

F I N A L R E P O R T

PRISON CAP-PRISON SPACE STUDY COMMITTEE

January, 1987

The Prison Cap-Prison Space Study Committee was established by the Legislative Council to study issues relating to the operation and the effect of the prison cap, the effective use of existing prison space, and the need for additional prison space.

Members serving on the Study Committee were:

Senator Tom Mann, Jr., Co-chairperson
Representative Gary Sherzan, Co-chairperson
Senator Robert M. Carr
Senator Donald V. Doyle
Senator Lee Holt
Senator Dale Tieden
Representative Clay Spear
Representative Don Knapp
Representative Ruhl Maulsby
Representative Andy McKean

The Study Committee was authorized three meetings and used the authorized meetings on September 25, November 13, and December 18, 1986. The Study Committee sought and was authorized two additional meetings for a tour of some prison facilities which were conducted on December 10 and 11, 1986.

The first meeting was held on Thursday, September 25, 1986 in Senate Room 22 of the State Capitol Building. The Study Committee heard testimony from the Department of Corrections, the Iowa Board of Parole, the Iowa Corrections Association, the Board of Corrections, the Office of the Polk County Attorney, Criminal Justice Ministries, the Iowa Interchurch Forum, and the MICAH Corporation.

Mr. Paul Grossheim, Administrator, Division of Institutions; Mr. John Baldwin, and Ms. Jeanette Bucklew, all testified on behalf of the Department of Corrections. They provided the Committee with information on prison population flow through the system, the capacity and population of the Department of Corrections' institutions, and risk classification of the inmates. The Committee was informed that Iowa's prison sentences are the fourth longest, but Iowa's incarceration period is the sixth shortest.

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The Committee was further informed that the total designed population capacity of all the institutions is 2,918, the prison cap is set at 2,645, and the average daily population is 2,703. Mr. Grossheim testified that the cap did not have an effect on violence and discipline in the institutions, but noted an increase in violence reported on work release and paroles. He added that the department has a problem keeping minimum security institutions and the prison farms in use because of a lack of eligible inmates due to the fact that paroles are granted so quickly to those inmates who are the best risk. The Committee received options for dealing with the cap including increasing the use of community-based corrections, increasing the cap, modifying existing facilities to increase capacity, building new institutions, and the establishment of various innovative programs such as community mediation or intensive supervision of parolees. The information contained projected costs for expanding facilities at Anamosa, Mt. Pleasant, and the prison farms.

Mr. Charles Larson, Chairperson of the Board of Parole, and Mr. Rick George, Executive Director of the Board of Parole, provided the Committee with information on the parole process, admissions, and releases, and the risk profile of the prison population. Mr. Larson testified that the Board is satisfied with the quality of most parolees and cited a 6.6 percent rate of recidivism for parolees and noted that in fiscal year 1986 only 32 out of approximately 1,400 parolees committed a violent crime. Mr. Larson made recommendations to the Committee which included increasing the prison cap by 200, placing prisoners with life sentences outside the cap, and allowing a 30 to 40 day "cushion" for the Board to act when the cap is exceeded. Mr. George stated that Department of Corrections' proposals requiring the Board to act within three days of the cap being exceeded would be difficult as the staff is now doing as much as is possible in assessing the current population at all times. Mr. Larson stated that the Board makes every attempt to divert parolees for one-time violations and paroles are usually revoked only for repeated violations.

Mr. Kent Ellithorpe, President and Legislative Committee Co-chair of the Iowa Corrections Association testified that the cap has prevented overcrowding of the Iowa prison system, something which is an extreme problem in other states. He urged that any increase in the cap be accompanied with an increase in funding for staff and other resources and suggested that any new space created be designated as medium security. He further suggested that the intensive supervision program for parolees be expanded for all parolees and extended to probationers as well as a means of diverting prison population, but stated that the Association did not support the institution of parole and probation fees.

Mr. Gary Baugher, Chairperson of the Board of Corrections, stated that the cap was useful in meeting the court orders of the 1980s and noted that the cap has shown flexibility by having certain classes of offenders removed from it. He recommended upgrading of the community-based corrections program, programs for treatment of sex offenders, upgrading of work release facilities, and an increase in medium security space. He urged the General Assembly to take a clear philosophical position on the cap and not further circumvent it by excluding more segments of the prison population from the cap. Mr. James Smith, the Polk County Attorney, stated that maximum security prison space should be used for hard-core career offenders and that medium and minimum security facilities be used for those offenders which can be rehabilitated. He recommended expansion of medium and minimum security facilities and called for increased staffing to allow expansion of the intensive parole supervision program.

Mr. Doug Maben of the Criminal Justice Ministries and Mr. Paul Stanfield of the Iowa Interchurch Agency for Peace and Justice, both argued that the prison system is being overused and should be used only for those offenders from whom society should be protected. Both urged greater use of alternatives such as community-based corrections, neighborhood mediation, and victim restitution.

Mr. George Hanusa of the MICA Corporation distributed to the Committee a document which concluded that the Department of Corrections reported institution costs of \$51,500,000 should have included an additional \$13,800,000 of operating costs. He concluded that in view of these additional costs, any plans for building a new institution should be delayed until less costly alternatives to imprisonment can be studied. He added that the 40 percent of the prison population classified as property offenders should be examined to see if they could be reclassified for community corrections programs.

