

**- An Information Brief -**

# **Issues in Siting Correctional Facilities**

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## Preface

The siting of correctional facilities is a critical issue across the country. Despite ongoing construction of correctional facilities, most states and many counties continue to fall short of meeting the need for new bedspace.

Community acceptance and cooperation are vital ingredients to successful facility siting and operations. We must learn better ways to manage public opposition because we can expect that the future will hold more, not fewer, decisions about where to locate correctional facilities.

In 1987, the FAU-FIU Government Center of the Florida International University completed a study of the impact of correctional facilities on land values and public safety. Funded by the National Institute of Corrections, this study investigated the popularly held notions that the presence of a correctional facility in a community creates a risk to public safety, lowers nearby property values, and diminishes the community's quality of life. The study findings refute these commonly held beliefs.

The study found that correctional facilities have no negative effects on property value, public safety, or the quality of life. Conversely, the study found that correctional facilities had important positive effects on the local economies. Perhaps most important, the study concluded that an agency's ability to site a correctional facility appears to be directly related to its ability to effectively manage public opposition.

This **Brief** provides an overview of the study's findings and presents strategies for better managing the process of siting correctional facilities. It was written for correctional administrators, planners, public relations staff, and others responsible for facility siting. We are pleased to make this publication available to the corrections community.

# Introduction

The siting of facilities needed by society but unwanted by its members is not a new problem. In ancient times leper colonies were forced outside city walls or away from established paths and roads. In the late 20th century, the siting of correctional facilities is a critical issue across the country.

From 1978 to 1991, the nation's inmate population grew by 77%, adding 349,638 inmates to state and local correctional facilities.<sup>1</sup> Tougher laws, more rigorous enforcement, and longer sentences all contributed to the increase. During 1990 alone, 23 corrections agencies added 62 new institutions.<sup>2</sup> States and counties have an ongoing need for additional bedspace despite having spent billions of dollars on prison construction during the 1980s.

The nation's recent experience with the growth of inmate populations and the resulting overcrowding ensures that the future will hold more, not fewer, decisions about the locations of correctional facilities. The war on crime that began in the early 1980s ensures that prisoner populations will remain high in the foreseeable future. Difficulties in siting a much needed correctional facility led one beleaguered director of corrections to lament,

*When you start a war on crime, it's easy to hire more cops, more judges, and more prosecutors, but it takes three years to build prisons. Instead, you have to go begging for money and then get beat up by the community where they (legislators) want to put it. It's not an easy job.*

This **Information Brief** highlights the findings of a study designed to investigate a major issue related directly to the shortage of inmate housing: the impact of a correctional facility's presence on the community where it is located. People's perceptions of the impact determine whether they will tolerate a correctional facility in their community or fight against it. For many states and counties, all of the easy siting decisions have already been made. What is now needed are approaches to help these jurisdictions manage public opposition more effectively.

The **Brief** documents the positive and negative, objective and subjective impact of correctional institutions on local communities, and also suggests ways to lessen negative effects. By identifying and evaluating the impact of correctional facilities on local communities, the positive effects may be revealed and a basis provided for the elimination or mitigation of negative consequences.

The need for this type of information stems from the recognition that siting correctional facilities is a critical task most correctional agencies, by their own admission, do not perform very well. Correctional facility site selection is an emotional issue for the public at large. To effectively

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<sup>1</sup> Kathleen Maguire and Timothy J. Flanagan, eds., *Sourcebook of Criminal Justice Statistics 1990*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, U.S. Government Printing Office, 1991.

<sup>2</sup> George M. Camp and Camille Graham Camp, *The Corrections Yearbook 1991*. South Salem, New York: Criminal Justice Institute, 1991.

site a facility, correctional agencies must be armed with information about the positive effects the facility will have on the surrounding community and strategies for countering any negative effects. Corrections officials must stage a public relations campaign to win the confidence of the community.

Siting a correctional facility is a difficult, often thankless task, even under the best of circumstances. Without the support of the public, it can become an impossible task. A correctional agency's design and use of a process that anticipates and responds to public concerns can help determine whether those concerns become a solid wall of opposition or a door that opens for mutual benefit.

## **Study Methodology and Findings**

*Impact of Correctional Facilities on Land Values and Public Safety* investigated the popularly held opinions that the presence of a correctional facility in a community creates a risk to public safety, lowers nearby property values, and reduces the community's quality of life. Specifically, the study looked at how correctional facilities across the country affected their respective communities':

- Property values.
- Public safety.
- Economy.
- Quality of life.
- Law enforcement capabilities.

To identify successful strategies for siting correctional facilities and strategies that could be adapted to correctional facility siting, the study also looked at state programs for siting controversial public facilities ranging from prisons to group homes and low-income housing to landfills and hazardous waste facilities.

### **What facilities were selected for study?**

The facilities selected for study were:

- Ada County Jail (Idaho).
- Arizona State Prison Complex - Perryville.
- Brevard Correctional Institution (Florida).
- Dade Correctional Institution (Florida).
- Durango Detention Facility (Arizona).
- Federal Correctional Institution - Memphis (Tennessee).
- Hillsborough Correctional Institution (Florida).

