

ENVIRONMENTAL SCAN:  
FACTORS POTENTIALLY AFFECTING THE MANAGEMENT AND  
OPERATION OF CORRECTIONS AGENCIES

April 1998  
rev. September 1998

NIC Information Center  
Longmont, Colorado

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## INTRODUCTION

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This report is the product of a research effort aimed at bringing together information on factors within and outside the field of corrections that may have bearing on the performance of correctional tasks in the near future. The research was undertaken in late 1997 by the National Institute of Corrections (NIC) Information Center at the request of NIC management and was primarily intended to provide background material for consideration by NIC staff in that agency's program planning.

To conduct the environmental scan, project team members reviewed the corrections and criminal justice literature as well as many other sources in print, in person, and on the Internet. The research was conducted quickly and informally. Findings were grouped into three main sections: corrections in society, correctional management and operations, and special issues in corrections. Material gathered for each of these sections has been presented in several subcategories. Source citations are collected at the end of the document.

Information presented in the report ranges from case processing statistics to discussions of legislative activity to snapshots of correctional issues as they play out in state and local agencies. In its synthesis of a variety of material, the scan provides a unique overview of corrections in the late 1990s. The informality of the research process limits the report's use as an authoritative source for information relevant to correctional planning. However, the report points to many sources that can be monitored in further research by its readers.

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## SECTION 1: CORRECTIONS IN SOCIETY

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### CRIME RATES

Uniform crime data reported by the Federal Bureau of Investigation for 1996 indicate:

- Serious reported crime in the U.S. declined 3 percent in 1996, the fifth annual reduction in a row. Violent crime dropped 6 percent, and property crime was down 2 percent from 1995.
- Murder declined 9 percent, forcible rape 2 percent, robbery 7 percent, and aggravated assault 6 percent during the year.
- Serious crimes dropped 5 percent last year in the nation's 64 largest cities—those with populations of 250,000 or more—and violent crime was down 7 percent.
- Law enforcement agencies recorded a 47 percent clearance rate for violent crimes (2 percent better than 1995) and an 18 percent clearance rate for property crimes (same as 1995).
- The average rate of 2.4 full-time law enforcement officers for every 1,000 U.S. population was unchanged from the 1995 rate.

### Use of incarceration

Russia and the U.S. remain far ahead of other nations in the degree to which they use incarceration. The U.S. rate of 600 per 100,000 population is higher than at any other time and is 6 to 10 times the average rate in Western European nations. The near-doubling of the incarceration rate between 1985 and 1995 had little discernible impact on crime. While the rate of incarceration increased steadily during the 10-year period, crime rates overall rose by 13 percent from 1985 to 1991 and then declined by 11 percent from 1991 to 1995 (Mauer 1).

### Police attitudes toward crime

Eighty percent of police officers surveyed believe that if courts were tougher with repeat offenders, recidivism would decline. When asked to pinpoint the single most important factor in preventing crime, three in five respondents cited increased education and community involvement. Specifically, officers advocated prevention programs that raise awareness in the community. More than four-fifths of respondents believed interjurisdictional task forces are valuable in fighting crime, that they are time- and cost-effective, and that results are successful (International Association of Chiefs of Police 3).

# CRIME VICTIMS

## Criminal victimization

U.S. residents aged 12 or older experienced approximately 36.8 million crimes in 1996, according to the National Crime Victimization Survey. The breakdown of crimes in 1996 is as follows:

- 74 percent (27.3 million) were property crimes,
- 25 percent (9.1 million) were crimes of violence, and
- 1 percent were personal thefts.

In 1996, for every 1,000 persons aged 12 or older, there occurred:

- 1 rape or sexual assault,
- 2 assaults with serious injury, and
- 5 robberies.

The 1996 victimization rate for violent crimes was 42 per 1,000 persons, and for property crimes 266 per 1,000 households.

Decreasing victimization from 1993 to 1996 was experienced about equally for all sex, race, and income groups (Bureau of Justice Statistics, November 15, 1997).

## Victimization survey records lowest rates in 1996

"The victimization rates in 1996 are the lowest recorded by the National Crime Victimization Survey since its inception in 1973," commented BJS Director Jan Chaiken in November 1997.

The Victimization Survey showed a 10 percent decrease in violent crime from 1995 to 1996; property crime declined 8 percent (Bureau of Justice Statistics, November 15, 1997).

- Young minorities are more frequent crime victims.
- Males were twice as likely as females to be victims of aggravated assault and robbery.
- Blacks were twice as likely as whites to experience aggravated assault and were three times more likely to be victims of robbery. Hispanics were twice as likely than non--Hispanics to be victims of robbery and personal theft.
- Persons between the ages of 12 and 19 had higher rates of victimization for violent crimes than those age 25 or older.
- Persons aged 12 to 19 had a victimization rate 20 times higher than those age 65 or older.

Other victim profiles in 1996 reported by BJS:

- As household income levels decrease, rates of violent crime increase.
- Married persons are less likely to be victims of crime.
- In 48 percent of violent crimes, the victim knew the offender.
- Forty percent of violent crimes and 30 percent of property crimes were reported to police.

## Rights and services for crime victims expand

Since 1985, 22 states have passed crime victims amendments to their constitutions. Forty-nine states have passed victims' bills of rights. The U.S. Congress has considered such an amendment to the U.S. Constitution.

Expansion of the victims movement has been supported by increasing awareness of the effects of victimization; recognition of justice system shortcomings in addressing victims' needs, and the emerging philosophy of community policing (National Institute of Justice, February 1997).

In 1997, 35 states passed legislation to expand the rights of and services to crime victims. (National Conference of State Legislatures).

The Office for Victims of Crime (OVC) in 1996 administered the largest amount of Crime Victim Funds to date—\$528.9 million. The funds come from fees charged to Federal offenders. Federal victim assistance grants support more than 2,800 local victim service agencies serving approximately 2 million victims. OVC has provided technical assistance to 20 correctional agencies to improve awareness of victims' issues and programming provided to victims of crime (Office of Justice Programs 42).

