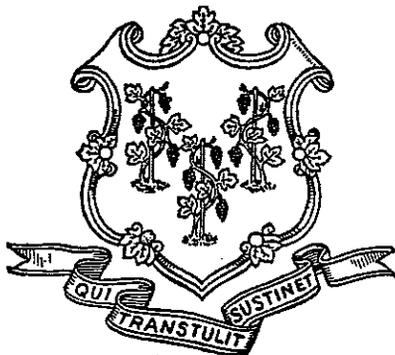


**DEPARTMENT OF CORRECTION  
INMATE PRIVILEGES  
AND PROGRAMS**

*Connecticut*

*General Assembly*



LEGISLATIVE  
PROGRAM REVIEW  
AND  
INVESTIGATIONS  
COMMITTEE

**JANUARY 1992**

**CONNECTICUT GENERAL ASSEMBLY  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE**

The Legislative Program Review and Investigations Committee is a joint, bipartisan, statutory committee of the Connecticut General Assembly. It was established in 1972 to evaluate the efficiency, effectiveness, and statutory compliance of selected state agencies and programs, recommending remedies where needed. In 1975, the General Assembly expanded the committee's function to include investigations, and during the 1977 session added responsibility for "sunset" (automatic program termination) performance reviews. The committee was given authority to raise and report bills in 1985.

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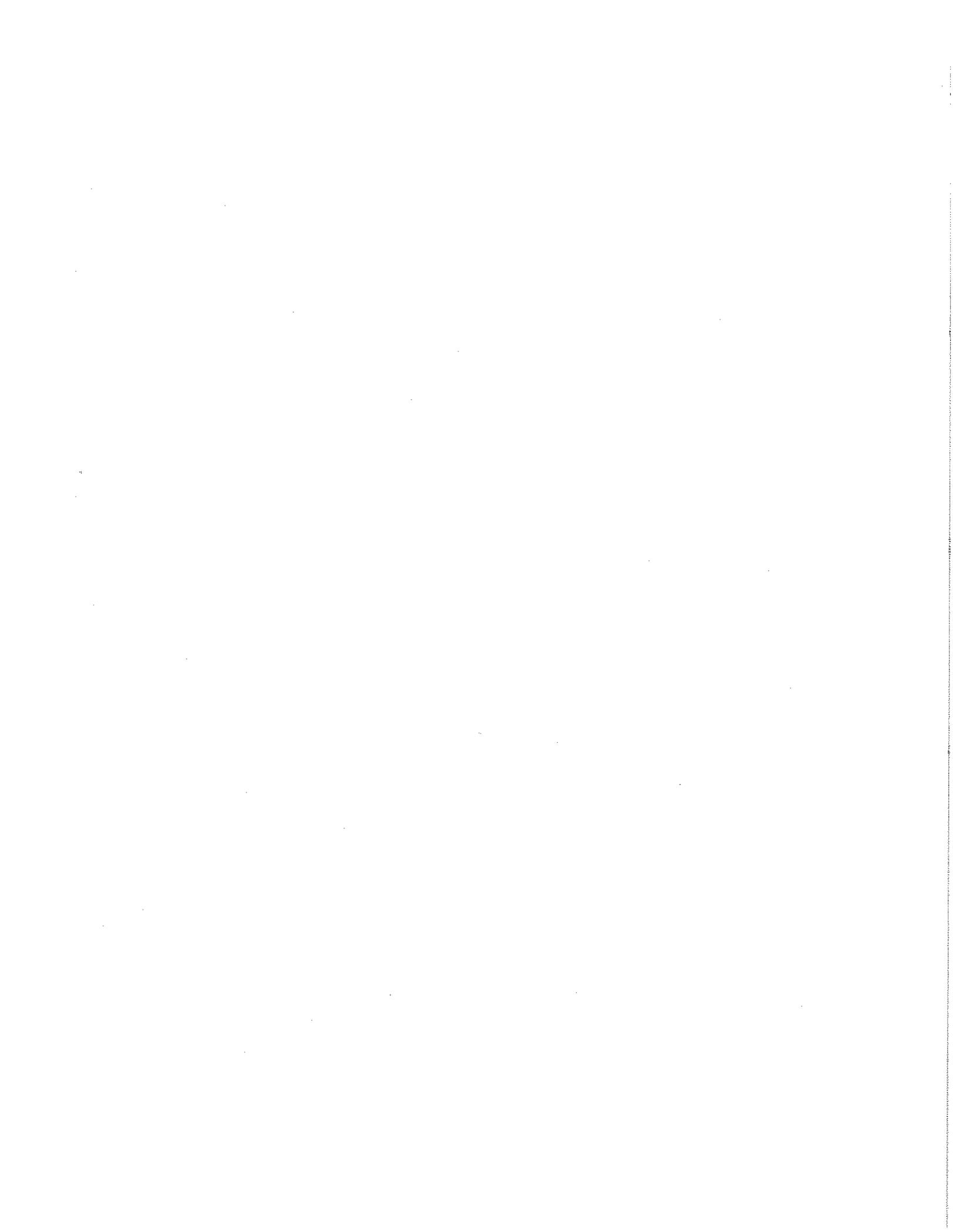
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**DEPARTMENT OF CORRECTION  
INMATE PRIVILEGES AND PROGRAMS**

**LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE**

**JANUARY 1992**



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## EXECUTIVE SUMMARY

The Legislative Program Review and Investigations Committee voted in February 1991 to study the Department of Correction's policy on inmate privileges and the rehabilitation programs offered. The committee concluded that participation by inmates in the programs, especially in education, is very low. In addition, the committee found that the department under-utilizes its prison industries and inmate work program. Idleness among inmates is one of the most serious problems facing the department.

The proposed changes will have a significant impact on the operations of the department's education system and prison industry program. The emphasis of the committee's recommendations are on providing strong incentives to the inmates for enrolling in school and participating in other programs and work assignments.

The legislative program review committee proposed recommendations in three areas: 1) education system; 2) addiction services; and 3) prison industry. It is these areas where the greatest benefit can come for improving the penal and rehabilitative effects of prison on the state's inmates.

## RECOMMENDATIONS

### Education

1. The Department of Correction shall set a minimum education competency level for all sentenced inmates. This competency level should not initially exceed 8th grade. If the department initially sets a competency level under 8th grade, it shall by January 1, 1997, raise that level to 8th grade. All sentenced inmates should be tested at the department's reception center during the classification period to determine their educational competency level.
2. All inmates who test below the specified competency level shall be required to participate in the Adult Basic Education Program for the first 90 days of incarceration. This 90-day period shall not include any time spent in the classification phase of incarceration.
3. At any point during the initial 90 days of education classes, inmates may opt out of the program. For those inmates who resign before completing the 90 days, they will for the length of incarceration be restricted to certain work assignments, the lowest pay rates, and prohibited from employment at the prison industries. An inmate who resigns cannot change work status until re-enrollment in an educational program is initiated.

4. At the conclusion of the first 90 days, inmates can continue in the education program until the competency level or higher grades are reached. After the initial period, an inmate who has or is in the process of obtaining the minimum competency level must be given special consideration in determining his or her pay increases or eligibility for transfers to other job assignments. These inmates should also be qualified to be employed by prison industries.
5. Inmates who complete the 90 days of education, but do not attain the department's competency level, can choose to continue their participation in the program or drop out. Not reaching the minimum competency level reduces an inmate's earning power. Promotion and pay levels are to be determined by the Department of Correction, but should correlate with education competency and work skill.
6. The highest paying prison work assignments and/or prison industry jobs should be restricted to those inmates who have tested at or reached the department's competency level.
7. Preference for participation in the program should be given to youthful offenders, those under 21 years of age, in meeting the "child find" provisions of P.L. 94-142 and C.G.S. Sec. 10-76 (Special Education), and inmates nearest to release into the community. Consideration may be given to those inmates entered in the education program and nearing completion. Criteria can be focused on attendance records, grades and test scores, and class participation. In addition, the Department of Correction shall establish guidelines for inmates requiring special education or for those inmates physically or otherwise disabled.
8. Other incentives for continued participation and progress in educational programs should include: (1) pay with bonuses based on performance, (2) credits toward good time status, (3) graduation ceremonies and certificates, and (4) considerations for transfers, furloughs, work assignments, and work release programs.
9. The Department of Correction shall report annually for a period of five years to the General Assembly, the committees of cognizance, and the Legislative Program Review and Investigations Committee on the implementation and operation of the required education program.

#### Addiction Services

10. Any inmate identified through the department's classification process as a substance abuser actively participate in addiction services to become

eligible for employment by Connecticut Correctional Enterprises. The type, length, and frequency of treatment will be determined by the Addiction Services Division. The inmate must also meet the educational requirements previously recommended.

### Prison Industries

11. The Department of Correction establish a unified prison industry, referred to as Connecticut Correctional (ConnCorr) Enterprises, Inc., as a quasi-public agency based on the Connecticut General Statutes, Sections 1-120 through 1-125. ConnCorr Enterprises, Inc. will be a wholly owned, nonstock, nonappropriated government corporation.
12. ConnCorr Enterprises will be governed by a board of seven directors. The membership will include the commissioner of the Department of Correction, the attorney general or his or her designee, the commissioner of the Department of Public Works or his or her designee, and four members from the private sector who have knowledge and experience in the fields of business, manufacturing, finance, and marketing, to be appointed by the governor. The terms of the four private sector members will be coterminous with the governor.
13. The commissioner of the Department of Correction shall have sole authority on decisions with regard to inmate custody and control and institutional security.
14. There will be a director of Connecticut Correctional Enterprises, appointed by the board of directors, who shall report directly to the board.
15. The powers of Connecticut Correctional Enterprises shall be vested in and exercised by a board of directors. The board of directors may delegate to three or more board members, at least one of whom shall be a nonstate employee, such powers and duties that the full board of directors may deem proper. The board can create any advisory committee it deems necessary to provide assistance.
16. The Connecticut Correctional Enterprises board of directors shall adopt written procedures for:
  - an annual budget and a plan of operations that, at a minimum, require the board's approval before they become effective;

- hiring, dismissing, promoting, and compensating staff, and such procedures and policies as shall require board approval before a position can be created or a vacancy filled;
- acquiring real and personal property and personal services, and such procedures as shall, at a minimum, require the board to approve all expenditures in excess of \$5,000;
- obtaining professional services, such as financial advisors, legal counsel, and auditors, and at a minimum such procedures as shall require Connecticut Correctional Enterprises to solicit proposals at least every three years for each service it uses; and
- using surplus funds.

17. The purpose of Connecticut Correctional Enterprises will be to: stimulate and encourage the development of new products and industries by providing capital, space, materials, and labor; achieve improvement in the quality of products and services; train and employ qualified inmates within the state's correctional institutions; and recruit private sector business, nonprofit organizations, municipalities, and state agencies to choose qualified inmates as a source of labor. For these purposes ConnCorr Enterprises has the following powers:

- to adopt an official seal;
- to sue and be sued, plead and be impleaded;
- to charge and collect fees for its services and products;
- to receive and accept aid or contributions including money, property, labor, and other things of value from any source;
- to conduct quarterly progress reviews;
- to develop a standard policy and procedures manual;
- to review and reconfirm purchasing practices;

- to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under its enabling legislation -- including such professional services as financial consultants and technical specialists as the board deems necessary;
- to invest any funds not needed for immediate use or disbursement -- including reserve funds -- in obligations issued or guaranteed by the United States of America or the State of Connecticut and in other obligations that are legal investments for savings banks in this state;
- to employ such staff as it deems necessary and fix their qualifications, duties, and compensation;
- to borrow money to the extent permitted by statute;
- to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;
- to account for and audit funds of the corporation;
- to recommend goals for technological development within correctional institutions and to establish policies and strategies for attracting private companies to Connecticut Correctional Enterprises; and
- to establish and adopt regular procedures for exercising its power under its enabling legislation not in conflict with existing statutes.

18. Connecticut Correctional Enterprises, Inc. will be required, pursuant to Connecticut General Statutes Section 1-122, to annually contract with any person, firm, or corporation for a compliance audit of its activities for the fiscal year. The audit will determine Connecticut Correctional Enterprises' compliance with its regulations concerning affirmative action, personnel practices, the purchase of goods and services, the use of surplus funds, and the distribution of loans, grants, and other financial assistance. The board of directors will submit the audit report to the

**governor, the auditors of public accounts, the Department of Correction,  
and the joint standing committee of the General Assembly having  
cognizance of matters relating to Connecticut Correctional Enterprises.**

## INTRODUCTION

For the past decade, overcrowding has been the primary concern of correction systems throughout the nation. Connecticut, like most other states, has faced a tremendous increase in the number of inmates flooding the system. The scope of the study is directed toward the management of inmates, and does not deal with issues associated with the causes of prison overcrowding.

Society's "get tough" on crime attitude, which is one of the reasons inmates are receiving longer sentences in prison, has also focused attention on the life of the inmates within the facilities. Privileges granted inmates have come under scrutiny, however, the Department of Correction (DOC) views privileges as an effective management tool. Inmates are allowed certain privileges within the prisons and jails. Concerns were raised that Department of Correction policies and practices regarding privileges may be too liberal and contribute to a lack of control and discipline in correctional facilities.

The issue of prisoner privileges was viewed in the context of day-to-day life in an institution. Freedoms and privileges can be defined through the activities or programs in which prisoners participate. These freedoms and privileges serve two purposes: to rehabilitate and to prevent or curtail inactivity, boredom, and violence.

Even though the objectives of correction systems have turned from rehabilitation to punishment and the main focus has become the management of increased numbers of inmates, the Department of Correction has not abandoned programming or treatment for inmates. A social service, recreation, and treatment program is offered to all inmates. Inmates are also assigned jobs within the prisons. Some of these programs are required by statute and others have historically been part of the correction system.

In addition to dealing with the most basic concerns of housing a massive number of people in a confined setting, the Department of Correction also faces the problems of inmate idleness, boredom, violence, physical and mental illness, and the propensity of inmates to return to crime. Most of these problems are exacerbated by overcrowding. One of the biggest challenges for prison administration is to keep most inmates busy for even a portion of the day. The theory is that if inmates are occupied in constructive activities, they will be less likely to cause disruption or misbehave. Occupied inmates are easier to manage within the prisons.

The problem facing the department is that the increase in inmate population is not reflected in the participation rates of the programs. The issue is slightly different with work assignments because there is not enough work to be performed by all the inmates assigned. Overall, due to statutory mandates or correctional theory,

correctional programs continue to operate even though they fail to attract large numbers.

Based on the attention focused on the state's prison system due to overcrowding, the Legislative Program Review and Investigations Committee voted in February 1991 to study the Department of Correction's policy on inmate privileges and programs. The committee's final report contains descriptive information about the department, the privileges granted to inmates, and the programs offered. The study concentrates on the current department policies related to inmate privileges and programs and the effect on maintaining prisoner control within the institution.

A variety of sources and research methods were used in conducting the study of the Department of Correction's inmate privileges and programs. State statutes, departmental policies, procedures, and program reports and statistics, and the relevant literature were reviewed. Other states' systems and proposed changes from professional associations and groups were analyzed. Committee staff toured all eight state prisons and attended program sessions.

Local experts from the legal and correction professions and academic institutions were interviewed. Structured interviews were held with the administrative staff of the Department of Correction and wardens and management staff of the state's prisons, including directors of education, rehabilitation, and training programs. In addition, during field visits to the prisons, committee staff spoke informally with correction officers and inmates. The committee obtained input from the department and interested parties at a public hearing held in September 1991.

Statistics from the United States Department of Justice National Institute of Corrections, the Criminal Justice Institute, Inc., and the Connecticut Prison and Jail Overcrowding Commission were compiled and analyzed. In addition, committee staff gathered and analyzed disciplinary data and program enrollment and attendance statistics from the eight prisons included in the study.

The report is organized into six chapters: 1) Overview of Correction: The Nation and Connecticut; 2) Department of Correction Organization, Functions, and Resources; 3) Inmate Privileges; 4) Inmate Programs; 5) Prison Industries; and 6) Recommendations. In the privileges and programs section, a description is provided along with analysis and the committee's findings.

It is the policy of the Legislative Program Review and Investigations Committee to provide state agencies subject to a study with an opportunity to review and comment on the recommendations prior to the publication of the final report. The response from the commissioner of the Department of Correction is contained in Appendix B.

## CHAPTER I

### OVERVIEW OF CORRECTION: THE NATION AND CONNECTICUT

Prison incarceration is the most severe punishment imposed by a government upon a convicted offender. Traditionally, punishment should achieve retribution, rehabilitation, deterrence, and incapacitation. The theory behind retribution is that it is a just response in the fair and balanced punishment of crimes. Rehabilitation attempts to change the criminal so he will not commit any more crimes. As a deterrent to crime, prison makes the offender fear incarceration, afraid to commit another crime, and deters others through the severity of the penalty.

These principles of punishment vary in their philosophy and implementation. In the past, prisons and correctional systems attempted to achieve these objectives through one principle. Presently, correctional systems are increasingly adhering to a single principle of punishment: incapacitation. The incapacitation theory states that an incarcerated prisoner is not free to commit additional crimes, and the loss of freedom serves as a deterrent to other offenders who recognize that imprisonment is the result of criminal action.

This incapacitation approach is a shift away from the rehabilitative ideal of incarceration favored during the 1970s. Rehabilitation focused on turning the prisoner away from crime through programs and services. This philosophy came under attack when crime rates increased and the public's attitude shifted to "getting tough" on crime.

As the emphasis shifts, correctional institutions attempt to address these concerns, and conflict arises between rehabilitation theory and punishment. As a form of punishment, prisons simply limit individual freedoms by incarceration in a structured environment. Reform and rehabilitation are provided through educational and therapeutic programs and some individual privileges.

#### History

The attitude toward correction has shifted throughout history. Until the mid-eighteenth century, punishment and retribution were the principal theories behind European penology. Execution and corporal punishment were the sentences for most crimes, however, incarceration in prisons was also used. These prisons were quasi-governmental institutions; they were mostly operated by the church or private organizations. In most instances, incarceration was for life. Inmates were charged a daily fee for imprisonment, which included the rent of the cell, food, and water. Inmates were not released at the end of their sentence, if the bill was not paid. Remaining inside the prison only added to the amount owed. In addition, banishment to America or Australia was also used as a form of punishment.

It was not until the nineteenth century that use of prisons became widespread. Imprisonment was thought to be more humane than corporal punishment as well as a deterrent to criminal activity. This is still the basis for correction today. In America during the 1820s, penitentiaries were built with the goal of reforming inmates. The penitentiaries, based on the Quakers' philosophy, used solitary confinement for reflection, silent prayer, and meditation. This form of correction was the choice for many governments until inspection of the prisons proved them to be inhumane and solitary confinement failed to rehabilitate.

Through the 1950s, there was a general "hands-off" policy toward prisons. The method used was punishment of offenders and not rehabilitation. Prisons were not the focus of much societal or political attention.

However, beginning in the 1960s and continuing through the 1970s, the dominant theme of prison management was rehabilitation and treatment of prisoners--hence the name correction. This form of correction was based on the "medical model" that viewed the offender as damaged but not beyond repair. The goal was to return the inmate to an appropriate and productive role in society. Civil and individual rights of inmates were also a concern. The involvement of the judicial branches of state and federal government resulted in guaranteeing prisoner rights, programs, and operating humane correctional institutions.

The dominant sentencing model was the indeterminate sentence, which provided leeway and variation in the length of incarceration. The correction and judicial professionals developed the guidelines to judge when an inmate was rehabilitated and ready for release. This type of sentencing also helped prison management control overcrowding by lowering the standards of rehabilitation that warranted the release of prisoners. More inmates were eligible for release, and the inmate population was decreased.

The theory of rehabilitation began to lose favor among professionals and the public when it showed no major successes and crime rates rose. Prison populations nationwide had remained stable until 1973, and then began a steady climb from under 100,000 inmates in 1969 to almost 600,000 in 1987. It was during the mid-1970s when the focus of correction shifted from rehabilitation to general deterrence and incapacitation.

The shift from rehabilitation to punishment was also a result of the transfer of sentencing policy from rehabilitation professionals to the legislatures. A "get tough" stance toward crime emerged, and many state legislatures responded by putting mandatory and minimum sentencing guidelines into law.

During the past several years, the most serious problem facing correction systems across the nation has been overcrowding. Connecticut, like most other

states, has been forced to deal with a tremendous increase in the number of inmates entering the system. This is the result of the public's desire for more criminals receiving longer prison sentences. Because of overcrowding, correction departments were again forced to shift the focus this time from rehabilitation and punishment to simply managing and maintaining inmates.

### National Overview

Like Connecticut, correction systems throughout the country are faced with drastic increases in the inmate population. Table I-1 shows the growth in the number of inmates nationwide over the past six years. While the inmate population in the country's jails has fluctuated, the prison population has steadily grown to almost 700,000 in 1990. Inmates sentenced to less than one year incarceration and pre-trial inmates are housed in jails, and those sentenced to one year or more are incarcerated in prison.

Table I-1. Number of Inmates Confined in Federal and State Prisons and Jails by Year.						
TYPE OF INSTITUTION	1985	1986	1987	1988	1989	1990
STATE PRISON	388,525	448,661	481,916	511,502	552,589	618,915
FEDERAL PRISON	32,153	36,660	40,828	43,124	45,014	54,644
TOTAL IN PRISON	420,678	485,321	522,744	554,626	597,603	673,559
Jails*	25,566	11,297	30,167	16,576	51,212	74,432
TOTAL	446,244	496,618	552,911	571,202	648,815	747,991
* Jail category includes other facilities, such as hospitals, community programs, and other "out-count" reasons.						
Source: <i>The Correction Yearbook</i> , Criminal Justice Institute, Inc. 1985-1990.						

Table I-2 indicates that, during 1990, there were only 17 state correctional systems that operated with inmate populations below the rated capacity, the total number of inmates the system can legally incarcerate. The majority are mid-western or western states. The remaining state systems operated beyond capacity limits.

The Connecticut prison system functioned at 113 percent over capacity during 1990, the highest in the country. Massachusetts operated at 90 percent over capacity, followed by California at 74 percent, and Ohio at 53 percent over capacity. The federal prison system operated at 68 percent over capacity.

During fiscal year 1989-90, correction systems in the United States spent more than \$6.7 billion on new prison construction. This is 73 percent more than the amount (\$3.8 billion) spent the previous year. During 1987-88, a total of 78,872

new beds were added. New prison construction will occur in 44 of the 52 correction systems in the United States. It is anticipated that new construction in 1991-92 will add more than 128,000 new beds to overcrowded state and federal prisons.

Table I-2. Rated Capacity and Inmate Population by State, 1990.				
STATE	RATED CAPACITY	INMATE POPULATION	DIFFERENCE	PERCENT DIFFERENCE
<i>Connecticut</i>	4,125	8,777	4,652	112.8%
<i>Massachusetts</i>	4,563	8,646	4,083	89.5%
<i>California</i>	48,311	83,893	35,582	73.7%
<i>Ohio</i>	19,848	30,300	10,452	52.7%
<i>Pennsylvania</i>	13,835	19,236	5,401	39.0%
<i>Rhode Island</i>	1,804	2,476	672	37.3%
<i>New Hampshire</i>	894	1,197	303	33.9%
<i>New Jersey</i>	13,036	15,674	2,638	20.2%
<i>New York</i>	49,398	51,277	1,829	3.7%
<i>Federal System</i>	32,494	54,644	22,150	68.2%

Source: *The Correction Yearbook*: 1990, Criminal Justice Institute, Inc.

A breakdown of the number of new beds added during 1989-90 to the different security-level prisons is shown in Table I-3. Due to the tremendous overcrowding experienced by all correction systems, the construction of new facilities has been a priority.

Table I-3. New Bed Construction in U.S. Prisons, 1989-90.							
SECURITY LEVEL	MIN	MED	MAX	MED/ MIN	MED/ MAX	MIXED	OTHER
# OF BEDS	8,058	38,067	9,581	11,954	12,130	27,014	21,194
PERCENT	6.3%	29.7%	7.5%	9.3%	9.5%	21.1%	16.6%

Source: *The Corrections Yearbook*: 1990, Criminal Justice Institute, Inc.

The building cost per bed ranged from a low of \$955 at a minimum/medium security facility to a high of \$132,000 for a medium/maximum security facility. The average cost per bed nation-wide was \$52,000, up 29% from \$42,000 per bed in 1987-88.<sup>1</sup>

The states with the highest prison construction costs for 1989-90 were: California, \$1.29 billion for 15,030 beds; Connecticut, \$622.7 million for 6,126 beds; Michigan, \$477 million for 6,944 beds; New York, \$409 million for 5,400 beds; Texas, \$328 million for 10,250 beds; and Georgia, \$318.2 million for 13,555 beds.<sup>2</sup>

Of those states with new prison construction, 21 paid for the facilities with legislative appropriations, 9 with bond issues, and 12 with both. Funds were also obtained from general operating funds, loans, and other sources.