### **How were these facilities chosen?**

The seven facilities were selected to represent a range of facility types located in populous counties across the country. Other criteria included:

- Construction of the facility from six to ten years prior to the study.
- Facility location within one to two miles of residential areas.
- Availability of computerized property value data.

### **How did the study determine that the correctional facilities did indeed impact the communities where they were sited?**

For each facility, the study defined a target area and a control area. The target area was defined by a circle, several miles in diameter, drawn using the facility as its center. The control area had comparable demographic features with one exception: no correctional facility.

By defining a target area and a control area for each facility, the study could then identify and evaluate any similarities or differences between the two areas. Statistically significant differences would suggest that the correctional facility had impacted the surrounding community.

### **How did the study assess the impact of correctional facilities on property values?**

It is important to remember that location is a key element in determining land value. The relative locational value--that is, the proximity of a land parcel to other parcels and the linkage between them--is the primary factor that determines the land's overall value. Proximity to desirable features generally increases a parcel's value, whereas proximity to undesirable features generally decreases its value.

The impact of prison proximity on property values was assessed by examining the changes in property values in the areas surrounding the seven correctional facilities. Regression techniques were used to measure the relationship of the dependent variable--the price of the residence--to the independent variables: lot size, location, age, size, condition, and other amenities such as a garage, fireplace, den, and so forth. Resale values for residences in the target and control areas both prior to and subsequent to facility construction were compared. The target and control areas were matched for selected demographic characteristics.

The investigators also sent an eight-item mail survey to realtors in the communities surrounding the facilities. The survey asked questions about the local residential housing market, property values, and concerns of potential home buyers. Realtors were asked to compare sales activity, property values, and buyer concerns within a three-mile radius of the correctional facility with those from an area located farther from the facility. They were also asked to rate, on a scale ranging from always to never, how often potential buyers had expressed concern over the presence of a correctional facility.

## **How did correctional facilities affect residential property values?**

The impact of the correctional facilities on property values in the seven target areas was generally consistent. Over several years, sales prices for residential property in the target areas were not significantly different from those in the control areas. One exception was a high-income target area near the Arizona State Prison Complex at Perryville (ASPC-P), where lower property values occurred in the third of three years studied. Regression results indicated that location had a negative effect on the price of a house in this area, lowering the average value by about \$18,000. Factors unrelated to the prison (e.g., zoning changes, natural boundaries, overabundance of rental property, and lack of owner care) may account for this finding. Yet it is also possible that persistent public opposition to the facility may have depressed the residential property values in this affluent area.

Of the 79 realtors responding to the survey, most believed that the presence of the facilities in their communities had little or no negative effect on sales price. Further, most realtors did not believe that sales activity was adversely affected by the presence of a correctional facility. Only two realtors--from Boise, Idaho, and Memphis, Tennessee--reported losing one or more potential buyers specifically because of the facility.

## **How did the study measure the impact of correctional facilities on public safety?**

The risk to the public was evaluated by examining:

- The security system and procedures designed to prevent escape and facilitate recapture at each correctional facility.
- The involvement of law enforcement agencies and correctional facility staff in responding to escapes.
- The number of escapes and recaptures.
- Crime-related impact that inmates' visitors may have had on the local community.
- Crime rates for the target areas compared to those for the control areas.

To provide a fair basis for comparing the crime rates between the control and target areas, they were matched for four variables:

- Mean household income.
- Percent of residents in same house since 1975.
- Percent of government workers.
- Percent of male residents aged 15 through 24.

These variables were selected for specific reasons. Mean household income was chosen as an indicator of socioeconomic status because: 1) there is a high positive correlation between income and other important demographic variables such as employment and educational achievement, and 2) people of substantially disparate income levels might feel differently about correctional facilities, based on factors having little or no relationship to physical proximity to the facility. Percent of residents in the same house since 1975 was chosen as an indicator of the area's degree of transiency. It was hypothesized that more transient people might feel differently about the presence of a correctional facility in the community than less transient people. Percent of government workers was chosen because government-employed residents might feel differently about



government facilities such as state correctional institutions compared with privately employed workers. Percent of male residents aged 15 through 24 was chosen in order to match areas that have comparable percentages of residents in the age range with the highest crime rate.

### **How did the correctional facilities impact public safety?**

With one exception, analysis revealed either: 1) no significant difference between the crime rates for the target and control areas, or 2) the crime rate in the target area was significantly lower than in the control area. Examination of the target area that experienced a higher crime rate revealed that this result was due to factors other than the presence of the correctional facility. When compared to the control area, the target area was found to be more urbanized, with more commercial property and shopping centers, factors usually associated with higher rates of crime.

Average escape rates varied from a low of 1 per year to a high of 12.3 per year. Recapture rates varied from a low of 50% to 100%. Escapes did not pose a significant threat to the personal safety of the residents near the correctional facilities. The most serious crime committed in the neighboring communities by escapees was car theft, presumably to assist a getaway.