## MEDIA COVERAGE/PUBLIC OPINION

### Media coverage of crime declines

After steadily increasing since 1990, network evening news coverage of crime dropped sharply in 1996:

Year	Number of Crime Stories
1990	542
1991	571
1992	830
1993	1,698
1994	1,949
1995	2,574
1996	1,227

NBC reduced crime stories to 373 in 1996, compared to 993 in 1995. The trend of fewer crime stories continued during the first seven months of 1997, when 664 crime stories were aired on network evening news (Center for Media and Public Affairs website, [www.cmpa.com](http://www.cmpa.com)).

The top news topic of network evening news in 1996 was the 1996 elections (1,865 stories). Crime was the second most popular topic (1,227 stories), followed by health issues (810 stories) (Lichter 1).

Crime stories take up twice as much time on local newscasts as reports on politics, health, education, or any other topic, according to a study by the University of Miami. The director of the study said, "I think it has a numbing effect on the public. People withdraw from activities because of fear." (Bauder)

Local TV news devotes 29 percent of its air time to crime stories (Jackson).

### Crime concerns dropping on citizens' priority lists

The Harris Poll indicates that public concerns for crime and violence peaked in 1994, when respondents ranked it the highest national concern. Nationwide polls by the Wall Street Journal in 1996 and 1997 reported that education was identified as the most important national issue:

1996	1997
Education	Public education
Crime	Social Security
Drug use	Crime
Health care	Budget deficit
Economy	Taxes

### Public attitudes regarding the justice system

Public opinion is almost evenly split on which level of government can deal best with the problems of crime and drugs. Thirty-two (32) percent favor state government; 31 percent favor local government; and 30 percent favor the federal gov-



ernment (Hovey, December 1996, 5).

Americans View Crime and Justice (1996) reports that citizens have favored three approaches to reducing crime in the past 20 years:

- Harsher sentences for offenders.
- Increased use of the death penalty.
- Increased gun control.

The public ranks retribution as the most important purpose of sentencing adult criminals (53 percent), with rehabilitation rated second (21 percent). The rankings are reversed for juvenile offenders: rehabilitation is first (50 percent) and retribution second (31 percent).

Americans express more confidence in police (60 percent) than in other components of the justice system. Other ratings were: courts (34 percent), prison (26 percent), and probation (26 percent) (Flanagan 5). The public tends to see community corrections as evidence of leniency by the justice system, and has less confidence in probation than in other justice system components (Flanagan 6).

A public survey in March 1997, to determine public understanding of corrections in Florida indicated that the public was not knowledgeable on issues such as length of sentences, percentage of sentences served by inmates, costs of incarceration, and restitution collected from offenders (Zaner, September 22, 1997 1).

## LEGISLATION

Highlights of new state laws, as reported by the National Conference of State Legislatures, include:

- Fifteen states enacted new laws dealing with the death penalty. Most common issues were authorizing victims' families to witness the executions, expanding the definitions of crimes that classify as capital crimes, and dealing with legal representation of convicted offenders.
- Twelve states passed death penalty--related laws in 1996.
- Four states passed laws dealing with sexual misconduct between prison staff and inmates. One of these states also included probation and parole officers in the legislation.
- Minnesota banned inmates from Internet access.
- Twenty--two states enacted laws dealing with criminal history checks of employees in certain work settings (e.g., child and elderly care).
- Nineteen states passed laws establishing or increasing fees paid by offenders in prisons, jails, or community corrections.
- Laws were enacted in 14 states dealing with authorization or management of private correctional services.
- Thirty--four states passed laws dealing generally with criminal sentencing; additionally, nine states passed laws dealing specifically with habitual offenders.
- Thirty--seven states enacted laws dealing with sex offenders, two more states than the previous year. Registration/notification requirements, DNA marker data banks, and increased criminal penalties were common themes.
- Thirty--four states passed laws that increase the rights of and/or services provided to crime victims (National Conference of State Legislatures).

## CRIMINAL FILINGS AND CASE PROCESSING

### Offender populations continue to grow as crime rates drop

As of December 31, 1996, 5.5 million adults (about 1 in every 35 adults) were incarcerated or on probation or parole (Bureau of Justice Statistics August 14, 1997).

Between 1991 and 1995, the number of adults under correctional supervision increased by 18 percent. Adults under correctional supervision made up nearly 3 percent of the adult population in 1995, compared to 2 percent in 1991.

A report from the American Bar Association reports that between 1991 and 1995, criminal filings increased 7 percent, reaching a new high of 13.3 million. Juvenile delinquency filings also increased, to about 1.2 million.

- Traffic and civil cases continue to make up 16 percent of the state court filings, which totaled 85.8 million in 1995.
- Criminal cases continue to make up 16 percent of the filings, and juvenile cases 2 percent (of which two-thirds are juvenile delinquency cases).
- Fewer than a third of the states are able to keep up with the caseload in general jurisdiction courts, where over 30 percent of the criminal cases are filed. Felony cases made up 58 percent of these cases in 1995, compared to 29 percent in 1991.
- Between 1985 and 1995, the number of criminal appeals increased 32 percent. In 1995, 277,473 appeals were filed in state courts. Criminal appeals accounted for over 40 percent (American Bar Association 17, 14).

The Bureau of Justice Statistics reports that in 1994, 45 percent of the felons convicted in state courts were sentenced to prison, compared to 62 percent of felons convicted in federal court.

- Twenty-six percent of the state felons received a sentence that included jail time, and 29 percent received straight probation.
- In state courts, an offender convicted of a drug crime was more likely to receive a prison sentence (83 percent) than an offender convicted of a violent crime (62 percent). Forty-two (42) percent of felons convicted of property crimes in state courts in 1994 were sentenced to prison, the same rate as offenders convicted of weapons charges.
- The average prison sentence imposed for felons in state courts in 1994 was 6 years, but the expected time to be served, on average, was 2.5 years. The average sentence for a felon in federal court was 6.5 years, with an average expected time served of 5.5 years.
- In 1994, property crimes comprised 32 percent of felony convictions in state court; drug crimes comprised 31 percent; and 19 percent were for violent crimes. Guilty pleas accounted for 89 percent of the convictions (Bureau of Justice Statistics, July 1997).

