

Approved: 2/4/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:00 a.m. on January 20, 1994 in Room 514-S of the Capitol.

All members were present except: Senator Parkinson (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Walter N. Wharton, Administrator, Labette Correctional Conservation Camp
Helen Jones, Chairperson, Labette County Correctional Advisory Board
Judge Charles Sell, Chairperson, Labette County Correctional Administrative Board
Sheriff Tom Bringle, Contract Monitor, Member of Advisory and Administrative Boards
Bob Forer, Labette County Attorney, Member of Advisory and Administrative Boards
E. Jay Greeno, Chief Public Defender, Sedgwick County
Gary Stotts, Secretary, Department of Corrections

Others attending: See attached list

A motion was made by Senator Vancrum, seconded by Senator Emert to introduce a bill "concerning costs of collection including attorney's fees' authorizing recovery thereof, with limits in consumer transactions including disclosure requirements.." (Attachement No. 1). The motion carried.

Chairman Moran introduced the conferees from Labette Correctional Conservation Camp. Mr. Walter N. Wharton, Administration provided testimony on the camp (Attachment No. 2) and answered questions from the Committee.

Mr. Wharton stated Labette Correctional Conservation Camp is a 104 bed, minimum security facility located at Oswego, Kansas. The camp opened on March 25, 1991. Mr. Wharton said the facility is self-sufficient with the exception of medical services which are contracted. The camp is owned and operated by Labette County and under contract to the State of Kansas, Department of Corrections. Services to be provided are set out in the basic contract by KDOC Statement of Standards and Comprehensive Plan developed by Labette County. He said LCC Camp is managed by Correctional Services Group, Kansas City, Missouri and Correction Management Affiliates, Nashville, Tennessee which provide staffing and management of the program and facility. Labette County Correctional Advisory Board and Administrative Board oversee the operations. Mr. Wharton said the population at this time is 60 inmates. Inmate referrals to the facility are at the discretion of the courts. Mr. Wharton stated there had been marketing from conception, however, one judge advised it was "cruel and unusual punishment" to make force inmates to wear combat boots.

Current criteria for the LCCC is: 1) up to five felony offenses; 2) age 16 to 27 years; 3) physically and mentally fit; 4) no record of violent crimes, simple assault/battery excluded; 5) no prior incarceration in adult penal institution; and 5) free from contagious or communicable diseases. Mr. Wharton referred to page 5 of his testimony regarding a waiver process under which an individual that does not meet the above criteria may be waived into the program. He stated follow-up was a major concern and should be addressed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on January 20, 1994.

Jay Greeno, Chief Public Defender of Sedgwick County provided testimony in favor of the boot camp. He stated the greatest changes he has seen in inmates coming out of the boot camp are they are physically fit and they have a different attitude. He said they have a sense of hope and a sense of self-worth upon completing the program. Mr. Greeno recommended the camp continue and perhaps be expanded in the near future. He classified the typical inmate as one who was disadvantaged, lower socioeconomic background, not much hope for the future, no high school education, and usually a drug offender. He expressed concern that the inmates are placed back into the same environment from which they came upon release with an insufficient program of follow-up.

Staff provided the Committee "An Evaluation of Shock Incarceration in Louisiana" report (Attachment No. 3) which provided an evaluation and statistics of various boot camp facilities.

It was requested Court Services and Chief Justice address the Committee concerning the issues of non-participation by judges in assigning inmates to the boot camp.

Senator Moran requested the conferees from Labettee Correctional Conservation Camp stay for an afternoon meeting. The time will be upon adjournment of the Senate. The location will be announced on the Senate floor.

A motion was made by Senator Vancrum and seconded by Senator Bond that the minutes of the January 11, 12 and 13 Senate Judiciary Committee be approved. The motion carried.

Meeting adjourned at 11:00 a.m.

Afternoon Session

Chairman Moran called the meeting to order at 3:00 p.m. Mr. Walter N. Wharton began his testimony with relating a typical day at Labettee Correctional Conservation Camp commencing with reveille at 5:00 a.m. Throughout the day the inmates were expected to do physical training, clean their barracks, study for GED and participate in work detail. There are opportunities in the evening for various classes and a time for personal needs. Lights are out at 10:00 p.m. Mr. Wharton addressed the issues of per diem, health services and funding for the boot camp and answered questions by the Committee. He stated the Department of Corrections paid Labettee County who hold the funds until bills are received from LCCC. Administrator Wharton stated 78 percent of those nominated to the camp were actually admitted. The other conferees from LCCC were available to answer questions from the Committee.

Gary Stotts, Secretary, Department of Corrections provided written testimony on Labettee Correctional Conservation Camp to include statutory authority, contract provisions, role of Department of Corrections, a summary of appropriations (Attachment No. 4) and answered questions from the Committee.

Chairman Moran invited the conferees to submit suggested changes that would make the facility operate more efficiently.

Chairman Moran announced to the Committee hearings would continue tomorrow morning on boot camps and would include Steve Phillips, Probation Facilities, Georgia Department of Corrections.

The meeting adjourned at 3:40 p.m.

The next meeting is scheduled for January 21, 1994 upon adjournment of Senate.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 1/20/94
10:00 A.M.

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
JIM KEELE	PAOLA	BLE
TERRY CAMPBELL	LEAVENWORTH	CLARENCE M. KELLEY & ASSOC.
KEVIN WALKER	SENATE PRESIDENT'S OFFICE	
Patrick Murphy	Topoka	
HAROLD PITTS	Topoka	AAKP-ECTF
Jim McBride	Topoka	observer
E. JAY GREENO	Wichita	Sedgwick Co. Public Defender
Ronald D. McVeigh	LSOB, Room 112	Governor's Office of Drug Abuse Programs
Mel Cathey	LSOB 304	BIDS
Bob Mulroy	Boston	LUCAS, McPhee
BARBARA MOOSIGIAN	"	" "
Scott M. Alisoglu	Topoka	DOB
Kathleen Spink	"	DOB
Lisa Unruh	Topoka	DOB
Dele Hogan	AUSTIN	
Tim Hays	Topoka	SRS
Scott Gordon	Atche	Sen. Petty
Barbara Carroll	Lawrence	Sen. Emerit
Diane Whitworth	Topoka	Division of the Budget
Nelson Jones	Parsons	LCCC, Oswego
Walter Wharton	LCCC Oswego	LCCC
Bob Forer	Parsons	LCCC

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 1/20/94
3:00 p.m.

[illegible]

SENATE BILL NO. _____

By Committee on Judiciary

AN ACT concerning costs of collection including attorney's fees; authorizing recovery thereof, with limits in consumer transactions including disclosure requirements; amending K.S.A. 16a-2-507, K.S.A. 16a-5-110, and K.S.A. 58-2312; and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas

Section 1. K.S.A. 1993 Supp. 16a-2-507 is hereby amended to read as follows:

16a-2-507. Costs of collection. With respect to a consumer credit transaction, the agreement may provide for the payment by the debtor of reasonable costs of collection (including but not limited to court costs, attorney's fees and collection agency fees), provided that (a) the costs of collection may not include attorney's fees or collection agency fees if the unpaid principal balance of the consumer credit transaction at the time of default is \$1,000 or less, and (b) such costs were not incurred by a salaried employee of the creditor or its assignee. A provision in violation of this section is unenforceable, provided that it is not a violation of this section to state in an agreement evidencing a consumer credit transaction that costs of collection (including attorney's fees and collection agency fees) may be recovered "to the extent permitted by law" or similar language. The preceding sentence is declaratory of the meaning of this section as originally adopted.

Section 2. K.S.A. 1993 Supp. 16a-5-110 is hereby amended to read as follows:

16a-5-110. Notice of consumer's right to cure. (1) After a consumer has been in default for ten (10) days for failure to make a required payment in a consumer credit transaction payable in installments, a creditor may give the consumer the notice described in this section. A creditor gives notice to the consumer under this section when he delivers the notice to the consumer or delivers or mails the notice to the address of the consumer's residence (subsection (6) of section 16a-1-201).

(2) The notice shall be in writing and shall conspicuously state: The name, address, and telephone number of the creditor to which payment is to be made, a brief description of the credit transaction, the consumer's right to cure the default, the amount of payment and date by which payment must be made

to cure the default, and the consumer's possible liability for attorney's fees and collection agency fees. A notice in substantially the following form complies with this section:

(Name, address, and telephone number of creditor)

(Account number, if any)

(Brief description of credit transaction)

_____ IS THE LAST DAY FOR PAYMENT

(Date)

_____ IS THE AMOUNT NOW DUE

(Amount)

Senate Judiciary
1/20/94
attachment # 1-1

You are late in making your payment(s). If you pay the AMOUNT NOW DUE (above) by the LAST DAY FOR PAYMENT (above), you may continue with the contract as though you were not late. If you do not pay by this date, we may exercise our rights under the law. If the unpaid balance of your debt is more than \$1,000, the costs of collection you may be obligated to pay could include reasonable attorney's fees and collection agency fees.

If you are late again in making your payments, we may exercise our rights without sending you another notice like this one. If you have questions, write or telephone the creditor promptly.

Section 3. K.S.A. 1993 Supp. 58-2312 is hereby amended to read as follows: **Stipulation for attorney's fees.** Except as otherwise provided by law, any note, mortgage or other credit agreement may provide for the payment of reasonable attorney's fees.

Section 4. K.S.A. 1993 Supp. 16a-2-507, K.S.A. 16a-5-110, and K.S.A. 58-2312 are hereby repealed.

Section 5. This act shall take effect and be in force from and after its publication in the statute book.

Senate Judiciary
11/20/94
attachment #1-2

*Labette
Correctional
Conservation
Camp*

*P.O. Box 306
Oswego, Kansas 67356
(316) 795-2925*

*Senate Judiciary
1/20/84
attached #2-1*

STATE OF KANSAS
SENATE JUDICIARY COMMITTEE HEARINGS
January 20, 21, 1994

SUMMARY OF TESTIMONY

WALTER N. WHARTON
Administrator
Labette Correctional Conservation Camp
P.O. Box 306
Oswego, Kansas 67356

Resource Persons

Helen Jones; Chairperson Labette County Correctional
Advisory Board

Judge Charles Sell; Chairperson Labette County
Correctional Administrative Board

Sheriff Tom Bringle; Contract Monitor, Member of Advisory
and Administrative Boards

Bob Forer; Labette County Attorney, Member of Advisory
and Administrative Boards

E. Jay Greeno; Chief Public Defender, Sedgwick County

GENERAL INFORMATION

Labette Correctional Conservation Camp (LCCC) is a 104 bed minimum security facility. It is located on the west side of Oswego, Kansas in the Industrial Park on land donated for the facility by the City. The program is designed for the youthful non-violent offender. The criteria will be fully discussed in later paragraphs. There are 32 staff on the LCCC payroll and one Nurse furnished by Prison Health Services. The LCCC opened its doors to receiving inmates on March 25, 1991. The community is very supportive of the facility and it's programs. In particular they appreciate the Community Service Work program that has put over 57,000 man-hours of work into the community in calendar year 1993.

The LCCC is a stand alone program, housed in one building of 25,000 square feet and a 2400 square foot maintenance building. The facility is self sufficient in that the only outside service that is used is a contract for medical services. Food service, laundry, maintenance and all other such needs are handled by inmates under staff supervision.

ORGANIZATION AND MANAGEMENT

The LCCC is owned and operated by Labette County under contract to the State of Kansas, Department of Corrections. Services to be provided are called out in the basic contract as amplified by a KDOC Statement of Standards and Comprehensive Plan developed by Labette County. Labette County, not having corrections experience and expertise entered into a contract, with the approval of the KDOC, for the management of the facility. A joint venture group, Correctional Services Group, Kansas City, Missouri, and Correction Management Affiliates, Nashville, Tennessee was selected and specifically approved by KDOC. This group is to provide staffing and management of the program and facility. Labette County Board of County Commissioners appointed two boards, the Labette County Correctional Advisory Board and Administrative Board. These boards oversee the operations of the LCCC. These boards are charged with the general oversight of the operations through reports and meetings. The Administrative Board appoints a Contract Monitor for direct

detailed contact with the Administrator and operations. The Management Company is charged with the staffing of the LCCC as well as the management of all facets of the program and facility. Management must insure a safe secure environment for staff and inmates alike. The Administrator, charged with the direct management of the facility, reports to the Project Manager of Correctional Services Group for supervision while working very closely in day to day operations with the Chairs of the two boards, the Contract Monitor, and KDOC. The Statement of Standards and Comprehensive Plan, as part of the contract between KDOC and the County, are the basis for operation of the facility. These standards can only be deviated from with the concurrence of KDOC.