### **State Overview**

In 1960, the Connecticut county system of corrections was eliminated to enable the state to consolidate correctional services, realize cost savings, and add the Board of Parole. The Department of Correction, as it exists now, was established in 1968. Through the early 1970s, the emphasis was on creating a centralized administration that encompassed all facets of correction from pre-arraignment to post-release of inmates. In the mid-seventies, the department shifted its focus to returning the inmate to the community. By the late 1970s, the DOC was beginning to experience the growth of the inmate population that would eventually dominate the 1980s.

During the 1980s, the Department of Correction experienced an unprecedented growth in the inmate population. The Connecticut correction system was not the only one dealing with a growing inmate population. This was a national crisis.

The 1990s brought department-wide expansion through construction of several new facilities and renovation of existing prisons. The actual number of inmates is continuing to exceed population projections, and it is expected the opening of new facilities will still leave the system overcrowded. Revised population projections show no forthcoming decrease or leveling of inmate populations.

**Criminal justice system.** The primary contributing factor to the overcrowding problem in the state's correction department is the number of people being arrested. There was an unprecedented increase in the number of arrests during the last decade.

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<sup>1</sup> Criminal Justice Institute, Inc. The Corrections Yearbook: 1990 (Criminal Justice Institute, 1990), p. 29.

<sup>2</sup> *ibid.*

In 1980, 117,532 people were arrested. In 1990, that number increased 91 percent to 224,005 arrests. Table I-4 represents the number of arrests each year beginning in 1980, with a breakdown by crime type -- driving while intoxicated (DWI), drug violation, and violent crime. The three categories were chosen because of the dramatic increase in arrest rates for those violations.

Over the decade, the most dramatic increase occurred in the arrests for driving while intoxicated -- up 437 percent from 3,266 to 17,538. The arrests for drug violations increased 255 percent from 6,145 to 21,866, and arrests for violent crimes almost doubled, from 5,490 to 10,021.

TYPE OF ARREST	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
<i>TOTAL ARRESTS</i>	117,532	120,252	124,728	134,077	144,402	158,114	170,606	197,625	211,473	224,005
<i>VIOLENT OFFENSES</i>	5,490	6,040	6,060	6,201	6,200	6,173	7,253	7,977	9,087	10,021
<i>D.W.I.</i>	3,266	3,402	5,387	11,714	16,608	19,488	17,273	17,759	17,070	17,538
<i>DRUG VIOLATION</i>	6,145	6,446	7,750	8,494	10,533	11,087	11,154	14,874	19,960	21,866

Source: *Prison and Jail Overcrowding: A Report to the Governor and Legislature*, January 1991.

**Prison overcrowding.** The department classifies its institutions and centers into five security levels -- Level 5 maximum: Somers; Level 4 high medium: Cheshire and Enfield ; Level 3 medium: Carl Robinson and J.B. Gates; Level 2 minimum: Webster and Willard; and Level 1 community programs. Niantic women's prison incarcerates inmates of all security levels.

Because of the increased arrest rates and the public's concern about inmate sentencing, the number of inmates managed by the Department of Correction has drastically increased. In 1980, the state's correctional system managed less than 4,000 convicted inmates in 10 facilities. In 1990, the number of inmates, not including pre-trial inmates, had more than doubled to 9,589 in 21 correctional facilities.

Throughout the 1980s, the Department of Correction continuously operated at or near 110 percent of capacity, which is the threshold for the emergency release of inmates as required by statute (C.G.S. Sec. 18-87f). The department must constantly balance the inmate population numbers to remain at or below the legal cap. As a result of the overcrowding and the department's effort to comply with the statute, the majority of convicted inmates serve approximately 10 percent of their sentence.

Table I-5 and figure I-1 represents inmate population growth of both convicted and pre-trial prisoners. During the 1980s, the inmate population increased on average by more than 500 inmates per year. The largest increase occurred during 1989 when the population of convicted inmates rose by 1,583 prisoners to 8,899.

Table I-5. Inmate Population Growth Departmentwide. 1980-1990					
YEAR	CONVICTED INMATES	PRE-TRIAL INMATES	TOTAL INMATES	INCREASE/ DECREASE*	MANDATORY CAPACITY OF FACILITIES
1980	3,828	1,103	4,931	+ 455	3,669
1981	4,194	1,216	5,410	+ 366	3,759
1982	4,636	1,287	5,923	+ 442	4,049
1983	5,041	1,094	6,135	+ 405	4,209
1984	5,222	1,161	6,383	+ 181	4,209
1985	5,743	1,240	6,983	+ 521	4,209
1986	6,255	1,188	7,443	+ 512	5,681
1987	6,807	1,504	8,311	+ 552	6,043
1988	7,316	1,895	9,211	+ 509	6,683
1989	8,899	2,461	11,360	+ 1,583	7,402
1990	9,589	1,849	11,438	+ 690	

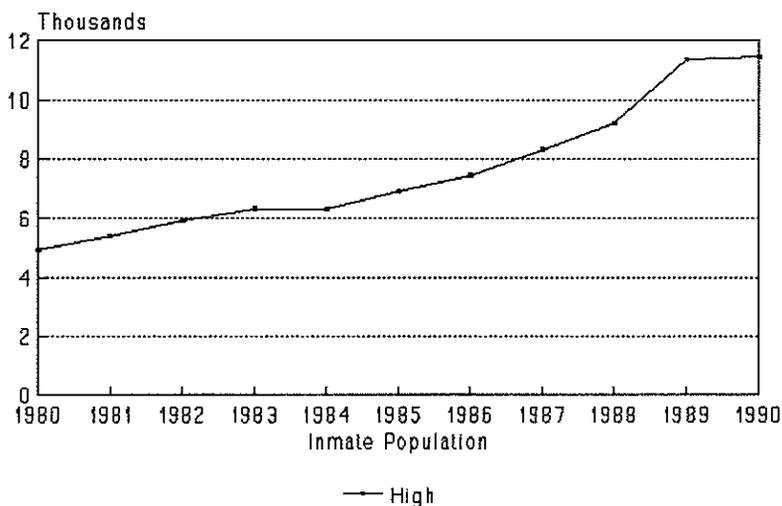
\* increase/decrease in convicted inmate population only.

Source: LPR&IC staff analysis of Ct. Administrative Reports to Governor, 1980-1990.

The number of pre-trial inmates, who are accused defendants in criminal trials that are either denied or unable to raise bail, also increased, but at a slower rate than convicted inmates. In fact, after the large increase during 1989, the DOC experienced a sharp decrease of 612 pre-trial inmates held at correctional facilities in 1990.

Table I-6 represents the total number of inmate admissions for each of the correctional institutions from 1985 through 1990. The Willard and Webster Correctional Institutions were not included because they did not open until 1990.

Figure I-1. Inmate Population Growth  
Department Totals, 1980-1990.



Source: LPR&IC staff analysis.

Table I-6. Total Inmate Admissions by Correctional Institution, 1985-1990.

PRISON	1985	1986	1987	1988	1989	1990
<i>Carl Robinson</i>	*	1,051	951	2,056	2,615	4,361
<i>Cheshire</i>	1,753	1,767	1,864	2,743	3,833	3,993
<i>Enfield</i>	1,044	1,152	668	1,575	2,358	2,227
<i>J.B. Gates</i>	442	763	1,316	2,310	3,394	3,213
<i>Niantic</i>	1,813	2,172	2,868	3,494	4,248	3,933
<i>Somers</i>	1,998	2,018	2,868	3,494	4,234	5,397
<b>TOTAL</b>	<b>7,050</b>	<b>8,923</b>	<b>10,535</b>	<b>15,672</b>	<b>20,682</b>	<b>23,124</b>

\* CRCI did not open until 1986.

Source: LPR&IC staff analysis of Ct. Administrative Reports to Governor.

Inmate admissions represents the total number of inmates that were incarcerated in the institutions during the calendar year. This is not the total number of

inmates housed at any one time, due to releases and transfers of prisoners. Table I-6 should be reviewed along with Table I-7, which shows the average daily population of each institution.

As stated, Table I-7 reflects the average daily inmate population at six of the state prisons. Again, the Willard and Webster Correctional Institutions were not included because they did not begin to operate until 1990. The daily inmate population at Somers Correctional Institution, the state's only maximum security facility, has remained the highest over the past six years. The population at Somers is steadily increasing, but has not experienced a large surge during this period. This is because the facility has been operating at maximum population levels throughout the decade and, due to the need for high security, inmates must be housed in cells rather than dormitories, which do not sufficiently restrict inmate movement.

Table I-7. Average Daily Inmate Population Per Year. 1985-1990.						
PRISON	1985	1986	1987	1988	1989	1990
<i>Carl Robinson</i>	25*	452	645	708	722	1,119**
<i>Cheshire</i>	542	579	620	647	802	834
<i>Enfield</i>	543	493	470	466	674	712
<i>J.B.Gates</i>	105	119	204	246	333	336
<i>Niantic</i>	290	329	385	479	593	603
<i>Somers</i>	1,410	1,391	1,397	1,412	1,424	1,401
<b>TOTAL</b>	<b>5,706</b>	<b>6,266</b>	<b>6,780</b>	<b>7,359</b>	<b>8,592</b>	<b>9,483</b>
* Institution opened in November 1985.						
** Reflects opening of new dorms.						
Source: LPR&IC staff analysis of DOC statistics.						

Carl Robinson Correctional Institution, the state's newest prison, is a medium security facility. The dramatic inmate population increase that occurred this past year (1990) was a result of the opening of new dormitories. The new dormitory construction was a response to severe overcrowding and the projected number of inmates entering the systems in the next few years. Each of the other correctional institutions experienced a steady growth in the average daily inmate population.

**Costs.** As expected, the cost of maintaining an inmate inside a correctional facility has also increased. In determining the average daily cost of maintaining an

inmate, the department figures in or considers room, board, medical, staff salaries, fringe benefits, indirect costs, depreciation, and the department's central office costs. Presently the average daily cost per inmate is approximately \$60.

Table I-8 shows the average daily cost to maintain an inmate in a DOC facility. During 1990, it cost approximately \$21,418 to incarcerate one inmate for one year at a daily cost of \$58.68 per day. Based on these figures, the DOC spent more than \$556,000 daily to maintain 9,483 convicted inmates within the state's prisons. This excludes those inmates incarcerated in Webster, Willard, Manson Youth Institution, and the 12 jails.

Table I-8. Average Daily Cost Per Inmate, 1986-1990.		
YEAR	DAILY COST PER INMATE	ANNUAL COST PER INMATE
1986	\$47.31	\$17,267
1987	\$49.05	\$17,903
1988	\$53.23	\$19,429
1989	\$58.66	\$21,411
1990	\$58.68	\$21,418

Source: LPR&IC staff analysis of Ct. Administrative Reports to Governor.

**New construction.** In response to the great increase in prisoners, new construction and expansion projects of correctional facilities also dominate the responsibilities of the Department of Correction. In 1980, the state operated 10 correctional institutions and centers. Today the state operates 21 facilities.

Currently, many of the correctional facilities are undergoing construction of new bed space, with a few undertaking construction or renovation of the whole facility. In addition, the DOC plans to have eight new facilities operational by 1995 -- five correctional institutions (prisons) and three correctional centers (jails). These projects are in various stages of completion.

The new prison construction includes the following projects:

- Cybulski CI- 300 bed, level 2 facility (completed), Somers;

- Suffield Reception Center- 300 bed, level 5 classification facility (completed), Suffield;
- North Central (or Ellis McDoogle) CI- 500 bed, single cell, level 4 facility (opens August 1992), Suffield;
- Niantic II CI- 350 bed, single cell, levels 3 - 5, women's facility (opens April 1993), Niantic;
- Somers Special Management- 300 bed, single cell, level 5 facility, Somers; and
- Francis Maloney CI- 100 bed dormitory-style, level 2 facility for youthful offenders up to 21 years of age (completed), Cheshire (was originally intended to be a boot-camp style facility).

The new jail construction includes the following:

- Western CC- 400 bed, single cells (opens January 1992), Newtown; and
- Eastern CC- 400 beds (opens October 1993), Montville.

Three of the new facilities, Cybulski, Suffield Reception Center, and Francis Maloney, have been completed and partially staffed. However, they are not currently operational or housing inmates due to fiscal constraints.

Figure I-2 illustrates the 21 correctional institutions and centers currently operating and the year in which the facilities or additional beds were opened.

Figure 1-2. Opening of New Institutions or Addition of Beds by Year, 1980-1990.										
1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Enfield CI (1960)	JB Gates new dorm added to Somers CI	Manson Youth Institution	Morgan St. Detention Center	Enfield CI converted to med. from minimum security		Carl Robinson CI	Union Ave. Detention Center	Eddy DWI Unit	Jennings Rd. Detention Center	Willard CC
Somers CI (1963)				Cheshire CI + 80 beds			DWI Camp Hartell	Cheshire Dorm		Webster CC
Cheshire CI (1910)	2 housing units at Enfield						Hartford Dorm	Whiting Forensic - 35 beds	Western Substance Abuse Treatment Unit	Northeast Pre-Release Center
Niantic CI (1918)	2 living areas at Cheshire						Bridgeport Dorm			CRCI- 600 beds
Bridgeport CC (1888)							Niantic Dorm			Montville Dorm
Brooklyn CC (1850)										Enfield Dorm
Hartford CC (1977)										Cheshire Dorm
Litchfield CC (1820)										** Eddy DWI closed on July 1, 1991.
New Haven CC (1976)										
Montville CC										

Source: LPR&IC staff analysis of DOC records and Ct. Administrative Reports to Governor.

## CHAPTER II

### DEPARTMENT ORGANIZATION, FUNCTIONS, AND RESOURCES

The Department of Correction is one component of the state's criminal justice system. The DOC is mandated to protect Connecticut citizens by providing fair, humane, safe, and secure care, and by intervening to reduce the likelihood of recidivism and criminality of those sentenced to its care. The department operates 21 correctional institutions and centers throughout the state, and operates or funds many community services. In addition, DOC is responsible for the Board of Parole and probation services.

The Connecticut Department of Correction is unique in that it is one of only seven departments nationwide that operates prisons, jails, and parole within one department. The state operates a full-system correctional department. The other states using this model are Hawaii, Alaska, Rhode Island, Delaware, Vermont, and Washington, D.C.. The remaining states operate local jails, separate parole departments, and prison systems.

#### Statutory Responsibility

The commissioner of the Department of Correction, appointed by the governor, is statutorily responsible for the administration, coordination, and control of the operations of the department and for the overall supervision and direction of the department's institutions and facilities. In addition, the commissioner is responsible for:

- developing, in accordance with recognized correctional standards, the rules for administrative practices and custodial and rehabilitative methods;
- operating community-based service programs;
- establishing disciplinary, classification, treatment, vocational and academic education services and programs;
- providing the services of chaplains;
- providing prisoners with suitable food and clothing, implements and materials for their work, and treatment to any sick or infirm prisoner; and

- employing prisoners outside of the institution, but within the state, and under the direction of an officer of the institution.

The commissioner does not administer the prisons and jails on a daily basis. Each facility is managed by a warden and deputy wardens. The wardens report to the commissioner through the deputy commissioner for institutional services.

A warden of a correctional institution or center is the director of that facility, appointed by the commissioner, and is responsible for the translation of department policy into institutional procedure. The warden is statutorily responsible for managing that institution and ensuring inmates are employed at work assignments during the length of incarceration. In addition, the duties of the warden include keeping a record of each inmate's conduct and any punishment inflicted upon a prisoner, its cause, mode, and degree. The warden is also responsible for supervising the labor-related activities of prisoners and determining good time off a sentence for exemplary conduct, or the loss of such time for misconduct or insubordination.

The statutes do not require the department to allow for or provide specific inmate privileges. However, the statutes do address the issue of providing programs for inmates. Specifically, the statutes require that the Department of Correction:

- operate prison industry programs;
- establish vocational and academic education, and training and development services and programs;
- operate a unified school district for the education and assistance of inmates;
- maintain adequate libraries;
- establish rehabilitative programs such as substance abuse, academic and vocational education, work release, and job training for women inmates;
- establish a pilot program that employs inmates in private industries; and
- provide employment opportunities with any state department or agency, state or federal government, or any private, non-profit organization.

Inmate participation in any educational, rehabilitation, or recreational program is not statutorily required; it is voluntary. However, most inmates are given employment assignments and are paid a salary as required by statute.

### **Organizational Structure**

The commissioner of the Department of Correction is assisted by three deputies -- one each for institutional services, community services, and administrative services. Figure II-1 shows the current organization of the DOC. The department has seven divisions: 1) institutional services; 2) programs and treatment; 3) community services; 4) health services; 5) planning and project management; 6) security; and 7) administrative services.

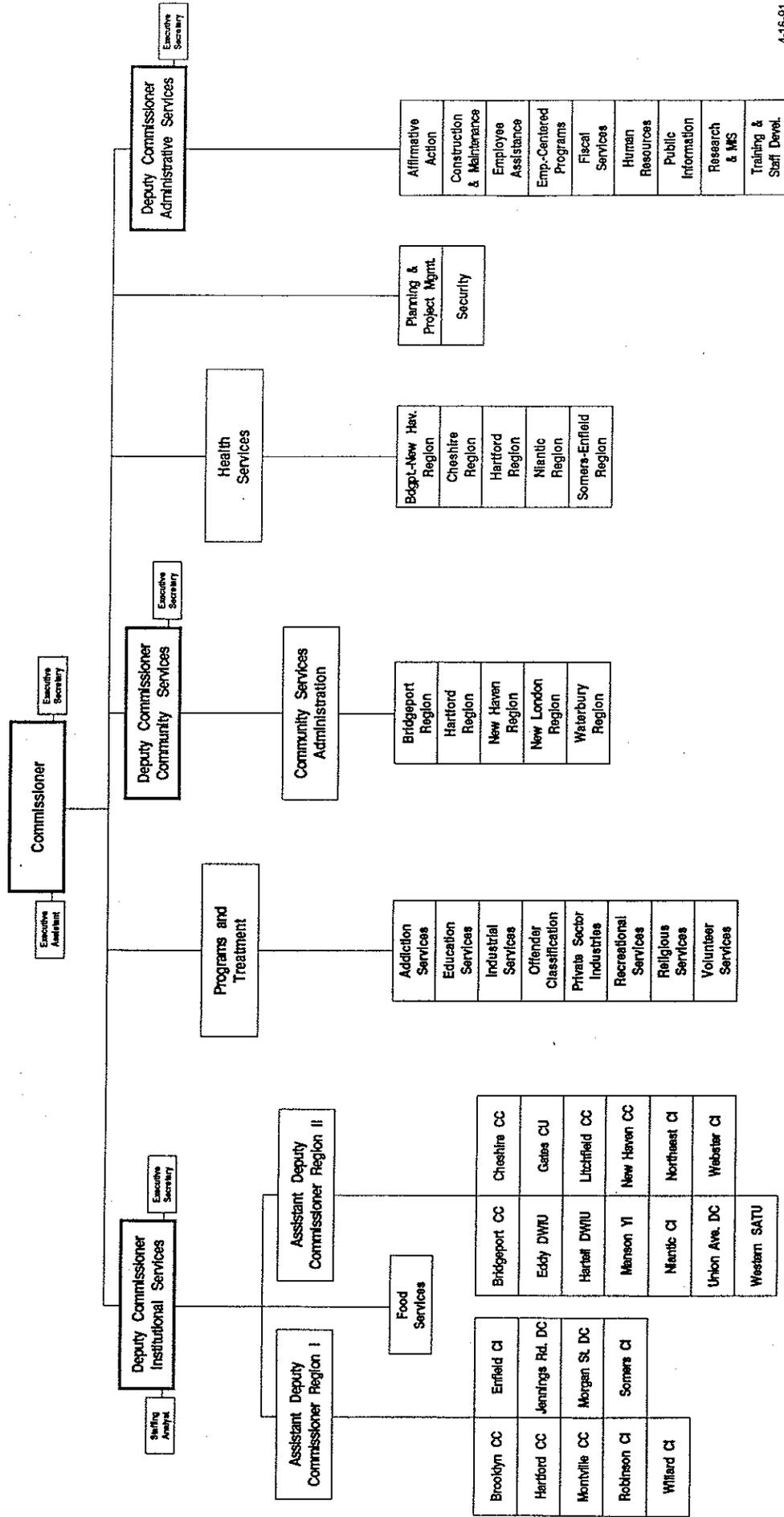
**Institutional Services.** Institutional services provides appropriate housing, care, custody, and security for all pre-trial and sentenced inmates. The division is responsible for maintenance of the institutions and such functions as food service, laundry, visiting, and commissary.

The department has divided the state into two regions, each under the direction of an assistant deputy commissioner for institutional services. However, administration and operation of the department is centralized, not regionalized. The regions were created to assist in the management of the facilities. The boundaries were drawn based on the number of inmates, number of staff, and the location of the facilities. The department attempted to make the regions equal, cluster the facilities, and balance the workload for the assistant deputy commissioners. A breakdown of the facilities in each region is provided in the department's organizational chart (Figure II-1).

**Programs and Treatment Division.** This division is responsible for development, implementation and administration of inmate programs, education services, prison industries, and classification within the institutions. Classification is the process through which inmates are initially reviewed by the department. The inmates are rated in terms of the level of security, education, dependency on alcohol or drugs, and several other factors. This rating then allows the department to place the inmate in the facility that is best suited to manage the inmate.

The division was created by the present DOC administration to focus attention not only on the custody of inmates, but also on treatment and rehabilitation. The majority of the staff for this division work within the correctional institutions and centers.

# Figure II-1 Connecticut Department of Correction



**Community Services.** Community Services is responsible for the inmate who is no longer in prison, but is still under the supervision of the Department of Correction and released into the community to serve the remainder of the sentence. The department operates supervised home release, parole services, half-way houses, and alternative incarceration centers, in addition to community counseling services.

In 1990, Community Services was reorganized into five programs: 1) Supervised Home Release; 2) Parole; 3) Counseling; 4) Contracts; and 5) Individual In Community. For the purposes of community services, the state is divided into five regions covering Bridgeport, Hartford, New Haven, New London, and Waterbury, each headed by a director.

This reorganization was in response to the department's focus on the inmate and services offered. The services are community-based and community-focused. They are intended to help with the transition from institutional living to community living, and also to monitor the inmate's activities and treatment.

**Health Services.** Health Services is responsible for the physical and mental health of all inmates. Medical, dental, mental health, and pharmaceutical care are offered, in addition to community referrals for those inmates under the supervision of Community Services.

Health Services is also regionalized into five regions: Bridgeport-New Haven, Cheshire, Hartford, Niantic, and Somers-Enfield. The majority of the staff work within the institutions.

**Planning and Project Management.** This division develops administrative directives, department policy, and procedures.

**Security.** This unit oversees investigation of major incidents and disturbances within and escapes from the correctional institutions and centers. The Security Unit also is responsible for the overall coordination of the Correctional Emergency Response Team (CERT), which responds to all major disturbances and riots within the facilities. CERT is similar to military or police SWAT teams. The department's Internal Affairs Division is also under the supervision of CERT.

**Administrative Services.** Administrative Services provides support and resources to all other services and divisions through management of human resources, fiscal administration, management information systems, and staff development and training.

## **Correctional Institutions**

**Security levels.** The Department of Correction classifies its institutions and centers into five security levels. They are:

- Level 5- maximum or close security;
- Level 4- high medium security;
- Level 3- medium security;
- Level 2- minimum security; and
- Level 1- community-based programs.

**Facilities.** Of the 21 Department of Correction facilities, two types are used to incarcerate inmates: correctional institutions (CI) and correctional centers (CC). Correctional institutions are commonly known as a prisons. These institutions house those inmates having received a sentence of more than one year. The inmates have typically long-term sentences and have committed more serious crimes. As previously stated, the department operates eight correctional institutions, they are Carl Robinson CI; Cheshire CI; Enfield CI; J.B. Gates CI; Niantic CI; Somers CI; Webster CI; and Willard CI.

In addition to the correctional institutions, the department runs 12 correctional centers or jails. The thirteenth center, the Eddy Driving-While-Intoxicated Unit, was closed on July 1, 1991. Correctional centers incarcerate both inmates sentenced to less than one year and pre-trial inmates. Pre-trial inmates are accused defendants in criminal trials who were either denied or unable to raise bail set by the court. Pre-trial inmates have not been convicted of the charges pending against them. The correctional centers operated by DOC are:

- Bridgeport CC;
- Brooklyn CC;
- Hartell Driving-While-Intoxicated Unit;
- Hartford CC;
- Jennings Road Detention Center;
- Litchfield CC;

- Montville CC;
- Morgan Street Detention Center;
- New Haven CC;
- Northeast CC;
- Union Avenue CC; and
- Western Substance Abuse Treatment Unit.

The department also operates the Manson Youth Institution which incarcerates juvenile inmates, both sentenced and pre-trial, between the ages of 16 and 21 years old.

The program review committee study focuses on correctional institutions rather than centers. It is these inmates serving longer sentences who receive the most services from the programs offered by the department. Pre-trial inmates within centers are less likely to participate in departmental programs because they have not been convicted and spend short periods of time incarcerated. In addition, those inmates sentenced to under one year simply do not spend enough time within the system to warrant inclusion in this study.