## More habitual offender laws enacted

Between 1993 and 1995, 24 states and the Federal government enacted laws labeled as "three strikes" sentencing policies. Definition of a "strike" varies among states, but most stipulate three to be "out." In one state, a person is sentenced to life without parole for a "second strike." Impacts of the "three strikes" laws are still being studied. California has experienced longer periods for processing such cases and more jury trials. The impact on prison commitments in both California and Washington was not as great as initially forecast (National Institute of Justice, September 1997).

The California Department of Corrections reported in 1996 that crime rates within the state were declining at faster rates than the national decline in crime, due in part to the "three strikes" policy (California Department of Corrections 9).

## More specialized criminal courts in use

The American Bar Association reports that states are experimenting with the following types of specialized courts to more effectively deal with complex cases and to expedite processing:

- Domestic violence courts
- Criminal traffic courts
- Gang courts
- Gun courts
- "Quality of life" offense courts
- Family courts
- Drug courts

Drug courts are the most popular of specialized courts, operating in 49 states, Puerto Rico, Guam, and the District of Columbia. 158 were functioning at year end 1996, with another 148 in the planning stages (American Bar Association 15).

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## SECTION 2: CORRECTIONS AGENCY MANAGEMENT AND OPERATIONS

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### CORRECTIONS FUNDING

#### State corrections funding

Corrections spending “has lost the title as the fastest growing category of state spending” (Eckl). Most attribute this change to a decline in the prison building boom. Appropriations for education are outpacing growth for other state spending categories.

#### Major Components of General Fund Appropriations, FY '98

Corrections	5.6 percent
Higher education	11.7
K-12 education	33.6
Medicaid	12.8
All general fund	36.2

- Nineteen states reported double--digit growth rates for their corrections budgets.
- Eight states decreased their funding of corrections from FY 1997 levels.
- As a share of average overall general fund appropriations, corrections spending remained unchanged at 5.7 percent (Eckl).

Strong economies will enable states to continue increases in corrections funding in 1998, but measures to cut prison costs by reducing sentences for non--violent offenders could surface in 1999 (Hovey December 1997, 13).

#### Federal funding for corrections

Highlights of the Commerce, State, Justice and Judiciary Committees' appropriations bill for FY'98 include:

- \$17.5 billion for the U.S. Department of Justice (up from \$16.5 billion in FY'97);
- \$5.23 billion for the Violent Crime Trust Fund (up from \$4.53 billion last year);
- \$1.194 billion for the Drug Enforcement Administration, an increase of \$140 million;

- \$2.975 billion for the Federal Bureau of Investigation, an increase of \$137 million;
- An increase of \$228 million for the Immigration and Naturalization Service, to provide for 1,000 new border patrol agents and 3,000 more detention beds.
- An additional \$4.8 billion was allocated for state and local law enforcement for the following purposes: to combat juvenile crime, for local law enforcement block grants, for the Community Oriented Policing Service, for the Violence Against Women Initiative, for state prison grants, and to reimburse states for the incarceration of illegal aliens.
- The U.S. Department of Justice recently awarded \$50 million to states to improve criminal records under the National Criminal History Improvement Program (American Correctional Association, December 1997, 31).

### Prison expenses rise

The expense of operating prisons has reached approximately \$30 billion, or \$300 a year for every household in America (Morgan Reynolds, "Viewpoint" 3).

# PRISON MANAGEMENT & OPERATIONS

## Prison populations

Between July 1, 1996, and June 30, 1997, the nation's prison population grew 4.7 percent, more slowly than the annual average increase of 7.7 percent since 1990. The annual increase of 55,198 inmates was the smallest increase in the past five years.

- At midyear 1997, approximately 436 inmates per 100,000 U.S. residents were incarcerated in state and Federal prisons, compared to 303 in 1990. There were 1,218,256 state and Federal prison inmates at midyear.
- Five jurisdictions (California, Texas, the Federal system, Missouri, and Illinois) accounted for 54 percent of the prison population growth in the year ending June 30, 1997.
- Inmate counts declined slightly in three jurisdictions (Massachusetts, Virginia, and the District of Columbia).
- At midyear 1997, state incarceration rates ranged from 677 per 100,000 in North Dakota.
- The growth rate of female inmate populations (6.1 percent) in the year ending June 10, 1997 was higher than the rate for males (4.7 percent), but the prison incarceration rate for men (835 per 100,000 males) is 16 times higher than women (52 per 100,000 females) (Bureau of Justice Statistics, January 1998).
- On December 31, 1996, state prisons were operating at between 16 percent and 24 percent above capacity, according to the Bureau of Justice Statistics' Prisoners in 1996. After a recent report by the Correctional Association of New York criticized double-bunking, the practice was defended by both the state's corrections commissioner and president of the American Correctional Association. (Zaner, February 23, 1998.)
- Older inmates are a growing segment of the prison population. On January 1, 1997, 6.8 percent of U.S. inmates were age 50 or older, compared to 4.9 percent in 1990. (Camp 21)
- Prison populations are expected to reach 1,429,995 by the year 2002 (American Correctional Association 6).

## Construction

The American Correctional Association reported that prison construction in the United States and Canada was down substantially in FY 1996-97. The U.S. added 23,636 new beds during the year. Among the 47 responding U.S. and 10 Canadian jurisdictions responding to a survey, 25 reported completion of no new facilities during the year.

The security breakdown of newly constructed beds during FY 1996-97 was:

- Medium security: 62.2 percent
- Maximum security: 17.6 percent
- Minimum security: 14.6 percent
- Youth detention: 3.4 percent
- Close supervision: 2.2 percent

The average cost of U.S. prison construction projects completed in FY 1996--97 was \$479,252,507.

About 1 in 8 state prisons and correctional facilities (1 in 3 Federal prisons) were added during the early 1990s. 168 new state facilities came on line between 1990 and 1995. At mid--year 1995, 347,320 employees worked in correctional facilities, compared to 264,201 in 1990 (Bureau of Justice Statistics, 1995 iv, 1, v).