POPULATION/CRITERIA ISSUES

At the writing of this document the population of the LCCC is 60 inmates after the last graduation of a class of 6. There is an intake scheduled for January 24, 1994 and currently it is projected that there will be 16 individuals in that class returning the population to 76, assuming no premature discharges. (Attached as Inclosure 1. Statistical Information on the LCCC since opening) The LCCC intakes a class every three weeks and on an alternate week schedule graduates a class every three weeks with about 16 class coming through a year. The individual is scheduled to spend six months, 180 days at LCCC.

Maintaining population at the LCCC has been very difficult and the reasons for that are very elusive and subject to personal opinion. The facility reached a peak population of 86 on August the 23, 1992 and has not had that population again. The average population for FY-93 was 68. It is important to point out that the LCCC is not in control of its destiny on the population issue, if it were we would be full. Who and when we get assignments is solely up to the discretion or whim of the Courts. We have been "marketing" from the beginning with varying results and varying interests on the part of jurisdictions. For example one Judge advised that it was "cruel and unusual punishment" to force inmates to wear combat boots, never mind the military

wears them every day. We do believe that Sentencing Guidelines will impact positively on this issue, it may be already. We are six months into guidelines and one gets a sensing that there may be an increase in input. However, the fact that we are at the mercy of the Courts is emphasized by a discussion of three major Counties in Kansas. Sedgwick, Johnson, and Wyandotte. Sedgwick County, since our opening in March of 1991, has nominated 160 individuals (4.61 individuals a month, average) to the LCCC with 117 accepted. This represented 20% of the total accepted into the program. Needless to say Sedgwick County is the LCCC's number one customer. Johnson County just recently hit the number 10 position behind such counties as #2 Montgomery and #3 Geary. Johnson County has nominated a total of 21 and had 16 accepted. Wyandotte County has nominated 7 with 3 being accepted. I will say that Johnson Counties level of participation appears to be on the up swing. The question is why the wide disparity between the three largest counties, particularly in view of the fact that the crime issues they face are very similar. I will be totally candid in my opinion, and it is my opinion, the issue appears to have been one of "turf" and a fear that the LCCC would take away from the Community Corrections programs. Sedgwick County on the other hand used the LCCC as an extension of the Community Corrections program as do many other jurisdictions. Sedgwick County Public Defender is the primary user of the LCCC. Johnson and Wyandotte have routinely used the "120 day call back" as their "shock incarceration" program. Sentencing Guidelines have done away with the "call back." We are now working closely with Johnson County Community Corrections and starting to work with the Johnson County Public Defenders Office. We have made no apparent head way with Johnson County Court Services. No inroads have been made into Wyandotte County as can be seen by their lack of participation. Mr. Jay Greeno, Chief, Public Defender of Sedgwick County is here today to discuss their involvement with LCCC and their position on the facility. As I said Mr. Greeno's organization is responsible for the largest input into the LCCC. Mr. Greeno: Comments. (Summary attached as Inclosure 2.)

I imagine that you have heard about difficult

paper work that is a deterrent to getting individuals into the program. I think that complaint has always been unfounded but even if true it is no longer. Many CSO's have told me it was difficult when we first started, it was all new, it is more routine now. Let me say that the current major deterrent to getting an individual into the program, particularly for the larger jurisdictions, appears to be the inability of a CSO/ISO to get timely response in getting a PSI (Presentence Investigation). This problem, which is not necessarily common to all jurisdictions was brought on by Sentencing Guideline requirements I am told. To get an individual accepted into the program takes a PSI and a Medical Checklist (Inclosure 3). Those two documents are reviewed to see if the individual is acceptable. If the individual is accepted then a physical is required. The physical is complained about but is very necessary because the program is a very physical program. There is no relief from this requirement because of the need to be assured that an individual is, in fact, physically capable of completing the program. Additional requirements after acceptance are some statements to be signed by the individual and/or the CSO/ISO. These statements are such things as a statement of briefing, knowledge of drug testing, and medical consent to treat, to name a few. Some of these can be done when the individual arrives at the LCCC. Another complaint heard has been the costs of getting an individual into the program. The total cost of getting a person into the program is the cost of a physical, which many Counties make the individual pay, and the cost of transportation.

OFFENDER/CRITERIA

Eligibility criteria for the LCCC was modified in early 1993. This change was made for the expressed purpose of opening up the criteria in order to help increase the population. Current criteria is:

- * Up to five felony offenses (This was first or second time felony offender).
- * Age 16 to 27 years (Was 18 to 25)
- * Physically and mentally fit.

- * No record of violent crimes, simple assault/battery excluded (dropping simple assault and battery was the change here).
- * No prior incarceration in adult penal institution.
- * Free from contagious or communicable diseases.

There is a waiver process under which an individual that does ^{NOT} meet the above criteria may be waived into the program. This is accomplished through the mechanism of a Waiver Committee of the Administrative Board. This committee reviews the records of those not meeting the above criteria and accepts or declines the admittance based upon those records. Staff of LCCC do not participate in the approval of waivers.

Offenders in the program have been involved in a wide range of crimes, some even person crimes that have been waived on the basis of the severity or better stated lack of severity. Roughly 80% of those admitted have committed crimes that are drug and/or alcohol related.

FOLLOW UP DATA

The LCCC has not been adequately funded since its opening and I will discuss that in my final topic, however, a proper follow up program is tied to the issue of lack of funding. I recognize that it is important to provide facts and figures to justify the existence of any program, the LCCC being no different. I caution that it is also very inaccurate to judge a program, like the LCCC on the basis of just statistics. LCCC completed an informal follow-up program ending in July of 1993. We sent out questionnaires on about 195 graduates in late May and received 85-90 percent return. From that data we found we had about a 20% overall recidivism rate. Of those graduating in 1991 we had a 32% rate of individuals being sent to the Secretary of Corrections. For 1992, our second year, it was 27% and for 1993 it was 0%. However, for 1993 there were several that were pending probation revocation. Many of the revocations were not for new crimes but

rather for technical violations. Our raw survey results are now at CSG being analyzed by computer. A problem with this data is comparison, as compared to what? KDOC does not keep data that could be referred to or used as a control group for the LCCC. You cannot compare the LCCC to a program in another state (for any purpose) because of the many differences in programs, operationally and philosophic.

The success of this program, and any such program has to be judged on more than just statistics. I have a letter on file from a Community Corrections Director which I will quote: "...The benefits of this program are much more extensive than immediately apparent. It is my feeling that even if the Offender re-offends, he has still received a great deal from this program. The benefits, for the most part are intangible, but the more obvious observations are improved social graces, better communications and improved self-esteem. Probably the most obvious improvement would be the attitude of others toward the Offender. ..." Staff of the Sedgwick County Public Defenders Office have said that even those that have failed the program return to them different persons. They are less aggressive, more respectful and with a much improved attitude. I have heard the same from Judges of that district and others.

ADULT/JUVENILE FACILITIES

In alerting me about this presentation I was told to discuss several aspects of Juvenile Boot Camps. I will do this in the context that it is my understanding that juveniles cannot be mixed in any way with adult felons.

I feel that boot camps should exist for Juveniles. They should follow very closely the philosophy of current adult boot camps. They should be very highly structured, very strict, and hold the individual strictly accountable for all behaviors. A social work "pat them on the head" rehabilitation effort will not work in this model, there must be strict accountability. There should be a strong educational component. Minimum time at such a facility should be six months, longer being preferred. Minimum outside contact is necessary. On the issue of LCCC becoming a

juvenile facility. I disagree wholeheartedly. There are two overriding reasons.. First is the facility. The LCCC facility is not properly designed for a juvenile facility. It would take extensive modification and expansion to make it acceptable to include fencing and additional facilities. Second the current staffing for the LCCC could not handle a juvenile facility from the stand point of numbers and training. Behaviors, motivations, and attitudes of "true" juvenile offenders are much different than even younger adult felons. This is proven from time to time in the LCCC when the 16 and very immature 17 year old individual enter the LCCC as adult felons. For the most part the "juvenile behaviors" of the 16 and 17 that are really "juvenile at heart" are held in check by being placed in a program with older individuals. This, of course, helps the younger individual mature and learn, if he will. There are those that enter at 16 and 17 years and older that continue to display this juvenile behavior and generally either suffer tremendously in the disciplinary system or are removed from the program because of their behavior.

FUNDING

As stated earlier in my presentation the LCCC has never been adequately funded. It appears that we will not be again for FY-95. The Governor has recommended that we have the same allocation for FY-95 that we had for this year. We disagree with that funding level as once again being a deterrent to effective operation of the LCCC. There are standards that are being applied to determine funding for the LCCC that do not necessarily apply to a program such LCCC. For example the notion that if population is down the financial needs are down. If population of the LCCC is 50 the only place that cost are reduced is in food. All other cost remain essentially the same. No one will argue the fact that the per diem is higher for 50 as opposed to 100 on the basis of a fixed budget. By nature of the program and what Staff must be involved in on a day by day basis, (regardless of numbers of inmates) is the same. A Boot Camp is a very Staff intensive program. It requires Staff involvement in everything the inmate does, there is no time when he is locked away in a cell of no concern to someone. The inmate

faces a 17 hour day, from 0500 hours to 2200 hours (10:00 PM) with staff supervision in one form or another. This supervision includes everything from physical training, drill and ceremonies, work, education (GED to College), and religious programming and everything in between. No staff member from the Data Clerk in Administration to the Administrator is exempt from daily contact with inmates.

Our first full budget year was FY-92 where we were allocated \$1,213,237. We were over budget that year \$69,754. For FY-93 the original final allocation was \$1,192,324. This was an impossible allocation of less than the previous year. The Division of the Budget recognized this and on November 5, 1992 recommended an additional \$188,645, bringing that year's allocation up to \$1,380,645. The LCCC came in at the end of that year with \$121 remaining. The allocation for FY-94 is \$1,412,114. We expect to stay within that allocation. We will not be able to do so if we have any major equipment failures or other unseen expenses. As I said we have been advised that the Governor recommends the same allocation for FY-95. This will not be adequate. At least an additional \$100,000 is needed to adequately operate and provide for facility, program and Staff needs. It will not provide for cost of living increases for staff, major maintenance on equipment, or any program or operational improvements.

The KDOC performed a Post Analysis on the LCCC in November 1992 on Security Posts. That analysis recognized the need for additional staff. I would point out, further, that not only is the staff way behind State corrections personnel in pay scale, as much as 15%, they are also as much as 7% behind the local economy. The comparison against the State scale is the LCCC current salary against the State 1991 pay scale. I do not have current State pay charts. The comparison against local pay is current LCCC pay against the Kansas Wage Survey, 1992-93 published by KDHR.

The average daily population for FY-93 was 68. The total expenditures for that period was \$1,380,524. This is a daily cost per inmate (per-diem) of \$55.62. I must point out that this per-diem contains some cost that are not factors in the State's figures on their daily

rates per inmate. These are the Debt Retirement (mortgage) on the facility, Liability Insurance on Inmates which the State does not have, and Medical Insurance. These three items represent \$9.91 of the per-diem. This means that on a "level playing field" with the State the cost of an individual at the LCCC is \$45.71. KDOC has repeatedly advised us that LCCC cost of operation is more than competitive with State costs. Our problem has been the level of participation or ADP. Using the above figures at higher ADP's the following per-diem would be the result:

<u>ADP</u>	<u>PER-DIEM</u>
80	\$42.28
86	\$39.33
90	\$37.58
96	\$35.23

As a closing statement the LCCC is fully aware that the ADP is and has been too low. We have, from day one, been involved in "marketing" of the facility. We have not understood, totally, the reasons for lack of or non-participation in the program at the LCCC. Certainly we welcome all the help we can get in this area including legislation. It is my understanding that KDOC is working on something at this time. I believe that it is very plain that if the ADP were up the program will more than pay for itself.

