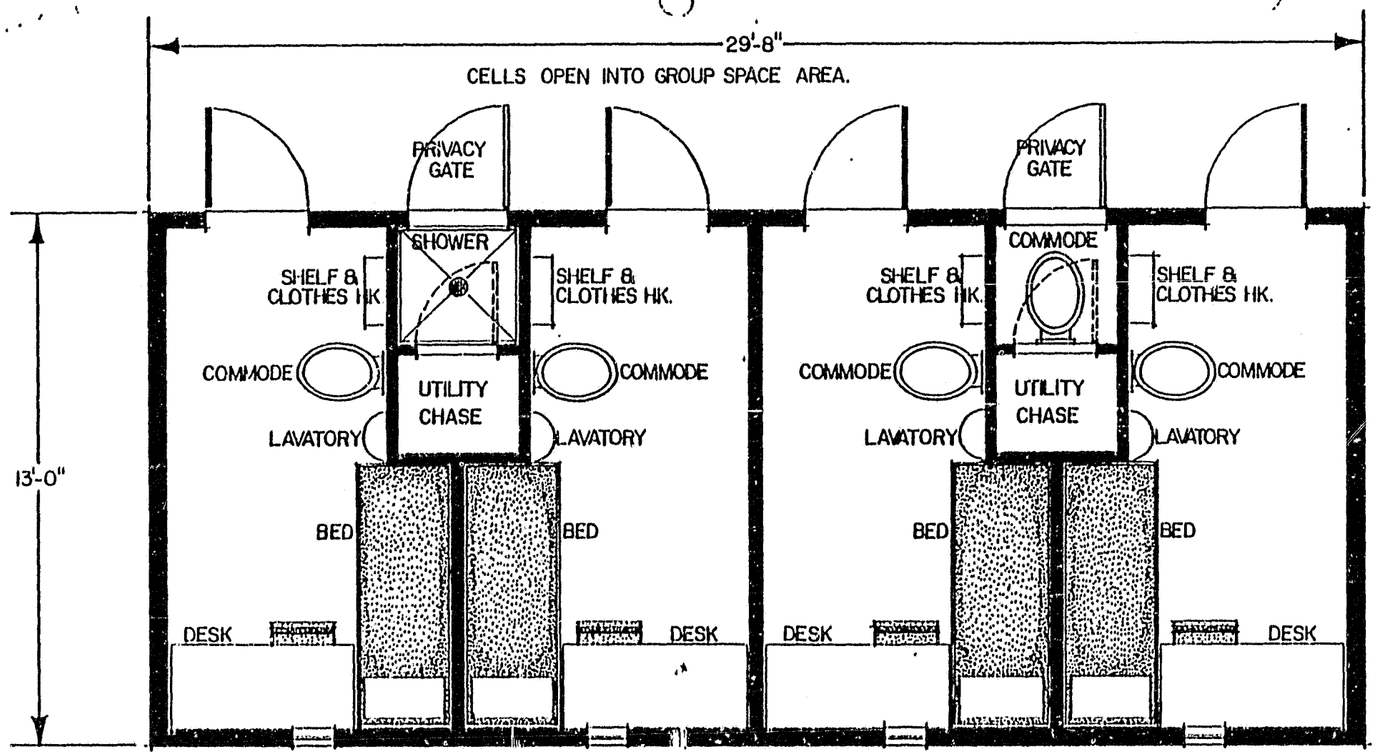
ARCHITECT:
BARNES • LANDES • GOODMAN • YOUNGBLOOD • AUSTIN, TEXAS
MODULES
CONSTRUCTION MODULES, INC • SAN ANTONIO, TEXAS

ANNEX D-1



CUT-AWAY ISOMETRIC VIEW - HOMER, LA. FOUR-CELL MODULE

BUILDING: CLAIBORNE PARISH DETENTION FACILITY
LOCATION: HOMER, LOUISIANA
ARCHITECT: BARNES LANDES GOODMAN YOUNGBLOOD - AUSTIN, TEXAS
MODULE: CONSTRUCTION MODULES, INC. - SAN ANTONIO, TEXAS
GENERAL CONTRACTOR: [illegible]



NOTE: MODULE SHOWN DESIGNED FOR ONE-STORY CONSTRUCTION. MULTI-STORY CONSTRUCTION WITH SIMILAR MODULE POSSIBLE. ALLOW TWO INCHES BETWEEN MODULE FACES FOR ERECTION TOLERANCE.

ANNEX D-3

FLOOR PLAN - HOMER, LA. FOUR-CELL MODULE

GRAPHIC SCALE: 0 5 10 15

Appendix D

Alternatives To Imprisonment In State Facilities

Prepared by:

Mike Parsons
Dennis Cunningham
Cliff Sandel
Dan Merritt

November 6, 1981

Table of Contents

Section	Page
Introduction	1
Options to Reduce Prison Receptions	3
Community Corrections Act	3
Review of Other State's Legislation	3
Implementation in Oklahoma	5
Felony Limit Modification	6
Post-Incarceration Alternatives	7
Mandatory Community Supervision	7
Emergency Overcrowding Legislation	10
Michigan Model	10
Connecticut Model	11
Judicial Review	12
Streamline the Parole Process	13
Remove Governor from Parole Process	14
Discontinue Parole Advisor Stipulation	14
Establish Mutual Agreement Programming (MAP) System	15
Alternative Incarceration for Drinking Drivers	16
Pre-Trial Release	17
Appendices: Model Legislation	19
Appendix A: Community Corrections Act	20
Appendix B: Felony Limit Ligislation	29
Appendix C: Mandatory Community Supervision Legislation	35

CONTINUED

1 OF 2

Appendix D 36
Michigan Model 36
Connecticut Model 39
Appendix E: Judicial Review Legislation 41
References 43

Introduction

This report presents new alternatives to imprisonment in state facilities which should receive serious consideration. These options have the potential of reducing the prison reception rate or increasing the release rate. As shown in a previous report (Sandel, 1981), prison population growth is determined by the reception and release rates.

All but one of the options presented in this report may be broadly characterized as alternatives to incarceration in state penal facilities. Some of these should result in diversion from reception into the state prison system; Others provide alternatives for offenders who have already been received into the state system; and may be characterized as post-incarceration alternatives. Both types can have a positive impact on the overcrowding problem by reducing the number of offenders to be handled by the state system. The other option, pre-trial release, can positively impact the problem by creating more space in the county system for offenders awaiting transport to the state prison system reception center. This will not only reduce the population pressure on the prison system, it can also help establish the conditions necessary for improving local correctional programming. The options discussed in this report are listed in Table 1 below.

Other options were also reviewed but have not been included for further consideration because they either would not have a positive impact on the overcrowding problem or were not feasible for implementation at this time. Options which have already been implemented or which can be implemented under existing statutory authority were also not discussed in this report. These are as follows: (a) the house arrest program; (b) halfway-house placements; (c) the jail trusty program, (d) weekend jail, (e) deferred prosecution, (f) deferred judgement, (g) community service sentencing, and (h) restitution. Although an alternative program for drinking drivers has already been implemented, it has

been included in this report because the needed expansion in this program can only occur if the necessary legislative action is taken.

Table 1

Potential Beneficial Diversion
And Post-Incarceration Options

Option	Type		
	Diversion	Post Incarceration	Other
Community Corrections Act	X		
Felony Limit Modification	X		
Mandatory Community Supervision		X	
Emergency Overcrowding Legislation		X	
Judicial Review		X	
Streamline Parole Process		X	
Alternative Incarceration for Drinking Drivers		X	
Pre-trial Release			X

The options which are discussed in this report should not be viewed necessarily as having been recommended for implementation. Rather, these are options which appear to have the potential of contributing to a solution of the overcrowding problem. A later report will present the recommendations for action.

Options to Reduce Prison Receptions

In this section two options which can reduce the number of receptions into the Oklahoma prison system are presented -- a community corrections act and modification of the existing monetary felony limit.

Community Corrections Act

Review of Other States Legislation

In 1973, Minnesota passed a Community Corrections Act which encouraged counties or groups of contiguous counties to develop local level correctional programs for the less dangerous felony offenders to divert them from the state correctional system. Under the act, as an incentive for participation, a dollar subsidy was allocated to the counties choosing to participate. As a result approximately seventy percent of Minnesota's counties have developed local corrections programs. Other states, such as Kansas and Oregon, have adopted similar legislation.