## Prison management issues

Offender fees— ". . . [A] recent survey conducted by the Association of State Correctional Administrators found that more than 30 states now charge fees [to inmates] for a variety of inmate services, including food, telephone calls, and educational courses." (Zaner, August 11, 1997 1).

Capital punishment—Seventy--one inmates were executed in 1997. As of January 1, 1998, 3,365 inmates were on death row. (Ethnicity: 47 percent white; 41 percent black; 8 percent Hispanic) Of the 40 states with capital punishment, only four had no death row inmates. Forty--nine of the death row inmates were women (NAACP Legal Defense Fund). Florida reported that the cost of an execution was \$3.2 million (mostly in court costs), compared to approximately \$600,000 for life imprisonment. (Reuter News, January 16, 1997)

Inmate work programs—Prison and jail industries are projected to continue expansion, as the "inmate population workforce shrinks." The number of inmates employed in industries certified under the Private Sector/Prison Industry Enhancement Certification Program more than doubled between 1993 and 1996 (Wees 2).

Assaults—The number of inmate assaults on staff has been increasing in the past five years, from 220 per year in 1992 to 327 in 1996. (Camp 37)

Boot camps—The number of adult boot camps has declined. On January 1, 1997, 54 adult boot camps were being operated by 35 agencies, down from 75 in 1995. (Camp 99)

## Staff issues

On January 1, 1997, 206,377 line correctional officers were employed in state and Federal prisons. Women were 20.6 percent of the officers and 32.3 percent were non--white. Male officers assigned to female facilities totalled 4.1 percent; 81.1 percent of female officers were assigned to male facilities. (Camp 113)

The correctional staff turnover rate in 1996 was 12.9 percent, slightly higher than



rates in the past five years (Camp 127)

Contrary to the perspective offered in *Managing Prisons* (Dilulio, 1987) that prisons are operated better under bureaucratic—even paramilitary—lines, a new study concludes that prison management offering staff “greater participation in decision making and increased job autonomy enhance prison workers' occupational outcomes, leading to elevated commitment to the institution, higher job satisfaction, greater efficacy in working with inmates, and less job stress.” (Wright 538)

Since 1989, the strong economy and low unemployment rates have resulted in the State of Texas losing some of its best correctional officer candidates to better-paying, less dangerous jobs. (ABC Nightline).

# JAIL MANAGEMENT AND OPERATIONS

## Jail populations

The Bureau of Justice Statistics in January 1998 reported the following data on jail populations:

- After expanding at an annual average rate of 4.2 percent from 1990 through 1996, and only 2.3 percent during FY 1995--96, the number of jail inmates increased by 9.4 percent in the 12 months ending June 30, 1997. The annual rate of increase was the largest since 1989.
- At midyear 1997, 567,079 inmates were being held in local jails. In the 12-month period ending June 30, 1997, jails had increased capacity by 19,713 beds and were operating at 97 percent of their rated capacity (up from 92 percent the previous year).
- As of June 30, 1997, more than 70,000 (12 percent) of jail inmates were supervised in community programs such as weekend reporting, home detention/electronic monitoring, and other alternatives.
- In 1997, 212 of every 100,000 U.S. residents were held in jails, up from 163 per 100,000 in 1990.
- Estimates indicate that 42 percent of the jail population had been convicted and sentenced or had been convicted and were awaiting sentence.
- At midyear 1997, 10.6 percent of the jail population were women, compared with 9.2 percent in 1990.
- An estimated 6,693 jail inmates were in drug, alcohol, mental health, or other medical treatment programs.
- The nation's 25 largest jail jurisdictions accounted for 27 percent of all jail inmates. (The American Correctional Association identified 2,994 jail and detention facilities in 1996. Approximately one-half of the nation's jails have fewer than 50 beds.)
- Most jail inmates are from minority racial/ethnic groups: Black, non-Hispanics—42 percent; Hispanics—15.7 percent; White, non-Hispanics—40.6 percent.

## Jail operations and management issues

Larger jail jurisdictions had higher occupancy rates than smaller jurisdictions. (Bureau of Justice Statistics, January 1998)

In a survey of larger jail systems undertaken by the Criminal Justice Institute, 123 agencies reported that in 1996:

- The average length of stay for all jail inmates/detainees was 59.2 days. The average for sentenced prisoners was 103.9 days and for unsentenced pris-

oners, 37.7 days.

- The average cost of new construction was \$40,593 per bed.
- The average daily cost per prisoner was \$55.41.
- Individual counseling services were provided to inmates by 79.1 percent of the jails.
- Basic education programs were offered in more than 97 percent of the jails.
- Vocational training was provided in more than 38 percent of the jails.
- 44.8 percent of the jail staff in 131 responding agencies were non--white.
- The ratio of line staff per supervisor was 6 to 1; there was a ratio of 4.9 prisoners per jailer.
- The turnover rate for jailers was 16 percent. (Camp 185--271).

More jails are charging fees to inmates. At least 41 states have passed legislation authorizing assessment of fees for jail services or operations. Fees for medical services and work release programs were most common (National Institute of Corrections Information Center, February 1997, 2).

# COMMUNITY CORRECTIONS

## Probation and parole populations

3,180,363 adults were on probation at year end 1996. An additional 704,709 were on parole, for a total of 3.9 million adults on probation or parole.

The number of offenders on community supervision increased 3.4 percent during 1996, slightly higher than the average annual increase of 3.3 percent since 1990. In 1985, there were 1,968,712 probationers and 300,203 parolees.

Convictions for the probation population were:

- 55 percent felonies,
- 26 percent misdemeanors,
- 17 percent driving while intoxicated, and
- 2 percent other offenses.

Fewer than half of parolees were released by parole board discretion. Forty--eight (48) percent received mandatory supervised releases based on statutory sentencing or good time provisions.

Probation population rates ranged from 3,113 per 100,000 in Texas to 404 per 100,000 in West Virginia. The state average was 1,603 per 100,000.

Parole populations ranged from 1,642 in the District of Columbia and 823 per 100,000 in Texas to 6 per 100,000 in Maine. The average for all states was 329 per 100,000.