Results of Boot Camp programs are questioned and will be for some time by critics and supporters alike. How to judge programs when they take on so many different flavors is an issue. It is our belief that a model such as LCCC with a relative strict program that also works to rehabilitate and educate will succeed. The results on the individual are, of course, less tangible. There are critics of any and all new programs, however, I think that it is important to note that Boot Camps are springing up all over the country. Missouri and Nebraska will be opening camps this year. The current concern in this state over a Juvenile facility points up the interest. Juvenile facilities are springing up all over with at least two being funded by the Federal Government as "test" projects.

Thank you for the opportunity to be here and present our views on this very important issue to this State.

STATISTICAL INFORMATION
March 25, 1991 through January 13, 1994

Of 769 individuals referred to LCCC 597 have been accepted into the program for a 78% acceptance rate.

Of 597 individuals accepted into LCCC 498 actually arrived the remainder (99) were "no-shows."

Of 498 that entered the program 186 (37%) were discharged prematurely. 141 (28%) for disciplinary reasons, 39 (8%) for medical reasons, and 6 (1%) walk away.

245 or 57% of those eligible for graduation have done so. (This percentage is arrived at by dividing number of graduates by number entering less those currently in the program as they are not yet eligible to graduate.)

About one third of the program are minorities at any given time. Minorities that have been in attendance are Asian, American Indian, Black, Hispanic, and Laotian.

One third of the individuals admitted to the LCCC require a GED. About one third of the individuals graduating have obtained their GED while at the LCCC.

The LCCC, with support of the Labette Community College, has provided seven mini-semesters of college credit work with 11 different courses presented. Over 380 seats have been filled with individuals accumulating from 3 to 12 credits in the 6 month stay.

Inclosure 1.

Statistical Information
March 25, 1991 through January 13, 1994

Referrals	769
Accepted into program	597
Denied acceptance into program	172
Inmate Population	66
Accepted/No show for program	99
Removed from LCCC program	186
Graduated from LCCC program	245
Complete LCCC program	1

Removals:

Behavior	- 141
Medical	- 39
Escape	- 6

Denials:

Crimes against persons	- 105
Medical/Psychological	- 57
Excessive Felonies	- 2
Prior Incarceration	- 2
Age	- 6

Waivers:*

Crimes against persons	-154
Excessive felonies	- 40
Age	- 39
Prior Incarceration	- 1
Medical	- 3

Total number of persons	-201
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* - Some individuals may have more than one waiver

Active by Race

Asian	- 0
American Indian	- 0
Black	- 20
Spanish	- 0
White	- 46
Mulatto	- 0
Laosian	- 0

Through January 13, 1994

<u>Waiver</u>	200	40%
Active	19	9%
Discipline	64	32%
Escape	4	2%
Graduate	95	48%
Medical	18	9%
Complete	0	0

<u>Non-waiver</u>	298	60%
Active	47	16%
Discipline	77	26%
Escape	2	1%
Graduate	150	50%
Medical	21	7%
Complete	1	0%

<u>Current</u>	66	
Waiver	19	29%
Non-waiver	47	71%

Through January 13, 1994

	Referrals	Accepted	Rejected	Entered	Current	Graduate	Complete	Removals
Allen	4	3	1	3	0	2	0	1
Anderson	1	1	0	1	1	0	0	0
Atchison	9	9	0	9	1	5	0	3
Barber	1	1	0	1	0	1	0	0
Barton	15	11	4	10	1	4	0	5
Bourbon	1	1	0	1	0	1	0	0
Brown	6	5	1	4	0	2	0	2
Butler	9	8	1	7	1	4	0	2
Chase	1	0	1	0	0	0	0	0
Cherokee	9	7	2	6	0	2	0	4
Clark	1	1	0	1	0	1	0	0
Clay	8	5	3	5	0	2	0	3
Cloud	6	5	1	4	0	1	0	3
Coffey	3	2	1	1	0	0	0	1
Comanche	1	1	0	1	1	0	0	0
Cowley	20	17	3	10	2	3	0	5
Crawford	8	6	2	6	1	2	0	3
Dickinson	6	6	0	6	1	2	0	3
Doniphan	5	5	0	5	1	2	0	2
Douglas	5	5	0	4	0	2	0	2
Edwards	2	2	0	2	0	2	0	0
Ellis	2	1	1	1	0	0	0	1
Ellsworth	2	1	1	1	0	0	0	1
Finney	11	7	4	6	2	1	0	3
Ford	6	5	1	3	0	0	0	3
Franklin	4	3	1	3	1	1	0	1
Geary	42	31	11	28	0	12	0	16
Greenwood	1	0	1	0	0	0	0	0
Harper	2	2	0	1	0	1	0	0
Haskell	1	1	0	1	0	0	0	1
Harvey	6	4	2	4	0	2	0	2
Jackson	8	7	1	5	0	4	0	1
Jefferson	4	3	1	2	1	1	0	0
Johnson	21	16	5	11	3	3	0	5
Kearney	2	1	1	1	0	0	0	1
Labette	31	26	5	22	5	11	0	6
Leavenworth	6	5	1	5	2	1	0	2
Linn	4	4	0	3	0	0	0	3
Lyon	36	26	10	20	0	14	0	6
McPherson	10	7	3	5	2	2	0	1

2-15

34 MONTH AVERAGE thru January 13, 1994

	REFERRALS	AVG/MO	ACCEPTED	REJECTED	ENTERED	CURRENT	GRADUATE	COMPLETE	REMOVED
Sedgwick	160	4.71	117	43	94	18	47	0	29
Montgomery	45	1.32	31	14	20	3	10	0	7
Geary	42	1.24	31	11	28	0	12	0	16
Saline	37	1.09	34	3	30	3	21	0	6
Lyon	36	1.06	26	10	20	0	14	0	6
Shawnee	35	1.03	25	10	21	6	8	1	6
Labette	31		26	5	22	5	11	0	6
Reno	29		24	5	20	2	10	0	8
Riley	28		21	7	19	1	14	0	4
Johnson	21		16	5	11	3	3	0	5

OFFICE OF THE PUBLIC DEFENDER

SEDGWICK COUNTY, KANSAS

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CHIEF PUBLIC DEFENDER
JILLIAN T. WAESCHE SEATON
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TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE

BY

E. JAY GREENO - CHIEF PUBLIC DEFENDER

SEDGWICK COUNTY, KANSAS

The Sedgwick County Public Defender's Office attempts to place as many clients as possible into the LCCC program. We have attempted to target our client population which we feel are likely candidates for incarceration with the Secretary of Corrections, but may benefit from the type of program LCCC offers. We feel that LCCC provides a means for our clients to acquire the tools for self-sufficiency and teaches them to live within the bounds of the law.

The paperwork involved in the application process is somewhat lengthy, but not difficult. The majority of the paperwork can be completed during a routine professional visitation with the client.

We have been extremely fortunate in making arrangements for the physicals necessary for admission to LCCC. If the client is in the county detention facility, the physicals are conducted by the clinic staff at the facility. If the client is not in custody, we have made arrangements with health care facilities to complete these physicals at little or no cost to our clients, usually a maximum charge of five dollars.

Currently, our biggest obstacle is obtaining the presentence evaluation in a timely manner. LCCC requires this document to complete it's admission screening. Due to the implementation of the sentencing guidelines, additional requirements have delayed the completion of the presentence investigation reports. Usually, these reports are not available until just before sentencing. The Court prefers to know if the client is an acceptable candidate for LCCC at the time of sentencing. This problem has caused delays in getting our clients admitted into the program.

The Sedgwick County Public Defender's Office is fortunate to have the services of a full time social worker on staff. This social worker has been somewhat of a liaison between the office and LCCC. Together, they have been able to "fine tune" the admission process for our clients, as well as maintaining meaningful monitoring of our clients while they are in the program. Often, we are able to avoid major problems that may occur with our clients in the program by addressing them early.

We believe that LCCC is helping our clients. Our clients that have completed the program show a marked change, both physically and in their demeanor and attitude. We have also noticed similar changes in our clients who, for some reason, do not complete the program. Clearly, the camp has a significant impact on all of our clients who are associated with it.

Although we have not kept formal statistics, this office believes that of the clients who complete the program, few re-offend. The program provides the structure missing in many of our clients' lives and does so in a positive and constructive manner. Certainly, the structure of a more punitive setting, such as that with the penal system, has not show the type of impact we have seen from the Labette camp.

The Sedgwick Count Public Defenders' Office would like to see this program continue and grow. We would also like to see the female program re-instituted in the near future.

Attachment C

LABETTE CORRECTIONAL CONSERVATION CAMP

Medical Checklist for
Screening Prospective Participants for the
Labette Correctional Conservation Camp

Prospective Participant's Name _____ Case No _____
(Print or Type)

If the prospective participant answers "YES" in sections 1, 2, & 4 and/or provides visible evidence of any of the following conditions, he/she shall not be considered for assignment to the Labette Correctional Conservation Camp due to medical reasons. These questions may be posed using various interview techniques to avoid routine responses to a checklist format. The primary importance is to obtain an accurate response to each item.

1. Do you have a past history of any of the following?

Circle Correct
Answer

	Yes	No
Diabetes	Y	N
Epilepsy	Y	N
Nephritis (Kidney Disease)	Y	N
Heart Murmur (Diagnosed by Physician)	Y	N
Hypertension that is controlled by regular prescribed medication	Y	N
Other Cardiac Problems	Y	N
On regular medication for ANY cardiac problems	Y	N
Asthma	Y	N
Chronic Bronchitis	Y	N
Emphysema	Y	N
Hepatitis (Within the last 3 months or currently under treatment)	Y	N
Tuberculosis (within last 12 months)	Y	N
(currently under treatment)	Y	N
Note: Do not exclude for INAH prophylaxis		
Physician-diagnosed allergies to dust, pollens, greases, or foods, any of which require medication	Y	N
Major surgery within last 3 months that would restrict physical activity	Y	N
Drug/alcohol dependence or withdrawal	Y	N
Psychiatric problems	Y	N

2. Do you currently have any of the following:

Major hearing loss not corrected by use of hearing aid	Y	N
Loss of sight that classifies you as legally blind	Y	N
Loss of any limbs	Y	N
Bone/joint defects that limit physical activity	Y	N
Back problems that limit physical activity	Y	N
Psychological/psychiatric problems requiring regular prescribed medication and monitoring by a psychiatrist	Y	N
Dental problems that limit types of food that can be eaten	Y	N
Medical issues that require a special or restricted diet	Y	N
Any sexually-transmitted diseases	Y	N
AIDS or ARC or HIV-Positive	Y	N

3. Have you

Sought treatment for mental or emotional problems (If yes explain)	Y	N
Been hospitalized for treatment of emotional or mental problems (If yes explain)	Y	N
Attempted suicide	Y	N

4. Are you pregnant?

Y N

5. Other comments:

Medical Checklist completed by:

Signature

Date

Title

Telephone Number



NATIONAL INSTITUTE OF JUSTICE

Research in Brief

Michael J. Russell, Acting Director

June 1993

An Evaluation of Shock Incarceration in Louisiana

by Doris Layton MacKenzie, Ph.D.,
James W. Shaw, and Voncile B. Gowdy

Shock incarceration programs, or boot camps as they are commonly called, appeared in the early eighties as an alternative to traditional correctional programs. Offenders in these programs spend a relatively short period of time in a quasi-military program involving physical training, drill, manual labor, and strict discipline. Since 1983, 41 boot camp prisons have been opened in 26 State correctional jurisdictions, in addition to many programs developed and being considered in cities and counties, and for juveniles.¹

The Louisiana Department of Public Safety and Corrections (LDPSC) began its two-phase shock incarceration program, called Intensive Motivational Program of Alternative Correctional Treatment (IMPACT), in 1987. In the first phase of the LDPSC program, offenders spend 90 to 180 days in a medium-security prison participating in a rigorous boot camp program. While in the boot camp phase of the program, the offenders' daily activities are carefully supervised. In addition to daily work, physical exercise, and drills, offenders take part in group counseling, drug education, and other rehabilitation activities.