In order to qualify under the Minnesota Corrections Act, the county or group of contiguous counties must have (a) a population of at least 30,000, (b) an advisory board comprised of personnel from corrections, law enforcement, the judiciary and the community at large, and (c) a comprehensive plan for the delivery of correctional services in the community reflecting the decisions of that community about how needs can best be met. It is important to note that the Community Corrections Act was designed to deal only with less severe felonies. (In the case of Minnesota, any crime with a statutory minimum sentence of five years or less qualifies.) Persons who are considered to be more serious

offenders are delivered, as before, to the state system. In addition, the state system is available for less serious offenders, but the county must pay the per diem cost of confinement out of subsidy funds for less serious offenders sent to the state system. This chargeback provision serves as an incentive for the development of the community program.

An evaluation of Minnesota's Community Corrections Act was completed in January, 1981. The research noted "distinct improvements in local corrections planning and administration, plus a wealth of new, community based programs and an increase in the number of felony offenders retained in the community." No evidence was found, however, that the act "had saved the state money, checked the growth rate of the state prison population or improved public protection" (Blackmore 1981). The actual decline in the prison population in Minnesota has been attributed more to sentencing guidelines which went into effect in May, 1980. The guidelines were designed to keep the Minnesota prison system at 95% capacity. Even though negative publicity for the act resulted from the evaluation research, the Minnesota state legislature refunded the program for two years (Blackmore, 1981).

Other states have also passed community corrections acts modeled along the lines of the Minnesota act: Oregon, Kansas, Ohio, and Indiana. In Oregon, where such an act was adopted in 1977, the state prison population was reduced from 3000 to 2899 by 1980. The Oregon Corrections Division maintains that the prison population would have increased dramatically without the Community Corrections Act. However, the state continues to be faced with overcrowding because the newly established parole board decision-making matrix has increased the average length of imprisonment by nine months, from 22 to 31 months (Blackmore, 1981).

In Indiana it is estimated that if the community corrections act (Public Law 120) is fully implemented, it would affect approximately 25% of the currently incarcerated population. Annual operating costs savings to the state are estimated to be between

$9,500,000 and $18,500,000 (Umbreit, 1981). In Kansas and Ohio no evaluations of the impact of their community corrections acts are yet available.

Virginia has passed a community corrections act which is not modeled after the Minnesota CCA but is similar. The Virginia Community Diversion Act establishes a mechanism whereby a locality will receive up to $4000 for each adult offender who is retained at the local level and not sent to the state corrections department for incarceration. No evaluation of this program is available at this time.

Implementation in Oklahoma

Common to the community corrections acts mentioned above are the following elements:

(1) They provide a financial incentive to counties or local jurisdictions to develop local correctional programs;

(2) They provide a financial incentive for retaining non-violent adult offenders at the local level;

(3) Local planning processes are established that result in a comprehensive plan for the delivery of correctional services.

Although community corrections acts have the potential to reduce the number of commitments to the state prison system by providing counties with financial incentives to retain non-violent offenders at the local level, there is as yet no conclusive evidence that acts currently in existence have had that effect. In Minnesota, which already had one of the lowest commitment and incarceration rates of any state, the prison population has decreased; however, the decrease is attributed more to sentencing guidelines than to the act.

It has also been argued that the act has not been cost-effective in that it does not actually help to control the prison population. On the other hand, the act has helped to improve local correctional facilities by helping to bring them into compliance with national standards.

Many jails in Oklahoma are in need of repair and modernization. The state could provide subsidies to renovate county jails, provide expanded services (including educational programs, libraries, health care, and work release), and help jails conform to constitutionally acceptable standards.

With expanded local programming, the Department of Corrections may contract with local jurisdictions for placement of state offenders who are nearing completion of their sentences. While legislation exists to implement the expanded role of jails, more emphasis needs to be placed on jail renovation and expansion. Legislation addressing this issue should also give consideration to jail standards, jail programming, funding, and proper implementation of the increased use of local incarceration.

If jail facilities are improved and programs expanded, then legislation might be passed which would allow the state to contract with counties to maintain offenders in county jails; another possible legislative proposal would be to increase to two years the amount of time which could be given for misdemeanors and to reclassify certain types of felonies as misdemeanors.

Felony Limit Modification

In Oklahoma the statute which sets the felony limit at $20.00 is based on the "Dakota Code" of the 1880's. (Both North and South Dakota currently have felony limits for most property crimes which exceed the $20.00 limit and range from $100 to $2000.00.) Oklahoma's felony limit has not kept pace with inflation. The current cost to the taxpayer

of incarcerating a prisoner in Oklahoma is approximately $11,350 per year. Such a cost to the taxpayer for a person committing, for example, a larceny of $20.00 seems to far outweigh the seriousness of the crime.

Oklahoma lags behind other states in raising the felony limit for certain crimes. Every state in the surrounding area has felony limits that are set higher than Oklahoma's. (See Table 2.) Based on recent data gathered by Planning and Research, if the felony limit for Grand Larceny, Larceny of Merchandise from a Retailer, False or Bogus Checks, Use of Stolen Credit Cards, Fraud, Embezzlement, and Destruction of Property were increased to $200.00, it would affect approximately 120 non-violent property offenders per year who would thereby be diverted from prison. If the felony limit were increased to $500, it would result in diversion of even more non-violent property offenders.

Model legislation for increasing the felony limit has been proposed by State Senator McCune and is included in Appendix B of this report.

Post-Incarceration Alternatives

If the rate of reception of inmates into the state penal system cannot be reduced, then overcrowding can only be prevented by either increasing the capacity of the system or by releasing inmates at a faster rate. The options presented in this section have the potential of increasing the release rate.

Mandatory Community Supervision

Under this program, offenders who discharge their sentences are released up to six months early during which time they are placed under community supervision similar to

Table 2

Minimum Felony Monetary Limits By Crime And State*

State	Crime						
	Grand Larceny	Larceny of Merch. fr. Retailer	False Bogus Checks	Use of Stolen Credit Cards	Fraud	Embezzlement	Destruction of Property
Arkansas	$100.00	$100.00	none	$100.00	$100.00	$100.00	$500.00
Iowa	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00	$500.00
Kansas	$100.00	$100.00	$ 50.00	$ 50.00	$ 50.00	$100.00	$100.00
Louisiana	$100.00	$100.00	$100.00	$100.00	$100.00	$100.00	$500.00
Missouri	$150.00	$150.00	$150.00	$150.00	$150.00	$150.00	$150.00
New Mexico	$100.00	$100.00	$100.00	$100.00	$100.00	$100.00	unknown
Nebraska	$300.00	$300.00	$300.00	$300.00	none	none	$300.00
Texas	$200.00	$200.00	$200.00	none	$200.00	$200.00	$200.00
Oklahoma	$ 20.00	$ 20.00	$ 20.00	$ 20.00	$ 20.00	$ 20.00	$ 50.00 (Arson)

*Information obtained by a phone survey conducted by the Department of Corrections Planning and Research Unit on 11/9/81

parole supervision. Although it might at first seem imprudent to adopt a program which allows early release of offenders, this program does have the advantage of placing offenders in the community under supervision which they would not receive if they discharged at the completion of their sentences. The program thus provides for supervised re-entry into the community. Although individuals who are considered too dangerous under any circumstances to be placed in the community will not be allowed to participate in this program, it is anticipated that up to 95% of all inmates who discharge would be released through the mandatory community supervision plan.

The Federal system, Arizona and Virginia have had such programs for quite some time. In Arizona, inmates who are not considered dangerous and who have no outstanding charges or detainers are released six months early and are subject to the same conditions of supervision as parolees. Supervision of releasees is provided by parole officers.

This alternative has great potential for reducing prison overcrowding. Since approximately half of prison releasees are discharged rather than paroled, a six month community supervision provision would have a substantial impact on the overall average amount of time inmates spend in prison, resulting in slower prison population growth.

Oklahoma appears to be an appropriate state for implementation of such a law. If, for example, Arizona's guidelines were adopted, the Oklahoma offenders who meet Spring and Christmas commutation guidelines would be eligible for mandatory community supervision. Offenders who do not need community supervision could still be given commutations, however. Model legislation for this program is presented in Appendix C.