The law enforcement officers surveyed about the impact of the correctional facilities on public safety stated that, in their opinions, the correctional facilities had not contributed to community crime rates. Not one of the 15 law enforcement officers interviewed reported having heard about crimes committed in the community by inmates' visitors. While a small minority of visitors had committed crimes inside the facilities by attempting to bring in contraband, these incidents did not seem to have a larger, direct negative effect on the local community.

### **How did the study measure the impact of correctional facilities on the local economy?**

As a general rule, investments in communities have positive economic impact on local business activity, employment, and personal income. The effect on the local economy stems from the expenditures required to establish and maintain the new operation. Direct sources of impact are payroll and the intermediate products and services that are purchased from local producers and suppliers.

In addition to the direct demands for labor and other business services that emanate directly from the new activity, the additional income generated locally leads to secondary increases in local demand and business activity through its impact on household income and spending patterns. Consequently, the initial or direct effect on local household income becomes magnified, or multiplied, through subsequently induced spending. The size of the final impact may be estimated by applying household income multipliers.

The multipliers used in this analysis were provided by the Department of Commerce "Regional Input-Output Modeling System II" (RIMS-II). Household income multipliers given by this model are used to estimate the total change in local income resulting from each additional dollar expended to build and/or operate a facility in an area.

Any economic impact from these facility-related expenditures fall into one of five categories:

- Non-wage construction expenditures.
- Construction payroll.
- Non-wage expenditures for facility operations.
- Correctional facility payroll.

- Community service projects performed by inmates.

The RIMS-II multipliers generate impact estimates that indicate the overall change likely to occur without indicating the time period in which the change will occur. That is, the model calculates the total magnitude of the impact. It cannot specify what proportion of the total impact will occur during the first year of operation, the second year, and so forth.

### **How did correctional facilities affect the local economy?**

The relative impact of correctional facilities on household income and employment was determined using a ratio between two sets of factors: the size and economic growth rate of the community, and the magnitude of a facility's construction and operational expenditures for payroll, goods, and services. The magnitude of the effect depended upon the ratio of facility expenditures to the size and economic vitality of the community.

All of the correctional facilities had a positive effect on the local economies. But the impact was greatest for large facilities with correspondingly large expenditures that were located in less urban or in slow-growing communities. Even in fast-growing communities, however, a correctional facility can have a substantial positive impact if its expenditures are sufficiently large. A small facility with a limited budget has a less noticeable effect on a large, thriving community. Three of the seven facilities had a substantial positive impact; four had a lesser impact.

The economic impact was calculated for each of the five economic impact categories previously identified. Comparative data for all seven facilities were provided for:

- The relative impact of construction on household income.
- The relative impact of construction on employment.
- The relative impact of operations on household income.

The data showed, in 1985 dollars, profound economic impacts on the local communities. The increase in local household income directly attributable to facility construction ranged from \$3,900,000 in Boise (Ada County Jail) to \$84,700,000 in Phoenix (ASPC-P). Increased employment due to facility construction ranged from 287 persons in Boise to 7,958 persons in Phoenix. Facility operating expenditures increased local household income by \$1,800,000 in Boise and by \$22,600,000 in Phoenix.

Further, the initial, or direct, impact on local income also becomes magnified or multiplied through subsequently induced spending. As an example, in the communities studied, each \$1 of operating expenditure added from \$1.50 to \$1.97 to household income. The highest values occurred in those areas having facilities with the highest proportion of payroll costs to total operational costs.

Inmates at many correctional facilities provide labor services throughout the communities where they reside (e.g., janitorial, landscaping, general maintenance). To estimate the economic benefit communities gain from these services, the number of labor hours worked were valued at the wages that otherwise would have been paid for these services (usually minimum wage). In 1983, inmates provided community services at four of the facilities studied. Their services were valued at:

- \$256,242 - Brevard Correctional Institution.
- \$285,440 - Dade Correctional Institution.
- \$89,914 - Hillsborough Correctional Institution.
- \$634,577 - Arizona State Prison Complex-Perryville.

### **How did the study measure the impact of correctional facilities on the public's perception of quality of life?**

While quality of life may be a difficult and nebulous concept to define, its importance to a community deserves close attention. The body of literature relevant to prison siting suggests that subjective (or psychological) responses are more powerful than objective impact in explaining community resistance to the siting of a correctional facility.

To assess public concerns and fears, a representative sample of residents located near four facilities studied--Shelby County, Tennessee; Maricopa County, Arizona; Ada County, Idaho; and Dade County, Florida--was surveyed by telephone, using random digit dialing. The sample size ranged from a high of 419 in Ada County to a low of 334 in Maricopa County. The sample was equally divided between the target and control areas. The subjects were matched on the basis of four key demographic characteristics--mean household income, average length of residence, percent of government workers, and percent of male residents aged 15 through 24 years. The survey assessed levels of satisfaction, attitudes, knowledge, and feelings about living near a correctional facility.