Offenders who successfully complete the first phase of the program are paroled and begin the second phase in which they are

placed under intensive supervision in the community. This phase requires offenders to have at least four contacts a week with their supervising officers, adhere to a strict 8 p.m. to 6 a.m. curfew, perform community service, and work. Parolees are screened for alcohol and illegal drugs. These restrictions are gradually relaxed over the first year of supervision if the offender successfully complies with the requirements.

This *Evaluation Bulletin* describes the results of a 1991 National Institute of Justice (NIJ) evaluation of the Louisiana shock incarceration program. The research considered design and implementation issues of Louisiana's IMPACT program. The study suggests some potential benefits of the shock incarceration program, identifies some areas where jurisdictions should be cautious when developing programs, and highlights key questions to be considered in ongoing NIJ evaluations of shock incarceration programs.

The evaluation

The evaluation of the Louisiana program was designed to identify the goals defined by the jurisdiction and to examine the success or failure of the program in meeting those goals. The evaluation consisted of three major components, which examined:

- How the program was implemented (process evaluation).
- Changes in inmate behavior and attitude as a result of participation in the program.
- System-level changes, including the costs and benefits of the program.

Program implementation

The process evaluation described program goals, documented the program's implementation, and interviewed inmates, judges, prison staff, and community supervision agents.² Evaluators collected data from department records to supplement information from interviews.

Program goals

The State of Louisiana specified that one major purpose of its shock incarceration program is to "provide a satisfactory alternative to the long-term incarceration of primarily youthful first offenders, thereby helping to relieve crowded conditions that exist in prisons throughout Louisiana. The program seeks to promote a positive image of corrections and, in general, to enhance public relations."³

Another goal of the program is to equip individual participants with the life skills necessary for them to succeed in everyday life, both inside and outside the prison.

Senate Judiciary
11/20/94

Soon after shock incarceration programs appeared on the corrections scene in the mid-eighties, the National Institute of Justice (NIJ) launched a research program to answer key questions about boot camps: How does the boot camp experience influence offenders? Does it deter them from future criminal activity? What are the best ways to organize and staff boot camp programs to ensure maximum impact?

NIJ research indicates that although there is a common core of military-type drill and discipline within these programs, there are also wide variations in their operations, activities, time served, number served, release procedures and aftercare. The rigorous physical exercise, military drill, and discipline, as well as the housing barracks and other noninstitutional characteristics, distinguish correctional boot camps from traditional prisons and jails.

This *Evaluation Bulletin* is a product of one of the first NIJ studies of shock incarceration, which was used as a model for an ongoing study of boot camp programs. To provide more far-reaching guidance, NIJ is currently examining boot camp programs that vary in elements expected to influence the results of the programs. When completed, the multisite study in eight States should give policymakers more definitive information on the impact of these programs and the importance of specific components of the programs in enabling jurisdictions to meet their goals. Based on the results of this assessment, a set of professional standards will be established to assist public officials and corrections professionals in the development, operation, improvement, and evaluation of correctional boot camp programs.

Michael J. Russell
Acting Director
National Institute of Justice

system. "The program is based on the expectation that the acquisition of these skills and personal abilities will significantly increase offenders' abilities to lead law-abiding, creative, and fulfilling lives as contributing members of society."⁴

Program characteristics

The process evaluation uncovered characteristics of the IMPACT program through data analysis, interviews, and detailed direct observation. Some of the aspects

of decisionmaking, staffing, location, rehabilitation, and punishment are discussed below.

Decisionmaking. Disagreements among individuals or agencies about which offenders were appropriate candidates for shock incarceration resulted in some tension and difficulty during the first year of the program. These difficulties appeared to be related to differing views of the primary goals of the program—rehabilitating offenders or reducing prison crowding—and led to some disagreements about courses of action.

Staff. Drill instructors and correctional officers in the program viewed themselves not only as authority figures responsible for control, but also as role models and agents of behavior change through positive reinforcement and support. Most staff training occurred on the job and, according to administrators, some correctional officers appeared to have difficulty adjusting to a new role that incorporated elements of supportive guidance with the traditional role of authority. In addition, some of the administrators who were interviewed expressed the opinion that there is a potential for abuse of authority in the program because staff employ summary punishments, such as making inmates drop to the ground to do pushups or stand at attention for a specific period of time.

Staff interviews indicated that there had been a relatively high level of turnover of personnel (estimates were that prison staff stayed in the program an average of 6 months), which may reflect burnout resulting from the high level of stress caused by the intensity of the program.

The program also had an impact on probation and parole agencies. The intensive supervision required for shock incarceration parolees demanded more from parole agents than traditional supervision caseloads. This created difficulties for probation and parole agencies in terms of costs, workload, and danger according to the district supervisors. Intensive supervision requires that agents check on parolees in all parts of the jurisdiction at all hours of the day and night.

Location. The Louisiana shock incarceration program is situated within a larger prison complex, Hunt Correctional Center, which means that a higher level of administrative structure oversees the program. This type of organization may provide protection from potential abuses of authority by staff. Its location within the larger prison also permits staff to be rotated into and out of the program with minimal difficulty for individual staff members and the institution. One potential disadvantage, however, is that staff may easily be rotated into the program without the benefit of training.

Rehabilitation. The program incorporates elements that other research has shown are associated with the rehabilitation of criminal offenders: strict rules and authority, anticriminal modeling and reinforcement, problem solving, use of community resources, and development of interpersonal relationships.⁵

Also, the correctional personnel who work with the inmates in the two phases of the shock program do not view the program solely as a means of "getting tough" with offenders—punishing them, initiating retribution, or keeping them busy. Rather, staff endeavor to bring about positive changes in the lives of the offenders. In the opinion of both the staff and the inmates, interaction between staff and inmates is more positive than in a regular prison.

Punishment. The discipline and required physical activity are tough treatment for offenders who would otherwise escape such conditions. Offenders reported that time in boot camp was physically and mentally taxing; many dropped out before completing the program. The difficulty of the boot camp regimen achieved the principal public purpose of punishment in a much shorter period of time than prison sentences.

Inmate evaluation

The evaluation examined changes in inmate behavior and attitudes during the prison phase of the program, as well as offender behavior during the community

supervision phase, to assess the program's impact upon the lives of individual offenders. In addition, the behavior and attitudes of offenders who served time in the shock incarceration program was compared with attitudes of similar offenders who had been sentenced to prison and probation.

IMPACT selection process

To be considered for participation in IMPACT, an offender must have been convicted of a felony offense and must be sentenced to a term of imprisonment of 7 years or less. Offenders must then be recommended by the Division of Probation and Parole, the sentencing court, and corrections staff. This three-stage process begins with the probation or parole agent who recommends an offender to shock incarceration during the presentence investigation. Then during the sentence disposition, the sentencing judge may recommend an offender to shock incarceration. The diagnostic staff at the Department of Corrections make the final determination as to whether the offender is eligible and suitable for the program.

This three-group recommendation process ensures that candidates for the program are drawn from that population of offenders who would normally be sentenced to prison, rather than from those who would normally be given probation. Only offenders who are sentenced to a regular prison term may be recommended for the boot camp program.

After being selected, offenders must then volunteer for participation in the program. Other requirements deemed by the three groups to be important in determining suitability for the program are age (under 40 years), no history of violence, and no psychological or physical disability that would prohibit full participation. Thus, most participants are young, nonviolent offenders who are serving a sentence following their first felony conviction. Violent, hardened, or career criminals are not considered appropriate candidates for the Louisiana program.

IMPACT participants can drop out of the program at any time. Nominated offenders who do not choose to participate, who drop

out of the program, or who do not make sufficient progress in the boot camp program are required to serve their sentences in a traditional prison until they become eligible for parole. Successful completion of the program can reduce the amount of time the offender spends in prison, and this is assumed by Louisiana officials to be a strong incentive for completing the program.

Characteristics of shock program participants

During the first year of the program, 298 offenders entered the Louisiana shock program. On average, they were 23 years old with a 10th grade education. Forty percent were white, and 60 percent were nonwhite.

On average, the offenders were 19 1/2 years old at the time of their first arrest; 85 percent had some prior criminal history (although this was their first felony incarceration); and 18 percent previously had

spent time in prison or jail for a misdemeanor.

Thirty percent of the offenders who entered the shock incarceration program had previously violated probation. The majority of participants were serving time for burglary (43 percent), drug-related offenses (24 percent), or theft (12 percent); they had an average maximum sentence of 46 months.

Approximately 43 percent of the entrants dropped out without completing the program. Those who dropped out had to return to a traditional prison and serve the remainder of the sentence. They had to serve an average of 7 months longer than they would have if they had completed the program. There were no differences in age, race, gender, probation violations, or crime type between those who did or did not complete the program.

Evaluation Methodology

This research project used a pretest-posttest nonequivalent control group design to examine attitude change as a result of shock incarceration. This is a quasi-experiment designed to answer questions about causes and effects in settings where experiments cannot be done. A researcher who cannot randomly assign people to treatment conditions can design a quasi-experiment to determine whether a treatment has an effect.

The attitudes of offenders were measured prior to participation in the shock incarceration program and after 3 months in the program. The attitudes and changes in attitudes of the boot camp sample were compared to a similar sample of offenders who had spent 3 months in a traditional prison. The samples were carefully selected to be similar to each other, but they were not

randomly assigned to shock versus traditional prison.

The performance of offenders during community supervision was examined in a posttest design using monthly measures of positive adjustment and recidivism. This was a correlational study using survival analyses statistically controlling for differences among samples. Two major threats to validity in this design are selection and mortality. Data recorded at entry to prison prior to admittance to the shock program permitted an examination of mortality. However, because subjects were not randomly assigned to shock versus traditional incarceration, it is possible that samples differed prior to treatment. For this reason, results should be cautiously interpreted, and it will be particularly important to compare these results to results from other studies.

Inmates' reactions

During incarceration. To determine the changes that occurred in a 3-month time period, samples of 116 boot camp graduates, 92 program dropouts, and 98 regular inmates were compared (see "Evaluation Methodology" on page 3). Inmates were asked a series of questions about the boot camp experience. On the whole, offenders believed shock incarceration was a more constructive way to serve time than a regular prison sentence. Offenders participating in the shock program reported that they had learned valuable lessons and skills while serving their time. By comparison, regular prison inmates maintained that they had learned only that they did not want to return to prison.

Offenders in IMPACT adjusted to the shock incarceration environment differently than offenders serving time in a traditional incarceration program.⁶ They had more favorable attitudes toward staff, but had more conflicts with other inmates. Over the 3-month period studied, the boot camp offenders raised their levels of approval for staff. Both traditional inmates and boot camp participants reported an increased number of conflicts with other inmates.

IMPACT offenders left boot camp with stronger positive attitudes about their future and their experiences in the program than they had had at the beginning of the program. By comparison, prison inmates had negative attitudes that became even more negative during their time in prison.

Using another measure of attitude, general social attitude, the shock incarceration offenders had more positive social attitudes than their counterparts in prison even before entering the boot camp program, and they became still more positive while in the program. Although the general social attitudes of prison inmates also improved while in prison, their attitudes never became as positive as those of the offenders in shock incarceration.⁷

Offenders in shock incarceration reported that their experiences in the program were beneficial, while the prison inmates did not report positive experiences. There was some suggestion in the data collected that

the shock incarceration program increases the offenders' perception of their ability to control specific events in their own lives.

Under community supervision. The performance of the 74 offenders released from shock incarceration was compared to two groups of offenders who served different types of sentences (108 probationers and 74 parolees) and to 17 prisoners who dropped out of the shock incarceration program.⁸ The samples of probationers and parolees were selected to be as similar as possible to the offenders in shock incarceration (legal eligibility, age).⁹ All shock incarceration parolees were intensively supervised. The supervision of the other samples varied depending on the risk they posed, as measured by a standardized instrument used to assess risk of probationers and parolees.

Failure was defined as absconding, revoking parole, or being jailed for a new offense or a technical violation. During the first 6 months, 6.9 percent of the shock incarceration parolees, 6 percent of the other parolees, 2.8 percent of the probationers, and 12.1 percent of the boot camp dropouts failed while under community supervision.