Emergency Overcrowding Legislation

Michigan Model

This type of legislation is designed to provide a "safety-valve" for the corrections system should it become overcrowded. Michigan passed the "Prison Overcrowding Emergency Powers Act" in 1980, which may serve as a model for Oklahoma.

This legislation allows the Governor to declare a state of emergency whenever the prison system's inmate population exceeds the rated design capacity for thirty consecutive days. While such an emergency situation exists, the Governor will take several steps to reduce the prison population to no more than 95 percent of the rated design capacity. The first step is to reduce the sentences of all inmates by ninety days. If this proves to be an insufficient response within thirty days, the prison system can stop receiving certain types of less dangerous offenders. An additional across-the-board 90-day sentence reduction can be effected if the system still remains overcrowded.

The Michigan act went into effect in May, 1981. It helped to reduce the state's prison population by 5% (approximately 700 prisoners). As a result, the prison population does not exceed capacity. It is felt that legislation such as the Emergency Powers Act provides an effective remedy to overcrowding.

Similar legislation may be necessary for Oklahoma to prevent overcrowding if other measures prove ineffectual. Model legislation for Oklahoma is presented in Appendix D. This legislation differs somewhat from the Michigan model. The most notable difference is that instead of authority for sentence reductions, authority to award extra earned credits is granted. Also, the maximum population is set at ninety rather than ninety-five percent of design capacity. The reason for this is that the Oklahoma corrections system already utilizes a large variety of service agency or "out count " residential options. It has been

estimated that approximately seven percent of the Department's population is not housed in DOC facilities. (Furthermore, there are a number of beds within the current rated capacity which represent specialized needs as in a medical unit or a disciplinary unit. These bedspace provided in these units must remain flexible because of the nature of their use.) With current legislation and various alternatives to incarceration being examined to expand residential options, this out residency or out count is subject to increase. The Department has plans to maintain approximately ten percent of its population on the out count by means of contractual agreement with various service agencies, thus the ninety percent capacity figure appears appropriate for an Oklahoma Emergency Powers Act.

Connecticut Model

Connecticut has adopted legislation which is similar to the Michigan legislation in that the sentence lengths of offenders can be reduced when an emergency overcrowding situation is deemed to exist. In the Connecticut model, however, across-the-board sentence reductions are not granted. Instead, judges review selected inmates for reduction in sentence. Although more selective than the Michigan model, this procedure would not be able to reduce prison population as quickly. Connecticut's law also establishes a commission on prison and jail overcrowding, an office of bail commission, and allows the commissioner of corrections to petition the court to reduce bonds to written promises to appear for those being held for trial.

The commission on prison and jail overcrowding consists of the following: chief court administrator or designee, commissioner of corrections, commissioner of public safety, director of the Connecticut justice commission, chief state's attorney or designee, chief public defender or designee, and chief bail commissioner or designee of the chief court administrator. The governor appoints two government officials, a police chief, two individuals who represent offender and victim services in the private sector and two public

members. The purpose of the commission is to: a) develop and recommend policies for prevention of prison and jail overcrowding; b) examine impact of statutes and administrative policy on prisons and jails; c) prepare and distribute an annual state criminal justice plan for preventing prison and jail overcrowding to be submitted to the governor and legislature by January 15 of each year; and d) compile data and prepare research related to overcrowding to be available for criminal justice agencies and members of the legislature.

The bail commission office does the following: develops procedures, reviews offenders for pre-trial release, monitors persons released under such conditions, and provides data to various persons within the criminal justice system.

Model legislation based on the Connecticut model is presented in Appendix D.

Judicial Review

The state of Kansas, and to a lesser extent, Colorado, use judicial recall or judicial control over sentenced offenders. In Kansas, the judge can choose one of several options during the first 120 days after sentencing. If the judge ascertains that an adequate presentence investigation cannot be completed through local resources in the judicial district, then he or she may require that such a report be generated by the Kansas state reception and diagnostic center or by the state security hospital. If the offender is sent to the diagnostic center in Topeka or the state security hospital, then that offender may be confined in either facility until the judge calls for the offender to be returned to court -- a maximum of one hundred twenty days confinement.

At the diagnostic center, a thorough evaluation is completed including psychiatric and psychological examinations, social history, medical evaluation, and other pertinent data. The evaluation is then sent to the sentencing judge. The judge may, within one hundred twenty days of sentencing, modify the sentence or revocation of probation, by directing that a less severe punishment be imposed.

The Kansas system allows greater judicial control over the offender during the first four months after the sentence is imposed. In addition, the one hundred twenty day period results in a kind of "shock probation" since the inmate does not know whether or not the full sentence must be served in prison. Another feature is that more case history information is available for consideration by the court.

The one hundred twenty day review system and the Kansas diagnostic and reception center came into existence at the same time. It is thus not possible to determine the impact on reception rate caused by review system, but there is no indication yet that the number being incarcerated has increased because of the review system. Rather, more offenders seem to be receiving probation who might otherwise have been given incarceration. Whether this effect would occur in Oklahoma is not known. There is the possibility that prison receptions would in fact increase if this system were adopted. It is certain, however, that a judicial review system could not work in Oklahoma unless the Lexington Assessment and Reception Center were considerably upgraded, both in staffing level and operating funds.

Streamline the Parole Process

After inmates have been recommended for parole by the Pardon and Parole Board, there is some delay before they are actually released. Based on an examination of a sample of 500 cases from parole dockets for the months of February, 1980, through January, 1981, the average delay for inmates not receving parole stipulations was 2.2 months and for inmates receiving parole stipulations, 3.9 months. However, two months of that delay to release can be attributed to parole docketing two months in advance of parole eligibility dates. This "extra" period of incarceration for those with stipulations is unnecessary in terms of protecting the public, since offenders recommended for parole are judged ready for release at the time they received such recommendation, except, of course, for those

inmates who receive parole stipulations such as 90 days of work release. By streamlining the parole process, these inmates could be released sooner, with virtually no increase in risk for the public, thereby reducing the average time to parole release and thus reducing the pressure on the prison system. Several measures could be adopted to streamline the parole process.

Remove Governor From Parole Process

Oklahoma is one of a few states in which the Governor is the final paroling authority (Governor's Advisory Committee, 1980). This extra step in the parole process results in delayed parole release because of the time it takes for the Governor to review and sign the parole recommendations received. This delay represents a portion of the 2.2 month period mentioned above. Furthermore, the Governor does not have to sign all of the parole recommendations received, so the parole rate would most likely increase somewhat if the Governor were removed from the process. From January to August in 1981 the Governor received over 1200 paroles to sign. He denied 69 of these. Although this represents less than 6% of those paroled, each inmate who is denied represents a potential management problem because his expectations of parole have not been realized.

Discontinue Parole Advisor Stipulation

Oklahoma law requires that each paroling inmate must have a parole advisor before being allowed to release on parole status. This law was passed in 1947, when the ratio of parole officers to parolees was much smaller than it is now. The parole advisor was a resource for the offender to regain lost community ties. Community resources have now expanded to include privately run halfway houses, volunteers in corrections, self-help organizations, low cost re-training programs, veterans groups, the Treatment Alternatives

to Street Crime (TASC) program, and so on, in addition to the increased number of parole officers. The parole advisor is thus not needed.

One of the components of the delay between parole recommendation and release is the time required for inmates to develop an acceptable parole program, one of the elements of which is the parole advisor. Removing this unnecessary requirement would expedite the development of these programs somewhat. The parole advisor requirement does not delay the process as much as the requirements for a job offer and a place to live; however, these requirements are important and should not be abolished.

Establish a Mutual Agreement Programming (MAP) System

Mutual Agreement Programming is a relatively new innovation in the field of corrections which warrants examination. Currently in use by twelve states, Mutual Agreement Programming provides clear-cut objectives for performance required by the inmate before parole can be considered. In order for an inmate to be considered for parole, a contract must be drawn up and signed by the corrections officials, the parole authority, and the inmate at the time the inmate is received into the system. The contract defines tasks which the inmate must complete in order to be paroled. These tasks may include completion of academic and/or vocational training, individual and group counseling, prison work assignments, work/study release, and substance abuse treatment. The contract places the burden for completion of these tasks on the inmate and the corrections agency: the inmate must successfully complete the tasks, and the agency must provide the means and services to afford the inmate the opportunity to complete the contract (Correctional Institutions, 1977).