One--third of probationers and nearly half of parolees are black.

During 1996, more than 1.5 million probationers and nearly 400,000 parolees were released from supervision. Two--thirds of the probationers and just under half of the parolees released had successfully met the conditions of community supervision. Eighteen percent of probationers (196,900) and 40 percent of parolees (155,600) released in 1996 were re--incarcerated due to new crimes or rule violations (Bureau of Justice Statistics, August 14, 1997).

## Supervision and management issues

A U.S. government profile of adult probationers in 1995 showed the following breakdown by crime of conviction:

Public order offenses	31.1 percent
Property offenses	28.9
Drug offenses	21.4
Violent crimes	17.3

- DWI was the most common public order offense.
- Half of all probationers had a prior sentence to probation, jail, or prison. Violent offenders on probation were least likely to have a prior conviction. A presentence investigation had been completed for 64 percent of the felons on probation. Eighty (80) percent of those on probation with a presentence report had received a recommendation for probation.
- Substance abuse treatment was a condition of supervision for 41 percent of probationers in 1995. Drug testing was required in 32 percent of cases. Almost 33 percent were required to pay restitution, 25 percent were required to perform community service, and 10 percent had limitations placed on their movement (Bureau of Justice Statistics, December 1997, 1).

The Criminal Justice Institute (Camp 139--183) reported the following:

- Caseloads for probation officers ranged from 900 cases per officer in California to 60 per officer in Arizona. Parole officer caseloads ranged from 165 in Alabama to 53 in Ohio.
- Probation and parole agency budgets in FY'97 totaled more than \$4.3 billion. The average daily per--offender cost was \$3.51.
- Probation and parole agencies reported having more than 31,000 electronic monitoring devices available for use in FY 1997.
- On January 1, 1997, probation and parole agencies employed 68,491 staff. Between 55.2 percent and 62.3 percent were line officers; between 16.7 percent and 23.7 percent were supervisory staff. 69.7 percent were white; 30.3 percent were non--white.
- In 1996, 24 percent of the inmates released from prison had no post--release supervision.
- Probation and parole agencies operate 2,931 separate office locations.

On any given day in 1994, almost 60 percent of the 234,000 convicted sex offenders under correctional supervision were on probation or parole (Bureau of Justice Statistics, February 2, 1997 1).

In a paper calling for the "reinvention of probation and parole," John Dilulio, Jr., describes himself as a "big fan" of incarceration, but cites a lack of resources as contributing to inadequate community supervision. He cites programs in Boston and Philadelphia as examples of improving probation and parole.

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## SECTION 3: SPECIAL ISSUES IN CORRECTIONS

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### JUVENILE JUSTICE

#### Spotlight continues on juvenile crime and juvenile justice

The American Bar Association in 1997 reported that high-profile incidents such as the middle school shootings in Jonesboro, Arkansas continue to draw media, public, and policy-maker attention to juvenile crime.

- Juvenile arrests constitute nearly 20 percent of all arrests, 35 percent of arrests for violent crime, 35 percent of arrests for property offenses, and 13 percent of arrests for drug offenses.
- Juvenile arrests for weapons offenses constitute a quarter of weapons arrests. Juveniles accounted for approximately half of the increased arrests between 1991 and 1995, including a third of the increase in violent arrests and a quarter of the increase in drug arrests.
- Between 1992 and 1995, all but ten states enacted or amended laws to make it easier to prosecute juveniles in adult criminal courts.
- In 1991, blacks and whites each accounted for about half of the juvenile arrests for violent crimes and drug crimes. In 1995, the rate of arrests for violent crimes was still even, but arrests of white juveniles increased to 64 percent and arrests of black juveniles declined to 35 percent of all arrests.
- Disapproval of marijuana use continues to decrease with 8th, 10th, and 12th graders. Drug use has increased among teens, especially with 8th and 10th graders (American Bar Association 27).

#### Juvenile crime rates

While juvenile crime levels are still high compared to mid-1980s levels, juvenile violent crime rates dropped in 1996. Arrests of teenagers for murder dropped 10.7 percent in 1996, the third straight annual decline after a 169 percent increase between 1984 and 1993, when the juvenile murder rate peaked. From a violent crime arrest rate of 311.3 per 100,000 in 1987, the arrest rates for juveniles climbed to 527.4 per 100,000 in 1994. Rates dropped to 511.9 per 100,000 in 1995 and to 464.7 per 100,000 in 1996.

Research in Rochester, New York, documented the effects of gang membership and delinquency. In the group studied, the 30 percent of juveniles affiliated with gangs accounted for 86 percent of the serious delinquent acts, 69 percent of violent acts, and 70 percent of drug sales (Morgan Reynolds, "Findings" 45).

Approximately 7,000 juveniles were transferred to adult courts in 1985, compared to approximately 12,000 in 1994.

Shifting political trends regarding juvenile justice are questions regarding the future of family and juvenile courts. Special courts for violent offenders are being discussed, special prosecution programs for violent offenders have been formed, and more juveniles cases are being processed in adult courts.

"An estimated 9,105 persons under the age of 18 were housed in adult jails on June 30, 1997. Over two-thirds of these young inmates had been convicted or were being held for trial as adults in criminal court" (Bureau of Justice Statistics 6).

Tom English, in a report to the Office of Juvenile Justice and Delinquency Prevention, cited the following:

- Interest in restorative/community justice continues, even though many in the justice system do not fully understand the concepts.
- The public policy debate continues regarding the use of incarceration or prevention to address delinquency.
- Promotion of local strategic planning and decategorization of funding streams will allow more flexibility in local programming.
- Use of unconventional methods (such as "results mapping") to evaluate program success will expand in place of data--based outcome evaluations.
- Interest will continue in developing programs for female offenders.

A University of Florida study of 2,738 youths transferred to adult courts found their re-arrest rates to be higher than a matched comparison group retained in the juvenile system (Focus).