At its second meeting the Committee, as it previously requested, heard testimony from a full-time member of the Board of Parole, Mr. Walt Sauer. Mr. Rick George and Ms. Lettie Prell also appeared before the Committee. Mr. Sauer testified that the increase in the prison population with no change in the cap put pressure on the Board to grant paroles that should not be granted. He stated that paroles are only revoked for repeated violations with every effort made to keep a person on parole if there is a chance, but revocations were up by 23 percent. He argued the need for a new institution and increased use of present facilities up to 97 percent occupancy rather than the 91 percent the Department has now, and to do away with the cap and make maximum use of present facilities. Mr. Sauer stated that increased space would take

pressure off the Board to grant questionable paroles and cited that of the 87 additional paroles granted this year, 82 were revoked. Ms. Prell noted that 67 percent of the paroles revoked involved parolees rated as poor violence risks and constituted 20 percent of the paroles granted. Mr. George distributed information to the Committee on the duties of the Board of Parole which included a response to a Department of Corrections suggestion that the cap be increased to 2,725 with the Board of Parole required to act within three days if that figure is exceeded. Mr. George stated that if this suggestion was adopted, it would require an accelerated interview schedule which would be difficult for the Board to meet since it was already operating near capacity. He also added that the Board was presently in the position of waiting for new admissions to build up a pool of good risks for parole.

Mr. Paul Grossheim of the Department of Corrections testified that the Department maintained a 10 percent vacancy rate at its institutions for administrative purposes as recommended by the American Corrections Association. He noted that the Department did not have control over the population at Fort Madison which was set by federal court order. He stated that any increase in population at the institution would require an increase in staff and noted that most all institutions had experienced a decrease in staff. Mr. Grossheim supplied the Committee with documents listing the cost of repairs to Cellhouse 17 at Fort Madison, costs for expanding the Mt. Pleasant facility, and inmate risk classifications which showed an increase in maximum risk inmates and a marked decrease in minimum security inmates.

Ms. Janette Bucklew of the Department of Corrections reported to the Committee on electronic monitoring of parolees as conducted in Minnesota, Oregon, and Florida. She reported on various methods available. She noted that the systems are generally used on low-risk inmates with costs of six to eight dollars per parolee per day. She noted that monitoring was generally successful for the parolees so long as it did not extend beyond four months. Ms. Bucklew also reported on the intensive parolee supervision program. She noted the increased cost of such a program because of the need for more staff and the prospect of an increased revocation rate.

Mr. Harold Farrier, Director of the Department of Corrections, reported that in discussion with the Governor over the maximum use of facilities it might be possible to use up to 97 percent of facilities with the cap set at 2,825 because of more efficient administration, but there would be a need for increased construction and staff expenses. He admitted that diversion of inmates convicted of drunk driving to a separate facility could free up to 200 beds under the cap but argued that those vacancies may last only until judges become aware of them in the sentencing process.

The Committee met again on December 10 and 11 for a tour of Department of Corrections facilities at Anamosa, Oakdale, Fort Madison, and Mt. Pleasant.

The Committee met a fifth and final time on December 18. The Committee received a report from Mr. Rob West of the Hansen Lind Meyer architectural firm and Mr. Dale McConnell of the Morrison Knudsen Co. on design and function of a prison facility proposed if they were chosen to design a new prison for the state of Iowa. The design was promised to save 10 to 13 percent in facility costs over conventional construction. The unit costs would be approximately \$50,000-60,000 per inmate.

Mr. Paul Stageburg of the Statistical Analysis Center presented to the Committee the Center's most recent projection of where the prison population would stabilize if the cap were lifted. He explained that the projected population of 2,870 was down from the earlier figure of 3,500 which was in effect a worst case scenario projecting a 25 percent increase in court commitments. He added that projections can only be made for the short term because Iowa's indeterminate sentencing scheme is policy driven and so greatly affected by legislative and executive branch policies.

Mr. Harold Farrier appeared before the Committee to provide the Committee with the Department of Corrections' cost and design projections for a new medium security prison with a 500 inmate capacity, but noted that the resources were not available for such a facility now though it would make more sense that a band-aid approach of repairing and expanding present facilities. Mr. Farrier reported that the Department's recommendations to the Governor are to upgrade the Riverview Correctional Release Center to add 86 medium security beds, add an additional 100 beds to Mt. Pleasant, and add an additional 100 beds at Oakdale sometime in the future. Mr. Farrier commented that discussions with the Board of Parole indicated that a cap of around 2,800 would make their job easier, but stated that the Department would not presently know where to place the projected prison population of 2,870. He observed that judges are conscious of the limited prison space quoting a judge's comment that he sentenced offenders to prison only if he believes the offender is more dangerous to society than others already incarcerated.

Mr. Phil Riley of the MICAH Corporation reported to the Committee on the results of two studies. The first concluded that the Department of Corrections improperly classified its inmates as 18 percent minimum security, 53 percent medium security, and 30 percent maximum security when National Institute of Corrections criteria would classify the inmates as 48 percent minimum security,

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35 percent medium security, and 17 percent maximum security. The second study was conducted by the Department of Corrections and concluded that the prison cap had no effect on the recidivism rate of releasees.

After some discussion the Committee voted on two proposals for recommendations to the Legislative Council. The first proposal as put forth called for the construction of a new 500 bed, medium security facility. The motion failed on a four-to-four vote. The second proposal called for the Anamosa facility to be capped at its present population level at 850 and the Mt. Pleasant facility to be capped at 528 until necessary repairs are made to the facility at which time 55 additional beds would be added to the facility by providing \$541,000 in additional funding for staff for the next fiscal year. The motion received five votes in favor with three dissenting but failed for lack of an absolute majority of the 10 members of the Committee.

The Committee adjourned without making a recommendation to the Legislative Council.

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