One cause of delays between parole recommendation and release in Oklahoma is the parole stipulation. Some inmates are approved for parole provided that they complete one or more requirements prior to parole release, such as successfully completing a substance

abuse program or a period of time on work release. Over 34% of inmates receiving favorable parole recommendations are required to complete one or more requirements before release. This group spends an average of two months longer in prison before release than other inmates because of the stipulations.

If there were some way to identify in advance of their parole board appearance which inmates will be required to complete stipulations and to identify those stipulations, then these inmates could be placed in required programs early enough to have completed the stipulations by the time of their parole board appearance. The purpose of a mutual agreement programming system is to accomplish such advance programming. The establishment of a full time or nearly full time parole board would probably be necessary to implement such a system, since the board would have to review each inmate twice, once to establish the contract or agreement, and again to ascertain whether the requirements were met.

Mutual Agreement Programming can also be used in negotiating presumptive parole dates. Clearly defined criteria can be established for each crime category as well as recommended treatment measures for each crime. Once a presumptive parole date is established, the offender can negotiate, through the contract, what tasks need to be completed in order to reduce the time to release. The parole board uses a parole matrix to calculate a presumptive parole date. The date is not negotiable at this time through a formal procedure; however, parole board members can modify a docket date to allow for earlier parole. The MAP program would allow for negotiation of a parole date based upon evidence of an inmate's positive behavioral achievements.

Alternative Incarceration for Drinking Drivers (AIDD) Program

The problems created by alcoholism and alcohol abuse are a major public health problem in Oklahoma. Although alcoholism and alcohol abuse are illnesses, people who fail

to control or maintain their alcohol problem must be held responsible for their actions. Frequently, these alcohol problems directly involve people with the criminal justice system. For example, more than half of all adult arrests made in 1979 were alcohol related, for crimes such as public drunkeness , disturbing the peace, liquor law violations or driving under the influence. In fact, driving under the influence accounted for 17.9% of all adult arrests in the state. Unfortunately, most components of the criminal justice system are not equipped to provide direct services to individuals with alcohol problems, and the lack of services contributes to the likelihood of re-arrest on an alcohol related charge. This cycle of arrest, alcohol abuse and re-arrest is particularly apparent among drinking drivers.

Currently, Oklahoma can place approximately 40 DUI and similar offenders in treatment programs run or sanctioned by the Department of Mental Health. Although this is an ongoing program, it is included in this report because expansion will require additional legislative action. There are enough qualifying offenders to justify a three-fold increase in the program, but to do this, more money will have to be appropriated to the Department of Mental Health and that department will have to be given a legislative mandate to accept for treatment all DUI and similar offenders who are received by the Department of Corrections. As many as 120 offenders could be maintained in alcohol treatment programs on a continual basis. This program not only can provide relief for the overcrowded prison system but also is needed to fill a void in the state's service delivery system. Funding for increased services to DUI offenders could come from an increase in tax on alcoholic beverages.

Pre-Trial Release

The options discussed above either have the potential of reducing the number of prison receptions per year or reducing the average time served in prison. In other words, these options can potentially reduce population pressure on the prison system. The option discussed in this section, pre-trial release, can help solve the problem by creating more

space for state prisoners. For this reason, it is not properly classified as an alternative to imprisonment in state facilities. It is included in this report, however, because it provides alternatives to incarceration for those charged with offenses.

Several pre-trial programs have been established throughout the country, e.g., the Manhattan Bail Project, the Pre-Trial Services Agency in Indianapolis, and the Tri-County Regional Probation in El Paso. Common to these and other pre-trial release programs is a form of release without bond before trial, i.e., release on personal recognizance. Such release programs have better results with respect to rates of appearance for trial than monetary bond programs.

This option is not new for Oklahoma. Tulsa County has operated a pre-trial release program, New Day, since 1965. Currently, over 300 persons at any time are on own-recognizance release from Tulsa County through the New Day Program. If similar programs could be instituted in other counties, population pressure on the county jail system could be substantially lowered.

Appendices: Model Legislation

Appendix A

Community Corrections Act

AN ACT relating to correctional services; enacting the community corrections act; concerning the development, implementation, operation and improvement of community corrections services and programs; authorizing certain grants to counties; prescribing powers and duties for the Director of Corrections.

Be it enacted by the Legislature of the State of Oklahoma

Section 1. This act shall be known and may be cited as the "community corrections act."

Section 2. For the purposes of more effectively protecting society and promoting efficiency and economy in the delivery of correctional services, the Director of Corrections is hereby authorized to make grants to counties for the development; implementation, operation and improvement of community correctional services including, but not limited to preventive or diversionary correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of adults convicted of crime.

Section 3. (a) Subject to the other provision of this act, each county may qualify for grants under the act if: (1) it has a population of thirty thousand (30,000) or more; (2) it has entered into a cooperative agreement for the purposes of this act with one or two other counties and all such cooperating counties are located within a single judicial district and have a total population of twenty thousand (20,000) or more; (3) it has entered into a cooperative agreement for purposes of this act with three or more counties and all such cooperating counties are located within a single judicial district; or (4) it has a population of less than thirty thousand (30,000) and the Director of Corrections finds that the county is unable to enter into a cooperative agreement for purposes of this act with one or more counties to meet the conditions in subsection (a) (2) or (a) (3) above after a good faith effort to do so, but that it is able to adequately implement a comprehensive plan which will significantly improve or expand the correctional services described in section 2 in that county.

(b) Each county which is eligible under subsection (a) to qualify for grants under this act may qualify by itself or in cooperation with other counties to receive such grants by establishing a corrections advisory board, in accordance with section 8, and by adopting a comprehensive plan for the development, implementation, operation and improvement of the correctional services described in section 2 which has been approved by the Director of Corrections. In addition to such matters as are prescribed by rules and regulations of the Director of Corrections, the comprehensive plan shall provide for centralized administration and control of the correctional services under the comprehensive plan.

(c) In any case where one or more counties which do not constitute an entire judicial district propose to enter into a cooperative agreement to qualify for grants under this act, each of the other counties within the judicial district shall be given the opportunity to

enter into such agreement with the proposing counties to qualify for such grants. In each such case, if a county elects to not become qualified for grants under this act, the board of county commissioners of that county shall adopt a resolution to that effect and send a copy of such resolution to the Director of Corrections. At any time thereafter and in accordance with rules and regulations of the Director of Corrections, the county may change such election and may enter into a cooperative agreement with the other counties in the judicial district to qualify for grants under this act. (c) to enter into cooperative agreement with the other county or counties in its judicial district which have previously qualified for grants under this act, the corrections advisory board shall be reconstituted and the comprehensive plan shall be revised in order to include the additional county. Each comprehensive plan so revised shall be resubmitted for approval to the boards of county commissioners and to the Director of Corrections. Prior to such approval by the Director of Corrections, the previous comprehensive plan shall be in effect and the county or counties which had previously qualified for grants under this act shall continue to be qualified to receive such grants with regard to the previous comprehensive plan in accordance with this act.

(e) Subject to the requirements of centralized administration and control of correctional services under subsection (b) and the provisions of agreements between cooperating counties under subsection (f), the respective boards of county commissioners shall retain all authority for the expenditure of funds, including grants received under this act, and for the implementation of and the operations under the comprehensive plan approved by the Director of Corrections. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains prior to submission to the Director of Corrections for approval.

(f) The boards of county commissioners of two or more counties located within or constituting a single judicial district may enter into cooperative agreements to qualify their respective counties for grants under this act. Such counties shall cooperate and enter into such agreements for all purposes of this act in the manner prescribed by inclusive, and amendments thereto, to the extent that said statutes do not conflict with the provisions of this act. No group of counties entering into cooperative agreements for purposes of this act shall include any county located within another judicial district.

Section 4. In order to assist a county or group of cooperating counties which has established a corrections advisory board but which does not have a comprehensive plan which has been approved by the Director of Corrections which requires financial aid to defray all or part of the expenses incurred by Corrections advisory board members in discharging their official duties pursuant to section 10, the Director of Corrections, upon receipt of resolutions by the board or boards of county commissioners, or the administrative authority established by cooperating counties, certifying the need for and inability to pay such expenses, may pay quarterly to the county or counties an amount not to exceed ten percent (10%) of the maximum quarterly grant payment for which the

county would be qualified to receive under section 16 or, in the case of cooperating counties, ten percent (10%) of the total of the maximum quarterly grant payments which the counties would be qualified to receive under section 16.