## LEGAL ISSUES

### Efforts to reduce frivolous inmate suits

The full impact of the Prison Litigation Reform Act (PLRA) is still to be determined. The legislative intent was to restrict "... the power of the federal courts to order relief in prisoner cases and create deterrents and limitations on inmates filing civil rights cases." Questions remain on the constitutionality of some aspects of the Act and unintended consequences regarding conditions of confinement (Lund 31,32).

The rate of prisoner petition filings in U.S. district courts is declining. In 1980, the rate of filings was 72.7 filings per 100,000 inmates. In 1996, the rate was 60.5 per 100,000. State prisoners accounted for 81 percent of the filings in 1996. Though the rate decreased during the period, actual numbers of filings increased from 23,230 to 68,235 because the number of inmates more than tripled during that time.

During 1995, rulings on inmate petitions were in favor of the inmate in only 2 percent of the decisions. Inmates represent themselves in 90 percent of cases (Bureau of Justice Statistics, October 29, 1997 1, 2).

The Legal Issues Committee of the American Correctional Association has recommended three approaches to reduce frivolous inmate litigation:

- Ensure that an effective inmate grievance system is in place;
- Experiment with providing attorneys to inmates instead of access to law libraries and provide a "filtering mechanism of legal consultation"; and
- Enact legislation to provide disincentives to frivolous lawsuits, require exhaustion of administrative remedies, and streamline state court procedures (Carl Reynolds 4).

### Lawsuits and court intervention in corrections

31,347 lawsuits were filed against 46 prison jurisdictions in 1996. 135 class action suits were in effect on January 1, 1997. On that date, 333 adult institutions were affected by court orders dealing with conditions of confinement (population limits affected 198 institutions, and special masters affected 157 institutions).

A survey of 116 larger jail jurisdictions indicated that 22 percent were operating under a court order on January 1, 1997 (Camp 54--55, 219).

### Personnel issues

Federal judges indicate that wrongful employee termination lawsuits are the biggest source of new litigation (24,000 cases in Federal courts and 50,000 cases in state courts in 1997). (USA Today, April 2, 1998)

Employee discipline and grievance procedures is a major concern of criminal justice administrators and cause of conflict between agency managers and staff.



(Lund & Associates, 1998)

### Other correctional legal issues

William Collins projects the following legal issues will remain of interest in the field of corrections in the near future.

- Effects of the PLRA,
- Sexual abuse of inmates by staff and sexual harassment in the workplace,
- Contracting for correctional services,
- Interstate transfers of inmates to private prisons,
- Implementation of the Americans with Disabilities Act, and
- Screening inmates for TB.

(Personal interview, March 1998.)

# CORRECTIONAL HEALTH CARE

## Prisoner health care costs rising

Over \$2.1 billion was spent for inmate health services in the fiscal year ending in 1996, as reported by 43 state DOCs, the Federal Bureau of Prisons, and five Canadian jurisdictions. The average daily health care cost per U.S. prisoner is \$6.17.

64 percent of the state departments of corrections reported increases in health care costs from the previous year. Half of the reporting jurisdictions have special housing accommodations for aging inmates (Hill 5,6).

## Infectious disease

The rate of confirmed AIDS cases among prison inmates was more than six times the rate of the U.S. population.

- 2.3 percent of all state and federal prisoners are infected with AIDS (23,404 state inmates).
- 2.2 percent of the jail population is infected with AIDS.
- In 1995, 1,010 state inmates died from AIDS--related complications, accounting for 1 in every three inmates deaths (Bureau of Justice Statistics, August 1997 1, 5).

All but two states screen prison inmates for tuberculosis at intake. During 1996, those states detected TB infection in 20,226 incoming prisoners, of which 82 were active cases. On January 1, 1997, 212 inmates were being treated for active cases of TB. During 1996, five prison staff members were diagnosed with the disease.

A total of 73,543 inmates age 50 or older were held in state and federal prisons on January 1, 1997, 6.8 percent of the total inmate population (Camp 32--33, 20).

## Specialized medical care needs

The average annual cost of incarcerating a geriatric inmate is three times the average for the general population in state DOCs. Eighty percent of geriatric inmates have at least one chronic health condition (Donziger 53).

Changing correctional populations are requiring strategic planning for new types of correctional facilities and programs to deal with groups such as: pregnant inmates or mothers of infants; substance abusing offenders; geriatric inmates; and chronically ill inmates. Regional prison hospitals, nursing or hospice units, women's forensic units, dialysis units, and other special housing units will be needed. (Zaner February 1996.)

## Prison systems are reorganizing health care delivery

A 1997 NIC survey of corrections technologies found:

- More than 40 state prison agencies are now using or plan to implement managed care, private health care services, and/or centralization or regionalization of medical services. At least 27 state agencies have consolidated specialized medical care for populations such as terminally ill or elderly inmates.
- Common approaches to caring for terminally ill inmates include: compassionate release (36 departments of corrections); special visitation (30 departments); or special housing units (29 departments). 26 departments provide special counseling for terminally ill inmates, 24 provide hospice care, and 24 provide other non--medical care.
- Eighteen departments of corrections are using telemedicine in one or more facilities; 13 more are planning to introduce telemedicine programs.
- Thirty--nine state prison systems are charging fees to inmates for medical services, or implementing procedures to do so (National Institute of Corrections Information Center, September 1997 1, 3, 7).

## PRIVATIZATION

### Private corrections growth continues

44,353 adult prisoners were housed in private correctional facilities in the U.S. at the end of 1996—2.6 percent of all prisoners. 76 percent of the prisoners were state inmates, 14 percent were federal prisoners, the remaining 10 percent were local prisoners. There was an increase of 10,818 inmates from the previous year, or an annual increase of 32 percent.

The rated capacity of private adult facilities in the U.S. was 46,411 in 84 facilities at year-end 1996. An additional 31,173 private beds were under construction on that date.

On December 31, 1996, 15 U.S.-based firms had full-scale management contracts for correctional facilities (four were publicly owned). 27 governmental jurisdictions (including the District of Columbia and Puerto Rico) were contracting with these firms. The rated capacity of private facilities in operation or under construction worldwide is projected to reach 276,455 beds by end of 2001. Currently 91 percent of all private beds are in the United States (Thomas).