To assess the possible relationship of media coverage and public attitudes toward correctional facilities, an analysis of print media coverage of four facilities was done to augment the surveys. This type of analysis lends an additional dimension to understanding the response of community residents to the correctional facilities.

### **How was the quality of life affected by the presence of correctional facilities?**

The majority of respondents (50% to 75%) believed the safety of their neighborhood was not adversely affected by the presence of the correctional facility. Slightly greater numbers (78% to 94%) believed that their neighborhood's quality of life had not declined. However, specific questions about the correctional facility brought out responses reflecting a general attitude of tolerance, not approval.

In the case of one community with a state prison, significantly more target area than control area respondents reported that the facility was a disadvantage to the community. When respondents were told about the facility's positive contribution to the local economy and were asked again to weigh the facility's benefits to the community against its disadvantages, their responses showed a general trend toward a more positive view of the facility.

One community reported that the county jail was an advantage. Another community reported that the facility was a distinct disadvantage; this facility had been sited against vociferous local opposition and unsuccessful legal and political challenges to its location. The siting of this particular facility involved legislative debates, community debates, and negative media coverage concerning the facility's location and potential impacts.

The media coverage analysis found that, for two of the four facilities studied, a majority of news articles during the siting phase reported controversies about site selection; during the operations phase, a majority of articles reported escapes, overcrowding, and management

problems. For the other two facilities, both county jails, news coverage of siting was limited and reflected little or no controversy. Nonetheless, the coverage of facility operations at the jails reflected overcrowding, threats to inmate safety from inmate attacks, and management and administration problems. For all of the facilities studied, a minority of news articles reflected more positive themes, such as accounts of volunteers' assistance with educational or religious programs for inmates.

### **How did the study evaluate the effect of correctional facilities on local law enforcement agencies?**

Local police officials were asked whether the presence of a correctional facility in a community places an extra burden on the local and state law enforcement agencies. They provided opinions during structured interviews or in writing.

### **What were the perceived impacts of correctional facilities on local law enforcement?**

The 15 law enforcement officials interviewed about the impacts of correctional facilities on local law enforcement identified several positive aspects of having a correctional facility in the local community:

- Cooperative agreement for handling emergency situations (e.g., fires, disturbances, or escapes).
- Services provided by trustees.
- Employment.
- Availability of temporary housing for local inmates in the event of an emergency.

None of the law enforcement officials interviewed could identify any specific negative consequences of having a correctional facility in the jurisdiction.

### **How did the study identify successful strategies for siting correctional facilities?**

To identify siting strategies that have been successfully used for correctional facilities, the study looked at the siting programs used by the states where the seven facilities studied were located. To identify siting strategies that have been used successfully in siting other types of controversial public facilities, the study examined state programs nationwide. Information about the state programs described was obtained from applicable state statutes, written program descriptions from government agencies, program descriptions and assessments published in professional journals and newspapers, and questionnaires and telephone interviews conducted with state program siting officials, local officials, and others affected by the program under study. The effectiveness of each program was further evaluated according to its capability to respond to public opposition, presence of provisions for public participation, and level of programmatic response to public opposition.

### **What did the assessment of successful strategies for siting controversial public facilities find?**

The study's assessment of state siting programs for several types of controversial facilities found that public opposition is a common factor no matter what type of facility or what state is being studied. Concerns about public health and safety and community quality of life predominate. The programs offered differing levels of opportunity for public participation and diverse mechanisms for responding to public concern and opposition. The use of professional negotiation and/or arbitration services was a feature in several state programs for siting hazardous waste facilities, low- and moderate-income housing, and group homes for the mentally disabled.

## **Public Opposition to the Siting of Correctional Facilities: Most Common Concerns**

A community typically has four concerns about the siting of correctional facilities:

- Public safety.
- Mistrust of government officials involved in siting.
- Economic and social considerations.
- Power sharing, or the extent to which the public has the power to affect the decisionmaking process and its outcomes.

### **Public Safety**

A major concern is public safety. People fear having correctional facilities near their residences for several reasons:

- The potential for inmate escape poses a threat to their personal safety and that of their families.
- Visitors may bring a "criminal element" into the community with an increased probability of criminal activity.
- Upon release, inmates may "settle" in the neighborhood surrounding the prison.

In addition, the perceived credibility of the facility operator influences the public's perception of safety. Inmate violence, escapes, and management problems in other facilities make a negative impression on the public and thus influence public opinion in communities that are being considered as a potential site for a prison. When the public feels that those persons in charge of running the correctional facility are competent, fear for personal safety becomes less of an issue. Good community relations, in tandem with competent operation of correctional facilities, can benefit future correctional siting efforts.

### **Public Mistrust**

Closely related to the issue of public safety is the extent of public mistrust. The public naturally distrusts what it does not understand. Therefore, communicating an image of trustworthiness and competence during the siting process should be a primary objective of corrections personnel. In cultivating this image, corrections personnel must demonstrate a willingness to address community concerns with some type of responsive action, such as establishing community advisory committees that meet regularly with key corrections staff.