Data analyses using survival analysis¹⁰ techniques indicated that the shock incarceration parolees did not differ from either the dropouts or other parolees in time-to-failure during community supervision. The shock incarceration parolees did fail more often than the probationers. However, when age and past criminal history were controlled in the analyses, no differences were found between offenders in shock incarceration and any of the other groups.¹¹

There were no statistically significant differences between the groups in the percentage arrested during the first 6 months of community supervision: 14.3 percent of the shock incarceration parolees, 15.4 percent of other parolees, 14.2 percent of the probationers, and 23 percent of the boot camp dropouts were arrested during their first 6 months of community supervision.

For all groups, younger offenders failed and were arrested more often than older offenders, and those who had previously spent time in a prison or jail failed more often than those who had not.

Inmates' Insights

In their interviews with shock incarceration program participants, researchers offered open-ended questions to elicit opinions on all aspects of their experiences. Inmates remarked on their initial difficulty with the rigorous exercises required, emphasized the strictness of the staff, and complained about the quality and quantity of the food. Many also indicated they realized the advantages of the boot camp. Some representative comments by various inmates follow.

- "I volunteered for IMPACT because 'I wanted rehabilitation that I wouldn't receive in prison.'"
- "This program teaches me to respect others and work with others. I learned confidence."
- "Classes teach how to take care of body, personal hygiene. How to tell the old gang, no. How to deal with peer pressure."
- "This is better than serving the 4 years of my regular sentence. . . . I will get out after 107 days."
- "What is good about IMPACT is the 'form of discipline. It teaches you to use your ears instead of your mouth.'"
- "The program helps pass time, changes people. [It teaches you to] look out for yourself so you don't go downhill."
- "The program's main thing is to teach you to stay out of trouble."

The research also examined the positive activities (such as starting work, attending school, or enrolling in vocational or technical training) of offender groups during community supervision. The majority of offenders from the shock incarceration group reported that their intensive parole supervision helped them reintegrate into society after release. Boot camp offenders

were involved in significantly more positive activities during community supervision as compared to the other samples. However, over a 6-month period of community supervision, the positive social activities of all groups declined.¹²

Correctional system changes

The system-level analyses focused on changes in the correctional system that occurred as a result of implementing the

IMPACT program. A statistical model was developed and used to predict how the program affected prison bedspace. The cost of the shock incarceration program was compared to the cost of other sentencing options.

Prison bedspace

Since one of Louisiana's goals for the program was to reduce prison crowding, the effect of the shock program on bedspace was examined.

Because the recidivism of offenders released from the shock program was not lower than similar offenders released from prison or under probation (see community supervision above), it cannot be assumed that prison crowding would be affected by a reduction in the numbers of offenders returning to prison.

A more direct effect on crowding would occur if offenders spent less time in prison. This would require: (1) a sufficient number of eligible inmates, (2) a large number of offenders completing the program, (3) a true reduction in the length of time offenders spend in prison, and (4) offender-participants who would otherwise be prison-bound.

Despite the program's potential to free up prison beds, an average of only 64 offenders were in the program at any one time during the first year, even though 120 beds were available to the program. This small number of offenders entering the program appears to have resulted from either a small pool of eligible nonviolent prison-bound offenders or a small number of offenders recommended for the program by judges, combined with the fairly large number who did not volunteer or who dropped out.¹³

About 23 percent of the offenders arriving at the diagnostic center with recommendations for admittance to the shock incarceration program declined to volunteer or were rejected. Approximately 27 percent of the entrants dropped out of the shock incarceration program, and another 16 percent were required to leave for disciplinary, medical, or other reasons. Thus, for every 100 inmates who entered prison with the potential to complete the shock incarceration program, only 34 actually completed the program and were paroled.

The amount of time offenders spent in prison was significantly reduced if they completed the shock incarceration program. Those who completed the program served approximately 4 months before being released on parole. If they had served their sentences in prison instead of in the shock incarceration program, the earliest they could have been released would have been after approximately 15 months.

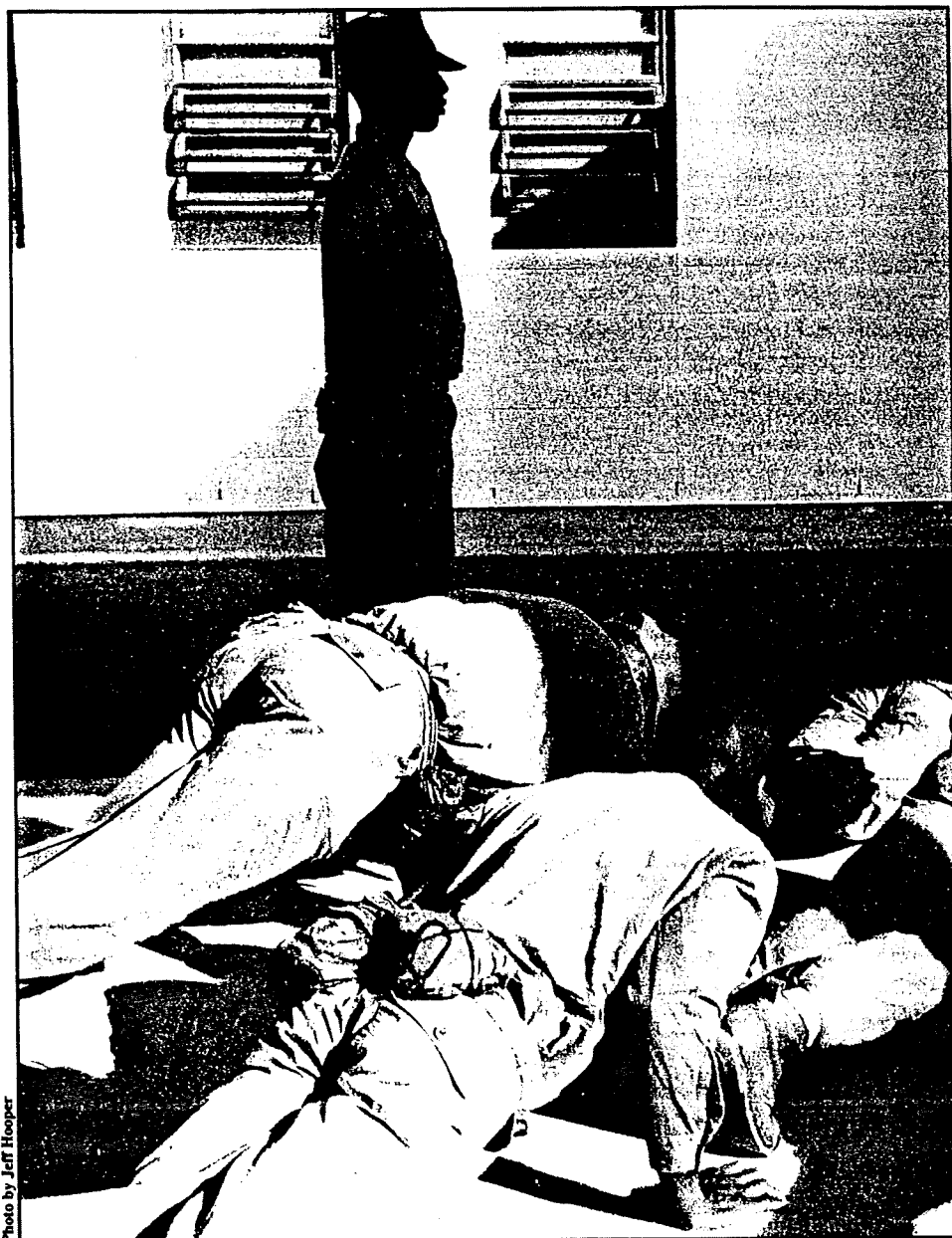


Photo by Jeff Hooper

A military regimen is an important part of daily life in Louisiana's IMPACT program at Elayne Hunt Correctional Center.

Statistical model

A bedspace model was developed to estimate the actual number of beds saved or lost as a result of the shock incarceration program and to examine the potential number of beds that might be saved if certain parameters in the model were changed.¹⁴ Dropout and failure rates, time served in prison, recidivism, and the probability of facing prison rather than probation were entered in the model as parameters.

The impact on prison capacity is particularly positive if only prison-bound offenders take part in the shock incarceration program and if offenders who are eligible for the program (but do not enter) are not released by the parole board at their earliest eligibility date. In the bedspace models, the researchers assumed that all offenders were prison-bound because of the three-stage decisionmaking process requiring judges to first sentence offenders to a term in prison and then recommend the shock program. Furthermore, data collected on the release dates for offenders who left the shock incarceration program and served time in a traditional prison indicated that they were not released at their earliest parole date. These estimates were used in the model.

Estimates produced by the bedspace model indicated that approximately 154 prison beds were saved during the course of 1 year; an average of 64 beds were used for the shock incarceration program. If all 120 beds available for the program had been used, approximately 288 prison beds would have been saved per year.

Costs

The research also examined whether shock incarceration is more expensive than traditional incarceration. LDPSC administrators estimated that for an individual inmate, the program cost approximately \$29.28 per day, which was slightly higher than the estimated \$27.98 per day for an inmate in a traditional medium security prison.

Inmates who completed the shock program spent an average of 4.12 months in shock before being released on parole. In con-

trast, a sample of offenders with similar sentences who served their time in traditional prisons were found to have served an average of 20.5 months before being released on parole. Using the per day cost estimates, the cost of the time in prison for offenders who complete the shock incarceration program would be \$3,676 (\$892.28 per month for 4.12 months), while the cost for offenders serving traditional sentences would be \$17,460 (\$851.71 per month for 20.5 months).

Thus, for each offender who completed the in-prison phase of the shock incarceration program (and who otherwise would have served a traditional prison sentence), there was a cost savings of \$13,784 for the in-prison phase of shock incarceration.

However, the second phase of the IMPACT program involves a period of intensive supervision for its parolees that does not apply to regular prison parolees. This phase costs an estimated \$5,956 more for a shock incarceration parolee than for a traditional parolee. Therefore, this cost must be subtracted from the \$13,784 cost savings incurred during the in-prison phase of the program to calculate the total amount saved for an offender who completes the shock incarceration program. That is, if shock incarceration costs \$13,784 less for the in-prison phase but \$5,956 more for the parole phase, then a total of \$7,828 is saved for each offender who completes shock incarceration instead of a traditional prison sentence. Granted this is a rough estimate of the cost of IMPACT.

Other costs and benefits should be considered in the analyses of shock incarceration programs. Frequently these are hidden or not immediately obvious, such as the costs related to crimes that parolees might commit while in the community; selection, diagnosis, and assessment of participants; staff training; prison construction; and the heavy demands placed on prison staff.

Conclusions

In establishing the IMPACT program, Louisiana's major goal was to create a new sentencing option that would provide

placement for inmates who would otherwise be sent to the State's crowded prisons. This study reveals that programs like IMPACT may achieve this result. But to maintain a positive impact on prison bedspace needs, programs have to select participants carefully to ensure that shock incarceration candidates are consistently drawn from prison-bound offenders and that there are a sufficient number of eligible offenders who will complete the program.

This evaluation clearly indicates the importance of identifying the goals of the shock program and developing the program elements to reach those goals.

The hard labor, physical exercise, summary punishments, boot camp atmosphere, and strict discipline of the Louisiana shock incarceration program combine to present a potential for both accidents and staff abuse of authority. The correctional staff and administration in Louisiana are well aware of these possibilities. They recommend that any jurisdiction developing a shock incarceration program should educate itself about these potential problems.

There appear to be some benefits for individual inmates who complete IMPACT. They report more positive attitudes, are more optimistic about their futures, have more positive attitudes toward staff than other inmates, and state that the shock incarceration experience was beneficial. Due to the regime of physical exercise and the drug-free environment, many inmates also reported that shock incarceration was a healthy experience. Additionally, upon release they became involved in more positive social activities.

At this time, the effectiveness of IMPACT in reducing recidivism remains questionable. Positive changes may be apparent as more community supervision data become available. Clearly, offenders need additional support or help in making the transition back into the community. Although offenders experience some positive changes while in the program, these changes are not enough to enable them to successfully overcome the difficulties they

face when they return to their home environment.

The methodology used in this study is being applied to NIJ research on boot camp programs in eight different jurisdictions. It is anticipated that the multisite study will provide more definitive information on the issues raised by this initial evaluation of Louisiana's IMPACT. It is also expected to identify those elements needed for effective shock incarceration programs.