The following is a brief description of each of the eight long-term correctional institutions under review and the security level of the inmates housed in them.

**Carl Robinson CI.** Carl Robinson Correctional Institution (CRCI) is a Level 3 security prison, and is one of the three located in the Enfield DOC complex. It was opened in 1986 to replace Enfield CI as a minimum-medium security prison.

Carl Robinson was built as a 650-bed dormitory style prison and rated as Level 2 security. Temporary dormitories were constructed when emergency repairs were needed to prevent the buildings from deteriorating due to faulty materials and design. The temporary dormitories were not disassembled because of the increased inmate population and are presently serving as permanent prison living space. The temporary dormitories house 700 inmates, which increases the total prison population to 1,350 inmates. In addition, the facility was upgraded to Level 3 because of the increase in population. During 1991, the department decreased the population capacity of the prison.

Each of the six dormitories contains living quarters housing 88 men and a centrally located guard booth. The total staff compliment is 395, not including

medical personnel. Approximately 243 of the staff are correctional officers, and they are responsible for the care and custody of the inmates.

**Cheshire CI.** Cheshire Correctional Institution is the oldest prison in the state. It was originally opened in 1910 as a juvenile reformatory for 16-to 20-year-old male inmates. However, in 1982 when Manson Youth Institution was opened, Cheshire CI became an adult Level 4 security facility.

This institution contains both cells and dormitories with the main building containing 500 cells arranged in four tiers. Each cell houses a single inmate. A temporary, 200 bed dormitory was built in 1989. The total number of beds is 840, which is over capacity.

Cheshire is undergoing new construction, which will add 600 single cells. The temporary dormitory will be phased out, and the facility will house approximately 1,300 inmates in cells. The new cells are estimated to go on-line in the summer of 1992.

The staffing totals 400, 260 of whom are correctional officers.

**Enfield CI.** Enfield CI, the second facility at the Enfield DOC complex, was opened in 1960 and originally built as a minimum security prison. However, in 1984 when construction of Carl Robinson CI began, Enfield was upgraded to a medium security level by enhancing the security perimeter of the facility. This was accomplished by installing a razor wire fence around the institution. The internal buildings were not changed.

Enfield CI is now a Level 4 facility consisting of several buildings with dormitory housing. There are a limited number of rooms that house two inmates. These rooms are not considered cells because they do not have security doors or locks.

The facility was built to house 450 inmates, however, during 1988 and 1989, the inmate population doubled to approximately 720 inmates. There was no new construction or expansion to accommodate the increase in the inmate population. A recently finished 10-bed segregation unit was the only new addition.

Enfield has 270 employees, not including medical personnel. There are 172 correctional officers responsible for the inmates.

**J.B. Gates CI.** The J.B. Gates building was originally built in 1918 as part of the Niantic Women's Prison. In 1981, in response to overcrowding, it was converted to a men's Level 3 facility, and two new dormitories were built in 1986.

Originally, Gates housed 80 to 90 inmates in two-to-four person cells. With the addition of the dormitories, the population increased to 338 inmates. The facility is currently undergoing new construction of dormitories, a kitchen facility, gymnasium, commissary, and programming space. This will increase the total population to 800 inmates.

There are approximately 180 employees at Gates, including 50 correctional officers.

**Niantic CI.** The Niantic Correctional Institution is the only women's facility in the state. It was originally opened in 1918 as a state reformatory and, in 1930, converted to a prison for both sentenced and pre-trial adult and juvenile women. Approximately one-third of the inmate population is pre-trial detainees. Because it is the only facility for women, Niantic incarcerates all security levels from 2 through 5. However, its design and perimeter security are that of a minimum security prison. The only fencing on the property is around the recreation areas.

The facility houses inmates in dormitories, which include some single and double rooms. The rooms are not considered cells because of the lack of metal security doors and locks, however, the wood doors are locked from the outside by the correctional officers. The entire prison consists of 7 buildings with 12 living units. The actual capacity of Niantic is 543 inmates, however, it has 648 beds.

The average inmate population is 635. Niantic has 284 employees.

**Somers CI.** The Somers Correctional Institution is the state's only maximum security prison. This institution houses the three inmates on the state's death row. It was opened in 1963 and is a Level 5 facility.

Somers incarcerates 1,430 inmates in single and double cells as well as dormitories. The cells are located in wings containing two tiers of cells on either side of a common area. Somers is planning to construct a new facility that will house inmates who are difficult to control. The new prison, Somers Special Management, will be a Level 5, 300-single cell facility.

There are 543 employees at Somers, not including the medical personnel, of whom 370 are correctional officers.

**Webster CI.** The Webster Correctional Institution, located in Enfield, is one of the newest facilities opened by the Department of Correction. It became operational in October 1990, and is a Level 2 facility.

Webster houses 304 inmates within four dormitories, each containing 76 inmates in four-man cubicles. The facility is staffed by 100 employees, including 56 correctional officers.

**Willard CI.** The Willard Correctional Institution, in Cheshire, is identical to Webster in design and construction. It was opened in October 1990 and is also a Level 2 facility.

Willard incarcerates 304 inmates in four dormitories, that are divided into 19 cubicles housing four men each. The facility is staffed by 102 employees, including 49 correctional officers.

### **Resource Analysis**

The program review committee staff reviewed the budget and staffing levels for the Department of Correction for state FY 85 through FY 91. As described below, current resources as well as budget and staffing trends were analyzed.

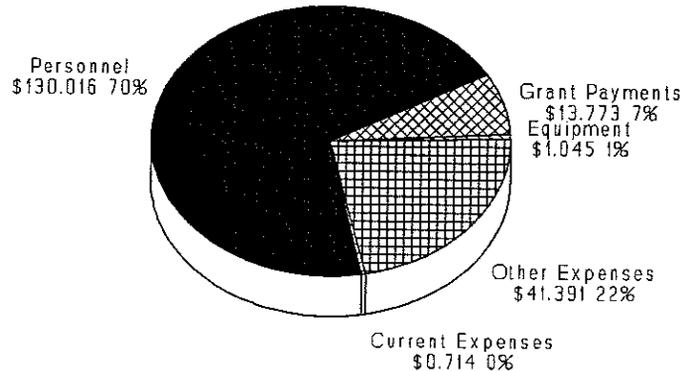
**Current budget.** The department expended \$189,428,746 during FY 90. Of this, \$186,941,974 were General Fund monies and \$2,486,772 were federal funds.

Personnel was the largest expenditure category, amounting to \$130,016,742 or 70 percent of the total General Fund budget. "Other expenses", which includes all administrative and miscellaneous costs, accounted for \$41,391,477 or 22 percent of the total General Fund expenditures. Grant payments made to organizations and programs totalled \$13,773,802 or 7 percent. The categories of equipment and "other current expenses", which include worker's compensation payments, in-service training costs, and new facilities operating costs, accounted for a combined total of \$1,759,953 or 1 percent of the total General Fund appropriation. Figure II-2 shows this breakdown.

The Department of Correction's budget was also analyzed by services provided. The budget is broken down into three services: 1) care and custody; 2) field services; and 3) management services. Care and custody is the largest of the three, expending \$161,537,815 in General Fund monies and \$1,019,247 in federal funds. This represents 86 percent of the departments total budget. The care and custody service insures the safe, secure, and humane confinement of accused and sentenced inmates. The operation of the prisons and jails are funded by this category, in addition to the human service programs, including substance abuse, education, religious, and volunteer programs, and staff development, recruitment, and training.

Field services reintegrates inmates back into the community through a network of public and private community-based programs that supervise and assist the

Figure II-2: DOC FY90 BUDGET  
Expenditure by Category  
\*(\$MILLIONS)



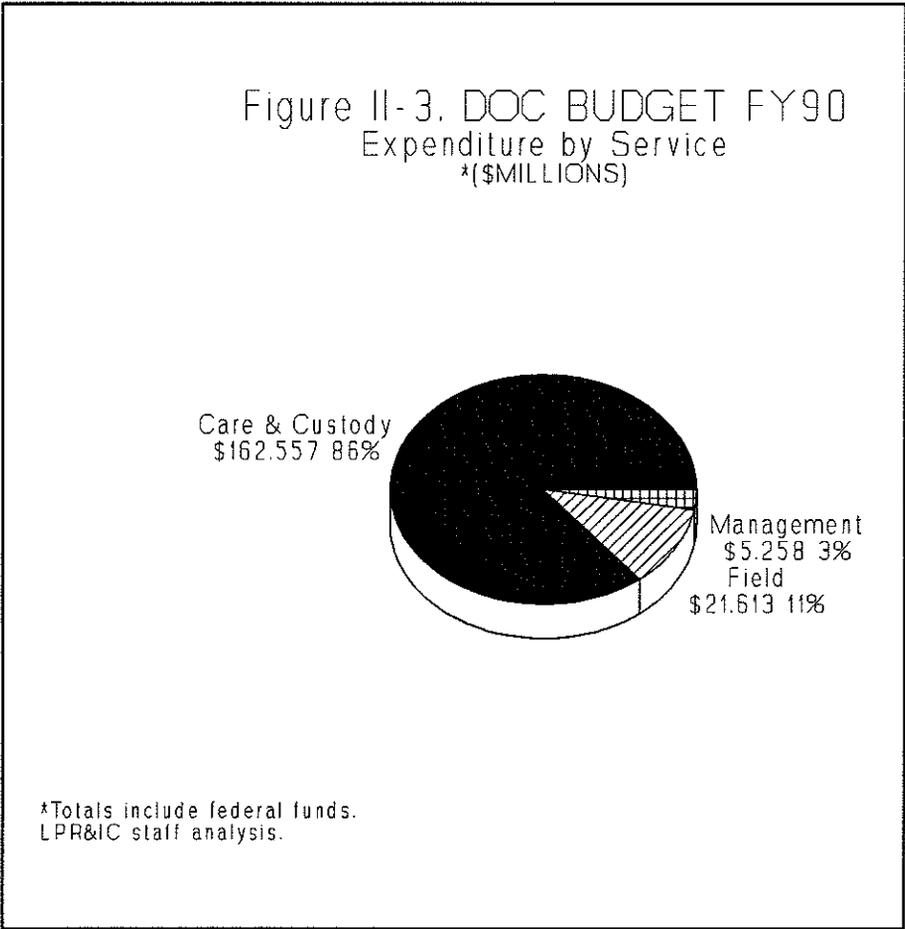
\*Totals include federal funds.  
LPR&IC staff analysis.

inmates. In addition, the department is responsible for the operation of the parole and probation services. DOC funds in-patient substance abuse programs, halfway houses, and community residences. Field services expended \$20,145,753 in General Fund monies and \$1,467,525 in federal funds or 11 percent of the department's total budget for state FY 90.

The third service is management, which includes administration, technical services, research and information, fiscal planning, personnel, and communication services. The management service represented only 3 percent, \$5,258,406, of the DOC budget, and no federal funds were appropriated to this service. Figure II-3 shows the breakdown of the budget by services provided.

The department includes in its budget a fourth service, correctional industries program, however, there is no money appropriated for it by DOC. Correctional industries are funded by profits made from its products. The operation of these industries are intended to teach inmates marketable skills and a work ethic. During FY

90, the correctional industries had annual sales of \$4.65 million and employed 625 inmates at the four male correctional institutions.



## CHAPTER III

### INMATE PRIVILEGES

In reviewing inmate privileges, the program review committee attempted to differentiate between a privilege and a right. The committee found that most any privilege can be considered a right, and most rights can be viewed as privileges. When a criminal offender is convicted and sent to prison, many of the constitutional protections enjoyed prior to incarceration are diminished. However, state and federal courts have consistently held that, even while in prison, inmates retain certain liberties and rights of which they cannot be deprived without due process of law. Inmates, like all citizens, are protected by the United States Constitution, the Bill of Rights, and the Fourteenth Amendment of the United States Constitution, which guarantees due process.

Other sources of inmate rights can be found in federal and state statutes. State statutes are a significant source, and they primarily address the powers and duties of the department and its commissioners. In addition, the Department of Correction has administrative directives that govern the day-to-day operation of the prisons. The administrative directives ensure that the department's policies are consistent with federal and state law.

The difference between a right and privilege is ambiguous. Many of an inmate's constitutional rights are seen by inmates and prison management as privileges. The courts, in deciding inmate issues, have generally attempted to balance the rights of prisoners against the needs of the prison and institutional security. For example, the United States Supreme Court has held that prisoners retain any First Amendment right that does not impede upon their status as a prisoner or with the legitimate management of the correctional facility. Some of the rights protected by the First Amendment are mail, subscribing to publications, association with other prisoners, and contact with the media and political officials. However, prison management can censor or withhold any material that is deemed inappropriate. Inmate rights are subject to whatever restrictions are "reasonably related to legitimate penological interests" (*Turner v. Safley*, 482 U.S. 78 (1987) ).

Many conflicts over an inmate's right versus a privilege have been brought to court. The distinction between the two has evolved on a case-by-case basis. The Eighth Amendment acts as the minimum standard for the rights inmates have in prison. Prison management maintains control over when and where certain privileges are granted, and the conflict arises when a correction department infringes on an inmate right. Following the courts' guidelines, the department restricts the lives of the inmates to accomplish the objectives of incarceration, and exercises the authority to determine what privileges will be given to inmates. The Department of Correction uses privileges as a means to control inmates and provide safety for correctional staff

by reducing the level of stress, boredom, and anger among inmates that could potentially lead to violence. The loss of a privilege can be used to alter an inmate's behavior or assist in the daily operation of the prison. Most courts have held there must be some actual harm from the denial to prove a constitutional violation.

Because this issue is so ambiguous, there are no absolutes. However, there are inmate rights that cannot be violated unless the circumstances are severe enough to warrant denial. For example, inmates must be provided food, shelter, and clothing. General living conditions within a prison are governed by the Eighth Amendment, which prohibits cruel and unusual punishment. Inmates are guaranteed those things that are determined to be basic human needs, and conditions must meet minimal standards. Since these are provided by the department, there are prison management and security issues that take precedent in providing the services, such as meals are served only in the cafeteria and at scheduled meal times, and inmates must wear uniforms. In addition, these rights can be temporarily withheld or restricted for serious management reasons, such as for all inmates during a prison lockdown after a riot or disturbance, or on an individual basis for those inmates placed in segregation.

Those rights that are protected by the Eighth Amendment are inalienable inmate rights, and the department must satisfy various requirements in ensuring them. The freedom of religion is another right. All citizens have the liberty to hold any belief and practice religion. The Department of Correction cannot prohibit this right. There are a few security restrictions placed on religious ceremonies, and the availability of leaders may be limited. For the purposes of this analysis, these inmate rights are unconditional.

The other end of the spectrum are those rights that are definitely not granted to inmates and are completely at the discretion of the department. The prohibition is required to maintain security and accomplish the department's mandate. For example, an inmate cannot leave the prison without permission from the administration. In order to succeed in its mandate, prison officials can keep inmates locked inside and control their movement within the facility. More specific examples include the regulation of inmate property by prison management. Inmates are restricted in their possessions to a certain quantity of allowable property. All other property is contraband. This is a right held by the department in order to maintain security and manage the prisons. There is little argument that the Department of Correction is not violating constitutional rights when enforcing these directives. The courts have stated that prison conditions that are "restrictive and even harsh are part of the penalty that criminal offenders pay for their offenses against society" (*Rhodes v. Chapman*, 452 U.S. 337, 1981).

The ambiguity of this issue lies in those rights and privileges that do not fall within the ends of the spectrum. The gray area between the inmate's rights and the department's rights is without laws or guidelines to define privileges or rights. This

range is unclear and is influenced by circumstances within the prisons. All of the privileges analyzed by the committee are included in this gray area. The use of a television, radio, and telephone, visitation, access to the commissary, and furloughs are inmate rights that have been interpreted and manifested as privileges.

The basis for these privileges is constitutional. They have evolved into privileges based on court cases brought by inmates. They were argued based on rights that were denied because certain liberties were not available within the prisons. For example, there is a right to free association, which is allowed in the form of visitation between the inmates and their families and friends. However, it would not be argued that a person's right to association is strictly diminished by incarceration in prison. Nor is it argued that it is a violation of a constitutional right.

Even so, some right to associate remains through the visiting privilege. The department has limited the right through several conditions, such as the level of contact between the inmate and visitor, which is strictly controlled by the department. It can be as severely limited as no contact or as liberal as a conjugal visit. Inmates can see family and friends that have been screened and found acceptable by the department but only during specified hours. An inmate does not have an unconditional right to receive visitors. It must be earned through good behavior. Obviously, visitation is restricted by the department. Inmates are restricted in their movements to, during, and from visitation, as are their visitors. The length and frequency of visitation is set by the administration, and the inmates are limited to only seven people on their visitors list. Prison management uses visits as a privilege that can be taken away for misconduct or other legitimate management purposes, such as during lockdown of the facility.

These privileges are useful management tools of the Department of Correction. Because the privileges have not been defined as absolute inmate rights, they can be used to control inmate behavior. Any privilege that is granted for good behavior can be taken away for bad behavior.

As long as a privilege is ambiguous, inmates can argue it in a court of law. If the case is decided in favor of the inmate, the privilege becomes more clearly defined and can become an inalienable right. However, the outcome can be in the favor of the prison, in which case, the privilege remains under the discretion of the department.

### **Privileges**

During the committee's study of the Department of Correction, five inmate privileges were reviewed: television and radio usage; telephone use; furloughs; visits; and the commissary, including the purchase of cigarettes. The procedure for granting these privileges and the policy governing inmate use was examined.

**Entertainment.** In all eight institutions, inmates are allowed to watch television while confined to their cells, day rooms, or dorms. To have a television in their cell, an inmate must have sufficient funds in his or her commissary account, and must purchase the television from the prison commissary. The Department of Correction does not allow televisions to be brought into the prisons by the inmate or his or her family and, until recently, did not allow a television to be transferred from one facility to another by an inmate.

Table III-1 represents the type of television service provided at each of the eight prisons. As shown, all facilities have master antennas that provide better reception and increased access to a greater number of channels. Satellite dishes are not used. For those inmates owning their own television, this antenna provides the reception through a regular wall socket. There is no on-going cost involved with a master antenna once it is installed. The antennas also do not violate any laws concerning the airwaves or channel reception.

Table III-1. TV and Cable Service Within the State's Prisons. 1991.					
PRISON	MASTER ANTENNA	CABLE	PREMIUM STATIONS	CABLE COMPANY	EST. MONTH. COST
<i>CRCI</i>	X	X	NO	Cox	\$136
<i>Cheshire</i>	X				
<i>Enfield</i>	X	X	NO	Continental	\$117
<i>Gates</i>	X	X	NO	Eastern CT	\$120
<i>Niantic</i>	X	X	YES (HBO)	Eastern CT	\$388
<i>Somers</i>	X				
<i>Webster</i>	X				
<i>Willard</i>	X				

Source: LPR&IC staff analysis of DOC records.

Four of the prisons subscribe to a commercial cable company in addition to using a master antenna. Carl Robinson, Enfield, J.B. Gates, and Niantic receive cable television through the following companies respectively: Cox Cablevision, Continental Cablevision, and Eastern Connecticut Cablevision. CRCI, Enfield, and Gates have basic packages without any premium channels, unlike Niantic where Home Box Office (HBO) is provided. In all four facilities, the cable television can only be viewed in the common rooms or day rooms.

The monthly cable fees are paid through the Inmate Welfare and Recreation Fund; no state appropriations are associated with this privilege. As shown in Table III-1, CRCI's monthly cable television fee is approximately \$136; Enfield's \$117; J.B.Gates' \$120; and Niantic's \$388.

All prisons with cable television receive an "extended basic package" from the cable companies to which they subscribe. Continental Cablevision's package includes 43 channels; Cox Cablevision's 36 channels; and Eastern Connecticut Cablevision's 32. The packages are primarily the same and include channels such as ESPN, CNN, Lifetime, Discovery, MTV, USA, the Family Channel, and the Arts & Entertainment Network. No premium channels, such as HBO, Cinemax, and Showtime, are offered as a part of these basic packages. There is an additional monthly fee charged to subscribers of premium channels.

In addition, all eight facilities provide video cassette recorders (VCR) for viewing entertainment and educational tapes. Individual inmates are prohibited from owning a VCR and from individually using the facility's VCR equipment. The institutions restrict the times of day during which the VCR is used, and the types of movies shown must follow the guidelines set by the department. Movies that exhibit excessive violence, racial overtones, or are sexually explicit are not shown.

At some of the facilities, music concerts are scheduled where outside acts come into perform for the inmates. These performances are funded through the Inmate Welfare and Recreation Fund. Some of the facilities also have music room accommodations, and inmates can have their own radios. Inmates are prohibited from having radios with a record capability. For those inmates incarcerated in dormitories, earphones must be used when listening to the radio and watching television.

**Telephone use.** Inmates are allowed to make only collect calls, though they have access to telephones during the majority of the day and early evening hours. A few of the institutions turn off telephone service at certain times such as during inmate count or after 10:00 P.M.. During prime time (after dinner until the phones are turned off), inmates may sign up for 15-minute blocks. In practice, this policy is not enforced by the correctional staff because it is difficult and time consuming to enforce. The standard procedure among correctional officers is to intervene only when there is a conflict between inmates or when an inmate spends an excessive amount of time using the telephone.

The female inmates at Niantic CI have direct telephone access to the Department of Children and Youth Services (DCYS) in order to maintain contact with their children. These calls are paid for by DCYS. The DCYS telephones are located in each housing unit, and the inmates must first obtain permission from DCYS to use the service. The calls are not placed directly to the children's residence. A central reception center at DCYS Careline receives the call and forwards it to the child.

**Furloughs.** The department began its furlough program in state fiscal year 1970-71. A furlough is a temporary custodial transfer of an inmate from incarceration to community custody for an authorized purpose under the supervision of a verified community sponsor. An eligible inmate, at level three or lower, can be furloughed for a home visit, an emergency, to attend a community program, or for medical reasons. A furlough is generally issued for up to 72 hours away from the facility, but medical furloughs can be granted for up to 15 days. The inmate must abide by certain restrictions and regulations while furloughed, and any violation can result in punishment.

The Department of Correction has an administrative directive that governs the furlough program. Although the guidelines and procedures documented in the directive are quite specific, some institutions have slight variations in their execution of the furlough policy. To participate, an inmate must have served the majority of the sentence and have had no misconduct violations while incarcerated. The first furlough granted is for 24 hours, and the inmate is usually restricted to an in-house furlough, which means the inmate must remain in the residence of his sponsor. After several successful 24-hour furloughs, the inmate is granted a 48-hour, nonrestricted furlough. Again, after several successful furloughs, the time may be increased to 72 hours, and the frequency of the furlough may be every two weeks.

Table III-2 shows the number of furloughs granted for each of the fiscal years. The number of actual inmates released on furlough is less than the number of furloughs granted because one inmate can account for many furloughs during a one year period. Since the department began releasing inmates on furlough 20 years ago, it has had a 98 percent success rate for inmates returning to the institutions without incident while released.

Table III-2. Number of Furloughs Granted, FY85-FY90.			
YEAR	FURLOUGHS	ESCAPES	ARRESTS
FY85	26,221	22	30
FY86	31,855	26	22
FY87	35,132	20	20
FY88	30,522	29	47
FY89	16,016	87	19
FY90	11,908	22	22

Source: LPR&IC staff analysis of Ct. Administrative Reports to Governor.

The decline in the number of furloughs granted since 1988 is due to the department's increased reliance on community release programs, such as supervised home release and halfway houses.

**Visits.** The Department of Correction offers two types of visiting privileges for inmates: day visits and family (conjugal) visits. Day visits are offered at all prisons, but family visits are offered at only a few.

Inmates are allowed to receive visitors during allotted visiting hours. Each inmate can have a total of seven people, not including biological children, on his/her visiting list. This list is maintained by the prison and places restrictions on those people who can enter the facility or send mail to an inmate. Depending on the prison's policy, day visits can be either full or partial contact between the visitor and the inmate. A correctional officer is present during the visit. There is no limit to the number of times a visitor can come to the prison as long as the schedule and rules are followed. Visitors are restricted from giving any property to the inmate during a visit.

Overnight family visits may take place between an inmate and his/her immediate family. To receive a visit from a spouse, the inmate must be legally married. The department does not recognize common law marriages. Also, step-children and children with no relationship to the inmate are prohibited from family visits. The department reported that the majority of inmates receive family visits from parents, primarily a mother.

Somers, Niantic, J.B. Gates, Cheshire, CRCI, and Enfield Correctional Institutions allow family visits. Each prison maintains a trailer within its perimeter to accommodate inmates and their families during the overnight visit. Webster and Willard prisons and the 17 correctional centers (jails) do not allow overnight family visits.

The family visit program is operational seven days a week. A family visit may last for 21 hours, from 1:00 P.M. to 10:00 A.M. the following day. Eligible inmates can receive a family visit as frequently as every three months, depending on the waiting list.

The family is interrupted only once during the visit when, at 8:00 P.M., the inmate must stand outside the trailer in view of a correctional officer to ensure that he/she has not escaped. During the visit, most families prepare meals and watch television.