### **Economic and Social Considerations**

The fear of reduced property values is common among residents in communities where correctional facilities exist or where construction is planned. Landowners want the greatest possible return on their investment. They feel that siting a correctional facility near their property may drive down property values and affect not only the market value of their land and any buildings on it but also the tax base of the community.

A less direct, but just as serious, economic consequence is the influence that a correctional

facility in a particular community may have on the types and extent of future investments in that community. Many communities believe that professional, high-tech jobs are the most desirable. Some businesses may not be attracted to areas with particular kinds of unpopular facilities which would limit future employment patterns.

Perhaps less obviously, the presence of an unpopular facility, especially a large one, can greatly influence a community's sense of pride, identity, and image. In some cases, individuals who can afford to do so leave an area with an unpopular facility, even when it has been demonstrated that the facility has improved the economic life of the area. These individuals simply do not see the facility as compatible with the way they perceive themselves and their community.

## **Power Sharing**

The history of correctional facility siting is marked by heated public opposition, which state siting programs have traditionally lacked adequate preparation to diffuse. Insufficient attention has been directed at ways to achieve interactive and productive public involvement.

The nature of our democratic system affects the level of public resistance to a correctional facility. In the United States, citizens have the right to be involved in public decisions that may affect their lives. Further complicating the process of siting a correctional facility is the tradition of local autonomy and control.

Americans traditionally resist what they perceive to be heavy-handed incursions by state authorities into local affairs, even if these incursions can be shown to be beneficial. While the state has the constitutional and legal right to inject itself into local affairs, it does so only occasionally and with great caution. This is because the legal right of the state to act does not necessarily convey the power or justification for doing so.

The decision about where to site a new correctional facility is often fought in the political arena. Because political power is inequitably distributed, those areas with strong representation in the legislature and those with powerful local interest groups who have access to state decisionmakers can often resist the placement of unwanted facilities within their communities. Legislatures have succumbed to political pressure many times, settling siting debates by refusing to appropriate funds for sites that meet all technical standards but are politically controversial. They typically locate the facility elsewhere. These alternate locations are usually in rural areas or urbanized areas near lower-income neighborhoods that lack substantial political power.

Those with less political power often find they have no role in the decisionmaking process and, therefore, little choice in the matter. The result is unhappiness, bitterness, and controversy, as those with less power are forced to accept what others were able to turn away.

## **Importance of Managing Public Opposition**

The inability of an agency to effectively manage public opposition to a potential site chosen for a correctional facility can immediately affect its ability to construct and operate the new facility and can have widespread and long-lasting repercussions on the agency's ability to site future facilities. The study summarized in this **Brief** suggests that strong community opposition at the time of siting can adversely affect attitudes toward facility management and operations for years following facility siting. A prolonged fight with a community over a site for a correctional facility can erode public confidence statewide. The Department of Corrections (DOC), as a result, can have a difficult time

siting facilities in areas that had previously been receptive. The legislature may assume total control over facility siting, leaving the DOC out of the process altogether. The siting process may drag on for so long that the correctional agency becomes overcrowded and runs afoul of the courts or the facility ends up costing many millions of dollars more than it would have. In Arizona, for example, problems in selecting a site delayed construction of a facility for eight years following its authorization by the legislature. The delay escalated the cost of the facility by several million dollars.

Inmates, too, may lose when an agency is unsuccessful in its attempts to locate correctional facilities in or near major population centers. Urban areas have been targeted by corrections officials for facility siting because a majority of inmates come from those areas. When efforts to site facilities in those areas fail, the potential benefits of community support, family visits, and maximum use of community resources are not realized.

### **What can happen if a jurisdiction does not adequately plan to manage public opposition?**

A case study of Tennessee's experience with siting regional correctional centers in the 1970s illustrates the adverse consequences of failing to effectively manage public opposition.

In the late 1960s, the Tennessee corrections department came under strong criticism for locating a 600-bed youthful offender facility in a rural community 140 miles from the nearest urban area. The decision was criticized because remote sites:

- Make it difficult to attract qualified educational and correctional officer personnel.
- Make it difficult for family members to visit regularly.
- Create problems in treating medical emergencies that require quick access to specialized services.

In response to this criticism, and in concert with a national movement promoted by the Law Enforcement Assistance Administration, Tennessee adopted a correctional facility siting policy based on the concept that correctional facilities should be replaced with community-based rehabilitation centers located near urban areas. Inmates would be assigned to centers close to their homes. Thus, the Tennessee Regional Rehabilitation Centers (TRRCs) were born.

Controversy and conflict surrounded the siting and construction of what was to have been the first regional prison serving the eastern half of the state--the Morristown Regional Prison. While the response of the public and local governments to the regional prison concept was generally supportive, this support soon changed to hostility in communities that were being considered as potential sites for the new regional prisons.