Notes

1. D.L. MacKenzie and L. Elis, 1992. "Survey of Correctional Boot Camps." University of Maryland, College Park, MD: unpublished manuscript.
2. D.L. MacKenzie, L.A. Gould, L.M. Riechers, and J.W. Shaw, 1989. "Shock Incarceration: Rehabilitation or Retribution?" *Journal of Offender Counseling Services and Rehabilitation*, 14:25-40.
3. The Louisiana Department of Public Safety and Corrections, 1987. "IMPACT: Purpose, Policies, and Procedure." Baton Rouge, LA: unpublished manuscript.
4. See the Louisiana Department of Public Safety and Corrections, 1987.
5. See D.L. MacKenzie, L.A. Gould, L.M. Riechers, and J.W. Shaw, 1989.
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7. Problem drinkers who entered the shock program appeared to become less socially maladjusted during the program. This was not true for problem drinkers in regular prison. J.W. Shaw and D.L. MacKenzie, 1992. "Shock Incarceration and Its Impact on Problem Drinkers." *The American Journal of Criminal Justice*, XVI(1): 63-96.

8. D.L. MacKenzie, 1991. "The Parole Performance of Offenders Released From Shock Incarceration (Boot Camp Prisons): A Survival Time Analysis." *Quantitative Criminology*, 7(3):213-236.

9. This was not an experimental design, so subjects were not randomly assigned to treatments (see "Evaluation Methodology" on page 3). Variables were entered in the data analyses to control for the differences among samples and the intensity of supervision.

10. Survival analysis is a statistical technique specifically designed to test for differences in time-to-failure for two or more groups.

11. See D.L. MacKenzie, 1991.

12. The study found that problem drinkers demonstrated a more sporadic performance than nonproblem drinkers during community supervision, suggesting that problem drinkers may have more difficulty adjusting during the transition to living in the community.

13. Since this study was completed, the eligibility criteria have been changed and

offenders with a past felony conviction may, under certain circumstances, be admitted to the program.

14. D.L. MacKenzie and D.G. Parent, 1991. "Shock Incarceration and Prison Crowding in Louisiana." *Journal of Criminal Justice*, 19(3):225-237.

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A History of Tattoos in Corrections

Continued

Expression & Identity

Adornment of the body can communicate the wearer's individuality or alignment with a group: beliefs, values, and status. A person can use his or her body as a portable art gallery, constantly displaying art and personal expression with both the wearer and the viewer reacting to the display. Tattooing is useful for this purpose because it retains enough of its exotic history to raise it above the commonplace: it has historically symbolized opposition to authority and it strongly connotes manliness and courage. It is also inexpensive, highly visible, and permanent.

Tattoos are popular among prisoners, gang members, and military enlisted men. All of these groups have certain characteristics in common. They have had a sense of individual identity taken away or lessened, and in some cases they have never developed acceptable self-identity. They are deprived of the opportunity to acquire and display the usual and desirable symbols of self. Clothing, activities, possessions, and relationships are controlled by gang, prison, or military policy. What the individual puts on his or her skin is a form of non-verbal communication for all to see.

Within the prison culture, inmates say that tattoos are a visual record of one's life, provide a sense of belonging, and show that the recipient can handle pain.

"Time dots. They're five years per dot and I got four of them...The teardrop is put on for different reasons," said an Idaho inmate. "To me it just means a sad life. Ya know, being incarcerated."

Several studies have looked at the difference between tattooed and non-tattooed inmates. Prisoners who have tattoos feel more positive about their bodies and are more assertive, uninhibited, and extroverted than non-tattooed inmates. Tattooed male prisoners exhibit less self-discipline but are less likely to talk about crime than non-tattooed offenders. A 1972 study showed that prisoners with tattoos generally had more education than those without tattoos. Those convicted of felonies have more tattoos than those with misdemeanor charges, and among felons, those with crimes against people wear more tattoos than those with crimes against property.

Psychologists who have studied inmates with tattoos have traditionally focused on the negative, pathological side of the practice. Few researchers have looked at the expressive role which tattooing plays in prison culture.

NIJ Sponsored Studies Ask: Does Shock Incarceration Work?

Taken from reports submitted by Doris Layton MacKenzie, Ph.D.

Shock incarceration programs, or boot camps as they are commonly called, appeared in the early eighties as an alternative to traditional correctional programs. Offenders in these programs spend a relatively short pe-

riod of time in a quasi-military program involving physical training, drill, manual labor, and strict discipline. Since 1983, 41 boot camp prisons have been opened in 26 state correctional jurisdictions, in addition to many programs being developed & considered in cities & counties for juveniles.

Not only does it look like the number of programs will be quickly growing, but also there is interest in enlarging the purposes of these programs. There have been hearings in the U.S. House and Senate on the topic of boot camp prisons, and in the National Drug Control Strategy the President recommended that the viability of boot camps as an alternative sanction for drug offenders be examined.

There are enthusiastic advocates of the programs and, conversely, there are equally enthusiastic opponents. Some say the programs have the potential for being rehabilitative; others reject this possibility. Two factors are seen as influencing opinions about the program: knowledge and philosophy. First, advocates and opponents frequently have a lack of knowledge about the specific components of the programs & current evaluation efforts. Second, some issues discussed are empirical

while others are philosophical.

Empirical, Philosophical Issues

Frequently empirical and philosophical issues are not separated in debates about the shock programs. Would offenders rather spend time in a shock program or in a regular prison? Are shock programs cost effective? Do shock programs widen the net? Is there a sufficient number of appropriate candidates for shock who are now incarcerated? These are examples of questions which can and should be examined with empirical research. Other criticisms are philosophical, such as whether shock programs fulfill the "real" purpose of corrections. The purpose of corrections can be discussed, but it cannot be empirically examined. Such questions cannot be addressed through research.

The National Institute of Justice sponsored an early review and comparison survey of all 50 state departments of corrections to learn more about shock programs. Programs were considered to be shock incarceration only if they:

- ◆ were considered an alternative to a longer term in prison;
- ◆ had a boot camp atmosphere, with strict rules and discipline;
- ◆ required offenders to participate in military drills and physical training; and,

Continued On Page 6

Does Shock Incarceration Work?

Continued From Page 5

- ◆ separated offenders in the program from other prison inmates.

Thus they were distinguished from earlier shock probation, shock parole, and split-sentence programs which did not necessarily incorporate all four components.

In January 1990, 14 states had one or more shock incarceration program: Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Michigan, Mississippi, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. Arkansas, California, Connecticut, Indiana, Kansas, Maryland, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Pennsylvania, Wisconsin, and Wyoming were either considering initiating programs or were developing programs.

Emerging Trends

The second part of the survey was designed to elicit information about shock programs currently operating. Some emerging trends include:

- ◆ Shock incarceration programs vary greatly, and any evaluation must begin with a description of the program and its objectives.
- ◆ Evidence indicates that the boot camp experience may be more positive than incarceration in traditional prisons.
- ◆ No evidence exists that those who complete boot camp programs are more angry or negatively affected by the program.
- ◆ Those who complete shock programs report having a difficult but constructive experience. Similar offenders who serve their sentences in traditional prison do not view their experiences as constructive.
- ◆ Although results indicate that recidivism rates are difficult to compare across different programs, rearrest rates are no higher nor lower than those for groups who serve a longer period of time in a traditional prison or who serve time on probation. Researchers are currently examining this issue.
- ◆ Programs differ substantially in the amount of time offenders spend in rehabilitative activities.
- ◆ Success may be contingent on the post-release support — giving offenders the training, treatment, and education needed to promote new behavior.

Although conclusions are not yet definitive, it appears that offenders may change in a positive way during their brief shock incarceration. Parolees who complete the programs are generally much more positive about their experiences than those released from regular prison. Those who are not ready to change, however, may drop out of the program.

"After-Shock" Treatment

Research also suggests that returning to the home environment may present such overwhelming difficulties for offenders that positive changes during incarceration cannot be sustained. New York, with the largest shock incarceration program of any state, has identified maintaining positive changes as a possible

problem and has developed an "after-shock" program to help offenders while they are under supervision in the community.

Most of these programs are not merely a time of punishment through hard labor and exercise. In almost all shock programs, offenders receive more counseling and education than they would in the general inmate population. One question raised by research is whether the boot camp atmosphere enhances the effect of treatment or whether an intensive treatment program alone would have the same effect.

Offenders who are near the end of their time in shock incarceration report that these programs result in "getting free" of drugs and becoming physically fit. Physical training, drill, hard labor, and the boot camp regime may, however, be important in several ways. Offenders mention the advantage of learning to get up in the morning and to be active all day.

The radical changes these activities produce in everyday living patterns may have other effects. They shake up the offenders, creating stress at a time when offenders may be particularly susceptible to outside influences. This is an excellent time for them to reevaluate their lives and change their thinking and behavior with the help of constructive experiences in boot camp.

The specific components of shock incarceration programs vary greatly, although all programs have a highly structured environment modeled after a military boot camp. Offenders must participate in drills and physical training.

Programs are also similar in that offenders are incarcerated for only a short period of time. Other than this short-term incarceration in a boot-camp-type atmosphere, programs differ substantially. Some programs emphasize counseling and education, others emphasize work. Programs also vary in how offenders are selected for the program and how they are released. In some cases the offenders are intensively supervised; in others, they are placed on standard parole.

Multi-Site Study

NIJ has funded three shock incarceration studies. This includes the aforementioned early review and comparison of programs throughout the United States, which was published by NIJ in 1989. The second, a completed evaluation of shock incarceration in Louisiana, was published by the NIJ in June. The third, a multi-site study of shock incarceration programs—including some designed for drug offenders will be completed in December.

The Institute's multi-site evaluation will answer two major questions:

- ◆ How successful is shock incarceration in fulfilling its goals?
- ◆ What particular components of shock programs lead to success or failure in fulfilling program goals?

Two of the major goals of most programs appear to be to reduce prison crowding and to reduce recidivism.

Reducing prison crowding could occur in two ways. The first, or direct, way is to shorten the period of time offenders spend in prison. Boot camps' impact on prison bed space will vary with five factors:

Continued

Does Shock Incarceration Work?

Continued From Previous Page

1. the size of the pool of eligible offenders and, if shock participation is voluntary, the willingness of these offenders to participate;
2. the probability that those offenders would be imprisoned if placement in the boot camp program were not available;
3. the rate at which those admitted to boot camps complete the program;
4. the difference between the offenders' regular prison terms and the duration of the boot camp program; and
5. the rate at which boot camp graduates return to prison, either for violations of release conditions or for new criminal convictions.

Indirect Method

The second, or indirect, way is to change the post-release behavior of boot camp graduates so that fewer return to prison for new convictions or violations of conditions of supervision. In terms of recidivism, prison populations could be reduced if the criminal activities of shock offenders were reduced upon release. This would be an indirect effect on prison crowding, and would take some time to have an impact. The assumption is that offenders would be rehabilitated or deterred by the experience of the shock incarceration program and would be less apt to be involved in crime in the future. As a result there would be fewer criminals, fewer convictions, and hence, fewer offenders sentenced to prison.

Debate continues about the role of the tough boot camp atmosphere and whether it is a framework for positive change or a method of punishment.

There are other aspects of shock incarceration programs which are of concern to opponents and advocates of the programs. Protecting inmates' rights, screening for medical problems, equal opportunities for women and handicapped offenders, and standards and guidelines are just a few of these issues.

The evaluation will compare eight unique state programs for men in Florida, Georgia, Illinois, Louisiana, Oklahoma, New York, South Carolina and Texas, and one program for women in South Carolina.

The participating programs were selected because they varied in several ways, including selection decisions, community supervision upon release, program characteristics and program location. Researchers hope to isolate the specific components of programs which lead to the fulfillment of program goals. Each participating program is evaluating its own program and coordinating this evaluation with the other states so the methodology, data collected and data analysis can be compared across states.

Substance Abuse Shock

While it is clear that many offenders sentenced to boot camps need drug treatment and education, it is not clear whether these programs are the most effective way to provide it. Therefore, the NIJ study is including the innovative or enhanced boot camp programs for drug offenders currently funded by the U.S. Department of Justice's Bureau of Justice

Assistance in Texas, New York, Illinois and Oklahoma. As a BJA funding requirement, each site must participate in the NIJ multi-site study of shock incarceration. NIJ evaluators are Louisiana State University & the University of Maryland.