Section 5. (a) In accordance with and amendments thereto, the Director of Corrections shall adopt rules and regulations necessary for the implementation and administration of this act and as prescribed by this act. The Director of Corrections shall provide consultation and technical assistance to counties and corrections advisory boards to aid them in the development of comprehensive plans under this act.

(b) This act shall be administered by the Director of Corrections or by officers and employees of the department of corrections designated by the Director to the extent that authority to do so is delegated by the Director, except that the authority to adopt rules and regulations under this act shall not be delegated.

Section 6. For the purposes of this act and to provide for the correctional services described in section 2, any county or group of cooperating counties electing to come within the provisions of this act, through their boards of county commissioners, or administrative bodies established by cooperating counties, may (1) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incidental to such purposes; (2) enter into contracts, which are necessary and incidental to such purposes; (3) determine and establish the administrative structure best suited to the efficient administration and delivery of such correctional services and agents as deemed necessary to carry out the provisions of this act; (5) make grants in accordance with the comprehensive plan of funds provided by grant payments under section 16 to corporations organized not for profit, for development, operation and improvement of such correctional services; and (6) use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for, accept and expend federal funds.

Section 7. (a) Except as provided in section 4, no county electing to come within the provision of this act shall be qualified to receive grants under this act unless and until the comprehensive plan for such county or the group of counties with which such county is cooperating, is approved by the Director of Corrections.

(b) The Director of Corrections shall adopt rules and regulations establishing additional requirements for receipt of grants under this act and standards for the operation of the correctional services described in section 2. In order to remain eligible for grants the county or group of cooperating counties shall substantially comply with the operating standards established by the Director of Corrections.

(c) The Director of Corrections shall review annually the comprehensive plans submitted by a county or group of cooperating counties and the facilities and programs operated under such plans. The Director of Corrections is authorized to examine books, records, facilities and programs for purposes of recommending needed changes or improvements.

(d) When the Director of Corrections determines that there are reasonable grounds to believe that a county or group of cooperating counties is not in substantial compliance with the minimum operating standards adopted pursuant to this section, at least thirty (30) days notice shall be given the county or to each county in the group of cooperating counties and a hearing shall be held to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. If the Director of Corrections determines at such hearing that there is not substantial compliance or satisfactory progress being made toward compliance the Director of Corrections may suspend participation in the program until all standards of operation have been met.

Section 8. (a) Subject to the other provisions of this section, each corrections advisory board established under this act shall consist of twelve (12) members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the general public, and shall be appointed as follows:

(1) The law enforcement representatives shall be: (A) The sheriff, or, if two or more counties are cooperating, the sheriff selected by the sheriffs of all such counties, or the designee of the sheriff so selected, and (B) the chief of police of the city with the largest population at the time the board is established, or, if two or more counties are cooperating, the chief of police selected by those chiefs of police who are each a chief of police of the city with the largest population of each such county at the time the board is established or, if two or more counties are cooperating, the chief of police, or the designee of the chief of police so selected;

(2) the prosecution representative shall be the district attorney.

(3) the judiciary representative shall be the administrative judge of the district court for the judicial district containing the county or group of counties, or a judge of the district court for such judicial district designated by the administrative judge;

(4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by all the boards of county commissioners;

(5) a representative designated by the Department of Human Services;

(6) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, all the boards of county commissioners shall together appoint three additional members of the corrections advisory board;

(7) the remaining three members of the corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows: (A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member; (B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member; (C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and (D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

(b) If possible, of the six members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), such members shall be representative of one or more of the following: (1) Parole or probation offiecer; (2) public or private social service agencies; (3) ex-offenders; (4) the health care profession; and (5) the general public.

(c) At least two members of each corrections advisory board shall be representative of ethnic minorities and no more than two-thirds (2/3) of the members of each such board shall be members of the same sex.

Section 9. (a) Members of a corrections advisory board appointed in accordance with section 8 shall serve for terms of two years from and after the date of their appointment, unless the board is required to be reconstituted in accordance with subsection (d) of section 3, and shall remain in office until their successors are duly appointed. All vacancies in a corrections advisory board shall be filled for the unexpired term in the manner that the position was originally filled. Each corrections advisory board shall elect its own officers.

(b) All proceedings of the corrections advisory board and any committee or subcommittee of the board shall be open to the public in accordance with and subject to the provisions of inclusive, and acts amended there. All votes of members of the corrections advisory board shall be recorded and shall become matters of public record.

(c) The corrections advisory board shall promulgate and implement rules concerning the conduct of proceedings and attendance of members at board meetings.

Section 10. Corrections advisory boards established under the provision of this act shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional services described in section 2 in the county or group of cooperating counties, and shall make a formal recommendation to the board or boards of county commissioners at least annually concerning the comprehensive plan and its implementation and operation during the ensuing year.

Section 11. Any comprehensive plan submitted pursuant to this act may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of adults convicted of crime in an appropriate state institution or facility as otherwise provided by law. The Director of Corrections shall annually determine the costs of the purchase of services under this section and deduct them from the grant payable to the counties. In no case shall the charges for correctional services under such contract with the state exceed in cost the amount of the grant the county is eligible or, in the case of cooperating counties, the total amount of the grants the counties are eligible to receive under this act.

Section 12. (a) In accordance with this section, the Director of Corrections shall annually determine the amount of the grant for the next ensuing calendar year to each county which has qualified to receive grants under this act.

(b) Each of the following factors shall be calculated for each county participating under this act:

(1) Per capita income for the preceding calendar year.
(2) Per capita adjusted valuation as defined in subsection _____ for the preceding calendar year;
(3) crimes per one thousand (1,000) population; and
(4) percent of county population aged five (5) through twenty-nine (29) years of age.

(c) The crimes per one thousand (1,000) population of each county shall be determined from the most recent compilation of Oklahoma crime statistics by the Oklahoma State Bureau of Investigation.

(d) The percent of county population aged five (5) through twenty-nine (29) years of age of each county shall be determined by the planning and research unit of the Department of Corrections.

(e) After calculating the factors under subsection (b), the following factors shall be calculated for each county:

(1) Each county's per capita income shall be divided into the seventy seven (77) county average;
(2) each county's per capita taxable valuation shall be divided into the seventy seven (77) county average;
(3) each county's number of crimes per one thousand (1,000) population shall be divided by the seventy seven (77) county average;
(4) each county's percent of county population aged five (5) through twenty-nine (29) years of age shall be divided by the seventy seven (77) county average.

(f) The factors calculated under subsection (e) for each county shall be totaled and divided by four (4). The quotient thus obtained is the computation factor for the county. Subject to subsection (g), the amount of the annual grant the county is eligible to receive under this act shall be determined by multiplying the computation factor by

the amount of the per capita appropriation as fixed by appropriation act and multiplying that product by the total county population. The county population under this subsection shall be according to the most recent enumeration.

(g) In all cases of counties becoming eligible for and receiving grants for the first time under this act, the annual amount of the grant for each such county shall be as follows:

(1) For the past calendar year seventy percent of the amount determined under subsection (f);
(2) for the second calendar year, eighty percent (80%) of the amount determined under subsection (f);
(3) for the third calendar year, ninety percent (90%) of the amount determined under subsection (f); and
(4) for the fourth calendar year and for each calendar year thereafter, one hundred percent (100%) of the amount determined under subsection (f).

Section 13. (a) The comprehensive plan submitted to the Director of Corrections for approval shall include those items prescribed by rules and regulations adopted by the Director, which may require the inclusion of the following: (1) A program for the detention, supervision and treatment of persons under pretrial detention or under commitment; (2) delivery of other correctional services defined in section 2; and (3) proposals for new facilities, programs and services, such proposals must include a statement of the need, purposes and objectives of the proposal and the administrative structure, staffing pattern, staff training, financing, degree of community involvement and client participation which are planned for the proposal.

(b) In addition to the foregoing requirements made by this section, each participating county or group of counties shall be required to develop and implement a procedure for the review by the corrections advisory board and the board or boards of county commissioners of new program applications and other matters proposed to be included under the comprehensive plan and for the manner in which corrections advisory board action shall be taken thereon. A description of this procedure shall be made available to members of the public upon request.