**Commissary.** Each institution operates a commissary that sells inmates certain items, ranging from food and snacks to toiletries and televisions. Each inmate may go to the commissary once a week and spend no more than \$40, except Somers, which has a limit of \$25. The limit is waived when inmates are buying a single item

that cost more than this amount such as a television. Cigarettes are included in the \$40 and \$25 maximum, and inmates are limited to the number of cigarettes in their possession. There are also snack bars at the facilities that are open in the evenings. Inmates purchase coupons from the commissary, still observing the \$40 limit, and use them during the week at the snack bar.

The inmates carry no money, but rather have their own account at the commissary. An inmate account is funded through the work assignment pay and money sent from family and friends. Inmates are required to purchase their own toiletries, stationery, towels, and additional clothing. Again, within the \$40 or \$25 weekly limit, the inmates must purchase their necessities along with luxury items, such as snacks. The Department of Correction does not provide inmates with any products, unless the inmate is deemed indigent.

All profits from the commissary go into the Inmate Welfare and Recreation Fund, which purchases recreation equipment and subsidizes entertainment events. No item sold by the commissary is considered contraband.

Each inmate can possess only that property that is authorized by the prison. The amount of property held by each inmate is limited by Department of Correction's directive. An inmate is restricted to the property that can neatly fit into five cubic feet, which is approximately the size of a footlocker. Those inmates incarcerated in an administrative segregation unit are allowed four cubic feet of property space.

An inmate can possess commissary items in value of \$50 and cigarettes. Inmate personal property can include sneakers, shoes, sweat clothes, sweaters, toiletries, papers, photographs, letters, religious items, legal materials, books, magazines, and towels. Certain personal items are limited in quantity and value.

**Cigarettes.** Inmates are allowed to purchase cigarettes by the pack or carton at the prisons' commissaries. The commissaries receive cigarette supplies directly from the Department of Correction's central office, which acts as a cigarette wholesaler for the institutions. The department's fiscal office is responsible for the purchasing transactions. Inmates pay all state and federal taxes that are levied on cigarettes in the open market, however, the total price paid by inmates is less than that paid by commercial customers. The lower price is a result of reduced price per pack charged by the manufacturer when sold to a government entity.

**Purchasing.** Cigarettes are purchased for the institutions' commissaries directly from the manufacturer through a centralized system at the Department of Correction's fiscal office. The department is licensed by the Department of Revenue Services as a cigarette distributor. This direct purchasing authority eliminates the need for a cigarette wholesaler. The cigarette manufacturers are all out-of-state businesses, and

include the R.J. Reynolds Company, American Tobacco Company, and Meyers. There are no cigarette manufacturers operating within Connecticut.

The department only purchases seven different brands of cigarettes sold in the commissaries. They are Winston, Marlboro, Camel, Newport, Kools, and Dorrall Menthol and Regular. No General Fund monies are appropriated to the department to purchase cigarettes. The cigarettes are purchased with profits from commissary sales; it is a self-perpetuating account.

The facilities order cigarette supplies every two weeks from the central office fiscal unit. The cigarettes are then delivered to the institutions' commissaries for sale to inmates.

**State Excise Tax.** Each pack of cigarettes sold within the state is marked with a state excise tax stamp. The stamp is placed on the pack after it has been purchased from the manufacturer or wholesaler. A distributor must be licensed by the Department of Revenue Services to purchase the tax stamps and to affix them to the packs of cigarettes.

The Department of Correction has contracted with an in-state cigarette distributor to affix the stamp to the bottom of the packs of cigarettes. The current contract requires the licensed distributor to purchase the state excise tax stamps directly from the Department of Revenue Services for approximately 37 cents per stamp, which is a slightly reduced rate. The distributor is required to pay cash on delivery of stamps to be eligible for the reduced rate. The Department of Correction then pays the contracted distributor 40 cents per stamped pack of cigarettes. That price per pack of cigarettes requires the contracted distributor to handle receipt of the goods from the manufacturer, filing of required state tax forms, application of tax stamp to each pack, and delivery of the cigarettes to the department. The distributor makes 3 cents per pack of cigarettes.

There are two reasons why the department has contracted for the state excise tax stamps to be applied to cigarette packs. First, it is too costly to purchase the machines needed to apply the tax stamps. Secondly, the excise tax stamps are strictly controlled by the Department of Revenue Services and possession of them requires tight security measures. DOC objected to possessing a large number of stamps, taking into consideration the number of inmates managed. The department deemed it a security risk.

**Inmate Cost.** The current state excise tax per pack of cigarettes is 40 cents. The cost per pack, including the state and federal taxes, paid by the inmates is \$1.10 for Dorrall menthol and regular (generic cigarettes) and \$1.65 for the name brands. The price per pack was recently increased from \$1.00 and \$1.55 respectively because

of a tax increase of 5 cents in the state budget and a 5 cents increase in manufacturer costs.

As previously stated, the cigarettes sold inside state prisons are taxed the same as on the open market. The inmates pay all state and federal taxes paid by customers in public stores. The price of a pack is cheaper because the initial price paid to the manufacturer by DOC is less than that paid by a commercial distributor. The department buys the cigarettes at a reduced government entity rate.

Also contributing to the lower manufacturer's price is that the department purchases such a large volume of cigarettes that it is entitled to sales incentives, such as lower prices and rebates. On average, the department purchases 1.5 million packs per year.

**Sales.** The majority of the institutions do not limit the specific number of packs or cartons an inmate can purchase. The present policy allows the inmates to purchase a "reasonable" amount of cigarettes. A "reasonable" amount is determined by the prison staff. For example, inmates have a \$40 weekly spending limit and can purchase any item sold at the commissary, however, the staff does not permit a single purchase of \$40 worth of cigarettes. J.B. Gates, Niantic, and Somers have a two carton per week limit on cigarette purchases.

The policies governing inmate possession of cigarettes is similar in each of the prisons. In general, two to four cartons has been deemed by prison management as a "reasonable" amount of cigarettes that an inmate can possess. Enfield and Niantic allow inmates to have four cartons each in their possession. Somers, Gates, Willard, and Cheshire allow two cartons per inmate. Carl Robinson and Webster do not have a specific limit on the amount of cigarettes an inmate can possess. However, if an inmate purchases or possesses an amount of cigarettes the staff deems unreasonable, that property is confiscated. The number depends on the facility, its security level, inmate population, and other factors.

The main reason the department controls the sale and possession of cigarettes is that cigarettes have become currency within the prisons. They are used by inmates as a means of bartering for property, food, weapons, physical safety, or to contract for services. Cigarettes are a very valuable commodity. To control the amount of cigarettes in the inmates' possession and prevent the use of them as currency, prison staff watch for disruptive or unusual behavior, and use the mandatory procedure of weekly shakedowns of cells and dormitories.

During the 1989 legislative session, the law was changed to require that inmates pay state excise taxes on cigarettes. Overnight, the new policy doubled the price of a pack of cigarettes. The inmates did not receive an increase in their daily wages. And consequently, an inmate had to work twice as many hours to afford

cigarettes. There were not enough jobs or work hours to accommodate all the inmates due to the overcrowded institutions.

To protest this increase, the inmates organized a work stoppage. The department stated no riots or disturbances resulted from the new cigarette prices. The issue was resolved when the legislature made a commitment to inmates that the issue would be studied during another session. To date, no study has been performed, and the price of cigarettes has not decreased.

### **Disciplinary Data**

The committee obtained inmate disciplinary information to determine how privileges were used by the Department of Correction in managing inmates. These data provided the offenses committed by inmates within the prisons and the subsequent disciplinary actions taken by the department.

The department has a written code of penal discipline, which was revised in May 1991. The data presented in this report are from 1990 and follow the old policy. Under the previous policy, correctional staff wrote a ticket to the inmate when an offense was committed. The ticket could have up to five offenses listed. The inmate then followed the department's hearing process and, if found guilty, would be disciplined. Each prison defined its own disciplinary process.

The 1991 policy is department-wide and has eliminated the variation in inmate discipline occurring under the old system. However, the offenses and disciplinary actions are generally the same with some revision and categorization. The major differences are with the hearing process. The department has stated the new system will result in fewer tickets being issued because correctional staff can now charge only the most serious offense rather than listing all offenses committed during one incident. In addition, the disciplinary actions under the new system are purported to be harsher, and the expected result is that inmates will avoid committing offenses for fear of the penalties. The disciplinary data from the revised policy will have to be reviewed by the department against the existing data to determine if its conclusions are correct.

For this analysis, the data collected included all offenses charged during 1990 and all resulting disciplinary actions. The manner in which the data are collected by DOC does not allow for a connection between the offense and the disposition as a direct result. As stated previously, a ticket can list up to five offenses, and subsequent disciplinary action can result in five penalties. The difficulty in correlating the data is because the first penalty listed may not be imposed due to the first offense cited, and the most serious offense and penalty may not be listed first. The analysis draws separate conclusions on offenses and dispositions.

**Offenses.** The data on offenses cover inmates incarcerated at the eight prisons. The offenses ranged from the serious, (assault, rioting, arson, and escape) to misdemeanors, (loitering, insulting language, and disobeying direct orders). During 1990, there were a total of 63,983 offenses committed. It should be noted that one inmate can be responsible for up to five offenses per ticket, and that a ticket represents one incident. There were 12,839 incidents in 1990.

Table III-3 represents the most frequently charged disciplinary actions within the institutions. As shown, disobeying a direct order given by correctional staff is cited most frequently, 19 percent. Creating a disturbance or disruption is the second most charged action, representing 17 percent of all offenses. These are relatively minor offenses as compared to assaults, arson, drug offenses, or rioting. However, they do directly cause problems in the safe management of the prisons.

Table III-3. Most Frequent Offenses Committed By Inmates. 1990		
OFFENSES	FREQ	%
<i>Disobeying Direct Order</i>	12,068	18.8%
<i>Creating Disturbance/Disruption</i>	10,884	17.0%
<i>Insulting Language</i>	6,800	10.6%
<i>Loitering/Malingering/Out-Of-Place</i>	6,944	10.8%
<i>Violation Of Rules</i>	6,429	10.0%
<i>Threats</i>	3,708	5.7%
<i>Contraband</i>	2,805	4.3%
<i>Assault/Attempted Assault</i>	2,318	3.6%
<i>Interfering With Staff</i>	2,189	3.4%
<i>All Others</i>	9,838	15.3%
<b>TOTAL</b>	<b>63,983</b>	

Source: LPR&IC staff analysis of DOC disciplinary data base.

The majority of the offenses listed in Table III-3 are offenses that disrupt the management and operation of the prisons, for example insulting language used by inmates (11 percent), loitering, malingering, or out-of-place (11 percent), violation of prison rules (10 percent), threats (6 percent), and interfering with correctional staff (3 percent). While a direct correlation cannot be made of offenses and inmate

activity, the data suggest that most of the disciplinary problems arise from inmates being idle and bored.

Based on the level of overcrowding, the disciplinary data becomes even more informative. The majority of offenses are not serious, physically violent, or felonious. They are offenses that are caused by inmates with little to do all day. When combined with dormitory-style living quarters, a high turn-over rate of inmates, overcrowding, lack of work assignments, and poor program participation, the minor offenses listed in the table can result in explosive situations for the department to handle. They can be the cause of constant disruptions in the prison's operations that can lead to stress, anger, and violence between staff and inmates.

This conclusion is also supported by information gathered during committee staff visits to the eight prisons. During the tours, staff found that many of the inmates were not involved in any activity or program. Inmates were idle and the cell blocks and dormitories were crowded.

**Dispositions.** The program review committee also analyzed the methods used by the department to penalize inmates for offenses. Table III-4 and Figure III-1 represent the dispositions most frequently handed out by the prisons' hearing committees. During 1990, there were 51,335 disciplinary actions taken against inmates. Over three quarters (80 percent) of the offenses resulted in a penalty.

As shown, the most frequently imposed sentence is loss of the inmate's good time. Good time is the days earned by an inmate for good behavior which is subtracted from the sentence; it reduces the length of incarceration. Loss of good time represents 30 percent of the disciplinary actions imposed on inmates. Being placed on probation for a period of 30 days for an offense committed while incarcerated is the second (13 percent) most frequent penalty, followed by a loss of privileges (12 percent).

As with the offenses presented in Table III-3, the department does not frequently impose serious sanctions on inmates. Serious sanctions include transfer to administrative segregation (2 percent) or maximum security (1 percent), change in custody level (4 percent), and restitution for damages (.2 percent). Again, although no direct correlation can be drawn between offense and penalty, these two tables suggest that the majority of inmates are not committing serious offenses and the hearing committees are imposing appropriate sentences.

Table III-4 does show that the Department of Correction in many cases uses the loss of privileges as a way to punish and control inmate behavior. The loss of privileges penalty was used by the department in 12 percent of the actions taken. In addition, punitive segregation and confinement to quarters results in the loss of

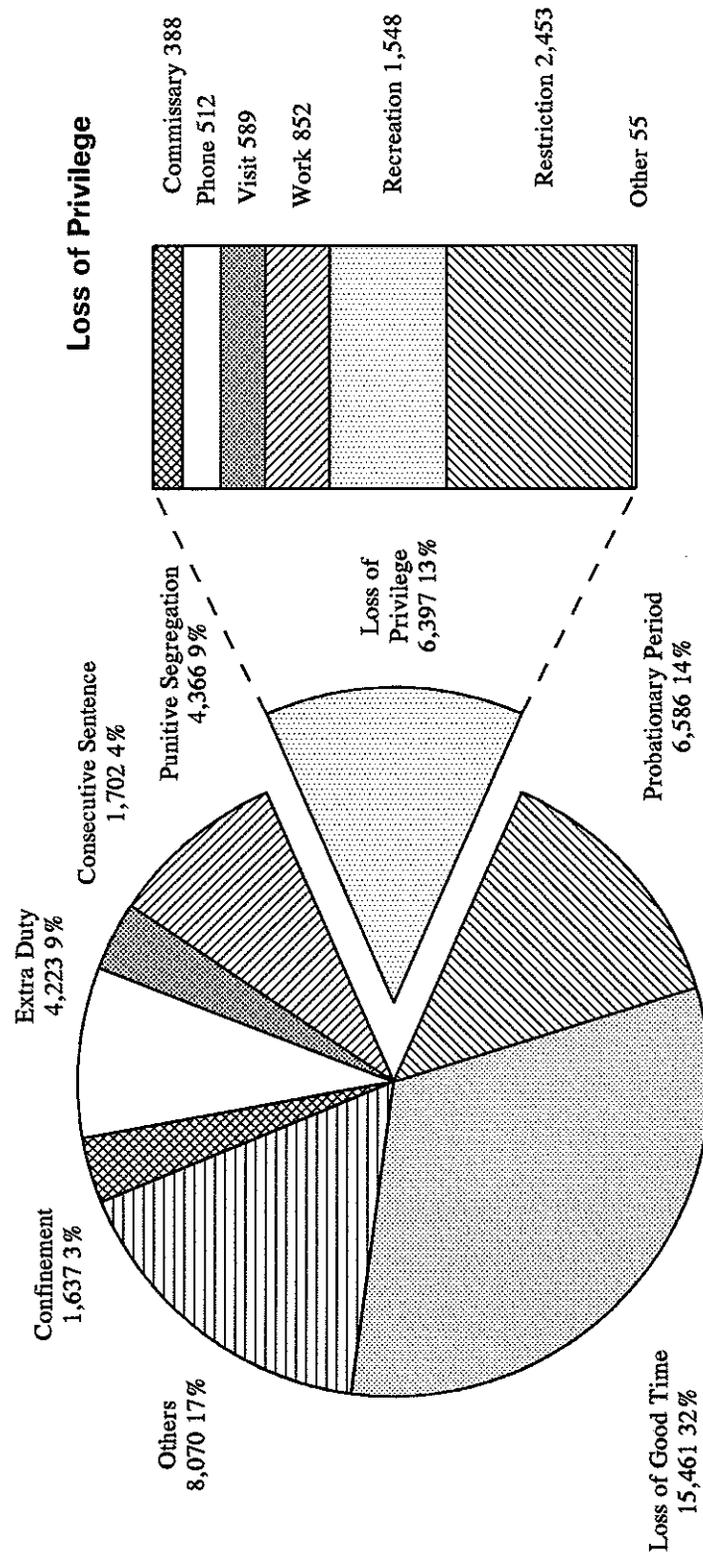
privileges because inmates are confined to their cell and in most cases are denied certain property and liberties. When combined, these disciplinary actions were imposed in 24 percent of the actions taken against inmates.

Table III-4. Most Frequent Disciplinary Actions. 1990.		
PENALTY	FREQ.	%
<i>Loss Of Good Time</i>	15,461	30.1%
<i>Probationary Period</i>	6,586	12.8%
<i>Loss of Privilege</i>	6,397	12.4%
<i>Punitive Segregation</i>	4,366	8.5%
<i>Extra Duty</i>	4,223	8.2%
<i>Consecutive Sentence</i>	1,702	3.3%
<i>Confined to Quarters</i>	1,637	3.1%
<i>All Others</i>	10,963	21.3%
<b>TOTAL</b>	<b>51,335</b>	
Source: LPR&IC staff analysis of DOC disciplinary data base.		

For a more complete breakdown of the loss of privileges penalty discussed previously, Table III-5 and Figure III-1 show the disciplinary actions directly related to this penalty. The most frequently used category is a general privilege restriction, which enables the hearing officer to specify which privilege is lost. The remaining categories specify which privilege is taken away. The loss of recreation was imposed in 24 percent of loss of privilege disciplinary actions, and loss of visitation in 9 percent. Almost every privilege granted to an inmate can be taken away for misconduct, such as an inmate's opportunity to work, which results in the loss of pay.

Usually, the loss of a certain privilege relates to an offense committed while participating in that privilege. For example, a loss of recreation would normally be imposed upon an inmate for an offense committed on recreation time.

**Fig III-1. DOC Disciplinary Actions 1990**  
**Including a Breakdown of**  
**Loss of Privileges.**



Source: LPR&IC staff analysis of  
 DOC data.

Table III-5. Breakdown of Loss of Privileges Penalty, 1990.		
LOSS OF PRIVILEGE PENALTY	FREQ.	%
<i>Privilege Restriction</i>	2,453	38.3%
<i>Loss of Recreation</i>	1,548	24.1%
<i>Loss of Work Assignment</i>	852	13.3%
<i>Loss of Visitation</i>	589	9.2%
<i>Loss of Telephone Use</i>	512	8.0%
<i>Loss of Commissary</i>	388	6.0%
<i>Loss of Furlough</i>	52	0.8%
<i>Loss of Radio</i>	2	0.03%
<i>Loss of Television</i>	1	0.01%
<b>TOTAL</b>	<b>6,397</b>	
Source: LPR&IC staff analysis of DOC disciplinary data base.		

**Prisons.** Table III-6 is a breakdown of disciplinary incidents occurring at each of the prisons analyzed. One disciplinary incident can result in an inmate being charged with up to five offenses per ticket, and more than one inmate can be involved in an incident. There were 12,839 disciplinary incidents during 1990 resulting in 63,983 charged offenses.

Somers, the state's only Level 5 or maximum security prison, experienced the most (30 percent) disciplinary incidents during 1990. The total number of inmates admitted to Somers throughout 1990 was 5,397; there were 3,860 incidents. Carl Robinson had almost 3,000 (or 23 percent) incidents. Carl Robinson is a Level 3 facility that experienced tremendous growth in its inmate population since opening in 1985. During 1990, 4,361 inmates were admitted to the prison. The total number of admissions includes all inmates that were incarcerated at any time during the year within an institution. The average daily inmate population is an indication of the prison population on any given day, and also relates to the maximum capacity of the prison.

Table III-6 shows the number of disciplinary incidents occurring at a facility generally correlate to the security level of that prison. With the exception of Carl Robinson, the higher the security level of a facility the more incidents occur. The table begins with Somers at the highest and continues down to Webster and Willard

which are Level 2 facilities. As stated earlier, Carl Robinson experienced some difficulties with the inmate population because of severe overcrowding and construction. These elements led to unrest and conflict among inmates and staff, which could account for the large number of incidents.

Table III-6. Disciplinary Incidents Occurring At Each Prison. 1990		
PRISON (SECURITY LEVEL)	FREQ.	%
<i>Somers (Level 5)</i>	3,860	30.1%
<i>Carl Robinson (Level 3)</i>	2,936	22.9%
<i>Enfield (Level 4)</i>	1,950	15.2%
<i>Cheshire (Level 4)</i>	1,644	12.8%
<i>Niantic (Levels 2 thru 5)</i>	1,497	11.7%
<i>Gates (Level 3)</i>	598	4.7%
<i>Webster (Level 2)</i>	187	1.5%
<i>Willard (Level 2)</i>	167	1.3%

Source: LPR&IC staff analysis of DOC disciplinary data base.

## **Findings**

The privileges granted inmates by the Department of Correction are standard among correction systems throughout the country. These privileges, such as use of television, radio and telephone, commissary, visits, and furloughs, are typically granted inmates with some exceptions in policy and procedure. Some exceptions are time limits on the use of telephone or television or amounts spent at the commissary, and visiting restrictions regarding number of visitors. The fact that most prisons grant these privileges in some form or another has created a standard for comparison. Connecticut's use of privileges was found to be consistent with other states' systems.

As a management tool in the daily operation of institutions, privileges are used as rewards for good behavior by inmates. The same privileges that were granted for good behavior can be taken away for bad behavior.

Allowing for the ambiguity between rights and privileges and the fact that the department uses privileges as a means to control and manage inmates, the Legislative Program Review and Investigations Committee finds that the interpretation and

granting of privileges has been successfully handled by the Department of Correction. This is an area that should be left to the administration of the department and the wardens of the prisons. The department has shown it is enforcing the civil rights of the inmates as well as fairly granting privileges. The committee makes no recommendations in this area.

## CHAPTER IV

### INMATE PROGRAMS

Programs, like privileges, are intended by prison management to maintain control within correctional facilities as well as prepare inmates to become productive members of their community after release. From an inmate's standpoint, participation in programs can be a catalyst for personal development. Correctional professionals and advocates for inmates would agree that programs also serve the purpose of keeping the inmate population active and occupied.

Connecticut's Department of Correction not only offers educational and vocational programs to inmates, but also addiction treatment, recreational, religious, and social services programs. These programs are available at all correctional institutions. The implementation of some programs by DOC is mandated by statute, and all are provided for the rehabilitation, treatment, or training of inmates.

Inmate participation in programs is strictly voluntary. However, participation in certain programs is often used by prison management as an incentive for inmates to gain higher wages, time off a sentence, or a furlough.

#### Programs

The program review committee reviewed all programs offered by the department. The following section presents a brief description of the programs and an analysis of its participation rates. The Department of Correction does not collect participation rates based on individual inmates. This made data collection and analysis difficult for the committee. The main focus of this review is on the education, addiction services, and work assignment programs.

**Religious.** Each prison maintains a chaplain and offers a religious program that holds Catholic, Protestant, Jewish, Islamic, Jehovah's Witnesses, and Christian Science services. The religious programs accommodate inmates of all faiths by contracting for the services of clergy and providing the necessary space or materials needed to perform a religious services.

The prison chaplains also provide individual counseling or assistance to inmates and their families. The religious program sponsors inmate retreats, group counseling, recitals by outside and inmate choirs, and other events by outside religious groups or individuals.

**Recreation.** The Department of Correction's recreation program has the highest participation rate of all the programs offered to inmates. Although the department does not collect participation statistics, it is estimated that 90 percent of all inmates

become involved in a recreational activity during incarceration. The recreation program has physical and non-physical as well as participatory and spectator activities.

All of the prisons reviewed provide gym, weight lifting, and sports equipment to the inmates during their recreational periods. Most institutions offer equipment that includes universal machines; free weights and benches; exercise bicycles; set-ups for basketball, volleyball, softball, boccie ball, soccer, tennis, and horseshoes; and track and field. In addition, the institutions offer dorm games, such as cards, chess, board games, and dominoes.

Some of the institutions are better equipped than others, but all offer some type of physical recreational equipment. The equipment was purchased through each institutions' Inmate Welfare and Recreation Fund, which is financed by the profits from the prison commissary. Larger institutions have more profit in the commissaries. This difference in the funds at each facility, accounts for the inequality of the equipment offered. The department addressed the inequities among prisons by consolidating the Inmate Welfare and Recreation Funds into one account. Each prison now receives a percentage of the funds based on need. The less equipped prisons will now be able to purchase better supplies.

Organized sports are also offered by the institutions. Teams of inmates are put together, and they compete in such sports as softball, basketball, and volleyball. Competitive sports tournaments are organized and supervised by correction staff. Some of the inmate teams even travel to compete against teams from other state correctional institutions. Furthermore, inmate teams have participated in community athletic leagues. Local athletic groups have been invited to visit the prison and participate in sporting events against the facility's team.

The variety of activities sponsored by the recreation department varies among prisons. Some facilities sponsor events with local bands, theater groups, and other performers, as well as performances by inmate groups. The Niantic prison for women and some of the other prisons sponsor family days with children invited to participate in outside activities.