The multi-site study design, modeled after NIJ's evaluation of Louisiana's IMPACT program, involves four components:

- ◆ a system-level analysis (such as the impact of the program on prison crowding);
- ◆ an examination of inmate changes and comparisons (including recidivism) among offenders receiving different punishments;
- ◆ a description of the shock program, including interviews with program staff and inmates; and
- ◆ an examination of the cost-effectiveness of the programs.

In the study's first phase, qualitative and descriptive analysis was completed first by researchers at the sites to facilitate developing the research design. In their report, the researchers described the history and development of each program and detailed the goals. Then, interviews with program personnel and with shock and comparison inmates revealed the perspective of program participants.

In the second phase, evaluators will:

- ◆ continue to coordinate evaluations among the nine shock incarceration sites;
- ◆ Ensure that data collection and statistical comparisons of the performance of shock offenders and control groups during and after incarceration at nine sites are completed;
- ◆ Conduct cross-site comparisons; and
- ◆ Conduct system-level analyses at the different sites.

The results of this evaluation will be valuable in guiding criminal justice officials in deciding whether and how to implement and run boot camp programs.

In addition to these results, the evaluation will include reports on related topics such as a descriptive study of women in shock incarceration due in November. This study will explore programming, women's needs, combining men's and women's shock incarceration and possible effects of putting women in this nontraditional form of incarceration. Another topic covered by the evaluation to be completed soon is a small index of offenders' positive activities — to compare with their negative activities — after release from shock incarceration into community supervision. This will include former shock inmates finding work and participating in treatment programs.

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Edited by Jamie Lillis

Opinions or points of view expressed in this document are those of the author and do not necessarily reflect the official position nor policies of the NIJ or U.S. Department of Justice. For additional information, please contact: Doris Layton MacKenzie, Ph.D., Department of Criminal Justice and Criminology, 2220 LeFrank Hall, University of Maryland, College Park, MD 20742-8235; 301/405-3008.

3-10

"Shock" Prisons Now Used In Over Half DOC Systems

Shock incarceration programs, otherwise known as "boot camps," have experienced rapid growth since their inception in 1983. These programs — which put young (usually first-time) offenders sentenced for drug and other nonviolent crimes through a military-style boot camp as an alternative form of punishment and/or rehabilitation — now exist in more than half of all state correctional systems, as well as the Federal Bureau of Prisons.

According to 45 responding state departments of corrections, the District of Columbia, and the FBOP, 26 systems maintain at least one shock incarceration (SI) program. Five more have plans to start such programs. The nine Canadian systems which responded to this month's Compendium survey report operating no SI programs at this time.

Of the 26 systems which do have SI programs, 15 report a total operating budget for those programs of more than \$34.4 million or an average approaching \$2.3 million per system. Illinois reported the highest budget at just over \$5.4 million; Arizona reported the lowest at \$1.1 million.

Eight systems report that their SI budgets have increased over last year, Arizona and California report decreased budgets from last year. Arkansas, Massachusetts and Nevada report no change in their budgets. Nine systems report proposing increases for next year's budget.

Shock vs. Prison Costs

Eighteen responding systems reported the daily costs per inmate for both shock programming and the traditional prison setting. In these systems, the cost of all U.S. SI programs comes to about \$705 daily per inmate, or about \$39 daily per inmate for each system. Michigan reported the highest cost at \$66; Mississippi reported the lowest at \$9 per day. This figure was determined by dividing the amount spent on traditional inmates per day (\$27) by three since three times as many inmates go through the SI program, according to state public relations director Ken Jones.

For these systems to house the same inmate in prison it would cost a total of about \$834 per day, or about \$46 daily per inmate for each system. Tennessee reported the highest cost at \$62; Alabama, Arkansas, and Mississippi tied for the low at \$27.

Twenty-six systems report an average SI program length of almost four and a half months. Montana reported it did not yet have a specified length for its program which only started in mid-July. Oklahoma reports having the longest program at six and a quarter months; six systems report programs lasting up to six months; seven systems report programs lasting at least three months; and Alabama and Louisiana systems maintain three-month and six-month programs.

Nine responding systems operating coed SI programs. Minnesota reports its program will become coed this month. Five systems report maintain separate men's and women's SI programs. Twelve report operating only men's facilities.

Nearly 7,600 inmates can be incarcerated at any one time in SI programs around the country, or an average capacity of almost 300 inmates per program, according to 26 responding systems. New York has the highest capacity at 1,850 inmates; Wisconsin has the lowest at 40. Twenty-six systems report holding a total of 6,251 SI participants currently, or about 240 per system. New York holds the most at 1,492; Kentucky holds the least at 20.

Success Rates

A total of nearly 50,000 inmates in 25 systems started in the program, an average of nearly 2,000 per system. New York had the highest number of starters at 14,501; Kentucky had the lowest at 20. A total of 33,023 inmates in 23 systems completed the program, or an average or more than 1,400 per system. (Non-reporting systems using SI have just started new programs, thus no completion or success rates can be compiled). New York reports the highest completion rate at 8,198; Minnesota reports the low at 29, but this includes only the first of a new three-phase program.

Twenty systems report an average success rate of just over 71 percent. Mississippi reported the highest success rate at 91.3 percent; Wisconsin reported the lowest at 20 percent. Peter Stacy, superintendent of the St. Croix Correctional Center in Wisconsin said that more hardened third- and fourth-time offenders which participated in their SI program brought down those figures.

Of a total of 49,676 starting participants, 16,653 did not complete the program, or an average of about 666 inmates per system. However, this does not take into account new programs which haven't operated long enough to have a completion rate.

A total of 2,171 employees are assigned to 25 responding SI programs; or an average of about 87 per system. New York employs the highest number of SI correctional officers at approximately 850; New Hampshire employs the lowest number at 10.

Nineteen systems report that inmates participate voluntarily in SI programming, seven report that inmates participate involuntarily. In Georgia, inmates may choose to volunteer for the program, but all probationers are required to participate.

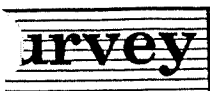
Participation Assignment

In 13 systems the court system assigns offenders to the program. In another 13 systems the DOC assigns offenders to the program. In New Hampshire the offenders are assigned by a combination of the court and DOC. In Illinois and Pennsylvania, the sentencing judge assigns the offender. In Georgia and Louisiana, the parole board has this responsibility. In Tennessee, offenders are recommended for the program "by probation and classification." Massachusetts assigns the offender "when criteria is met."

The requirements for participation in SI programs vary from system to system, but most have requirements relating to the age of inmate, type of crime, length of sentence, number of offenses, as well as physical and mental condition, as follows:

Age of inmate:	21 systems
Type of crime:	24 systems
Length of sentence:	22 systems
Number of offenses:	14 systems
Physical condition:	25 systems
Mental condition:	24 systems

Continued On Page 12



SHOCK INCARCERATION: COSTS, LOCATION

SYSTEM	HAS SHOCK OR BOOT CAMP PROGRAM(S)	CURRENT BUDGET	CHANGE IN BUDGET	PER DIEM COST OF:		LENGTH OF PROGRAM
				SHOCK/BOOT CAMP	PRISON	
ALABAMA	Yes	\$2M	More funding is requested	\$29.90	\$27	3 mos. (min. security); 6 mos. (max. security)
ALASKA	No program currently; however, legislation has been passed to begin one					
ARIZONA	Yes	\$1,129,310	Decrease from last year's budget	\$23.24	\$43.78	120 days
ARKANSAS	Yes	\$1.4M	None	\$27.00	\$27.00	105 days
CALIFORNIA	Yes	\$1.5M	Decrease from last year's budget	Unknown	Unknown	3 mos. prison; 2 mos. work training; 4 mos. parole
COLORADO	Yes	\$1,462,419	Increase over last year's budget	\$37.45	\$52.68	3 mos.
CONNECTICUT	No program					
DELAWARE	No program					
DISTRICT OF COLUMBIA	No program					
FLORIDA	Yes	Unavailable	More money is being proposed for next year's budget	\$43.00	\$43.00	3 mos.
GEORGIA	Yes	Unknown		\$30.50	\$45.00	3 mos. for probation facilities, 4 mos. for inmate
HAWAII						
IDAHO						
ILLINOIS	Yes	\$5,404,900	Increase over last year's budget; more money is being proposed for next year	\$42.67	\$43.06	120 days
INDIANA	No program					
IOWA	No program					
KANSAS	Yes	\$1,412,114	Increase over last year's budget; more money is being proposed for next year	\$45.00	\$56.50	180 days
KENTUCKY	Yes	\$1.2M (for 18 mos.)	More money is being proposed for next year	Unavailable	\$37.78	120 days plus a 6 day zero week that does not count on the program time length
LOUISIANA	Yes	Unavailable		\$33.60	\$29.96	90-180 days
MAINE	No program					
MARYLAND						
MASSACHUSETTS	Yes	\$4M	None	Unavailable	Unavailable	4 mos.
MICHIGAN	Yes	Unavailable	Increase over last year's budget	\$66.00	\$14,000-23,000 per yr.	3 mos.
MINNESOTA	Yes	\$3.1M	An increase is proposed from partial funding as it was not initially funded for a full year	Unavailable (program being phased in over time)	\$56.00	6 mos. (Phase I- incarceration & Phase II- community); remainder of sentence (Phase III- supervised release)
MISSISSIPPI	Yes	Unavailable		\$9.00	\$27.00	4 mos.
MISSOURI	No program currently; however, there are plan to begin one					
MONTANA	New program began 7/12/93					
NEBRASKA	No program currently; however, planning to start 7/1/96 per legislation					
NEVADA	Yes	\$6,375 per trainee per 150 day program	None	\$42.50	\$40.80	150 days
NEW HAMPSHIRE	Yes	Unavailable		\$47.05	\$47.05	4 mos.
NEW JERSEY	No program					
NEW MEXICO	No program					
NEW YORK	Yes	Unavailable		\$69.23	\$52.06	6 mos.

SHOCK INCARCERATION: COSTS, LOCATION

SYSTEM	HAS SHOCK OR BOOT CAMP PROGRAM(S)	CURRENT BUDGET	CHANGE IN BUDGET	PER DIEM COST OF:		LENGTH OF PROGRAM
				SHOCK/BOOT CAMP	PRISON	
NORTH CAROLINA	Yes	\$1.3M	More money is being proposed for next year	\$49.00		3 mos.
NORTH DAKOTA	No program					
OHIO						
OKLAHOMA	Yes	Unavailable	More money is being proposed for next year	Unavailable	\$34.02	45 days - 5 mos.
OREGON	No program currently; however, one will begin 10/1/93					
PENNSYLVANIA	Yes	\$3.8M	Increase over last year's budget; more money is being proposed for next year	\$14,000 per year	\$28,000 per year	6 mos.
RHODE ISLAND	No program					
SOUTH CAROLINA						
SOUTH DAKOTA	No program					
TENNESSEE	Yes	\$2,848,000	Increase over last year's budget	\$50.76	\$62.00	3 mos.
TEXAS	Yes	Unavailable		\$45.70	\$41.48	3 mos.
UTAH	No program					
VERMONT	No program					
VIRGINIA	Yes	\$2,620,274	Increase over last year's budget	\$31.82	\$45.24	3 Mos.
WASHINGTON	No program; however, one is starting 11/1/93					
WEST VIRGINIA	No program					
WISCONSIN	Yes	\$1,233,900	Increase over last year's budget due to expansion	\$50.41	\$55.62	6 mos.
WYOMING						
FEDERAL BUREAU OF PRISONS	Yes	Unavailable		\$45.41-48.00	\$56.84	6 mos.