Section 14. (a) Except as provided in section 4, each grant under this act shall be expended by the county receiving it for correctional services as described in section 2 in addition to the amount required to be expended by such county under this section. Each calendar year in which a county receives grant payments under section 16, the county shall make expenditures for correctional services as described in section 2 from any funds other than from amount of base year corrections expenditures as determined by the Director of Corrections under subsection (b).

(b) The Director of Corrections shall audit and determine the amount of the expenditures for correctional services as described in section 2 of each county applying for a grant under this act during the calendar year immediately preceding the calendar year in which the county will receive its first grant payment under section 16. The amount so determined shall be the amount of base year corrections expenditures of the county.

(c) In any case where a county receiving a grant does not make expenditures for correctional services from funds other than from grants under this act as required by this section, the grant to such county for the next ensuing calendar year shall be reduced by an amount equal to the amount by which such county failed to make such required amount of expenditures.

(d) If a participating county does not expend the full amount of the grant received for any one year under the provisions of this act, the county shall retain the unexpended amount of the grant for expenditure for correctional services as described in section 2 during any ensuing calendar year. The Director of Corrections shall reduce the grant for the ensuing calendar year by an amount equal to the amount of the previous year's grant which was not expended and was retained by the county, unless the Director finds that the amount so retained is needed for and will be expended during the ensuing calendar year for expenditures under the applicable comprehensive plan.

Section 15. (a) Each county receiving grants under this act shall be charged a sum determined by the Director of Corrections which shall be equal to the total of: (1) The per diem costs to the state general fund of confinement and rehabilitation of those persons who are committed to the Director of Corrections on and after the first day of the calendar quarter for which the county first receives grant payments under section 16, except that no charge shall be made for those persons convicted of a felony for which the maximum term of imprisonment which by statute is in excess of five years for a violent offense.

(b) In no case shall the amount charged for the total of such per diem costs exceed the amount of the grant which the county is eligible to receive under this act. The Director of Corrections shall determine such costs and deduct them from the amount of the grant payable to each such county. All such charges shall be a charge against the county of commitment.

Section 16. (a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by this act and approval of the comprehensive plan by the Director of Corrections, the Director of Corrections shall determine the amount of the annual grant to each such county and, commencing on the next ensuing calendar quarter after approval of the comprehensive plan, shall proceed to pay such grant in equal quarterly payments in accordance with and subject to this act, applicable rules and regualtions, and the provisions of appropriations acts.

(b) Within ten (10) days after the end of each calendar quarter, each county receiving quarterly grant payments under this act shall submit to the Director of Corrections certified statements detailing the amounts expended and costs incurred for the correctional services described in section 2. Upon receipt of such certified statements, the Director of Corrections shall determine whether each such county is in compliance with the expenditure and operation standards prescribed under this act for such services and shall determine the quarterly payment amount each such county is entitled to receive after making any adjustments for reductions or charges as required by or in accordance with this act and applicable rules and regulations.

(c) Quarterly grant payments for counties entitled thereto under this act shall be made upon warrants of the Director of State Finance and reports issued pursuant to vouchers approved by the Director of Corrections or by a person or persons designated by the Director of Corrections to the county treasurers of such counties.

Section 17. Within ten (10) days after the end of any calendar quarter, any county or any group of cooperating counties which is participating under this act, may withdraw from such participation by resolution of the board or boards of county commissioners and shall notify the Director of Corrections of such resolution to withdraw from the grant program under this act. Any such withdrawal shall be effective for such county or for such group of counties on the last day of the next ensuing calendar quarter after the calendar quarter in which such notice was given.

Section 18. The Director of Corrections and any county not receiving grants under this act may contract for any correctional services described in section 2 from any county or group of cooperating counties which are receiving grants under this act.

Section 19. The failure of any county to elect to come within the provisions of this act shall not affect the eligibility of such county for any other state subsidy or grant or assistance otherwise provided by law.

Section 20. This act shall take effect and be in force from and after its publication.

Appendix B
Felony Limit Legislation

STATE OF OKLAHOMA

38th Legislature (1981-1982)

SENATE BILL NO. 389 BY: McCUNE

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING 21 O.S. 1981, SECTIONS 1503, 1521, 1541.1, 1541.2, 1541.3, 1704, 1722 AND 1731, WHICH RELATE TO FRAUD, TRICK OR DECEPTION AND LARCENY; INCREASING THE AMOUNT OF LOSS REQUIRED IN CERTAIN CRIMES AGAINST PROPERTY WHERE THE AMOUNT OF LOSS DEFINES WHETHER A CRIME IS A MISDEMEANOR OR FELONY; MODIFYING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. 21 O.S. 1981, Section 1503, is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations be is of the value of ~~Twenty Dollars ($20.00) or less~~ a value less than Five Hundred Dollars ($500.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding ~~One Hundred Dollars ($100.00)~~ One Thousand Dollars ($1,000.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or other accommodations be ~~more than Twenty Dollars ($20.00)~~ is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental

house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding ~~One Hundred Dollars ($100.00)~~ One Thousand Dollars ($1,000.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this act shall not apply where there has been an agreement in writing for delay in payment.

SECTION 2. 21 O.S. 1981, Section 1521, is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for ~~the sum of Twenty Dollars ($20.00) or less~~ a sum less than Five Hundred Dollars ($500.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. If the value of the false, bogus or worthless check shall exceed the sum of ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed ~~Five Hundred Dollars ($500.00)~~

One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 3. 21 O.S. 1981, Section 1541.1, is amended to read as follows:

Section 1541.1. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of ~~the value of Twenty Dollars ($20.00) or less~~ a value less than Five Hundred Dollars ($500.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game," or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 4. 21 O.S. 1981, Section 1541.2, is amended to read as follows:

Section 1541.2. If the value of the money, property or valuable thing referred to in ~~the preceding paragraph be more than Twenty Dollars ($20.00)~~ Section 1541.1 of this title is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary, for a term not less than one (1) year nor more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 5. 21 O.S. 1981, Section 1541.3, is amended to read as follows:

Section 1541.3. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts, or orders, as herein defined, the total sum of which checks ~~exceeds Twenty Dollars ($20.00)~~ is Five Hundred Dollars ($500.00) or more, even though each separate instrument is written for less than ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00), all in pursuance of a common scheme

or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary, for a term not less than one (1) year nor more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 6. 21 O.S. 1991, Section 1704, is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of the value exceeding ~~twenty dollars~~ of Five Hundred Dollars ($500.00) or more.

2. When such property, although ~~not of value exceeding twenty dollars~~ less than Five Hundred Dollars ($500.00) in value, is taken from the person of another.

Larceny in other cases is petit larceny.

SECTION 7. 21 O.S. 1981, Section 1722, is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipe line, tank, tank car, or other receptacle or container with intent to deprive the owner thereof of said crude oil, gas, or gasoline, or any product thereof shall:

~~(a)~~ 1. Be guilty of a misdemeanor if the value of said product so taken ~~does not exceed the sum of Twenty Dollars ($20.00)~~ is less than Five Hundred Dollars ($500.00), and upon conviction thereof, shall be punished by a fine of not more than ~~One Hundred Dollars ($100.00)~~ Five Hundred Dollars ($500.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment; or

~~(b) Shall be~~ 2. Be guilty of a felony if the value of such product so taken ~~exceeds the sum of Twenty Dollars ($20.00)~~ is Five Hundred Dollars ($500.00) or more and upon conviction thereof, shall be punished by a fine of not less than ~~One Hundred Dollars ($100.00)~~ Five Hundred Dollars ($500.00), and not more than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), or confinement in

the State Penitentiary for a term of not less than one (1) year, and not more than two (2) years, or by both fine and imprisonment.

SECTION 8. 21 O.S. 1981, Section 1731, is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

~~(A)~~ 1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been so taken is less than ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00), punishment shall be by imprisonment in the county jail not exceeding thirty (30) days, and or by a fine not ~~less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00)~~ to exceed One Thousand Dollars ($1,000.00) or both; provided for the first conviction, in the event more than one ~~(1)~~ item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail not to exceed thirty (30) days, and by a fine not ~~less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00)~~ to exceed One Thousand Dollars ($1,000.00).

~~(B)~~ 2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00), that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the county jail for not ~~less than thirty (30) days nor~~ more than one (1) year, and by a fine not exceeding ~~One Thousand Dollars ($1,000.00)~~ Two Thousand Dollars ($2,000.00).