In the spring of 1973, despite strong community protest, the governor approved the start of construction at the Morristown site. In response:

- Area residents formed a picket line obstructing work crews and dug a ditch across the site's access road.
- A locally elected state representative was jailed for protest activity.
- County-wide advisory referendums on siting the facility showed more than 90% of the voters opposed the regional facility.
- Local businesses refused to sell materials to local construction contractors, and local labor refused to work at the site.
- Militant protestors dynamited the site's electric transformer utility poles.

The cost to the DOC of not adequately identifying the nature and degree of the public's resistance to the regional prison was high; the DOC's credibility with the legislature and the public was seriously compromised. In the end, the damages the DOC sustained were for naught. Work on the facility was halted and the host county was charged with finding an alternative use for it. The state's efforts to site a regional prison in Morristown set the tone for future facility siting attempts and virtually destroyed public acceptance of the TRRCs.

### **How can a community stop or delay the facility siting process?**

Communities use three primary methods to stop or delay facility siting: court suit, legislative intervention, and zoning challenges.

**Court suit:** The prison siting process can be obstructed, halted, or delayed via court orders for injunctive relief. Local property owners who dispute locating a prison in their community may file suit in state court. Local residents realize that delay through legal challenges is the most effective method available to stop a siting proposal.

**Legislative intervention:** While some communities may seek siting of a correctional facility for the economic benefits it brings, far more seek legislative influence to block the siting of a locally unpopular facility. Under pressure from a community, the legislature may use the power it wields over a state's purse strings to halt prison construction.

**Zoning challenges:** Unless zoning authority is delegated, a state is generally not bound by the zoning of its local governments because a locality's police power derives from the state. There are, however, specific cases in which a zoning ordinance prohibits the state from claiming immunity. The regulatory standards of the enabling legislation must be satisfied.

In the case of disputes, the courts must determine whether the state agency can preempt local zoning. The courts examine statutory intent or a balancing of factors, on a case-by-case basis, when deciding state/local facility siting conflicts.

- To determine **legislative intent**, the courts examine the legislation in question to ascertain whether it preempts the local zoning ordinance, either expressly or by implication.
- In the **balancing test**, the courts consider and weigh a number of factors: kind of function or land use involved, extent of public interest served, and impact on legitimate local concerns. The balancing test favors the local government because the local government has the opportunity to prove to the court that its land use policy is legitimate.

## **Approaches to Managing Public Opposition**

Expressions of public fear and opposition, though subjective and at times disproportionate to the threat posed by a facility, offer to the careful observer the opportunity for an effective initial response that lays the foundation for productive subsequent actions. The controversy and fear cannot be avoided altogether, but they can be anticipated and managed. The response by those proposing the controversial facility can increase the strength of the opposition or can improve the chances for eventual resolution.

The available literature indicates that efforts to locate correctional facilities in or near population centers have encountered stiff community resistance resulting from the interplay of several factors:



the public's anticipation of harm, lack of full knowledge about the effects of a facility, and feelings of exclusion from decisionmaking. Therefore, an effective response to public resistance must counter these factors. Such an approach requires:

- Extensive program planning.
- Provision of public information.
- Training of staff who will be involved in the siting activities.
- The use of conflict management principles by those staff members.

### **What is the first step in designing an effective, appropriate response to public opposition?**

Prior to initiating a siting decision process, the most important step DOC personnel can take is to identify the nature and degree of resistance they are likely to encounter, as well as the types of concerns expressed by the community. An appropriate, knowledgeable agency response to public opposition must be based on a careful assessment of public concerns and fears. By thoroughly assessing the character of a community and its needs, the agency can tailor the siting process to accommodate public concerns and ease the expected conflict. In the absence of a state-defined public participation process, the method and extent of public involvement in decisionmaking are best determined following a thorough assessment of the character of the community and its needs.

An agency must also document and critically examine its current methods for handling public conflict.

- When, how, and what type of information is being provided about prospective and existing facilities?
- What is the reaction of local officials and the public to current siting efforts?
- How favorably does the public view the operations of existing facilities?
- What efforts are being made to ensure that the public has accurate and timely information and that the public is being involved in decisionmaking?
- Are spokespersons being trained?
- Do corrections officials have training and experience in using principles of conflict management?

### **What issues must be addressed to mitigate public opposition to the presence of a correctional facility?**

To deal effectively with public opposition, a program must be capable of managing:

- Public trust.
- Public risk.
- Public participation in decisionmaking (or power sharing).

### **How can the public's trust be gained?**

To minimize public opposition, the agency must work toward developing public trust before facility siting begins. Communication--formal and informal--is a significant factor in building public confidence in the credibility and trustworthiness of those in charge. Frequent communication with the public and with local officials is key to successful siting efforts. It must be remembered that the media play a vital role in shaping public opinion and maintaining public awareness of controversial issues. Therefore, analyzing the media's coverage of correctional facilities--what is said and how it is said--can help identify the approaches and information needed

to better communicate with the public about facility sitings and operations.

The agency must inform the community completely about what is proposed and its potential impact by establishing community planning task groups that can be used to share information with the general public.