Some industry analysts believe that by 2006, there will be 400,000 private correctional beds (Zaner, June 16, 1997 3).

### Comparisons of public and private prisons

After review of five studies completed since 1991, the U.S. General Accounting Office concluded that ". . . because the studies reported little difference and/or mixed results in comparing private and public facilities, we could not conclude privatization saved money." The report also stated that comparisons of quality are unclear.

A study published in December 1996, by Louisiana State University reported cost savings, fewer critical incidents, and more inmate programming in privately-operated prisons housing maximum and medium security inmates (Thomas vi).

### Prison systems outsource many services

In 1995, prison systems in 45 states, the District of Columbia, and Puerto Rico responded to a survey on private prison services. All but two were contracting for services such as health care, food service, and inmate treatment.

Agencies reported spending \$1.1 billion for private services, with medical services leading the list (\$706 million spent by 44 agencies) followed by mental health services (\$92 million spent by 24 agencies) (National Institute of Corrections Information Center, February 1996 1,8).

## RACIAL ISSUES

### Correctional populations

The Bureau of Justice Statistics reported the following data on the racial/ethnic breakdowns of correctional populations in 1995:

	Black	White	Hispanic	Other
Prisons	48 percent	36 percent	14 percent	2 percent
Jails	43	40	15	2
Probation *	34	64	14	—
Parole *	49	50	21	—
U.S. population	12.5	74.1	10	3.4

\*\* Racial/ethnic breakdown for probation and parole was based on the concept that Hispanics may be any race (Bureau of Justice Statistics, June 30, 1996 4; May 1997 23).

### Race/ethnicity of correctional staff, 1995

71 percent of state and federal correctional facility employees were white, 20 percent black, 6 percent Hispanic, and 2 percent other races.

More than 86,000 state and federal correctional facility staff in 1995 were black or Hispanic, up from 62,000 in 1992.

### Racial disparities in imprisonment

From 1988 to 1994, 38 states and the District of Columbia experienced an increase in the racial disparity in their rates of incarceration. Nationally, the incarceration rate for blacks in state prisons increased from 6.88 times the rate for whites in 1988 to 7.66 times the white rate in 1994.

Twelve states and the District of Columbia incarcerate blacks at a rate more than 10 times that of whites.

The increase in the number of black drug offenders in prison far outpaced that for whites, by 66,000 to 15,000. The increase for blacks showed a 465 percent change between 1986 and 1991 (Mauer 1,2).

In 1995, 61 percent of all adults arrested were white, while 48 percent of the prison population was white. 37 percent of all adults arrested were black, but 50 percent of the prison population was black (American Bar Association 28).

A study of drug arrests in Georgia indicates that blacks make up 14 percent of the state's drug users, but represent 58 percent of the arrestees on drug charges (National Criminal Justice Association 13).

## "Three strikes" laws and racial inequities

A 1996 study of California incarceration indicates that, on the second anniversary of the state's "Three Strikes" law, racial disparities in the incarceration of African Americans were sharply increasing the already dramatic over-representation of African Americans in prison.

Although African Americans comprise 7 percent of California's population, they make up 23 percent of felony arrests, 31 percent of the prison population, and 43 percent of "third strike" defendants sent to state prison. African Americans were being arrested for felonies at 4.7 times the rate of whites; being incarcerated at a rate of whites; and being imprisoned for a third "strike" at 13.3 times the rate of whites.

In California, 4 in 10 young black males were under some form of criminal justice control in 1996. The study attributes some of the inequities to the racial make-up of district attorneys' offices in Los Angeles, Orange, Sacramento, San Bernadino, and San Diego counties, because prosecutors play an important role in determining which defendants are charged and what crimes they are charged with (Davis, 2, 5).

## FEMALE OFFENDERS

### Women are a growing percentage of the correctional population

Women accounted for 20.6 percent of all arrests in 1996. Females represented 15.1 percent of arrests for violent crime, 27.9 percent of arrests for property crime. Of the 2,289,919 female arrests, 23.3 percent were under the age of 18.

The 1,501,619 females arrested in 1980 accounted for 15.8 percent of all arrests. The 2,068,1153 females arrested in 1990 accounted for 18.4 percent of all arrests that year (Federal Bureau of Investigation 231).

In 1994, the most common crimes for which women and girls were arrested were theft (15.5 percent of arrests) and drug violations (9.3 percent). Between 1985 and 1994, arrests of females for drug offenses increased by 100.1 percent, compared to a 53.7 percent increase for men (Chesney--Lind 95, 99).

The number of women in prison increased nearly 400 percent from 1980 to 1994, compared to a 214 percent increase among men. Approximately one--third of the women inmates were incarcerated for drug--related offenses (U.S. Department of Justice, Corrections Program Office).

The Bureau of Justice Statistics reported the following data for 1996 (BJS 1998):

- At the end of 1996, 74,730 women were in state and Federal prisons (6.3 percent of all inmates). The number of female inmates grew by 9.1 percent during the year, compared to a 4.7 percent increase in male inmates.
- The 1996 prison incarceration rate of women (51 per 100,000) was more than 2.5 times the rate of 1986, when there were 26,610 women inmates (20 per 100,000).
- At the end of 1996, 59,884 women were held in jails, compared to 20,970 women in jails in 1986.
- At the end of 1994, there were 794,100 women in prison, jail, probation or parole—one out of every 130 women in the total U.S. population.
- On December 31, 1996, 515,600 women were on probation and 79,300 women were on parole supervision. Twenty--one percent of all probationers were women, 11 percent of all parolees were women in 1996, up from 18 percent and 8 percent respectively in 1990.

### Characteristics of female offenders

Eighty percent of women prisoners have children; 85 percent had custody of one or more children prior to incarceration.

25 percent of women are pregnant or postpartum when incarcerated.

Women offenders commonly have treatment needs related to anxiety, depression, low self--esteem, sexuality, and intimacy issues.

95 percent of all substance abusing women have experienced violence, including domestic violence, incest, and rape. Substance abusers also have more medical problems than non--substance abusers, such as extreme weight loss, TB, gynecological complications, and higher rates of HIV infection than males (Corrections Program Office April 1997 conference).