**Volunteer services.** The Department of Correction established the volunteer services programs in 1974 as part of a VISTA program. As the federal grants diminished, the department continued operation of the program. Now, the volunteers provide assistance to the formal rehabilitation programs offered inmates by DOC.

The program is responsible for establishing a favorable climate for citizen involvement in all correctional institutions. The program recruits, trains, assigns, and supervises volunteers working within the prisons; establishes volunteer programs; develops and maintains a working relationship with correction professionals; and

educates the public about the Department of Correction and its programs. In addition to providing programs within state prisons, the volunteer program provides services to inmates released into the community.

Some of the programs offered by volunteer services include the following:

- *Alcoholics Anonymous (AA)*, participates by recruiting speakers and sponsors for restricted inmates;
- *Narcotics Anonymous (NA)*, operates in the same manner as AA;
- *volunteer sponsors*, matches citizens and special management inmates such as those with no visitors or those with AIDS;
- *Families In Crisis*, involves the inmate and the family in counseling to promote family health and for the acceptance of the inmate back into the family setting upon release;
- *arts and recreation*, provides inmates with the opportunity to become involved in the arts, humanities, cross-cultural, and recreational activities. This program supports performances, film series, visual arts, exhibits, and contests for the inmates;
- *mental health* counsellors develop activities aimed at the special management inmates, such as sex offenders, Vietnam veterans, and those with AIDS;
- *education and counselling*, provides literacy volunteers, tutors, and school aides for remedial, adult basic, and special education. This program also recruits volunteer teachers to staff a second shift (night school) of academic classes in the prison school;
- *vocational projects*, works with prison industries and hobby shops in marketing goods at the prison store;

- *inmate community service*, develops and promotes vocational activities and projects that result in tangible community service; and
- *religious services*, encourages outside clergy to work with the institutional chaplains to support inmates' families.

Table IV-1 represents the number of volunteers and the number of inmates served by the program in the prisons under review. The Webster and Willard facilities are not included in the statistics because they did not open until late 1990.

Table IV-1. Volunteer Program Participation Statistics.				
FREQUENCY	1988	1989	1990	TOTAL
<i>INMATES SERVED</i>	1,945	2,670	3,266	7,881
<i>VOLUNTEERS</i>	380	465	550	1,395
<i>HRS. PER WEEK VOLUNTEERED*</i>	2	2	2	2
* Average hours per week per volunteer.				
Source: LPR&IC staff analysis.				

As the table shows, the number of inmates served and the number of volunteers participating in the program has steadily increased over the past three years. However, when compared to the total inmate population for the six prisons (refer to Table I-5) for the same years, the volunteer program reached only 12 percent of the population in 1988, 13 percent in 1989, and 14 percent in 1990.

As stated previously, the committee focused on three programs: addiction services, education, and work assignments. Work assignments are not considered a program by the Department of Correction. However, for the purposes of analysis, the program review committee defined it as a program. These programs were chosen because participation by inmates in these programs is essential to rehabilitation. Their purpose is to provide training, work experience, literacy skills, and reduce drug and alcohol dependency.

**Education.** Correctional education in our prison systems has risen to prominence in response to the concerns over inmate illiteracy. According to the Correctional Education Association, 75 percent of inmates in U.S. prisons are functionally illiterate, and 90 percent of them are released back into the community within 5-10 years at the same level. The lack of basic education and life skills possessed by ex-

offenders returning to society contribute greatly to the high percentage of them who unfortunately return to crime. Various educational programs in correctional systems across the United States are designed specifically to change these statistics and address these concerns.

The Connecticut Department of Correction operates Unified School District #1 to provide inmates with various educational opportunities from remedial education to community college courses. The school district is within the Programs and Treatment Division, and is headed by a superintendent of schools. The education program in each prison is headed by a school principal. The school district is also staffed by a director of pupil services and a coordinator of special education.

Unified School District #1 was statutorily created in 1969 to provide inmates with educational opportunities focusing on academic and vocational instruction. The education program has expanded to include computer training, special education, life skills, and a variety of vocational programs.

All eight prisons provide an academic education program. The J.B. Gates Correctional Institution does not have a full-time program and currently sends its inmates to the Niantic Correctional Institution. The school principal for Niantic is also responsible for Gates.

The academic education program consists of the following courses: Adult Basic Education (ABE), English As A Second Language (ESL), General Education Diploma (GED) preparation, and special education. The program also includes the Connecticut Adult Performance Program (CAPP) and the Literacy Volunteer Program.

**Adult Basic Education.** ABE is designed to provide training in basic academic skills such as reading, arithmetic, spelling, language arts, general science, and social studies. The intent of this course is to increase an inmate's skills to the eighth grade proficiency level and to promote him or her to the GED preparatory courses.

**English As A Second Language.** The ESL course is designed for those inmates whose primary language is any language other than English. ESL provides instruction to assist students to learn to speak, read, and write English. Bilingual instruction in Spanish is also provided to those inmates requiring the service to participate in ABE or GED preparatory courses.

**General Education Diploma.** The GED preparatory course accepts those inmates who are functioning above an eighth grade level in basic academic skills and wish to earn a high school equivalency diploma. The five subjects taught, which compose the GED exam, are writing skills, social studies, science, reading skills, and mathematics.

**Special education.** This program is multi-disciplinary in that it identifies, prescribes, instructs, and evaluates all physically, educationally, mentally, or emotionally handicapped inmates within the system. Unified School District #1 follows federal and states statutes with regard to defining and teaching handicapped students.

**Vocational training.** Also included in the education program is vocational training, which incorporates classroom instruction and shop training. Vocational training is available at all prisons, and provides inmates with the opportunity to learn trades and marketable skills for entry level jobs upon release. The department offers a variety of training courses to inmates, including machine operation and repair, auto body and repair, carpentry, drafting, culinary arts and baking, animal grooming and kennel management, business education, micro-computer programming, cabinet making, building maintenance, nurses aide, small engine repair, printing, graphic arts, and the manufacturing of eye glasses and dentures.

The vocational education programs can take from six months to two years to successfully complete. Upon successful completion of some programs, such as eyeglass and dental manufacturing, inmates are awarded certificates to work in the private sector.

**College courses.** Some of the institutions have contracted or have volunteer agreements with community colleges to provide correspondence and classroom courses to inmates. The participating inmates must be accepted to the college through its standard application process and must pay any tuition costs from their inmate account. An inmate can earn an associates degree in the offered major areas of study.

### **Participation Rates**

**Educational.** Participation by inmates in the academic and vocational education program is voluntary. Inmates may enroll in a combined program of academic classes and vocational training. Those inmates who enroll in the education program are initially tested for their grade level competency, and inmates with academic deficiencies or special education needs are identified.

The testing process scores literacy and general education competency levels. However, the department does not retain the tests scores for research or analysis purposes. It is not known how many of the inmates are illiterate or functioning below a certain competency level, because the department does not test those who do not enroll in education classes or those with high school or GED diplomas.

To provide the inmates with the incentive to enter the education program, the department has classified education as a seven-day work assignment, which results

in additional good time off the inmate's sentence. Also, an inmate participating in an education program may earn a higher wage or become eligible for a better work assignment.

**School district data.** The committee obtained education program monthly demographic reports that contain enrollment and attendance statistics, as well as information on the number of individual students participating in school and vocational training. The enrollment figures show the actual number of individual inmates who signed up for a particular class. The records indicated that inmates do enroll throughout the month, however, the committee used the month-end total as the enrollment figure. The attendance data differs in that it reflects that number of students who were present during the class. This data are recorded daily and totalled at the end of the month. Daily attendance rates for each class were totalled and a monthly average attendance rate was subsequently used in the committee's analysis.

**Enrollment.** Table IV-2 shows both the average monthly attendance and the total number of students enrolled in the education program at each of the prisons for the 1990-91 school year. The school year begins in September and ends in June. During the 1990 school year, almost 3,800 inmates enrolled in over 120 academic and vocational training classes offered at the 8 prisons.

In general, the enrollment statistics indicate that the average number of inmates who initially enroll in classes can be relatively encouraging given that each class can accommodate approximately 20 students. An average of 16 inmates enrolled for each class, with some enrollments as low as 6 students and some as high as 47.

However, when enrollment numbers are compared to the average daily inmate population at each facility, the number of inmates participating in the education program is very low. Table IV-3 reflects the monthly average inmate population, and was used to analyze the percentage of inmates enrolled in the education program. All of the prisons, except Willard, have 5 percent or less of the inmate population enrolled in school. Carl Robinson, Enfield, Niantic and Gates, and Somers enroll only 1 percent of the inmate population. At Cheshire approximately 3 percent are enrolled, and 4 percent at Webster. Willard Correctional Institution has the highest enrollment at 10 percent of its inmate population.

Table IV-2. Education Program Monthly Enrollment Statistics, School Year 1990-91.

PRISONS	SEP90		OCT90		NOV90		DEC90		JAN91		FEB91		MAR91		APR91		MAY91		JUN91	
	ATT	ENR																		
CRCI	12	16	12	15	11	16	10	15	11	14	12	17	12	16	12	15	12	15	12	14
CHESHIRE	6	16	8	18	8	18	9	22	10	21	11	23	10	22	11	22	11	22	9	17
ENFIELD	8	11	9	12	9	11	8	12	8	11	8	12	7	11	6	13	6	13	9	11
NIANTIC/ GATES	6	11	7	15	7	14	7	12	7	13	7	14	7	14	7	14	7	13	7	11
SOMERS	8	9	7	11	9	13	10	12	10	14	9	13	8	17	12	20	10	15	9	14
WEBSTER	0	0	0	0	4	6	6	14	7	15	7	11	6	16	10	16	9	16	8	14
WILLARD	0	0	8	10	21	47	18	34	16	41	7	19	12	26	13	27	15	29	14	21

ATT = Average monthly attendance rates for all classes.

ENR = Average of total number of students enrolled in all classes.

Source: LPR&IC staff analysis of DOC school district monthly demographic data reports 1990-1991.

Table IV-3. Average Daily Inmate Populations, School Year 1990-91.

PRISONS	SEP90	OCT90	NOV90	DEC90	JAN91	FEB91	MAR91	APR91	MAY91	JUN91
CRCI	1,337	1,341	1,341	1,346	1,337	1,345	1,341	1,340	1,335	1,348
CHESHIRE	845	842	835	832	845	819	829	830	833	840
ENFIELD	717	715	710	722	724	708	709	697	702	707
NIANTIC/ GATES	938	939	941	928	951	954	940	953	939	943
SOMERS	1,398	1,417	1,403	1,424	1,428	1,423	1,429	1,393	1,422	1,425
WEBSTER	*	*	205	303	304	303	302	301	304	304
WILLARD	75	77	246	302	302	304	302	304	302	303

\* = Webster CI was not open.

Source: LPR+IC staff analysis of DOC data.

**Attendance.** The attendance data for the same inmates were also analyzed, and are shown in Table IV-2. In all cases, the number of inmates who actually attended classes was significantly lower than the number enrolled. For example, at Cheshire and Niantic/Gates prisons, inmate attendance was an average 45 percent lower than enrollment. At Somers, Webster, and Willard, inmate attendance was an average 35 percent below enrollment figures. Finally, Carl Robinson and Enfield had attendance rates at approximately 20 to 25 percent lower than enrollment counts. The classes are not operating at capacity levels, most are only half full on any given day of the school year.

Although both academic and vocational classes experienced these same differences in enrollment and attendance, the greater imbalances tended to be associated with academic classes. The vocational training classes are more popular with inmates. One reason for this may be the economic advantages to learning a skill or trade either within the prison or upon release into the community.

The attendance rates were analyzed along with the average daily inmate populations for the 10 months of the school year. Carl Robinson, Niantic and Gates, and Somers prisons had less than 1 percent of their populations attending classes during the 1990-91 school year. Cheshire and Enfield both had a one percent attendance rate. While, Webster (2 percent) and Willard (5 percent) have slightly more inmates attending classes.

Appendix A contains graphs which show the difference between the attendance and enrollment data for each of the prisons under analysis. As the graphs illustrate, attendance is always significantly lower than enrollment.

**Consultant data.** In addition to statistics provided by the department's school district, the committee reviewed reports submitted by an educational consultant who studied the program from 1983 through 1990. The consultant was retained by the Department of Correction to review the education program description and analyze the program implementation and outcomes each year. The consultant collected data on inmate enrollment and attendance rates for the program.

For the purposes of this study, ABE represents grade 8 and lower, and GED is high school grades 9 through 12. Also presented is the number of inmates admitted to the prisons for those months under analysis. This allows comparison of the percentage of inmates enrolled to the total number of inmates incarcerated in a prison throughout the year.

Table IV-4 reflects the number of inmates who enrolled in the education program's ABE and GED classes from September 1988 through August 1990. In addition, the number of academic teachers employed at each facility is included. Only the prisons under review were included in the table. Again Webster and Willard

Correctional Institutions are not included. Also, the inmate counts for Niantic and J.B. Gates are combined because inmates from Gates travel to Niantic for school. Gates, currently under expansion, does not have classroom or vocational education facilities.

Table IV-3. Number of Inmates Enrolled In ABE and GED Classes.								
PRISON	SEPT. 1988 - AUG. 1989				SEPT. 1989 - AUG. 1990			
	INMATE ADMISSION	ABE (%)	GED(%)	# OF TEACHERS	INMATE ADMISSION	ABE(%)	GED(%)	# OF TEACHERS
<i>CRCI</i>	2,615	129(4.9)	63(2.4)	3	4,361	134(3.0)	87(1.9)	3
<i>Cheshire</i>	3,833	206(5.3)	117(3.0)	7	3,933	212(5.3)	209(5.3)	6
<i>Enfield</i>	2,358	94(3.9)	142(6.0)	6	2,227	126(5.6)	137(6.1)	6
<i>Niantic/ Gates</i>	7,642	403(5.2)	153(2.0)	8	7,146	371(5.1)	145(2.0)	8
<i>Somers</i>	4,234	112(2.6)	108(2.5)	8	5,397	88(1.6)	35(0.6)	8
TOTAL	20,682	944(4.5)	583(2.8)		23,064	931(4.0)	613(2.6)	
NOTE: Webster and Willard did not open until Oct. 1990.								
Source: LPR&IC staff analysis of Final Evaluation Report, 1989 and 1990 submitted by EASTCONN consultant.								

As shown in Table IV-4, inmate enrollment in classes at the six prisons is low. On average, approximately 4 percent of the population is enrolled in Adult Basic Education and 3 percent in GED preparatory classes. The number of inmates actively participating in the education program has remained fairly consistent over the last two years.

The report presented by the consultant also provided the number of inmates enrolled in vocational training classes. Table IV-5 represents those numbers and the number of teachers employed. The vocational education program has a slightly higher enrollment rate, at 5 percent, among inmates.

The consultant's report concludes that only 7 percent of the inmate population at the six prisons is enrolled in academic and vocational training classes. The consultant did not make any conclusions about the utilization of the education program based on the data. However, the program review committee has concluded that 7 percent of the inmate population is a very low enrollment rate. The educational system at the prisons can accommodate many more inmates.

Table IV-5. Inmate Enrollment In Vocational Education Program.						
PRISON	SEPT. 1988 - AUG. 1989			SEPT. 1989 - AUG. 1990		
	INMATE ADMISSIONS	VOCED(%)	# OF TEACHERS	INMATE ADMISSIONS	VOCED(%)	# OF TEACHERS
<i>CRCI</i>	2,615	191(7.3)	8	4,361	234(5.3)	8
<i>Cheshire</i>	3,833	227(5.9)	7	3,933	304(7.7)	7
<i>Enfield</i>	2,358	174(7.3)	6	2,227	218(9.7)	6
<i>Niantic/ Gates</i>	7,642	253(3.3)	6	7,146	191(2.6)	6
<i>Somers</i>	4,234	93(2.1)	5	5,397	72(1.3)	5
TOTAL	20,682	938(4.5)		23,123	1,019(4.4)	

NOTE: Webster and Willard did not open until October 1990.

Source: LPR&IC staff analysis of Final Evaluation Report, 1989 and 1990 by EASTCONN consultant.

The consultant's reports reviewed the length of time that inmates enrolled in education programs actually attended. The consultant's analysis broke down the time spent in class into 25 day periods. For the purpose of the committee's analysis, the time periods were expanded to 90 days. Table IV-6 reflects the number of inmates that participated during the three time periods of up to 90 days, 91 to 180 days, and more than 180 days.

The table shows that of those inmates enrolled in an education program during 1988-1989, 84 percent participate for 90 days or less. The participation rates drop dramatically after the first three months. Eleven percent of the inmates enrolled continued their participation for up to 180 days, and 5 percent went beyond 180 days. During 1989-1990, 83 percent were enrolled the first 90 days, 11 percent during the second phase, and 6 percent in the third phase.

**Diplomas and certificates.** Table IV-7 represents the number of GED and vocational education (VOCED) certificates that were awarded department-wide to inmates during 1989, 1990, and 1991. The statistics for 1991 are not complete. The "other" category represents all remaining correctional facilities in the state.

During 1989, there were 20,682 inmates admitted to the eight prisons for incarceration. Of those inmates, only 0.2 percent received a GED diploma and 0.5 percent received a vocational training certificate. During 1990, the inmate admissions increased to 23,123, and the number of inmates who received diplomas and

Table IV-6. Number Of Days Inmates Enrolled in Education Program.

PRISON	1 - 90 DAYS		91 - 180 DAYS		181 + days	
	88-89	89-90	88-89	89-90	88-89	89-90
<i>CRCI</i>	319	370	38	63	5	12
<i>Cheshire</i>	544	669	50	50	4	8
<i>Enfield</i>	162	292	65	84	38	59
<i>Gates</i>	109	114	4	5	0	0
<i>Niantic</i>	607	586	38	42	14	17
<i>Somers</i>	309	184	77	63	53	66
<b>TOTAL</b>	<b>2,050</b>	<b>2,215</b>	<b>272</b>	<b>307</b>	<b>114</b>	<b>162</b>

NOTE: Information was missing for 47 inmates in 1988-89 and 38 in 1989-90.

Source: LPR&IC staff analysis of Final Evaluation Report, 1989 and 1990, submitted by EASTCONN consultant.

Table IV-7. Number of GED and VOCED Certificates Awarded. 1989-1991.

PRISON	1989		1990		1991	
	GED	VOCED	GED	VOCED	GED	VOCED
<i>CRCI</i>	16	34	7	46	25	23
<i>Cheshire</i>	15	11	37	28	40	38
<i>Enfield</i>	0	0	11	35	48	104
<i>Gates</i>	0	0	0	0	0	0
<i>Niantic</i>	20	62	29	20	0	0
<i>Somers</i>	0	0	25	21	28	15
<i>Webster</i>	*	*	*	*	0	0
<i>Willard</i>	*	*	*	*	0	0
<b>SUBTOTAL</b>	<b>51</b>	<b>107</b>	<b>109</b>	<b>150</b>	<b>141</b>	<b>180</b>
<i>Other</i>	215	154	171	44	223	36
<b>TOTAL</b>	<b>266</b>	<b>261</b>	<b>280</b>	<b>194</b>	<b>364</b>	<b>216</b>

\* Webster and Willard opened in October 1990.

Source: LPR&IC staff analysis of DOC data.

certificates again did not reach 1 percent. GED diplomas were issued to 0.4 percent of the inmates, and 0.6 percent received certificates for vocational training. Because the population data for 1991 are still incomplete, no analysis was done.

The tables reflecting both the department's and consultant's data indicate the low percentage of Connecticut's inmates who participate in educational or vocational programs. The concern for inmate illiteracy, the lack of basic education, and the rates of inmate recidivism are all substantial reasons for effective educational and vocational programs within the Department of Correction. If, in fact, one of the goals of the correction system is to prepare inmates to function as productive members of the society, it is essential that educational benefits in correctional programming be maximized.

The program review committee found participation in educational programs is extremely low. This is a problem that must be addressed, considering that a large portion of the inmate population has limited education. Not only does increasing involvement in programs contribute to the maintenance of control in prisons and keeping inmates occupied, but it also assists the department in living up to its name and purpose of "correction".

**Addiction Services.** Addiction services was statutorily created in 1969 and mandated to develop, implement, and coordinate alcohol and drug programs within the prison system and community. The mission of the addiction services program is to provide an opportunity for inmates to begin the process of recovery through behavioral changes. When appropriate, the programs intervene in the life of the inmate who abuses alcohol and/or drugs and commits related crimes. The intervention includes helping the inmate to recognize the problem of substance abuse, to make appropriate decisions, and to reduce the occurrences and consequences of substance abuse.

Addiction services offers the following programs:

- *Alcoholics Anonymous;*
- *Narcotics Anonymous;*
- *individual counselling;*
- *therapeutic groups, such as behavioral studies and recovery training;*

- *specialized groups*, designed to meet the needs of different or special groups of inmates with substance abuse problems, such as Spanish-speaking inmates, those with family problems, pregnancy, or AIDS or HIV positive;
- *Al-Anon/Adult Children of Alcoholics*, which focuses on the concept that the disease of alcoholism affects all family members;
- *Substance Abuse Education Program*;
- *Pre-release Program*, which assists substance abusing inmates in facing the issues of returning to the community, such as peer pressure, relapse, job seeking, housing, community programs, and family expectations; and
- *Intensive Substance Abuse Treatment Program*, which is run only at the Hartell Driving-While-Intoxicated Unit and Fairfield Hills, and provides 12-hour, seven-day-a-week treatment to substance abusers.

The pre-sentence phase of the judicial process and the department's classification system tests all inmates for substance abuse. The test score indicates the inmate's level of dependency. The Department of Correction states that 80 percent of its inmate population is in need of substance abuse treatment.

The program review committee attempted to examine the types of programs offered and inmate participation rates. However, the department does not collect inmate participation rate statistics. It can provide the number of sessions held or hours of counselling provided, but it does not know how many individual inmates took part in addiction services.

Table IV-8 represents those participation rates in the addiction services program that are collected by the department. The community service programs are not included in the table. Only those programs within the prisons under review are included. Inmate participation in this program is voluntary. It is important to note that one inmate can be counted several times in each of the categories listed in the table by participating on more than one occasion in several programs.

Table IV-8. Addiction Services Program Inmate Participation Rates, FY 90.							
FREQUENCY	CRCI	CHESHIRE	ENFIELD	GATES	NIANTIC	SOMERS	TOTAL
STAFF	12	3	6	2	5	4	32
VOLUNTEERS VISITS	429	530	1,194	311	642	903	4,009
INDIVIDUAL SESSIONS	2,344	1,018	2,802	710	748	1,130	8,752
GROUP COUNSELING HOURS	82	119	276	331	619	446	1,873
GROUP PARTICIPANTS	138	212	671	256	4,550	646	6,473
AA MEETINGS	171	158	324	102	56	404	1,215
AA ADMISSIONS	645	303	533	175	1,119	122	2,897
NA MEETINGS	217	53	169	51	52	247	789
NA ADMISSIONS	848	316	542	168	1,787	197	3,858

Source: LPR&IC staff analysis.

The program review committee found the department cannot determine the number of inmates participating in treatment programs offered by the Addiction Services Unit. DOC does not collect data relating to inmate participation in counselling or group therapy. It does collect the number of counselling hours offered, the number of meetings held, and a monthly count of inmate participants, which leads to multiple counts and an inflated year-end total. The data currently gathered does not allow for a total of individual inmates receiving drug or alcohol abuse treatment. The department's current inability prohibits monitoring or assessment of treatment programs and the development and implementation of new programs.

**Inmate work assignment.** During the department's classification process (the initial 30 to 60 days of incarceration), most inmates are assigned to a work detail. The inmates are paid a salary, which is based on the difficulty or security level of the job and the number of days per week work is required. The salaries range from a low of 29 cents per day to a high of \$1.00 per day. Salaries go directly into an inmate's commissary account, and money can then be used by the inmate to purchase goods from the commissary, sent to support family members, or saved for the inmate's release from prison.

There are many work assignments within the eight prisons, but there is no uniform department-wide listing of assignments available to inmates. Each prison develops its job listing and sets the qualification for obtaining the jobs. The prison industries jobs are also included in the department's listing of work assignments. Some of the prisons also include attendance in school as a work assignment.

The assignments are made based on availability, inmate security level, and, in some instances, on inmate experience or skill. Those inmates in segregation or quarantine and those who are deemed unfit for medical, physical, or psychological reasons are exempt from work assignments.

In addition, many inmates on work assignments do not work because of the lack of actual tasks to be done. Due to overcrowding and an effort to keep as many inmates as possible working for at least part of a day, prison administration has increased the number of inmates assigned to certain details. For example, janitorial crews that require two inmates to complete the task have four inmates assigned. Therefore, the work is completed in less time. This solution addresses one issue but creates another. Although most inmates have something to do for a short period during the day, they remain idle for most of the day.