According to a communications expert who trains key federal officials involved with siting facilities for the Department of Energy, people who meet with the media or the public should be trained and skilled in dealing with hostile audiences. They should be adept at presenting the agency's position in the most straightforward fashion without increasing hostility. In addition, general skills training by those with specific communication expertise is recommended for corrections officials who must meet with the media and the public in these circumstances.

### **How can the agency counter the fear that public safety will be compromised by a correctional facility?**

An agency may use several methods. The first is to provide the community with objective information about the effects correctional facilities typically have on the crime rate within communities where they have been located. A second approach might be to bring law enforcement officials from communities with correctional facilities to public meetings to answer questions about public safety. A third method is to provide local law enforcement officers with specialized training in dealing with escapes, natural disasters, and disturbances. A fourth approach would be to take community leaders on a tour of similar facilities within the county or state, as appropriate; a session might be planned where they can talk with local residents about their concerns and ask questions about the way the agency that operates the facility responds when circumstances arise that threaten public safety.

### **How can the public be made to feel a part of the decisionmaking process?**

The agency should consider adopting a formal siting program to promote public participation. Common elements of successful siting programs include:

- Forming, early in the planning process, a community advisory committee, with broad-based membership from influential segments of the community.
- Affording community leaders visits to or video tours of existing facilities comparable to the one proposed for their area.
- Providing opportunities for community and neighborhood leaders to meet with their counterparts from areas where public participation options have been used successfully to site facilities.
- Providing communities with funds for technical assistance to provide additional unbiased information.
- Limiting the time period for decisionmaking.
- Disseminating information through brief, descriptive written materials, and informational meetings.
- Mitigating the perceived effects of the facility by offering a compensation package.

One state legislature created a council to oversee and facilitate the negotiation process between communities and the correctional agency. Its members represent all parties involved in and affected by the siting of correctional facilities. Nine of its 21 members are correctional agency officials or designees, 6 represent special interest groups, and 6 represent the general public. Two temporary members can be appointed from the "host" community where the facility is proposed.

The host community forms a local assessment committee to participate in negotiations with the correctional agency. The council provides funding to this committee for technical assistance, plan review, and negotiations. The committee:

- Negotiates for possible compensation.
- Appoints two local residents to serve as temporary voting members of the council.
- Determines whether to enter into a binding siting agreement with the correctional agency.

Throughout the process, public briefing sessions are held to encourage public participation and to inform the public about the project.

The correctional agency must provide the council with a statement of the facility's design, the types of inmates it will hold, the opportunity for public participation in the siting review process, and the types and level of compensation that would be available to involved communities. When potential sites are identified, the correctional agency must prepare an impact report. The report forms the basis for negotiations between the developer and the local assessment committee. After a period for public comment, the council reviews the report's adequacy.

A time frame for public information, public participation, and negotiations is established by mutual consent. At any point during this period an agreement may be reached. If an agreement is not reached, arbitration is conducted by a five-member board, two of whom are chosen by the local assessment committee, two by the correctional agency, and one by agreement of both parties. The board's decision is binding.

### **What is a compensation package?**

A compensation package may include one or more of the following: money, directly paid to the individual or community; some other type of monetary benefit, such as full or partial property tax payment for neighboring property owners; or buffer zones at no public cost.

The State of Arizona put together a compensation package to placate a hostile community. In exchange for withdrawal of challenges to the DOC's intent to site the prison, the legislature appropriated \$4 million to:

- Purchase a nearby elementary school.
- Provide additional security devices and exterior landscaping at the prison.
- Create a 1,200-acre buffer zone.
- Pay the legal fees of the citizens who brought suit.

When considering the use of compensation packages, correctional agencies should be aware that compensation approaches have been criticized on several grounds.

1. Compensation packages are new to corrections. While they have been used increasingly by hazardous waste facility developers, specific authorization may be required for use by corrections agencies.
2. Offers of compensation have been construed as bribes by opponents offended by the suggestion that they surrender part of their health and well-being in exchange for money.
3. The willingness of one party to pay the other implies that the risk may be even greater than

anticipated.

4. The compensation program must be tailored to address local economic concerns as well as quality-of-life issues.
5. While individuals may readily make decisions on whether the compensation proposal is adequate, community consensus on the form or amount of compensation may be more difficult to achieve.

### **What siting strategies were used by the states where the study facilities are located?\***

#### ***Arizona***

The Arizona Department of Corrections had no formal prison siting program when it sited the Arizona State Prison Complex-Perryville. The Department's image and reputation with the citizens of the state suffered greatly from the battle that was waged over the site. As a result of the Perryville siting, the legislature took control of the siting process from the governor, specifically prescribing site locations by their legal descriptions and closely regulating the size of the facilities and their security and custody levels. The legislature established a site evaluation committee, appointed by the DOC, to recommend potential sites to the legislature. The committee includes representatives from the DOC and Department of Administration.