~~(C)~~ 3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property is less than ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the

punishment shall be by confinement in the State Penitentiary for not ~~less than two (2) nor~~ more than five (5) years.

~~(3)~~ 2. In the event the value of the goods, edible meat or other corporeal property is ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00), or more, punishment shall be by confinement in the State Penitentiary for not ~~less than one (1) year nor~~ more than five (5) years.

SECTION 9. This act shall become effective October 1, 1982.

38-2-5098 SED:lmt 10/06/81

STATE OF OKLAHOMA

38th Legislature (1981-1982)

SENATE BILL NO. 388 BY: McCUNE

AS INTRODUCED

AN ACT RELATING TO PRISONS AND REFORMATORIES; REQUIRING A PERIOD OF COMMUNITY SUPERVISION FOR CERTAIN INMATES OF A STATE PENAL INSTITUTION; PROVIDING PROCEDURES; DIRECTING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. Any inmate in a state penal institution for more than one (1) year, who has been committed upon conviction of a felony, shall, during the last six (6) months of incarceration, participate in a community supervision program as established by the Department of Corrections. During the six-month period of community supervision, the inmate shall be subject to all rules, conditions and restrictions for such supervision of the Department of Corrections and shall be under the guidance and supervision of the Department of Corrections, Division of Probation and Parole. Should the inmate violate any rule or condition of the period of community supervision, the inmate shall be subject to revocation proceedings as established by the Department of Corrections.

SECTION 2. Section 1 of this act shall be codified in the Oklahoma Statutes as Section 510.2 of Title 57, unless there is created a duplication in numbering.

SECTION 3. This act shall become effective October 1, 1982.

38-2-5096 SBD:xkn 10/05/81

Appendix D

Emergency Overcrowding Legislation

Michigan Model

AN ACT RELATING TO PRISONS AND REFORMATORIES; PROVIDING SHORT TITLE; DEFINING TERMS; AUTHORIZING THE GOVERNOR TO DECLARE A PRISON OVERCROWDING ETC. STATE OF EMERGENCY; PROVIDING FOR AWARDS OF EARNED CREDITS; PRESCRIBING POWERS AND DUTIES OF THE GOVERNOR AND THE DEPARTMENT OF CORRECTIONS; PROVIDING REMEDIES FOR A STATE OR EMERGENCY; PROVIDING PROCEDURES FOR RESCINDING STATE OF EMERGENCY; NULLIFYING ACT IN CASE OF NATURAL DISASTER OR DELIBERATE DESTRUCTION OF PROPERTY; DIRECTING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. This act shall be known and may be cited as the "Oklahoma Prison Overcrowding Emergency Powers Act".

SECTION 2. As used in this act:

1. "Department" means the Department of Corrections of the State of Oklahoma;

2. "Prison" means a correctional facility operated by the Department of Corrections;

3. "Prison system" means the prisons of this state; and

4. "Rated design capacity" means the actual available bedspace as certified by the Department of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under those laws.

SECTION 3. The Department of Corrections shall request the Governor to declare a state of emergency in the state's prisons whenever the population of the prison system exceeds ninety percent (90%) of the rated design capacity for thirty (30) consecutive days. In making the request, the Department shall certify the rated design capacity and current population of the prison system and that all administrative actions consistent with applicable state laws and the rules and regulations promulgated under those laws have been exhausted in an attempt to reduce the prison population to no more than ninety percent (90%) of the rated design capacity.

SECTION 4. Unless the Governor finds, within fifteen (15) calendar days after the Department of Corrections' request to declare a state of emergency, that such an emergency no longer exists, a prison overcrowding state of emergency shall be in effect. All prisoners confined in the Oklahoma prison system on the effective date of such an emergency shall be granted ninety (90) days emergency time credits by the Director of the Department such credits to be deducted from the current sentence of each affected prisoner and to be irrevocable.

SECTION 5. If the actions by the Governor to declare a state of emergency and the subsequent actions by the Director of the Department of Corrections to grant emergency time credits do not reduce the population of the prison system to ninety percent (90%) of the rated design capacity within ninety (90) days of the date of the declaration of the emegency, all prisoners incarcerated in state prisons on that date terms shall be granted ninety (90) days emergency time credits by the Director of the Department, such credits to be applied as designated in Section 4 of this Act..

SECTION 6. If at any time during the state of emergency, the population of the prison system is reduced to ninety percent (90%) of the rated design capacity, the Department of Corrections shall certify that fact to the Governor and request the Governor to rescind the state of emergency.

If the Governor finds that within fifteen (15) calendar days of the Department's request that the emergency no longer exists then he shall declare the prison overcrowding state of emergency ended within that fifteen (15) days.

SECTION 7. The provisions of this act shall not take effect if the prison population exceeds rated design capacity as the direct result of loss of bedspace due to a natural disaster or deliberate destruction of property.

SECTION 8. Sections 1 through 7 of this act shall be codified in the Oklahoma Statutes as Sections 603 through 609 of Title 57, unless there is created a duplication in numbering.

SECTION 9. This It being immediately necessary for the presentation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Connecticut Model

AN ACT CONCERNING PRISON AND JAIL OVERCROWDING EMERGENCIES AND ASSUMPTION OF DUTIES BY A COURT SECURITY OFFICER PRIOR TO TRAINING..

Section 1. There is established a commission on prison and jail overcrowding which shall be within the office of the Governor for administrative purposes only. Said commission shall consist of the Chief Court Administrator or his designee, the Director of Corrections, the Comissioner of Public Safety, the Attorney General or his designee, the Parole Board Administrator or designee, a sheriff and a district attorney. The Governor shall appoint the following members: Two government officials, a police chief, two persons representing offender and victim services within the private community and two public members. The Governor shall appoint a chairperson from among the members of the commission. The commission shall meet at least once each month and at such other times as it deems necessary.

Section 2. The commission shall: (1) Develop and recommend policies for preventing prison and jail overcrowding: (2) examine the impact of statutory provisions and current administrative policies on prison and jail overcrowding and recommend legislation to the governor and the legislature (3) annually prepare and distribute a comprehensive state criminal justice plan for preventing prison and jail overcrowding which shall include, but not be limited to, the number of persons requiring incarceration consistent with protection of public safety, including mediation, restitution, supervisory release and community service plans and the impact on prison populations, local communities and court caseloads. The commission shall take into account any state plans in the related areas of mental health and drug and alcohol abuse in the development of such plan. The plan shall be submitted annually to the Governor and legislature on or before January fifteenth; (4) research and gather relevant statistical data and other information concerning the impact of efforts to

prevent prison and jail overcrowding and make such information available to criminal justice agencies and members of the legislature.

Section 3. (a) If the Director of corrections determines that there is prison overcrowding which is inconsistent with sound correctional management and practices in all correctional facilities under the jurisdiction of the Department of Corrections, he may petition the chief court administrator to name a judge of the district court to hear a motion for modification of any inmate's sentence. The district attorney for the judicial district in which such inmate was originally sentenced shall be given notice of such petition not less than five days prior to the hearing on the petition. At the hearing such district attorney may appear and oppose any modification is opposed by the district attorney shall have the right to be represented by counsel.

(b) No modification may be issued unless the court finds there is overcrowding which threatens the health and safety of the inmates and that (1) no reasonable alternatives other than immediate release to probation exist and (2) the director considered for selection for such motion those inmates with the shortest time left to serve.

(c) If the petition for modification of a determinate sentence is granted, the inmate shall be released immediately on probation for a period not to exceed the remainder of his sentence provided any inmate may refuse to be released under this section. If the petition for modification of an indeterminate sentence is granted, the inmate shall be released on parole pursuant to section _____.

Appendix E

Judicial Review Legislation

AN ACT relating to crimes; concerning judicial review of sentenced offenders transferring certain functions and duties with regard to sentenced offenders.

Be it enacted by the Legislature of the State of Oklahoma:

Section 1: Oklahoma State Statutes Section _____ is hereby amended to read as follows:

(1) Whenever any person has been found guilty of a crime upon verdict or plea and a sentence of death is not imposed, the court may require that a presentence investigation be conducted by the Oklahoma Department of Correction. If such offender is sent to the Lexington Assessment and Reception Center, the Oklahoma Department of Corrections shall compile a complete mental and physical evaluation of such offender and shall make its findings known to the court in the presentence report.