Table IV-9 shows the number of inmates on work assignments in each prison under analysis. In addition, the table reflects the number of hours of work per day and the average number of work days per week that is department policy. Each work

Table IV-9. Number of Inmates Assigned to Work Detail. 1991.					
PRISON	AVG. DAILY INMATE POPULATION (9/91)	NUMBER OF INMATES ASSIGNED*	% OF INMATES ON WORK ASSIGNMENT	OPTIMUM HOURS WORKED PER DAY	OPTIMUM DAYS WORKED PER WEEK
<i>CRCI</i>	953	765	80.2%	5	6
<i>Cheshire</i>	841	684	81.3%	6	5
<i>Enfield</i>	720	689	95.6%	5	-
<i>Gates</i>	493	480	97.3%	4	5
<i>Niantic</i>	614	473	77.0%	5	6
<i>Somers</i>	1434	975	67.9%	5	5
<i>Webster</i>	304	285	93.7%	5	6
<i>Willard</i>	303	315	**	5	6
* Does not include the inmates assigned to school or segregation.					
** Willard reported more inmates assigned to work than inmate population.					
Source: LPR&IC staff analysis.					

assignment is rated by the administration as having an optimum number of hours per day and days per week to be worked. The ratings do not accurately reflect when or how long the inmates have actually worked. The administration at the eight prisons all concurred there is not enough work within the institutions to keep the inmates busy for any meaningful length of time during the day. The inmates are paid for a full day even though they might only work for a small portion of the day.

It should be noted that the prison administration does not collect the actual number of hours inmates work or the number of days per week worked. The data were gathered by the program review committee.

### Findings

Overall, the Department of Correction offers inmate programs that have historically been considered the standard for operating prisons. Education, work assignments, and treatment have been the mainstay of corrections. Yet, despite the availability of these programs, there is not a great demand by inmates. The Legislative Program Review and Investigations Committee found inmate participation rates in education and substance abuse treatment is low, and work assignments are part-time and fail to maximize the programs' potential.

The program review committee did not evaluate the programs' effectiveness or performance. The analysis focused solely on participation by inmates, availability of programs, and existing monitoring and evaluation systems within DOC. The committee found that programs are offered by the department and can accommodate a significant number of inmates. However, it is not known for certain by DOC why inmate participation is so low.

The school district administration is preoccupied with the encouraging enrollment data rather than the real attendance statistics and, consequently, the resources that are available are not fully utilized. Increasing the utilization of available programming by raising the attendance rates would benefit the department through creating an avenue to keep inmates occupied as well as assist inmates in their rehabilitation.

Based on the program review committee's analysis, several reasons for the low participation rate can be set forth. The first is the lack of incentives to enroll in a program. Inmate participation in all programs, except work assignments, is voluntary. The majority of inmates will not participate unless there is some reward. An incentive can be higher pay and better jobs, access to other programs, additional good time, transfer to other type of living quarters or lower security level, or references to parole or probation boards. The Department of Correction has not fully utilized these incentives.

Also, the department does not provide counselling to inmates to participate in programs. All participation is voluntary and, as stated previously, most inmates do very little on their own to rehabilitate themselves. The department offers the programming and works only with those inmates who elect to enroll. The classification process identifies inmates who could benefit from a certain type of programming, but there is no compulsory participation.

The third reason for low participation rates is high turnover in the inmate population. Due to overcrowding, inmates are constantly being transferred or released in an effort to keep the total population under the federally mandated cap. Monitoring the population has consumed much of the administration's time and efforts. Along with overcrowding comes the problems of daily management of the inmates. Attention has shifted from programming to the overcrowding and inmate management problems.

The overcrowding has resulted in inmates serving on average no more than 10 percent of their sentence. Because many inmates assume they will be released shortly, they do not enroll in programs especially those that require protracted participation.

The program review committee found that the Department of Correction should focus its attention on increasing inmate participation rates in programs. This would help alleviate inmate idleness and, in turn, reduce inmate offenses.

## CHAPTER V

### PRISON INDUSTRIES

The Department of Correction operates prison industries in five of the eight state correctional institutions: Carl Robinson, Cheshire, Enfield, Niantic, and Somers. Inmates from the J.B. Gates Correctional Institution participate in prison industries at Niantic. The remaining prisons do not operate an industry program. A prison industries job differs from a traditional institution work assignment in that the inmates work longer shifts, earn a higher pay rate, and receive training.

The Department of Correction formally began its prison industry program in 1957. Prior to this, the department operated a farm program at the Enfield prison, which provided food and dairy products for all prisons. With the inception of the prison industries program, the department began to operate other manufacturing businesses.

During the 1970s, prison industries evolved from a program to a business and became a self-supporting enterprise of the department. A grant from the Law Enforcement Assistance Act (LEAA) enabled the department's industries to become more marketable. There is a state use law in effect, and state agencies are required to purchase the prison industry's goods before going to private sector manufacturers.

Prison industries is operated as a self-supporting enterprise of the department. During FY91, prison industries generated \$4,900,000 in sales to state agencies and non-profit organizations, and had an profit of \$34,000. In addition to generating income, the enterprise contributed over \$1,000,000 to correctional officer salaries working within the industries.

The program has been able to operate by solely using the funds it produces. However, due to several factors, the current prison industry program is having difficulty meeting its fiscal projections. The most significant factors include: a reduction in usable manufacturing space within the prisons; the state's fiscal crisis, which left prison industry customers without a budget for a period of time; a poor economic outlook for nonprofit, municipal, and state customers; and need to focus and market the program for profitable growth.

The program is funded through a revolving fund. All profits from the industries are used to maintain and buy equipment and supplies. The program has been self-supporting for the past five fiscal years. Table V-1 shows the program's financial summary for that period.

Table V-1. Prison Industries Financial Summary. FY87-FY91.				
FISCAL YEAR	CASH FLOW	PROFIT & LOSS	ACCOUNTS REC.	INVENTORY
87	666,000	40,500	593,000	2.0M
88	-45,700	11,817	809,000	1.6M
89	-20,000	82,448	473,000	1.6M
90	232,000	173,000	414,000	2.1M
91	-223,000	34,000	391,000	2.0M
AVERAGE	122,000	68,000	537,000	1.9M
Source: DOC Prison Industries. 1991.				

### **Public Industry**

Table V-2 shows the specific industries operating at the prisons. There are no industries programs at either Willard or Webster prisons because the inmates generally do not spend long enough periods incarcerated at these facilities to complete the prison industries training program or to effectively participate. However, inmates at these two facilities work as delivery truck driver assistants. Because the inmates are lower security, they are eligible to work outside of the institution.

A job in the prison industries program is not considered to be a traditional prison work assignment. Inmates obtain the position through an application and interview process similar to the private sector hiring procedure. Prison industries advertises its position with the classification unit, and lists the specific talents or skills needed to perform the job. Qualified inmates are then interviewed by prison industries and, if hired, work five days a week from 8:30 a.m. to 2:30 p.m. The salary paid industry employees varies between work assignments. Inmates can be paid \$1.50 per day, 29 to 71 cents per hour, or on a piece-work rate.

The prison industries program employs approximately 10 percent of the inmate population at the six correctional institutions offering work assignments. Table V-3 reflects the number of inmates employed in comparison to the total average daily inmate population at these facilities.

**Table V-2. Prison Industries By Institution.**

<i>CRCI</i>	<i>CHESHIRE</i>	<i>ENFIELD</i>	<i>NIANTIC</i>	<i>SOMERS</i>
Acoustical screens/ modular panels	Furniture refinishing	Highway/ street sign factory	Data processing services	Acoustical screens/ modular panels
Mattress/ pillow factory	Graphic arts plant- printing services			Furniture manufacturing
Ergonomic/ contour chair	auto decals/ tag factory			Furniture refinishing
				Re-upholstery
				Clothing factory- uniforms/garments
				Linen factory- sheets/pillowcases
				Graphic arts plant- printing services
				Engraving services- name- plates
				Laundry services

Source: DOC Prison Industries Program. 1991.

**Table V-3. Number of Inmates Employed By Prison Industries. 1990.**

PRISON	NUMBER OF INMATES EMPLOYED	AVERAGE DAILY INMATE POPULATION	PERCENTAGE OF POPULATION EMPLOYED
<i>CRCI</i>	75	1,119	6.7%
<i>Cheshire</i>	72	834	8.6%
<i>Enfield</i>	50	712	7.0%
<i>Gates</i>	18	336	5.3%
<i>Niantic</i>	38	603	6.3%
<i>Somers</i>	273	1,401	19.4%
<b>TOTAL</b>	<b>526</b>	<b>5,008</b>	<b>10.5%</b>

Source: LPR&IC staff analysis.

Somers, the maximum security prison, employs the most inmates (19 percent), because it is the only prison built to specifically include prison industry space. All other institutions use available space within their compounds. With the overcrowding crisis, prison management must first provide secure living quarters, which leads to very limited space for prison industries. Secondly, inmates at Somers are generally serving longer sentences than inmates at other institutions. They can be trained and work for longer periods of time, which will allow the inmates to learn the required skills.

The remaining prisons employ less than 10 percent of their inmate population. The operational industries are currently small and do not require many inmate employees. The industries program also does not work in shifts, except for data processing, which works on three shifts.

On average, prison industries employs 550 inmates throughout the prison system. Table V-4 is a further breakdown of the approximate number of inmates employed at each industry within the six prisons during 1991. The J.B. Gates program participants are included in this table along with inmates at Niantic working in data processing. As shown in the table, 52 percent of the inmates employed by prison industries work at Somers. The remaining facilities employed significantly fewer inmate employees.

In addition to not being labor intensive, the prison industries program has not expanded the products it manufactures to include new technologies or more marketable goods. The specific training and experience the inmates receive is not in demand in today's high-tech marketplace. The prison industries program does teach work ethics and responsibility and prepare inmates to take direction from others, however, it does not give them adequate skills to compete for jobs when they are released.

For example, the manufacturing of license plates for the Department of Motor Vehicles is located at the Cheshire Correctional Institution. This industry operates with a few inmates, each running one machine and producing one plate at a time. However, the equipment is out-dated and the operation occupies a large warehouse space. After touring the prisons, committee staff concluded industries such as this should be combined with like operations to maximize efficiency and maximize available space. The license plate industry could be relocated and combined with the highway and street sign shop at Enfield prison. Combining the two operations would give inmates a chance to train and work in both. Since the skills attained from making license plates are practically limited to use in prison, the consolidation of these industries would provide much needed space for new or expanding industries that offer training in more marketable skills and produce goods that are in greater demand.

Table V-4. Inmates Employed By Prison Industries, 1991		
FACILITY AND INDUSTRIES	NUMBER OF INMATES	TOTALS
<i>SOMERS</i>		
Print Shop	30	
Clothing Factory	60	
Upholstery shop	25	
Woodworking Shop	25	
Furniture Refinishing	70	
Laundry	30	
Optical	14	
Warehouse and Administrative Support	19	
INMATES EMPLOYED		273
<i>ENFIELD</i>		
Sign Shop	50	
INMATES EMPLOYED		50
<i>CARL ROBINSON</i>		
Garage Services	15	
Mattress Shop	15	
Bed Making	30	
Furniture Shop	15	
INMATES EMPLOYED		75
<i>CHESHIRE</i>		
Marker Shop	35	
Print Shop	23	
Furniture Refinishing	14	
INMATES EMPLOYED		72
<i>NIANTIC</i>		
Data Processing	38	
INMATES EMPLOYED		38
<i>J.B. GATES</i>		
Data Processing	18	
INMATES EMPLOYED		18
GRAND TOTAL OF INMATES EMPLOYED		526
Source: DOC Prison Industries.		

## **Private Industry**

On a positive note, the prison industries program has attempted to introduce new trades, and has turned to private companies by allowing them to use the department as a source of labor. Aetna has set-up a microfilming plant at Enfield prison, which employs 6 inmates. The Chesapeake Cap Company, an out-of-state manufacturer of baseball caps, operates a shop at Somers. The cap company currently employs 20 inmates, however, 7 inmates have been laid off due to slow sales. Inmates working in these two private sector industries are employees of the companies, not the Department of Correction's prison industries. The private sector companies pay the inmates salaries, hire and fire employees, and provide all materials and machinery.

The structure of the Department of Correction's Private Sector Prison Industry Program is specifically outlined in both Public Act 88-300, (An Act Concerning Wages of Inmates), and the department's administrative directives. The directives explain that paid inmate employment in such programs must not result in "the displacement of employed workers; or be applied to skills, crafts or trades in which there is a surplus of gainful labor in the locality, or impair existing contracts for services."

The state Department of Labor approves all private sector industry projects. The certification process involves verifying that wages paid to an inmate participating in a particular private sector industry program are comparable to wages paid for similar work in that locality.

Prior to the implementation of a program that requires a Private Sector/Prison Industry Enhancement Certification (PS/PIEC), the Department of Correction is responsible for informing the following Connecticut organizations of its plans:

- Department of Labor;
- Connecticut Business and Industry Association (CBIA);
- Association of Chamber of Commerce Executives;
- AFL-CIO;
- local chamber of commerce; and
- local labor organizations.

This notification must include a description of the program; its location; the number of participants; the type of work; the products to be produced; the potential

market; and a proposed wage plan. The notified organizations can submit comments, concerns, recommendations, or referrals on the plan.

These organizations are updated at least annually on the status of the industry programs. The results are then reviewed and discussed by the Privatization of Prison Industries Advisory Committee, which is made up of a single representative from each of the following organizations: the Department of Labor, the AFL-CIO, the Connecticut Business and Industry Association, the Association of Chambers of Commerce Executives, the Office of Policy and Management, the Department of Economic Development, and the Connecticut Public Expenditure Council. A warden, a legislative representative, and several nongovernment community members balance out the remainder of the advisory committee. The committee averages 12 to 15 members.

The compliance of the initial requirements for PS/PIEC are also reviewed annually by the Department of Labor. This review includes an evaluation of wage rates.

Inmates voluntarily participating in PS/PIEC programs, such as those of Aetna and Chesapeake Cap Company, must agree in writing to specific deductions from their gross wages, not to exceed more than 70 percent, and all other financial arrangements. The Department of Correction also has the obligation of informing inmates in advance of the actual deductions to be made from their wages. The deductions include the following:

- state and federal taxes (current rate);
- room & board (20 percent);
- family support (15 percent); and
- contribution to Victims' Compensation Fund (5 percent).

The company makes tax deductions from each inmate's wages and forwards the net checks to their respective correctional institution's business office. The business office makes the appropriate deductions and credits the balance to the inmate's account. During 1991, inmates working for Aetna and Chesapeake Cap Company prison industries paid a total of \$20,000 in state and federal taxes; \$33,000 for room and board; \$3,000 in victims restitution; and \$6,000 toward family expenses. There were less than 40 inmates working for these two companies.

### **Thomas Commission Recommendations**

The 1991 Commission to Study the Management of State Government (Thomas Commission) recommended that the prison industries program become self-

sufficient including independent purchasing authority. It suggested the program increase sales in new markets; expand existing markets; work full days and multiple shifts; and implement a more realistic accounting system. Finally, the commission recommended expanding the program to employ at least 15 percent of the inmate population.

### **Findings**

One of the ways in which prison administrators manage complex and overcrowded institutions is to provide inmates with productive work programs and training, thereby reducing idleness among inmates. As the inmate population continues to increase, it is essential that prison industries expand at the same pace. Expansion must include not only the ability to employ a greater number of inmates but to manufacture more marketable products, to provide inmates with the skills needed to succeed in today's workplace, and to centralize the operations and administration of prison industries.

The program review committee found the current Department of Correction's prison industries lacked focus and overall direction. The program does not have a long-term business plan and has failed to maximize program potential. The prison industries program is not available to everyone and, when available, hires a limited number of inmates. The industries currently being operated by the department have not manufactured products that have kept up with technology, nor are they marketable.

The industries program should be the most desirable work assignment for inmates. To accomplish that, incentives must be provided to participate in the program. Higher pay, better living quarters, good time credits, and favorable reporting to parole boards can be used to attract inmates. In addition, the program can become an incentive to entice inmates to participate in other programs such as education and addiction services.

## CHAPTER VI

### RECOMMENDATIONS

The recommendations presented by the Legislative Program Review and Investigations Committee focus on the education, rehabilitation, and vocational training of inmates incarcerated within the state's prisons. Each of the three major recommendations concentrates on a particular area of programming, however, they are also inter-related in that involvement in one program requires participation in the others. Each individual recommendation is an integral part of the whole section.

#### Education

The first recommendation area concerns the educational programming provided for inmates. Currently, participation in school is strictly voluntary. As shown in Chapter IV of this report, inmate participation rates are low with enrollment on average 3 percent and attendance rates only 1 percent within the 7 prisons.

It has been recognized by criminal justice and correction professionals that receiving an education helps reduce recidivism. Inmates do not have to obtain a complete high school education to benefit, but rather any time spent in the classroom can be an advantage to an inmate. Increasing the competency level at which an inmate reads can have a significant impact on that inmate, both within the institutions and later in the community.

A fundamental characteristic of society's workplace is that the most qualified candidates usually get the jobs. Education is a major part of a candidate's credentials; those with the most and best educations tend to have better opportunities. Inmates can be made aware of and prepared for productive work by attending an educational program. They can receive academic and practical training that will help them in returning to and functioning within their communities.

Therefore, the Legislative Program Review and Investigations Committee recommends that the Department of Correction shall set a minimum education competency level for all sentenced inmates. This competency level should not initially exceed 8th grade. If the department initially sets a competency level under 8th grade, it shall by January 1, 1997, raise that level to 8th grade. All sentenced inmates should be tested at the department's reception center during the classification period to determine their educational competency level.

All inmates who test below the specified competency level shall be required to participate in the Adult Basic Education Program for the first 90 days of incarceration. This 90-day period shall not include any time spent in the classification phase of incarceration.

**At any point during the initial 90 days of education classes, inmates may opt out of the program. For those inmates who resign before completing the 90 days, they will for the length of incarceration be restricted to certain work assignments, the lowest pay rates, and prohibited from employment at the prison industries. An inmate who resigns cannot change work status until re-enrollment in an educational program is initiated.**

**At the conclusion of the first 90 days, inmates can continue in the education program until the competency level or higher grades are reached. After the initial period, an inmate who has or is in the process of obtaining the minimum competency level must be given special consideration in determining his or her pay increases or eligibility for transfers to other job assignments. These inmates should also be qualified to be employed by prison industries.**

**Inmates who complete the 90 days of education, but do not attain the department's competency level, can choose to continue their participation in the program or drop out. Not reaching the minimum competency level reduces an inmate's earning power. Promotion and pay levels are to be determined by the Department of Correction, but should correlate with education competency and work skill.**

**The highest paying prison work assignments and/or prison industry jobs should be restricted to those inmates who have tested at or reached the department's competency level.**

**Preference for participation in the program should be given to youthful offenders, those under 21 years of age, in meeting the "child find" provisions of P.L. 94-142 and C.G.S. Section 10-76 (Special Education), and inmates nearest to release into the community. Consideration may be given to those inmates entered in the education program and nearing completion. Criteria can be focused on attendance records, grades and test scores, and class participation. In addition, the Department of Correction shall establish guidelines for inmates requiring special education or for those inmates physically or otherwise disabled.**

**Other incentives for continued participation and progress in educational programs should include: (1) pay with bonuses based on performance, (2) credits toward good time status, (3) graduation ceremonies and certificates, and (4) considerations for transfers, furloughs, work assignments, and work release programs.**

**It is further recommended that the Department of Correction report annually for a period of five years to the General Assembly, the committees of cognizance, and the Legislative Program Review and Investigations Committee on the implementation and operation of the required education program.**

A mandatory education model is one that several other states (Arkansas, the District of Columbia, Florida, Illinois, Kansas, Maryland, Michigan, Minnesota, Montana, Nebraska, New Mexico, Ohio, South Dakota, Tennessee, Texas, Vermont, Virginia, and the Federal Bureau of Prisons) have used in order to ensure inmate participation in education programs. Competency levels are set by the state correction system and participation is required until that level is reached. Currently, Connecticut does not have a mandated education program associated with the Department of Correction; all participation is voluntary.

This concern is not a new issue for Connecticut, in fact in the 1991 legislative session a bill was proposed regarding "the educational opportunities of prison inmates." This bill recommended that any inmate who did not have a high school diploma be required to complete "certain educational courses" before being eligible for parole or early release programs.

Opposition to the bill arose due to belief that the state had no right to force inmates, especially those 16 years and older, into education programs. It was argued this is not a requirement for those outside of correctional facilities, and furthermore that mandating such programs would only be detrimental and disruptive to those who could truly benefit from the Department of Correction's education programs.

It should be noted that state and federal courts have held that a correction system can force an inmate to work and, therefore, can require attendance at an educational program. Requiring an education does not violate any rights held by inmates, especially if options are provided and penalties for nonparticipation do not prove harmful.

Unlike this proposal, which acts as a caveat to achieving parole or participation in a release program, the program review committee recommendation is very specific and proposes that the educational program be used as an incentive and means for obtaining higher job pay levels and better work assignments.

**Mandatory education.** As established by Virginia's "No Read, No Release" program, the aims of a mandatory education program should be to: increase inmate functional literacy; improve inmate self-image; reduce the rate of recidivism; effect links between parole, literacy, and prison privileges; and prepare inmates to handle the basic activities of their daily lives. In addition to these goals, participation in a mandatory educational program as an incentive is practical in that inmates will be using their educational experience and status to compete for the highest paying jobs, the same type of competition that exist in the marketplace.

No state requires all of its adult inmate population to attend school. However, several states have mandatory components to their educational programs. They are: Arkansas, the District of Columbia, Florida, Illinois, Maryland, New Mexico, Nebraska,

Ohio, South Dakota, Tennessee, Texas, and Virginia. The Federal Prison System also has mandatory components within its educational programs. Eleven other states have seriously considered mandatory education, but kept their educational programs functioning on a voluntary basis.

The operation of mandatory programs varies by state with some notable similarities. States with mandatory programs report participation, or lack thereof, to their respective paroling authority. Most require participation in school for a specified time period and competency levels are set. The majority have established standards so that failure to spend a required number of days in the educational program or reach the mandated competency level usually reduces access to jobs and limits promotions and higher salary levels. Table VI-1 outlines details of various states' mandatory education programs.

These mandatory education programs require from 45 to 120 days of participation. Most programs have the disincentive of limiting inmates to the lowest pay grade level for not finishing at least a preliminary schooling period. Other states like Arkansas and New Mexico require school attendance until education standards are met. No state has made definite plans to extend the required period in which an inmate attends school.

Competency levels in reading, math, and basic education range from 5th grade to 12th grade, with 8th grade being the average. Most states with mandatory education intend to increase minimum levels as time passes to high school levels. Mandatory education programs were created to promote literacy and help prepare inmates for many of the basic activities of daily life. Furthermore, linking certain prison jobs and pay levels with competency levels helps prepare inmates for release into the community.

About 75 percent of the mandatory education programs have tied education to inmate jobs and pay. That is, the greater an inmate's functional literacy level, the greater the number of available job opportunities, as well as a greater possibility of promotion and pay increase.

It is important to note that although a state does not have a mandatory program, it may still have other components and educational incentives that reflect many of the same characteristics of a mandatory program. For example, Indiana, Kansas, Kentucky, Michigan, Missouri, Montana, and Vermont do not have mandated education programs. They do have strong disincentives for nonparticipation, such as using educational requirements as a means of assigning jobs and determining pay levels.

Table VI-1 Mandated Education And Mandated Literacy Programs Of Other States.