#### ***Idaho***

Idaho has not experienced correctional facility siting problems that other more densely populated states have faced. The DOC locates its correctional facilities in isolated, non-urban areas which it believes are conducive to its agency mission. Indeed, the primary problem Idaho has in siting new facilities is selecting one site from many acceptable sites.

Idaho has a formal siting program similar to the programs used by Colorado and Washington. It is not a statutorily prescribed program. The program employs three levels of selection criteria in evaluating potential sites: "essential," "important," and "desirable." The criteria are rated using a five-point scale, with a five being the best rating. The criteria Idaho uses are:

##### **Essential**

- Site adaptability. Physical and geographic traits of each site are evaluated to determine how closely they match or how easily they can be altered to match physical layout needs.
- Labor force proximity. Fifty miles is the greatest distance considered.
- Roadway analysis. Terrain and road conditions are evaluated.
- Hospital proximity.
- Hospital size.

##### **Important**

- Surrounding land uses. The greater the presence of worthwhile land uses (e.g., colleges, stockyards), the better the score. The presence of buffer zones between the proposed site

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\*Note: The institutions studied in Idaho and Tennessee were county and federal facilities, respectively. The state siting strategies described here were not used in the siting of those facilities.

- and residential areas raises the score.
- Radio reception.
- Staff support.
- Environmental or other hazards.
- Fire protection.

### **Desirable**

- Availability of housing.
- Proximity to courts.
- Public transportation.
- Law enforcement availability and proximity.

The Idaho approach to siting correctional facilities also involves fairly extensive cost analyses. Three types of costs are estimated: initial costs, operating costs, and future costs.

- Initial costs are those for facility construction, land acquisition, water and sewage hook-ups, and provision of utility services.
- Operating costs are those for business services, wholesale goods, food, utilities, and staff salaries as well as those for transporting prisoners and materials to and from the facility.
- Future costs are the total project operating costs for the facility over a 30-year period.

### ***Tennessee***

In 1984, the Tennessee DOC adopted a new correctional facility siting approach (also used in Illinois) that introduced correctional facilities as a new kind of industry, promoting the jobs and economic benefits that they produce.

The Tennessee DOC notifies local governments when the state needs to build a new correctional facility. Interested communities are asked to write for more information if they would like to be considered as a potential site. The approach requires that final state approval of any site be contingent upon the local citizenry showing majority support for the proposed facility at a public hearing. Tennessee also formed a Citizens Advisory Council on Corrections to increase citizen participation in corrections programs.

### ***Florida***

In Florida, a task force was asked to look at the state's approach to siting correctional facilities. The task force reported that a major obstacle to construction of sufficient prison space was the inability of the DOC to obtain land on which to build.

In response to this finding, the legislature passed the Correctional Reform Act of 1983, which gave the state the authority to override local governments in selecting sites for correctional facilities. Prior to passage of the Act, state land-use decisions were subject to the zoning authority of local governments. The Act required the DOC to conduct a statewide comprehensive study to determine its needs for all types of correctional facilities and to develop, in consultation with local governments, siting criteria for the facilities.

The siting criteria developed include:

- The site should be compatible with existing local comprehensive plans.

- No more than 1,000 people should live within a two-mile radius of the center of the site.
- The site should be two miles or more from present or future public or private schools.
- The site should have a buffer of at least a half mile between the fenced compound and other land uses.
- The site should be within 15 miles or 30 minutes driving time of the community where staff will live.
- The development of the site should not impact upon certain natural, historical, and environmental features.

### **What strategies have been used to site other types of unpopular facilities?**

As with correctional facilities, low-income public housing can be difficult to site within a community. The public may have many of the same concerns about low-income housing as about correctional facilities; that is, fear of increased criminal activity in the community, fear of declining property values, fear of a reduction in quality of life, and fear of adverse impact on the local law enforcement community.

One method of facilitating the siting of low-income housing that correctional agencies may wish to consider adapting for use is a plan for allocating housing needs. The housing agency determines the total current and prospective needs for housing in defined housing regions and allocates housing among the regions' local governments equitably, based on appropriate criteria (such as amount of developed land, proximity to centers of employment, and presence of environmentally sensitive areas). Critical components of the housing allocation plan include:

- Procedures for accommodating valid local concerns.
- A set of incentives and/or an enforcement mechanism.
- A mechanism for encouraging public/private partnership.
- State financial commitment to assist in implementation of law.
- Integration of local land use planning and regulation with local housing policy.
- A mechanism for resolving housing policy conflicts.
- Jurisdiction over dispute resolution concerning housing allocations and siting.
- A body created specifically to handle intergovernmental land use and housing policy and to resolve disputes, which also serves as an information and data clearinghouse.

## **Conclusion**

The correctional facilities in this study represent a range of types and locations across the nation. Comprehensive assessment of the impact of these facilities has revealed positive effects on the local economy and no negative effects on property values, public safety, and quality of life. However, public opposition often occurs in the process of siting a correctional facility, especially when attention has not been paid to developing public trust well before siting is contemplated. The ultimate goal for siting a correctional facility is to design and use a process that anticipates and responds to the public's concerns.

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