(2) Whenever any person has been found guilty of a crime and a presentence report has been compiled and submitted to the court, the court may adjudge any of the following:

(a) Commit the defendant to the custody of the Director of Corrections or, if confinement is for a term less than one (1) year, to jail for the confinement for the term provided by law;
(b) Impose the fine applicable to the offense;
(c) Release the defendant on probation;
(d) Suspend the imposition of the sentence;
(e) Impose any appropriate combination of (a), (b), (c) and (d).

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendent on probation the court shall direct that said defendent be under the supervision of department of corrections probation and parole Division.

The court in committing a defendant to the custody of the Director of corrections shall not fix a maximum term of confinement, but the maximum term provided by law shall apply in each case. In those cases where the laws does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the Director of corrections, the court shall fix the minimum term within the limits provided by law.

Any time within one hundred twenty (120) days after a sentence is imposed or within one hundred twenty (120) days after the probation has been revoked, the court may modify such sentence or revocation of probation by directing that a less severe penalty be imposed in lieu of the originally adjudged within statutory limits. If an appeal is taken and determinded adversely to the defendant, such sentence may be modified within one hundred twenty (120) days after the receipt by the clerk of the district court of the mandate from the supreme court or court of appeals. The court may reduce the minimum term of confinement at any time before the expiration thereof when such reduction is recommended by the Director of corrections and the court is satisfied that the best interests of the public will not be jeopardized and that the welfare of the inmate will be served by such reduction. The power here conferred upon the court includes the power to reduce such minimum below the statutory limit

on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the Director of corrections and the order of reduction shall be made in open court.

Dispositions which do not involve commitment to the custody of the Director of corrections and commitments which are revoked within one hundred twenty (120) days shall not entail the loss by the defendant of any civil rights.

(3) At the time of committing an offender to the custody of the Director of corrections the court shall submit to said officer recommendations on a program of rehabilitation for said offender, based on presentence reports, medical and psychiatric evaluations and any other information available. Such recommendations shall include desirable treatment for correction of physical deformities or disfigurement that may, if possible, be correctied by medical or surgical procedures or by prosthesis. The court may recommend further evaluation by the Oklahoma Department of Corrections even though defendant was committed for presentence evaluation.

(4) This section shall not deprive the court of any authority conferred by any other section of Oklahoma State to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(5) An application for or acceptance of probation or suspended sentence shall not constitute an acquiescence in the judgement for purpose of appeal, and any ocnvicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation or suspended sentence.

References

Allen, Harry E., Carlson, Eric W.; Parks, Evalyn C.,

1979 Critical Issues In Adult Probation: Summary, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Allen, Harry E.; Carlson, Eric W.; Parks, Evalyn C.,

1978 Halfway Houses, Vols. I and II, National 1978Institute of Law Enforcement and Criminal Justice, Washington, D.C.

1981 American Correctional Association, Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities (Directory) American Correctional Association, Maryland.

Blarhmore, John

"Evaluating the Minnesota Evaluation", Corrections Magazine Vol. VII, No. 19814 (August)

Bohnstedt, Marvin and Sail Geiser,

1979 Pretrial Release Sourcebook, American Justice Institute with NCCD, Sacramento.

Brantley, James R.;

1979 Kravitz, M., Alternatives to Incarceration: A Definitive Bibligraphy, National Criminal Justice Reference Service, Rockvill, Maryland.

Carter, Glaser, Wilkins, eds,

1979 "Mutual Agreement Programming", Correctional Institutions, American Correctional Association 2nd ed. New York.

Chamberlain, Norman

1979 "Halfway Houses for Non-Dangerous Offenders". Vital Issues Vol. XXVI, #6.

Comptroller General

1980 Report to the Congress of the United States, Community-Based Correctional Programs Can Do More to Help Offenders, General Accounting Office, Washington, D.C.

Cooper, Caroline (Editor)

1977 Alternatives to Conventional Criminal Adjudication: Guidebook for Planners and Practitioners. U.S. Government Printing Office.

Dodge, Calvert R.

1979 A World Without Prisons, D.C. Health and Co., Lexington, Massachusetts.

District of Columbia Pretrial Services Agency

1979 Handbook on Procedures. District of Columbia. Washington.

Galvin, John; Basker, Walter; Green-Quijano, William; Kemp, Gary; Harlow, Nora; Hoffman, Kathleen,

1977 Instead of Jail: Pre- and Post-Trial Alternatives to Jail Incarceration, Vols. 1, 2, 3, 4, 5, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Gottfriedson, Hoffman, Singer, Wilkins

1974 "The Utilization of Experience in Parole Decision-making" NICECJ, Washington.

Harris, M. Kay,

1981 "Reducing Prison Crowding: An Overview of Options", National Council on 1981Crime and Deliquency

Hicks, S. David.

1981 The Corrections Yearbook 1981. Criminal Justice Institute, New York.

Hudson, Joe, et al.

1980 Victims, Offeners, and Alternative Sanctions - Lexington Books Printing Lexington, Massachusetts.

Husch, Andrew and Kathleen J. Hanrahan,

1978 Abolish Parole? NILECJ, Washington.

LeClair, D.P.

1978 "Home Furlough Program Effects on Rates of Recidivism" 5 Criminal Justice and Behavior, New York.

LeClair, Daniel,

1980 "Community-Based Reintegration: Some Theoretical Implications of Positive Research Findings," Massachusetts Department of Corrections, Boston, Massachusetts.

National Advisory Commission on Criminal Justice Standards and Goals,

1973 Corrections, Washington, D.C.

National Coalition for Jail Reform,

1981 "Pretrial Release" Corrections Today ACA, Maryland September-October.

National Council on Crime and Delinquency Research Center

1980 "The Sourcebook on Alternatives to Prison in California" NCCD, San Francisco.

National Institute of Corrections

1980 "The Impact of Determinate Sentencing on Corrections. California State University.

National Criminal Justice Information and Statistics Service,

1978 "State and Local Probation and Parole Systems", Washington, D.C.

National Institute of Law Enforcement and Criminal Justice (NILECJ)

1978 The National Manpower Survey of the Criminal Justice System, LEAA, Washington.

National Institute on Alcohol Abuse and Alcoholism

1977 "Decriminalization of Public Intoxication - Is is Working?" National Clearinghouse for Alcohol Information (January)

Nelson, E. Kim; Ohmart, Howard; Harlow, Nora,

1978 Promising Strategies in Probation and Parole, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

New York State Special Commission on Attica,

1972 "Attica", Special Report, New York.

Newton, Anne,

1980 "Alternatives to Imprisonment: An International Review," Criminal Justice Abstracts, National Council on Crime and Delinquency, Hackensack, New Jersey.

Sandel, Cliff

1981 "Projection of Prison Population Pressure 1982-1990" Oklahoma Department of Corrections.

State of Michigan

1980 "Report of the Joint Legislative/Executive Task Force on Prison Overcrowding.

State of Oklahoma

1980 "Governor's Advisory Committee on Alternatives to Incarceration"

Seiter, Richard P.; Carlson, Eric W.; Bowman, Helen H.; Grandfield, James J.; Beran, Nancy J.,

1977 Halfway Houses, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Soper, Jody,

1979 "Alternatives to Prison: A Thoughtful Approach to Crime and Punishment", Unitarian Universalist Services Committee, Boston, Massachusetts.

Strathman, Gerald J.

1981 Minnesota Community Corrections Act Evaluation-General Report, Minnesota Department of Corrections, St. Paul.

Thalheimer, Donald J.,

1978 Cost Analysis of Correctional Standards: Halfway Houses, Vols. I and II, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Thalheimer, Donald J.,

1978 Cost Analysis of Correctional Standards: Community Supervision, Probation Restitution, Community Service, Vol. II, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Toborg, Mary A.; Center, Lawrence J.; Milkman, Raymond H.; Davis, Dennis W.,

1978 The Transition From Prison to Employment: An Assessment of Community-Based Assistance Programs, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.

Umbreit, Mark S.

1981 "Reducing Prison Overcrowding Through Community Corrections" Prisoner and Community Together, Inc. Indiana.

Zeller, Lynn J.,

1979 "Alternatives to Incarceration: The Basic Issue and a Glossary", Prison Law Monitor, Vol. 2, No. 6., Washington, D.C. November/December

END