STATE	MANDATED PROGRAM	COMPETENCY LEVEL (GRADE)	PROGRAM LENGTH	AUTHORITY	PROGRAM INCENTIVES
AR	MLP	4.5 <small>(reached annually until exp. of 7)</small>	until comp. level is reached	administrative	<ul style="list-style-type: none"> <li>● 30 days extra Good-Time upon completion of GED</li> </ul>
WASH,DC	YES	8	120 days	legislative	<ul style="list-style-type: none"> <li>● higher paying jobs</li> <li>● prison industries</li> </ul>
FL	YES and MLP	9	150 hours	legislative	<ul style="list-style-type: none"> <li>● eligible for 6 additional days of gain-time</li> <li>● literacy certificates of completion</li> <li>● GED graduation ceremonies</li> </ul>
GA	NO	5			<ul style="list-style-type: none"> <li>● participation in education program reported to Parole Board</li> </ul>
IL	YES and MLP	6	45 days	administrative approved by leg.	<ul style="list-style-type: none"> <li>● eligible for higher paying jobs</li> <li>● priority given to work assignment requests</li> <li>● additional family visits</li> <li>● eligible for honor dorm &amp; preferred housing</li> </ul>
IN	NO	6		legislative	<ul style="list-style-type: none"> <li>● inmates must function at competency level to be eligible for work release program; transfers to minimum security facilities; or community release programs</li> </ul>
KS	MLP	6	until comp. level is reached	administrative	<ul style="list-style-type: none"> <li>● participation in education program makes inmate eligible for earliest possible parole hearing</li> <li>● 45 cents pay per day of attendance</li> </ul>
KY	NO				<ul style="list-style-type: none"> <li>● must have GED or completion of vocational training in a related field to participate in prison industries</li> </ul>
MD	YES and MLP	8	90 days	legislative	<ul style="list-style-type: none"> <li>● inmate job assignment pay</li> <li>● 5 extra days Gain-Time per month</li> <li>● academic progress reported to Parole Board</li> </ul>
MI	YES	6	No time limitations	administrative	<ul style="list-style-type: none"> <li>● must function at minimum competency level to be eligible for a paying job</li> <li>● participation in education program reported to Parole Board</li> <li>● participation in education program results in higher pay rates</li> </ul>
MIN	MLP	8	unknown	administrative	<ul style="list-style-type: none"> <li>● daily pay scale of \$2.10 (first month) to \$3.00 (after fifth month) based on attendance</li> <li>● inmates who refuse participation are barred from an Incentive Job Assignment</li> </ul>
MO	NO	8		legislative	<ul style="list-style-type: none"> <li>● inmate must function at 8th grade level to work in prison industries</li> </ul>
MT	MLP	10	until comp. level is reached	administrative	<ul style="list-style-type: none"> <li>● inmate job assignment pay</li> <li>● 13 days per month Gain-Time</li> <li>● academic progress reported to Parole Board</li> </ul>

Table VI-1. Mandated Education And Mandated Literacy Programs Of Other States

STATE	MANDATED PROGRAM	COMPETENCY LEVEL (GRADE)	PROGRAM LENGTH	AUTHORITY	PROGRAM INCENTIVES
NE	YES	6	until comp. level is reached	administrative	
NM	YES and MLP	7	90 days or until comp. level is reached	legislative	<ul style="list-style-type: none"> <li>● Gain-Time awarded on day-for-day basis predicated on attendance</li> <li>● refusal to participate results in ineligibility to receive pay for any job assignment</li> </ul>
OH	YES and MLP	6	90 days	administrative	<ul style="list-style-type: none"> <li>● \$18 per month job pay prorated on attendance</li> <li>● award of accrued sick leave to substitute for absence without reduction in pay</li> <li>● 3 extra days Gain-Time</li> <li>● elaborate graduation ceremonies</li> <li>● award embossed dictionary when 4.0 achievement is gained</li> </ul>
SD	YES	6	60 days	administrative	<ul style="list-style-type: none"> <li>● GED required to transfer to vocational unit and prison industries</li> <li>● higher paying jobs</li> </ul>
TN	YES	8	until comp. level is reached	legislative	<ul style="list-style-type: none"> <li>● cannot be paroled until achieve minimum comp. level</li> <li>● pay and promotional policies attached to school attendance</li> <li>● require high school or GED diploma to be promoted from lowest pay rate</li> <li>● participation in prison industries requires GED</li> </ul>
TX	YES and MLP	6	90 days or until comp. level is reached	administrative	<ul style="list-style-type: none"> <li>● Good-Time for successful participation</li> </ul>
VT*	YES	12 (GED)	3 hours per week	administrative	<ul style="list-style-type: none"> <li>● can hold a job for pay without a high school diploma as long as participating in education program</li> <li>● if inmate quits school, loses job</li> </ul>
VA	MLP	8	7.5 hours per week; unlimited length	administrative	<ul style="list-style-type: none"> <li>● good conduct allowance to advance Parole &amp; Release eligibility</li> <li>● academic progress reported to Parole Board</li> <li>● pay for attendance</li> <li>● certificates of completion</li> <li>● GED graduation ceremonies</li> </ul>
FEDERAL BUREAU OF PRISONS	YES and MLP	8	90 days or until competency level is reached	administrative	<ul style="list-style-type: none"> <li>● must reach comp. level to be promoted to Industry or Paying Jobs</li> <li>● must have GED for highest Paying Jobs</li> <li>● cash awards, certificates &amp; graduation ceremonies</li> <li>● academic progress reported to Parole Board</li> </ul>

MLP = Mandated Literacy Program.

\* Vermont's Literacy and Employment Policy applies only to inmates who want to work; program is voluntary.

Source: LPR&IC staff analysis, 1991.

Mandatory educational programs usually cover a broad range of studies similar to what is outlined for a general education degree preparatory course. Reading, math, science, social studies, and geography are taught. This type of program is slightly different from a mandatory literacy program (MLP), which has a narrow focus on achieving competency in basic reading and math skills. Some states combine both models and others make use of one or the other.

Several states have had considerable success with mandatory educational and literacy components in their systems. In Illinois, 840 inmates were enrolled in a literacy program during calendar year 1987. At the completion of the program (90 days), 40 percent scored above the sixth grade level, and 70 percent continued their education. More importantly, of those not scoring above the sixth grade level, 22 percent continued in the education program. During FY88, 663 Maryland inmates were enrolled in a mandatory education program, and more than half completed the program. Ninety percent of those inmates that completed the initial program continued their education.

Florida, where three-quarters (approximately 30,000) of the adult inmate population is functionally illiterate, has had considerable success with mandatory education. In FY90, 5,769 inmates completed the mandatory literacy program, and 42 percent of those elected to continue their literacy training beyond the required period. It is important to note that a large part of the success of the programs in Illinois, Maryland, and Florida was due to the various incentives offered to inmates to enroll and participate.

**Connecticut.** As shown in Table IV-6 in Chapter IV of this report, 84 percent of the inmates enrolled in the education program participate for 90 days or less. The initial three-month period is critical in that the largest number of the inmates are in the classrooms. At this point, incentives to remain past 90 days must be offered. This recommendation will offer inmates incentives to continue with their education.

### **Addiction Services**

Almost all inmates (80 percent) in the Connecticut system have a substance abuse problem, either individually or within their families. Drug or alcohol problems must be addressed before an inmate can direct attention toward education or work experience. The possibility of an inmate returning to the addiction once released are increased if no treatment is received, even with education and work experience.

The department does not mandate addiction services for inmates. However, DOC is not prohibited from providing incentives for participating in rehabilitation treatment. Including addiction services as part of the qualifications for employment at prison industries creates that incentive.

Therefore, the Legislative Program Review and Investigations Committee recommends that any inmate identified through the department's classification process as a substance abuser actively participate in addiction services to become eligible for employment by Connecticut Correctional Enterprises. The type, length, and frequency of treatment will be determined by the Addiction Services Division. The inmate must also meet the educational requirements previously recommended.

### **Prison Industries**

The primary concern in corrections is inmate idleness, and throughout the committee's review of the Department of Correction it was evident that inmate participation in programs is very low. Several different reasons were discussed earlier in this report, including the voluntary nature of participation, overcrowding, lack of incentives for inmates, and programs that do not provide useful or marketable training and experience.

There are no simple solutions to low participation by inmates, and it is doubtful any resolution will result in all or most of the inmate population joining in the programming. The goal must be to increase the number of inmates enrolled each year. One of the best opportunities for success lies in providing productive employment for inmates within prisons. Productive employment tied to education and addiction services offers the best hope for returning the inmate to society as a useful contributor.

The Legislative Program Review and Investigations Committee recommends the following reorganization of prison industries within the Connecticut correctional system.

The program review committee recommends the Department of Correction establish a unified prison industry, referred to as Connecticut Correctional (ConnCorr) Enterprises, Inc., as a quasi-public agency based on the Connecticut General Statutes, Sections 1-120 through 1-125. ConnCorr Enterprises, Inc. will be a wholly owned, nonstock, nonappropriated government corporation.

ConnCorr Enterprises will be governed by a board of seven directors. The membership will include the commissioner of the Department of Correction, the attorney general or his or her designee, the commissioner of the Department of Public Works or his or her designee, and four members from the private sector who have knowledge and experience in the fields of business, manufacturing, finance, and marketing, to be appointed by the governor. The terms of the four private sector members will be coterminous with the governor.

The commissioner of the Department of Correction shall have sole authority on decisions with regard to inmate custody and control and institutional security.

**There will be a director of Connecticut Correctional Enterprises, appointed by the board of directors, who shall report directly to the board.**

**The powers of Connecticut Correctional Enterprises shall be vested in and exercised by a board of directors. The board of directors may delegate to three or more board members, at least one of whom shall be a nonstate employee, such powers and duties that the full board of directors may deem proper. The board can create any advisory committee it deems necessary to provide assistance.**

**The Connecticut Correctional Enterprises board of directors shall adopt written procedures for:**

- **an annual budget and a plan of operations that, at a minimum, require the board's approval before they become effective;**
- **hiring, dismissing, promoting, and compensating staff, and such procedures and policies as shall require board approval before a position can be created or a vacancy filled;**
- **acquiring real and personal property and personal services, and such procedures as shall, at a minimum, require the board to approve all expenditures in excess of \$5,000;**
- **obtaining professional services, such as financial advisors, legal counsel, and auditors, and at a minimum such procedures as shall require Connecticut Correctional Enterprises to solicit proposals at least every three years for each service it uses; and**
- **using surplus funds.**

**The purpose of Connecticut Correctional Enterprises will be to: stimulate and encourage the development of new products and industries by providing capital, space, materials, and labor; achieve improvement in the quality of products and services; train and employ qualified inmates within the state's correctional institutions; and recruit private sector business, nonprofit organizations, municipalities, and state agencies to choose qualified inmates as a source of labor. For these purposes ConnCorr Enterprises has the following powers:**

- **to adopt an official seal;**

- to sue and be sued, plead and be impleaded;
- to charge and collect fees for its services and products;
- to receive and accept aid or contributions including money, property, labor, and other things of value from any source;
- to conduct quarterly progress reviews;
- to develop a standard policy and procedures manual;
- to review and reconfirm purchasing practices;
- to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under its enabling legislation -- including such professional services as financial consultants and technical specialists as the board deems necessary;
- to invest any funds not needed for immediate use or disbursement -- including reserve funds -- in obligations issued or guaranteed by the United States of America or the State of Connecticut and in other obligations that are legal investments for savings banks in this state;
- to employ such staff as it deems necessary and fix their qualifications, duties, and compensation;
- to borrow money to the extent permitted by statute;
- to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;
- to account for and audit funds of the corporation;

- to recommend goals for technological development within correctional institutions and to establish policies and strategies for attracting private companies to Connecticut Correctional Enterprises; and
- to establish and adopt regular procedures for exercising its power under its enabling legislation not in conflict with existing statutes.

Connecticut Correctional Enterprises, Inc. will be required, pursuant to Connecticut General Statutes Section 1-122, to annually contract with any person, firm, or corporation for a compliance audit of its activities for the fiscal year. The audit will determine Connecticut Correctional Enterprises' compliance with its regulations concerning affirmative action, personnel practices, the purchase of goods and services, the use of surplus funds, and the distribution of loans, grants, and other financial assistance. The board of directors will submit the audit report to the governor, the auditors of public accounts, the Department of Correction, and the joint standing committee of the General Assembly having cognizance of matters relating to Connecticut Correctional Enterprises.

There are several objectives of Connecticut Correctional Enterprises - to reduce inmate idleness, increase correctional staff and inmate safety, provide training and work experience, increase an inmate's sense of self-worth, and benefit the public by inmate contributions toward the cost of confinement. The mission of the program will be to employ and train inmates. While the industries will operate like a business, it will not be charged with maximizing profits. In fact, as a correctional program, prison industries will have to confront built-in business inefficiencies, such as state procurement regulations, labor-intensive production, the inability to control the size of its work force, and work interruptions and inmate transfers for correctional purposes.

It would be counter-productive if prison industries focused solely on the goals of private sector business. Operating like private businesses would lead to major changes in operations, employment of fewer inmates, and reduced training. For example, production must be labor-intensive so that as many inmates as possible can be put to work. Also, prison industries relies on an unskilled labor pool. The goals are to provide work for inmates, instill a work ethic in individuals with little past work experience or training, and to teach inmates skills to prepare them for return to the community.

#### PREP study

The Federal Bureau of Prisons conducted an analysis of the impact of training and prison industry programs on inmates during their incarceration and after their

release from prison. The inmates were first remanded to halfway house settings and then into the community. The study was called Post Release Employment Project (PREP) and included two groups of inmates: those who participated in training and industry employment and those who did not.

From 1983 through 1987, data were collected on more than 7,000 federal inmates. Of those inmates participating in programs, approximately 57 percent had work experience exclusively with UNICOR, the bureau's prison industry program, and 19 percent had a combination of UNICOR experience, vocational training, or apprenticeship training. The remaining 24 percent had no UNICOR experience, but had some combination of vocational or apprenticeship training. Based on a set of matching variables, comparison inmates were selected who were released in the same time frame, but who had not participated in either work or training.

**Institutional adjustment.** One of the issues addressed by the PREP study was the inmates' behavior while incarcerated. The inmates who participated in the UNICOR, training, or apprenticeship programs were less likely to receive misconduct reports, and when they did, it was usually for a minor offense. These inmates were also rated by correctional staff to have a higher level of responsibility than those inmates not involved in a program. An inmate's level of responsibility referred to the level of dependability, financial responsibility, and the nature of the interaction with staff and other inmates.

**Halfway house outcomes.** The Federal Bureau of Prisons releases qualified inmates from prison to halfway houses. This provides inmates with an opportunity prior to the end of their imprisonment to work in the community. This is also the first opportunity to recidivate. The PREP study showed that, at the point of halfway house release, the inmates who participated in training and industry and those who did not were equally likely to successfully complete their stay (84 percent versus 83 percent). However, the inmates with training and work experience worked slightly more days per week than the untrained inmates. On average, they worked 3.49 days per week, while the untrained inmates worked 3.16 days.

The inmates who participated in training and work programs usually left their longest held job for a better job, even though 8 percent were fired and 24 percent were laid off. The comparison inmates were more likely to quit their jobs for reasons other than a better job.

**Post-release outcomes.** Once released into the community, the inmates in the PREP study were contacted at 6- and 12-month intervals, monthly information was also collected. At both the 6- and 12-month follow-up contacts, the inmates with training and work experience obtained while in prison were less likely to be revoked from community supervision for parole violation or new offenses. Furthermore, the inmates who participated exclusively in UNICOR had significantly more success in the

community and were less likely to recidivate. Only 7 percent of the inmates who participated in programs had their community release revoked.

The follow-up contacts also showed that inmates with training and work experience were more likely to be employed in any of the 12 months following their release into the community. At the end of this period, these inmates earned an average of \$200 per month more in wages than the untrained inmates.

The PREP study found that UNICOR work experience and vocational training increases the likelihood of post-release success for inmates. These inmates showed better adjustment, were less likely to recidivate at the end of their first year back in the community, and earned slightly more money than inmates who did not participate in work and vocational training programs.

## **UNICOR**

In developing the Connecticut Correctional Enterprises recommendation, the committee reviewed prison industry models from other states as well as the federal Bureau of Prisons' UNICOR operation. Staff also toured the UNICOR shops at the Danbury Federal Prison. UNICOR is the model for Connecticut Correctional Enterprises.

UNICOR was created by Congress in 1934 as a wholly owned government corporation to sell solely to the federal government. The corporation is governed by by-laws and statutes (18 U.S.C. 4121-4129), and managed by prison professionals.

**Board of directors.** The corporation is governed by a six-person board of directors appointed by the president of the United States. The board's membership includes representatives from industry, labor, agriculture, retailers, consumers, the United States attorney general, and the secretary of defense. Recognizing the potential for friction between prison industries and private industry and labor, Congress created the board as a bridge between employing inmates and being responsive to the impact on the private sector.

The role of the board of directors is mandated to provide expertise and guidance to UNICOR so that it can best accomplish its mission of employing inmates, without unduly impacting any one private industry. The by-laws set-out 11 specific functions of the board, including the following:

- responsibility for general policies and long-range corporate plans;

- establishment of new industries (during 1990, the board approved four and denied two requests to add products);
- approval of capital investments in excess of \$500,000;
- establishment of pricing policy;
- providing annual reports to Congress; and
- general responsibility for the industrial process that must be followed before producing new products or expanding production.

The board is required to meet semi-annually but, in fact, has met at least quarterly with corporate management. UNICOR board members are not paid. The board is separate and distinct from corporate management.

**Management.** UNICOR is a component of the Federal Bureau of Prisons and, as such, its daily operation is overseen by the bureau. The director of the Bureau of Prisons is the chief executive officer of UNICOR, but does not sit on the board of directors.

In 1989, UNICOR implemented a new approach to the administration of prison industries, which specified that the corporation management is responsible for developing and ensuring compliance with policy and standards within the prisons. Corporate management consists of the assistant director for the Industries, Education and Training Division; deputy assistant directors; and the general counsel.

The responsibilities of corporate management include, but are not limited to, the following:

- develop mission and philosophy of UNICOR;
- set corporate sales levels and strategic objectives to provide guidance for development of marketing, business, and production plans, and approve all such plans;
- ensure communication with institutions' staff, Congress, trade associations, board of directors, and executive staff;

- formulate, approve, and implement corporate policy and standards;
- review performance measures and key indicators to ensure compliance with policy, standards, and plans;
- attend monthly sales and operations meetings;
- manage the corporation's resource allocation (products, capital, equipment, and personnel); and
- supervise the product and support divisions.

Institution management is responsible for the supervision of staff and daily operation of factories and business offices.

**Procedures.** UNICOR was developed to allow expansion as the inmate population increases. For example, in 1988, Congress gave UNICOR the authority to borrow money from the United States Treasury for its capital expansion needs. UNICOR is required to adhere to stringent product development guidelines. This authority was sought due to the tremendous inmate population growth expected over the next several years.

The guidelines also contain a provision for negotiating between prison industry and private sector a reasonable market share. In the event the negotiation fails, a hearing is held before the UNICOR board of directors. The board makes the final decision to allow the industry to produce the good.

UNICOR is required by statute to be diversified so as not to have undo impact an any one private sector industry. To meet this mandate, the product lines are managed under several divisions as follows:

- woods/furniture;
- electronics/optics/plastics;
- textiles;
- metals; and
- graphics/office services.

The federal prison industries offers for sale more than 250 different products. UNICOR manufacturers mattresses, military clothing, sheets, towels, pajamas, gloves, electronic cable assemblies, helmets, printing services, signage, data input services, wood office furniture, systems furniture, metal lockers, pallet racking, and seating products. Inmates also are employed by UNICOR's business offices.

**Operations.** During 1990, federal prison industries employed 13,724 inmates, an increase from 1989 when 13,298 inmates worked for UNICOR. The industries program employs approximately 26 percent of the total inmate population. Sales for 1990 were over \$343 million, down from \$361 million in 1989. Even with the decrease, attributed to a general slowdown and government cuts, UNICOR generated sufficient earnings to have some funds invested in mandated future growth programs.

UNICOR manages 70 separate local operations. These decentralized facilities operate like small business with regard to procurement of supplies and components. Each operation averages \$4,500,000 in sales and employs fewer than 200 inmates per factory.

The Department of Defense is the industry's largest customer, representing 50 percent of its sales. Other major customers include the General Services Administration, the Postal Service, the Veterans Administration, and the Social Security Administration. The federal statutes include a government use law that requires federal agencies to purchase UNICOR goods.

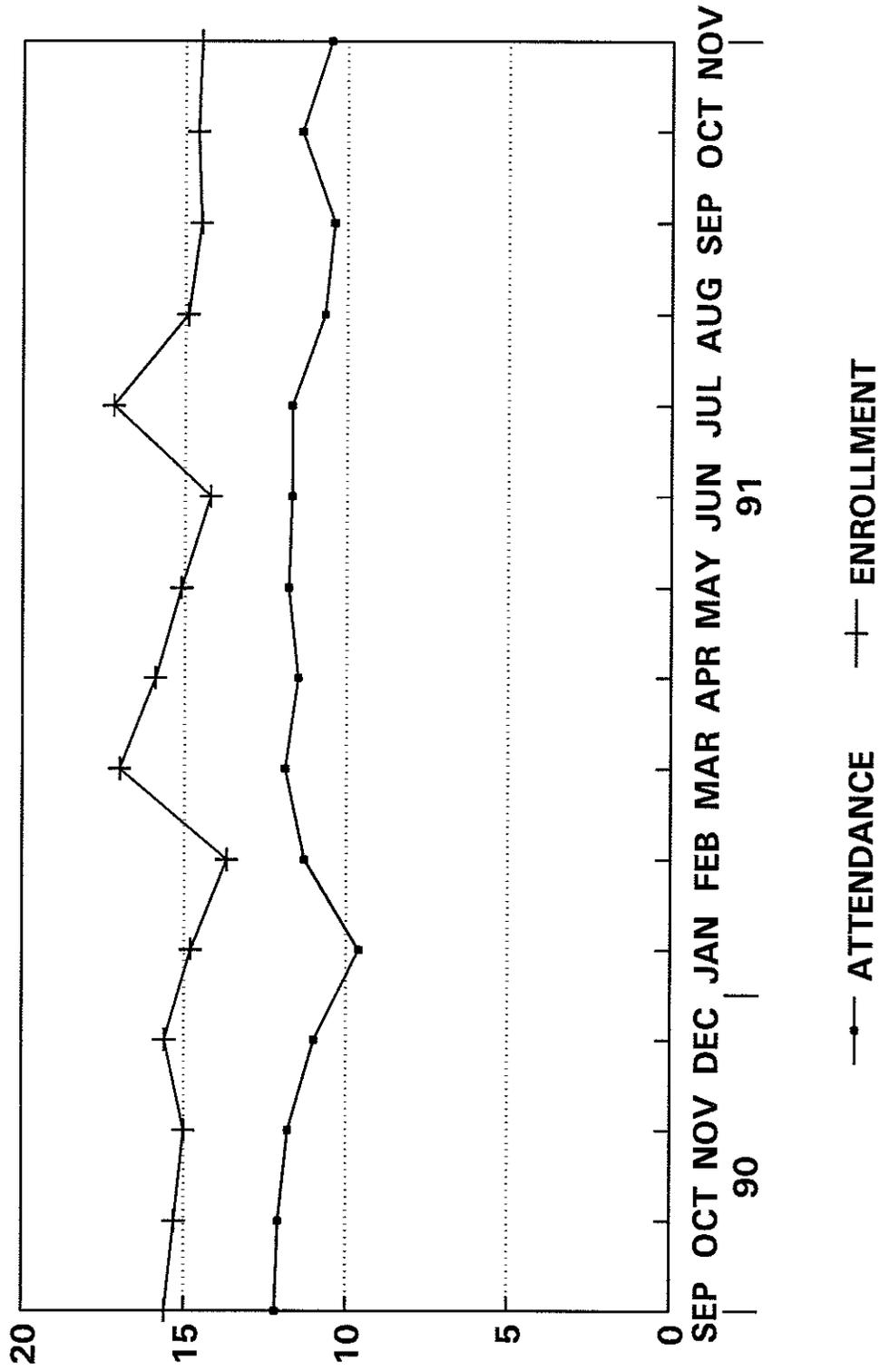
As stated throughout the committee's review of the Department of Correction, prison overcrowding is a serious problem. Overcrowding taxes staff and facilities beyond capabilities; endangers prison security; places staff and inmates in environmentally unsafe and potentially life-threatening conditions; and jeopardizes public safety. To counteract the effects of overcrowding, it is essential that an active and productive work program be offered. Employment, particularly industrial jobs, can help to alter the adverse impact of overcrowding in prisons. The Federal Bureau of Prisons' primary management tool in counteracting overcrowding is its prison industry program. UNICOR acts as a safety valve by keeping inmates busy with productive, compensatable work.

Connecticut Correctional Enterprises can be an effective management tool for the Department of Correction. It will also serve as the link between work and education, and provide inmates with the training and education skills that will assist in their release from prison. The incentives of marketable training, better work assignment, higher pay, and any others deemed appropriate by the department, will increase participation in education and addiction services programs.