## Correctional management/treatment issues for women offenders

Correctional programming for women has historically been based on programs for men and has failed to recognize women's unique needs related to relationships, sexuality, victimization, depression, and empowerment (Alexander 62, 65).

Current screening and assessment tools used in jails are not designed specifically for the unique circumstances of female inmates (Veysey 21).

Increasing use of cognitive programs in corrections is based on needs of male offenders; different approaches are needed for women (Van Voorhis).

Human rights and prison rights groups are reporting more sexual harassment and assaults as the number of female inmates grows (Holmes, Steven A. 24A).

In an article appearing in the October 1997 issue of *Crime and Delinquency*, Koons et al. reported that effective programs for women appear to share the following characteristics:

- They incorporate comprehensive, holistic strategies;
- They are staffed by single agencies with women who are caring and have had personal experience with addiction and illegal activity;
- They include skills building in such areas as parenting, and
- They are located in a suitable physical and social environment.



# OFFENDER TREATMENT AND MANAGEMENT

## Substance abuse

In 1995, an estimated 12.8 million Americans (6 percent of the household population age twelve or older) had used drugs within the past month of being surveyed. In 1979, nearly 25 million reported using drugs within the past month. Ninety percent of those who used drugs in 1995 used marijuana or hashish.

According to the Office of National Drug Control Policy, data in 1995 showed that cocaine use was declining, marijuana use was increasing (9.8 million users), heroin use was increasing, and methamphetamine use was increasing. The University of Michigan has reported increased use of hallucinogens among high school seniors during the past six years.

In 1995, 10.9 percent of juveniles age 12--17 had used illicit drugs within the month prior to being surveyed. The rate was double the use in 1992 (5.3 percent), but below the 16.3 percent peak rate in 1979.

In 1994, 1.14 million arrests were made for drug law violations (75.1 percent for possession). In 1995, drug screening of arrestees in 23 cities showed that 51 to 83 percent of males and 41 to 84 percent of females tested positive (Office of National Drug Control Policy 9, 10--12, 13, 18).

## Drug and alcohol offenses

In 1994, drug offenders made up almost one--third of the felons convicted in state courts. (Bureau of Justice Statistics 1).

Almost half of the men and women on probation in 1995 were under the influence of drugs or alcohol when they committed their crimes. Almost 70 percent reported histories of drug abuse (Bureau of Justice Statistics, March 22, 1998 1).

The number--one substance abuse crime is drunk driving (1,467,300 arrests in 1996). Crime victims report that almost 4 of every 10 violent crimes involve alcohol. Among the 5.3 million offenders under correctional supervision in 1996, 36 percent (nearly 2 million) were estimated to have been drinking at the time of their offense (40 percent of jail inmates and probationers, 32 percent of prison inmates, and 29 percent of parolees) (Bureau of Justice Statistics, April 5--7, 1998 21, vi.)

## Substance abuse treatment

A Drug Abuse Treatment Outcome Study sponsored by the National Institute on Drug Abuse (NIDA), tracked substance abusers entering treatment between 1991 and 1993. Results showed significant decreases in use of drugs after treatment in four types of programs, even though managed care has resulted in shorter periods of treatment (Mueller 1).

In January, 1998, the National Center on Addiction and Substance Abuse (CASA) released a report calling for more substance abuse treatment in prisons. In 1996, only 13 percent of state inmates were in treatment, while 70--85 percent need

treatment. CASA estimated an economic benefit of \$8 billion a year if only 10 percent of the 1.2 million inmates were rehabilitated, even with additional treatment costs of \$6,500/year per inmate (CASA website).

In January, 1998, the President directed the Attorney General to amend guidelines to states receiving federal prison construction funds to include baseline reports of prison drug abuse problems. He also called for legislation to 1) allow states to use federal prison construction funds for substance abuse treatment, 2 to enact stiffer penalties for trafficking drugs in prisons (Zaner, January 26, 1998 1).

## States get tougher with sex offenders

In 1995, there were 34,650 arrests for rape and 94,500 arrests for other sex crimes.

In 1994, an estimated 99,300 sex offenders were incarcerated in jails or prisons, while an estimated 134,300 sex offenders were being supervised in community--based corrections. Sex offenders represent 4.7 percent of almost 5 million offenders under correctional supervision (9.7 percent of prison inmates, 4 percent of parolees, 3.6 percent of probationers, and 3.4 percent of jail inmates).

Approximately 8 percent of the 2,214 rapists released from prison in 1983 were re-arrested for new rape(s) within three years (Bureau of Justice Statistics, February, 2, 1997).

In 1990, Washington was the first state to enact a community notification law dealing with sex offenders. By October, 1997, 47 states had such laws. Congress passed a law in 1994 (amended in 1997) that would withhold 10 percent of Byrne funds (federal criminal justice grant funds) from states that did not enact sex offender registration and notification laws.

Only one study has been completed on the impact of sex offender notification programs. Sex offenders in communities with notification requirements were rearrested sooner than those in communities not requiring notification. But the recidivism rate after 4.5 years was the same for both groups (Center for Sex Offender Management 5).

On January 1, 1997, 38 state prison systems reported 9,899 inmates were participating in sex offender programs (1.3 percent of the inmates in those systems) (Camp 92).

The Minnesota Department of Corrections reported reduced recidivism for sex offenders who have completed treatment compared to untreated offenders. Those who fail to complete treatment have higher rates of recidivism than those with no treatment. (NIC Advisory Board Meeting, February, 1998.)

In 1997, four states enacted "chemical castration" laws for sex offenders. A fifth state, enacted a law allowing repeat sex offenders to elect surgical castration under certain circumstances (Lyons 2).

## Cognitive treatment programs

"There are over 500 recent and validated studies which point out that cognitive/behavioral interventions reduce recidivism by an average of 15 percent. More

encouraging is the finding that when offenders are properly targeted and matched to the appropriate cognitive and/or behavioral program, recidivism is reduced by an average of 25 percent to 50 percent compared to control groups." (Carey 28).

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