**APPENDIX A**

**EDUCATION PROGRAM:  
ENROLLMENT AND ATTENDANCE GRAPHS**

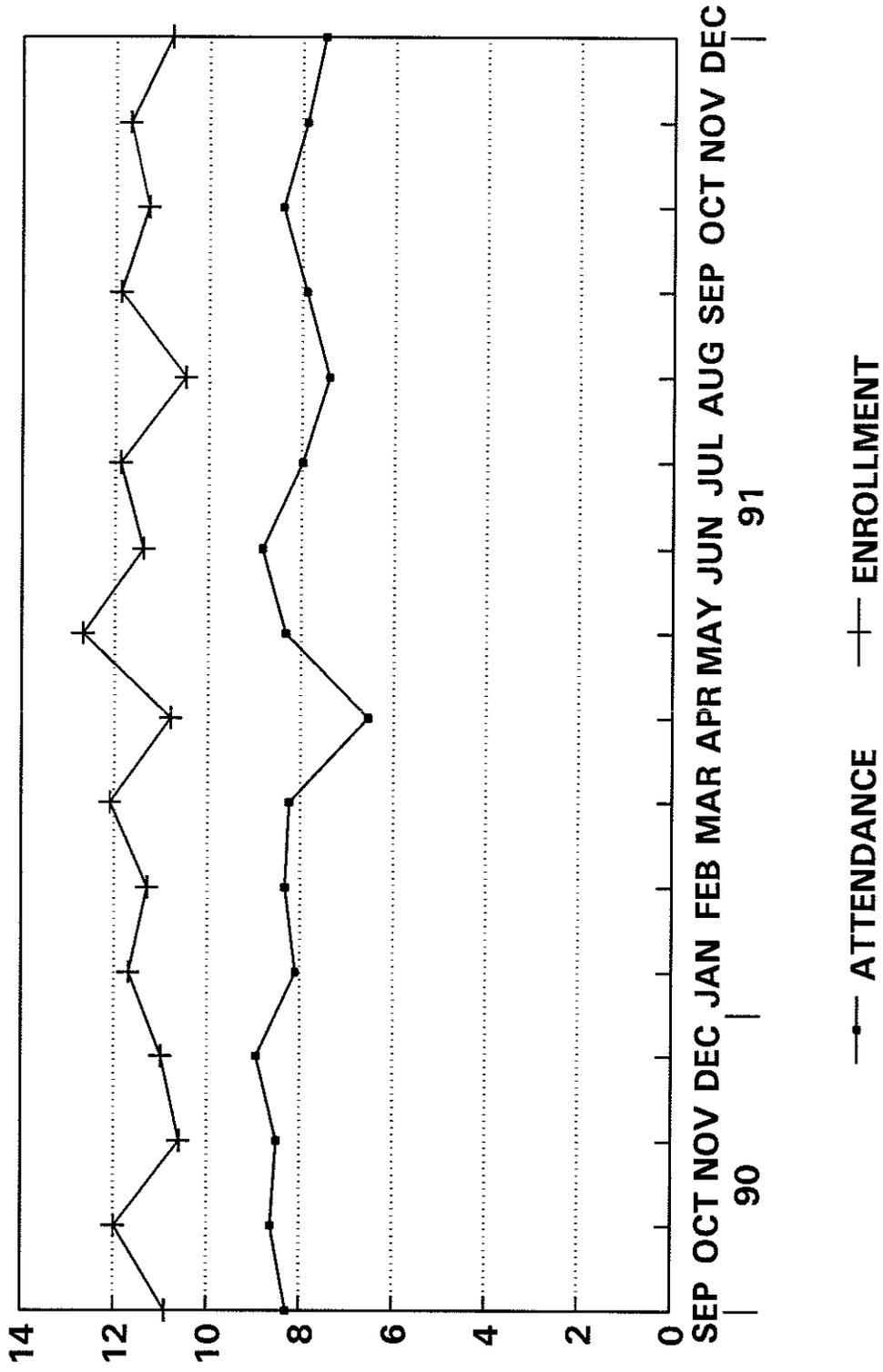
# AVG.DAILY ATTENDANCE & TOTAL ENROLLMENT CARL ROBINSON PRISON





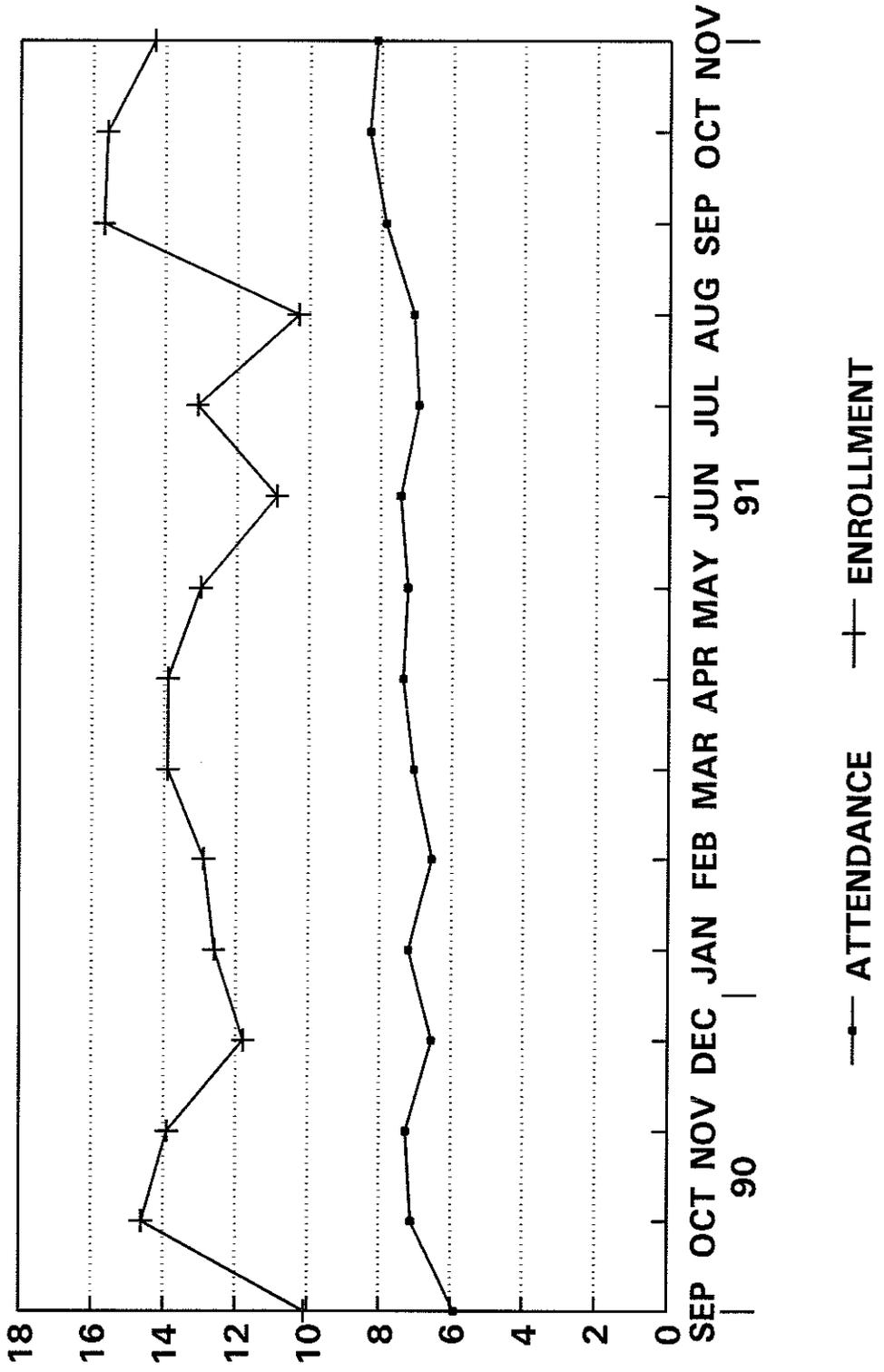
# AVG. DAILY ATTENDANCE & TOTAL ENROLLMENT

## ENFIELD PRISON

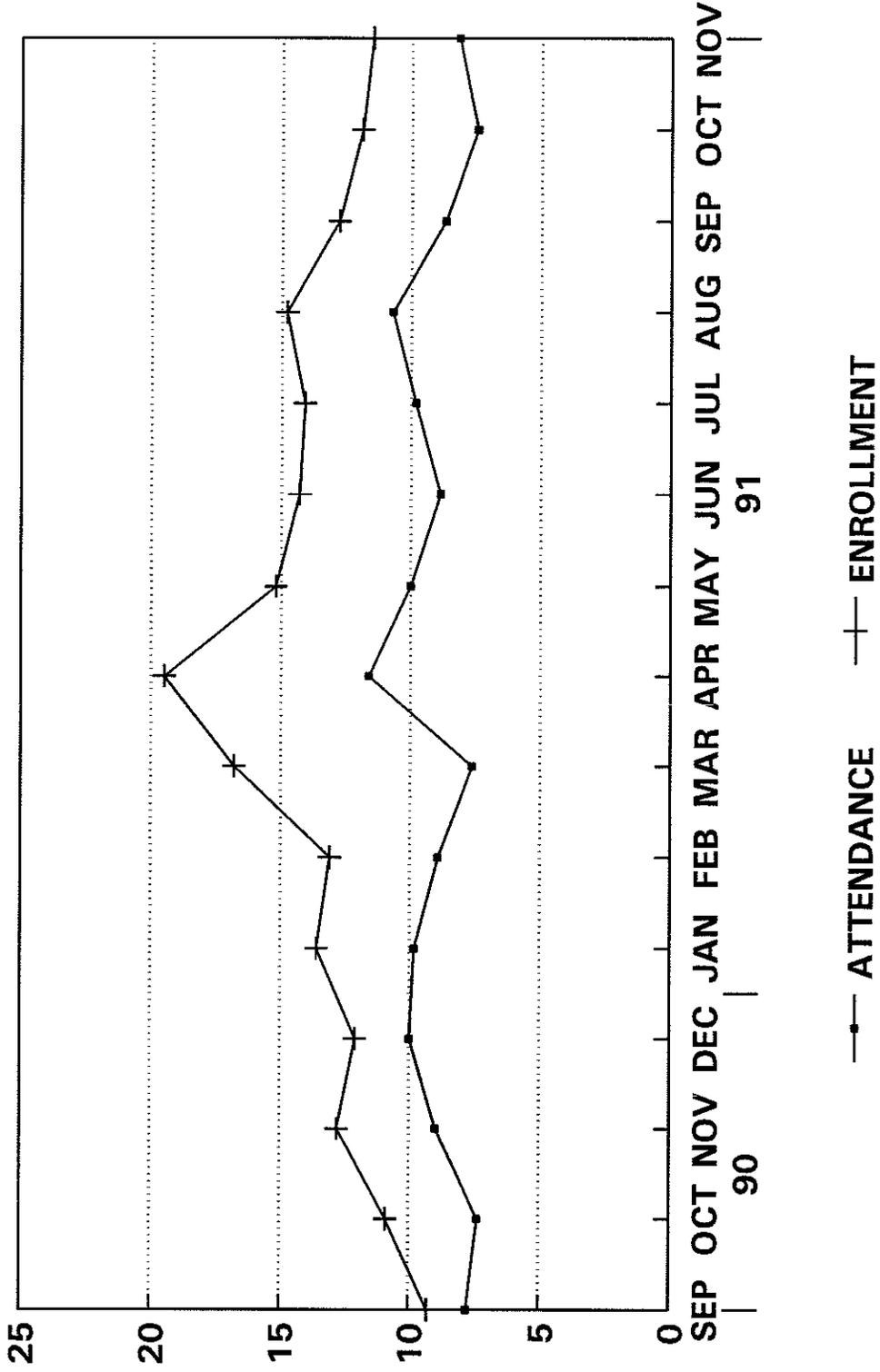


# AVG. DAILY ATTENDANCE & TOTAL ENROLLMENT

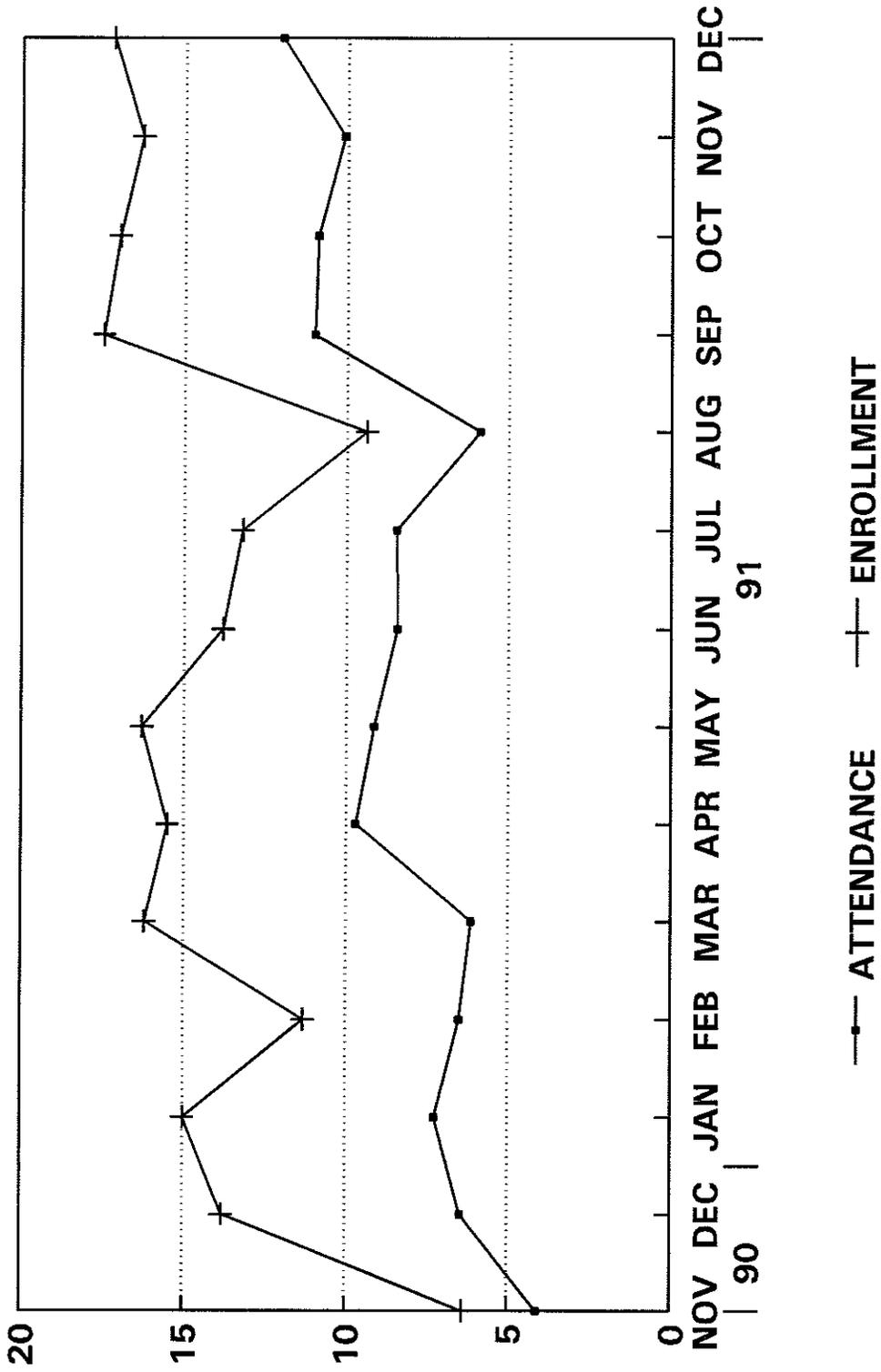
## NIANTIC & GATES PRISONS



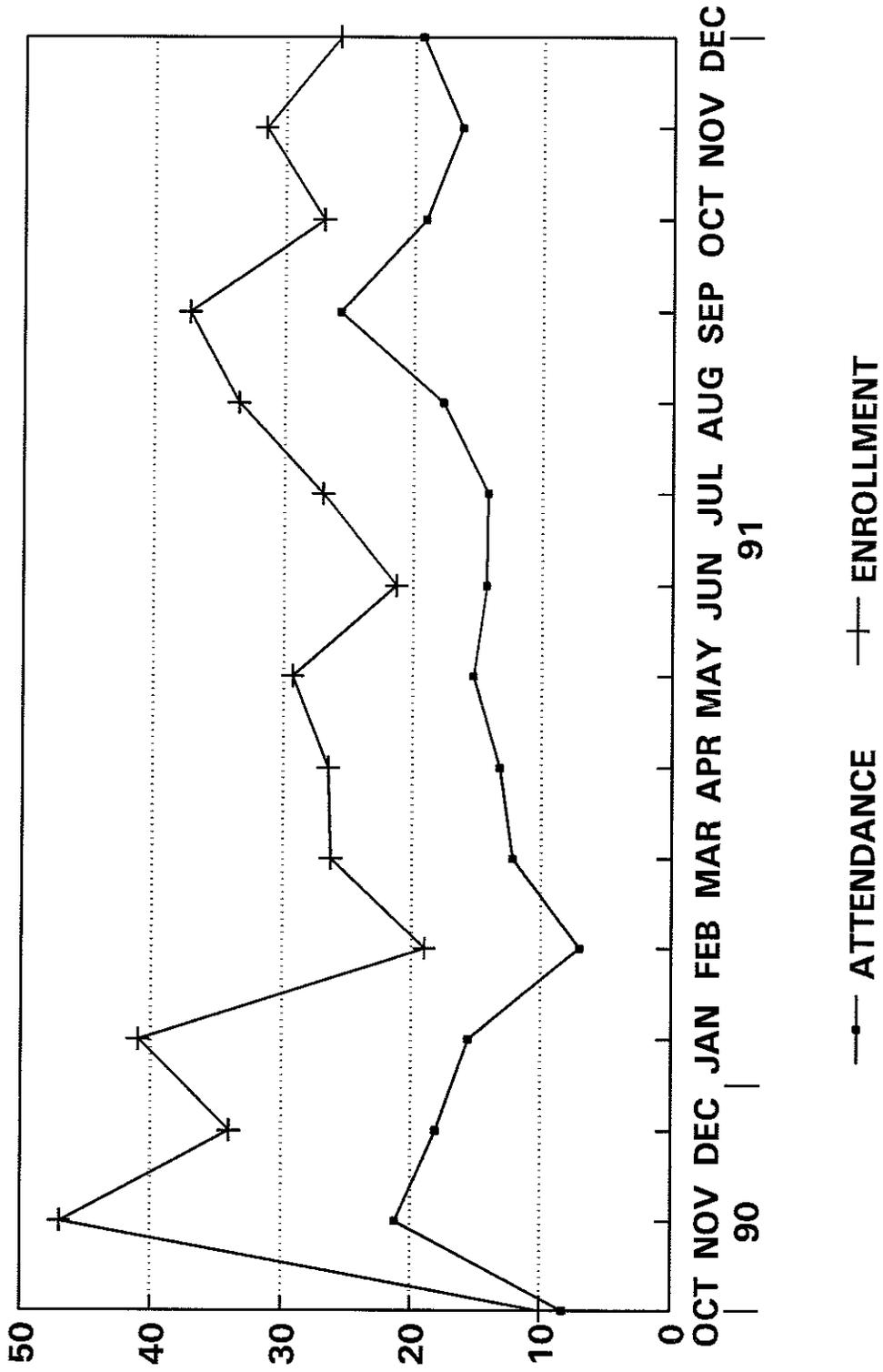
# AVG. DAILY ATTENDANCE & TOTAL ENROLLMENT SOMERS



# AVG.DAILY ATTENDANCE & TOTAL ENROLLMENT WEBSTER PRISON



# AVG.DAILY ATTENDANCE & TOTAL ENROLLMENT WILLARD PRISON



**APPENDIX B**  
**AGENCY RESPONSE**



# STATE OF CONNECTICUT

## DEPARTMENT OF CORRECTION

340 CAPITOL AVENUE  
HARTFORD, CONNECTICUT 06106

LOWELL P. WEICKER, Jr.  
GOVERNOR

LARRY R. MEACHUM  
COMMISSIONER

February 6, 1992

Legislative Program Review & Investigations Committee  
State Capitol - Room 506  
Hartford, CT. 06106  
c/o Renee La Mark Muir, Associate Analyst

Dear Ms. Muir:

This is to acknowledge receipt of and respond to the Legislative Program Review and Investigations Committee final report of Department of Correction Inmate Privileges and Programs.

On January 2, 1992, this agency responded to your draft report on Inmate Privileges and Programs. As the findings and recommendations contained in the Final Report are virtually the same as in the draft copy, our analysis continues to accurately reflect the Department of Corrections' position. (Attachment A).

Since we have had the additional time to reflect on your recommendations, we would like to comment further on various elements of the report.

Paragraph 1, p. i, "All sentenced inmates should be tested at the departments' reception center". It should be pointed out that only those offenders sentenced to greater than one (1) year will be sent to the Intake Center. Offenders serving less than one (1) year, and pre-trial inmates, will continue to be incarcerated at the correctional centers.

Paragraph 5, p. ii, "Not reaching the minimum competency level reduces an inmates earning power. Promotion and pay levels are to be determined... should correlate with education competency and work skill." While we agree that educational competency may be a factor, we would argue that productivity, longevity, and other performance measures should continue to be the principal criteria for "earning power".

Paragraph 8, p. ii, "...incentives...include.. 2) credits toward good time status, and 4) consideration for transfers, work release programs." Inmates currently receive five (5) day credit for attending school. Consideration for "rewards" must be consistent with the inmate classification system and based upon time remaining and nature of the offense.

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Paragraph 12, p. iii, "The membership will include the Commissioner of Correction...". A designee is authorized for each of the other members of the board. This same flexibility should be extended to the Commissioner of Correction.

Paragraph 17, p. iv, The purpose of Connecticut Correctional Industries will be to: stimulate and encourage the development of..." We believe that the goals articulated can be accomplished through the current industries structure. The Department has recently developed an Industries Business Plan and is moving toward implementation. This plan is consistent with many of the Thomas Commission recommendations. Whether Industries remains in its present form or becomes a quasi-public agency, the critical issue remains as to market availability in the present economy.

Chapter III, Inmate Privileges, p. 29, "The use of a television, radio, and television, visitation... are inmate rights that have been interpreted and manifested as privileges." We would strongly urge a cautionary note with regard to this type of language, and argue that these privileges while not inconsistent with various constitutional rights are "privileges" as opposed to "rights".

This type of potentially problematic statement is contained throughout the document. For example, p. 15, "In addition, DOC is responsible for the Board of Parole and Probation services." The Board of Parole and Adult Probation are two (2) separate entities. The Board of Parole is under the DOC for administrative purposes only.

p. 16, "Specifically, the statutes require that the Dept..." The statute in fact does not "require" but "authorizes" the Department. There is a distinct difference.

p. 28, "For the purpose of analysis, these inmate rights (e.g. religious services) are unconditional." This is definitely not true. For example, if a religious activity causes a threat to the safety and security of a facility, the Department is perfectly within its right to preclude such activity.

The point is that any definitive statements or recommended changes must be carefully crafted to ensure that we do not establish a right where one currently does not exist.

In line with this rationale, we believe that by prescribing education and addiction services treatment the State could be establishing a legal "entitlement" for inmates in which the Department would be required to provide these services and housing for such services regardless of our ability to do so given finite resources. This, in turn, could result in costly law suits emanating from inmates contesting that they have not received their "entitlements".

Additionally, prison education in Connecticut is founded on the belief that

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incarcerated adults should be given an opportunity to maximize academic pre-vocational and vocational skills while recognizing that other benefits, including improved self-image, sound values and goal-setting toward self-improvements are inherent.

Such benefits are an integral part of the recruitment process for all schools in the system as are the efforts of each teacher to retain each student enrolled. The loss of students is almost exclusively attributable to external forces; transfers, disciplinary issues, discharges, bail reduction, etc.

The fundamental tenants of adult education require a voluntary investment and commitment on the part of the adult learner. No alternative high school nor adult basic education program currently operating in the State of Connecticut mandates attendance for anyone over the age of sixteen (16). The non-mandatory option is a fundamental program criterion born of a realistic philosophy which promotes the belief that attempts to coerce adults into learning are fruitless if not counter-productive. Such a belief is further supported in state statute which endorses mandatory education only to age sixteen (16).

The contemporary Connecticut experience in prison education avoids the coercive model for these reasons. Currently, the agency schools are, and have been, full. An average of three (3) to four (4) institutions experience waiting lists of inmates trying to enter schools each month. These facts indicate that: many inmates recognize the need for education; a sufficient level of incentives are in place; and school services and space are at a premium in each facility.

To endorse mandatory education across the board is to severely increase a financial commitment in an era where such action is contra-indicated. Displacing voluntary students with those mandated to "do time" in school for ninety (90) days is likewise, antithetical to sound education practice and those principles of rehabilitation directed toward the belief that no one can be required, forced or coerced into changing behavior, attitudes and values.

Issue 1:

The ninety (90) day mandated school recommendation will serve only to "push out" at the other end of the education system those students currently enrolled - unless more staff and more space is available.

Issue 2:

Precluding inmates who opt out of school from working in Prison Industries effects the population of Cheshire, Enfield, Niantic, Somers and Robinson only. It has no effect for instance, on the major target group of education, that being the under twenty-one (21) population at MYI.

Issue 3:

Preference is given to the under 21 year old population. P.L. 94-142 and C.G.S. 10-76 are applicable only to those who may be educationally handicapped

Legislative Program Review & Investigations Committee

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and are not applicable to this entire age range. Contrary to the recommendation, the Department already has in place comprehensive special education guidelines, which, incidentally were cited for commendation by the State Department of Education in June of 1990.

Issue 4:

The School District already pays a bonus for school, credits good time status, holds graduation ceremonies, (more in the past year than even in the history of the agency), and does consider performance when making decisions relative to transfers, furloughs, work assignments and work release opportunities.

Issues 5:

Certain highly skilled jobs in institutions have education requirements as do some of the vocational training programs: e.g. Optics, Computer Applications, Dental Lab and the Building Maintenance Program at Somers. For instance, an inmate cannot enroll in the Building Maintenance Program without a high school diploma or equivalency, and cannot be considered for a high paying job in the skill area of plumbing, electrical, maintenance, etc. until he has successfully completed the relevant course work modules in the Building Maintenance Program. These standards have been implemented at Somers because the long-term sentences at this facility provide for a realistic environment in which program prerequisites, mandatory standards and incentives can be consistently implemented without the constant specter of release and transfers rendering such options impotent.

I believe that these comments, taken in concert with our previous communications, reflect our most compelling concerns relative to the Report.

As always, I remain available to discuss any of the issues with you and your staff. Please advise if any further information is required.

Sincerely,

  
Larry R. Meachum  
Commissioner  
27-92

LRM:lao