CANADIAN SYSTEMS

ALBERTA	No response
BRITISH COLUMBIA	No program
MANITOBA	No program
NEW BRUNSWICK	No response
NEWFOUNDLAND	No program
NORTHWEST TERRITORY	No response
NOVA SCOTIA	No program
ONTARIO	No program
PRINCE EDWARD ISLAND	No response
QUEBEC	No program
SASKATCHEWAN	No program
YUKON TERRITORY	No program
CORRECTIONAL SERVICE OF CANADA	No program

SHOCK INCARCERATION: NUMBERS

SYSTEM	SHOCK/BOOT CAMP IS FOR:			MAXIMUM CAPACITY OF PROGRAM	NUMBER OF CURRENT PARTICIPANTS	NUMBER WHO STARTED PROGRAM	NUMBER WHO COMPLETED PROGRAM	SUCCESS RATE	NUMBER OF EMPLOYEES
	MALES	FEMALES	COED						
ALABAMA	X			180	113	2,172	1,875	90%	51
ALASKA	No program								
ARIZONA			X	150	131	1,895	974	59%	35
ARKANSAS	X			150	150	1,435	1,030	80.1%	46
CALIFORNIA	X			176	133	198	(New program)		44 (prison program)
COLORADO			X	100	114	863	600	69.5%	42
CONNECTICUT	No program								
DELAWARE	No program								
DISTRICT OF COLUMBIA	No program								
FLORIDA	X			100	97	2,082	938	47.1%	34
GEORGIA	X			1,265	1,273	Unavailable	Unavailable	Unavailable	Unavailable
HAWAII									
IDAHO									
ILLINOIS			X	430	405	2,579	1,387	65%	161
INDIANA	No program								
IOWA	No program								
KANSAS	X			104	78	404	188	58%	33
KENTUCKY			X	50	20	20	(New program)		21
LOUISIANA			X	148	120	1,883	977	51.9%	13 (full-time)
MAINE	No program								
MARYLAND									
MASSACHUSETTS	X	X		256	137	384	111	54%	86
MICHIGAN			X	360	300	3,956	2,440	61%	130
MINNESOTA	X		9/93	72	38	84	29 (Phase I)	(New program)	31
MISSISSIPPI	X	X		287	238	4,091	3,735	91.3%	37
MISSOURI	No program								
MONTANA	No program								
NEBRASKA	No program								
NEVADA	X			96	77	478	340	89%	12
NEW HAMPSHIRE			X	75	28	297	225	60%	10
NEW JERSEY	No program								
NEW MEXICO	No program								
NEW YORK			X	1,850	1,492	14,501	8,198	63%	850 (approx.)
NORTH CAROLINA	X			90	84	1,307	1,096	65%	36
NORTH DAKOTA	No program								
OHIO									
OKLAHOMA	X	X		430	368	2,015	1,947		72
OREGON	No program								
PENNSYLVANIA			X	197 (projected)	48	105	40	80% (after orientation)	44
RHODE ISLAND	No program								
SOUTH CAROLINA									
SOUTH DAKOTA	No program								
TENNESSEE	X			150	100	867	583	80%	80
TEXAS	X	X		400	301	6,264 (1,127 ineligible)	5,137	89%	137

SHOCK INCARCERATION: NUMBERS

SYSTEM	SHOCK/BOOT CAMP IS FOR:			MAXIMUM CAPACITY OF PROGRAM	NUMBER OF CURRENT PARTICIPANTS	NUMBER WHO STARTED PROGRAM	NUMBER WHO COMPLETED PROGRAM	SUCCESS RATE	NUMBER OF EMPLOYEES
	MALES	FEMALES	COED						
UTAH	No program								
VERMONT	No program								
VIRGINIA	X			96	54	663	458	81%	70
WASHINGTON	No program								
WEST VIRGINIA	No program								
WISCONSIN	X			40	38	304	58	20%	29
WYOMING									
FEDERAL BUREAU OF PRISONS	X	X		299	314	1,193	657	(New program)	67

CANADIAN SYSTEMS

ALBERTA	No response								
BRITISH COLUMBIA	No program								
MANITOBA	No program								
NEW BRUNSWICK	No response								
NEWFOUNDLAND	No program								
NORTHWEST TERRITORY	No response								
NOVA SCOTIA	No program								
ONTARIO	No program								
PRINCE EDWARD ISLAND	No response								
QUEBEC	No program								
SASKATCHEWAN	No program								
YUKON TERRITORY	No program								
CORRECTIONAL SERVICE OF CANADA	No program								

"Shock" Prisons Now Used In Over Half DOC Systems

Continued From Page 8

Systems which use shock incarceration consider the programs to be successful in redirecting young offenders, reducing punishment time, saving corrections costs, and reducing recidivism rates as follows:

Redirecting of offenders: 21 systems
 Reducing punishment time: 21 systems
 Saving corrections costs: 24 systems
 Reducing recidivism rate: 17 systems

Problems Remain

Many systems report that although shock incarceration has been successful in these areas, several remaining problems must be solved including:

staff burnout and overzealous officers; lack of follow-up counseling; participation criteria too strict for interested inmates, inefficient community release; sentencing judges controlling destiny of SI graduates instead of the DOC; ineligible candidates assigned when a backlog of eligible

ones are available, budget constraints affecting ability to hire top quality and quantity personnel, gaining widespread support from district judges, lack of cooperation from county jails in recruitment; tardy parole decisions; cooperation and effective communication within the system; increasing public knowledge of sentencing alternatives; program too short to be effective; inappropriate referrals, lack of adequate living space for SI participants.

Twenty-one systems report they have participated or are currently participating in evaluations to determine the effectiveness of their SI programs. Evaluations are performed: internally within the department or by management review; externally by outside evaluators such as local universities, the American Correctional Association (ACA), and the National Institute of Justice (NIJ) (which will complete its multi-site study in December); or both internal and external evaluations.

By Jamie Lillis

SHOCK INCARCERATION: PARTICIPATION

SYSTEM	PARTICIPATION VOLUNTARY?	PARTICIPATION ASSIGNED BY			REQUIREMENTS FOR PARTICIPATION	PROGRAM IS CONSIDERED SUCCESSFUL IN:
		COURTS	DEPT.	OTHER		
ALABAMA	Yes	X			Length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; saving costs; reducing recidivism rates
ALASKA	No program					
ARIZONA	No	X	X		Age of inmate; length of sentence; physical and mental condition	
ARKANSAS	Yes		X		Type of crime; length of sentence; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
CALIFORNIA	Yes		X		Type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
COLORADO	Yes		X		Age of inmate; type of crime; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs
CONNECTICUT	No program					
DELAWARE	No program					
DISTRICT OF COLUMBIA	No program					
FLORIDA		X			Age of inmate; type of crime; length of sentence; physical condition	Redirecting young offenders; reducing punishment time; saving corrections costs; reducing recidivism rates
GEORGIA	Yes (inmates); no (probationers)	X		Parole Board (inmates)	Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	
HAWAII						
IDAHO						
ILLINOIS	Yes		(per sentencing judge)		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
INDIANA	No program					
IOWA	No program					
KANSAS	Yes	X			Age of inmate; type of crime; number of offenses; physical and mental condition	Redirecting young offenders; saving costs; reducing recidivism rates
KENTUCKY	Yes		X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; saving costs
LOUISIANA	Yes	X	X	Parole Board	Age of inmate; type of crime; length of sentence; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs
MAINE	No program					
MARYLAND						
MASSACHUSETTS	Yes			When criteria is met	Age of inmate; type of crime; length of sentence; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs
MICHIGAN	Yes	X	X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
MINNESOTA	Yes		X		Type of crime; length of sentence; physical and mental condition	Reducing punishment time; saving costs
MISSISSIPPI	No	X			Type of crime; length of sentence; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
MISSOURI	No program					
MONTANA	No program					
NEBRASKA	No program					
NEVADA	No	X			Age of inmate; type of crime; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates

SHOCK INCARCERATION: PARTICIPATION

SYSTEM	PARTICIPATION VOLUNTARY?	PARTICIPATION ASSIGNED BY			REQUIREMENTS FOR PARTICIPATION	PROGRAM IS CONSIDERED SUCCESSFUL IN:
		COURTS	DEPT.	OTHER		
NEW HAMPSHIRE	Yes			Court sentenced with DOC approval	Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
NEW JERSEY	No program					
NEW MEXICO	No program					
NEW YORK	Yes		X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
NORTH CAROLINA	No	X			Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
NORTH DAKOTA	No program					
OHIO						
OKLAHOMA	No	X	X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
OREGON	No program					
PENNSYLVANIA	Yes		X	Recommended by Judge	Age of inmate; type of crime; length of sentence; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
RHODE ISLAND	No program					
SOUTH CAROLINA						
SOUTH DAKOTA	No program					
TENNESSEE	Yes			Recommended by probation and classification	Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
TEXAS	No	X			Age of inmate; type of crime; length of sentence; number of offenses	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
UTAH	No program					
VERMONT	No program					
VIRGINIA	Yes	X			Age of inmate; type of crime; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs
WASHINGTON	No program					
WEST VIRGINIA	No program					
WISCONSIN	Yes		X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Redirecting young offenders; reducing punishment time; saving costs; reducing recidivism rates
WYOMING						
FEDERAL BUREAU OF PRISONS	Yes		X		Age of inmate; type of crime; length of sentence; number of offenses; physical and mental condition	Reducing punishment time; saving costs

#14

**TESTIMONY BY GARY STOTTS, SECRETARY OF CORRECTIONS
BEFORE THE SENATE JUDICIARY COMMITTEE**

JANUARY 20, 1994

LABETTE CORRECTIONAL CONSERVATION CAMP

Statutory Authority:

For crimes committed prior to July 1, 1993, KSA 21-4603 provides for the Court to assign an offender to a conservation camp for a period not to exceed 180 days and authorizes the modification of sentence upon the offender's completion of the program. For crimes committed on and after July 1, 1993, Ch. 291, Sec. 183 of the 1993 Session Laws provides for the Court to assign the offender to a conservation camp for up to 180 days but deletes the modification provisions. Instead, the Sentencing Guidelines Act defines a conservation camp as a non-prison sanction. KSA 75-5206 grants the Secretary of Corrections the authority to make placement decisions for offenders sentenced to the Secretary's custody, including placement in a conservation camp. KSA 21-4614(a) provides that time spent in a conservation camp, regardless of reason for discharge, shall be credited toward the offender's sentence.

The 1990 Legislature through Senate Bill 596 authorized the Department of Corrections and Labette County to enter into agreements to establish and operate a correctional conservation camp in Labette County. This action followed years of discussions with Labette County officials and others regarding the establishment of an honor camp or conservation camp as an economic development initiative for the area.

Contract Provisions:

On June 27, 1990, a 21-year contract, commencing with the date of issuance of bonds by the Kansas Development Finance Authority (KDFA), was entered into between the Secretary of Corrections and Labette County providing for the establishment and operation of a 104-bed community correctional conservation camp. On August 30, 1990, a bond issue of \$2.0 million by the Kansas Development Finance Authority provided funds to construct and equip the facility. Construction began in October of 1990, and offenders were first admitted to the facility on March 25, 1991.

The first debt service payment on the bonded indebtedness was made on August 1, 1991, and at the present time, the unpaid balance on the principal amount is \$1,840,000. At the end of twenty years, on August 1, 2010, the bonded indebtedness will be retired. Upon the retirement of the bonded indebtedness, ownership of the facility will be transferred to Labette County.

*Senate Judiciary
Jan. 20, 1994
Attachment # 4*

In accordance with the agreement, the Department of Corrections shall seek annual appropriations from the Legislature to finance the camp's operations and the principal and interest payments on the bonded indebtedness. The Department is responsible for making the debt service payment from the appropriation. The remainder of the camp's appropriation is then paid to the county in semi-annual payments, on or before July 10 and January 10 of each fiscal year.

The contract between Labette County and the Department of Corrections provides for the County to operate the camp in accordance with standards established and monitored by the Department. The contract may be terminated upon thirty (30) days written notice in the event the County fails to fulfill the terms of the contract and maintain compliance with KDOC standards. Specific provisions for notification of breach of contract and time periods for cure of breach are contained within the contract.

According to the contract's provisions, the County shall establish and maintain an administrative board to oversee the operation of the camp. The county may also subcontract with a qualified management contractor for the actual operation of the camp. (The County continues to subcontract with Corrections Partners, Incorporated, formerly known as Correctional Services Group, Inc. / Corrections Management Affiliates, Inc. The contract between Labette County and this private management firm began on July 20, 1990.)

Role of Department of Corrections:

Department of Corrections staff monitor the operations of the camp to ensure its compliance with standards established by the Department. Formal audits of the camp are conducted by Departmental staff annually and other more informal audits are conducted as necessary. The Department provides technical assistance to the camp's staff as requested. Any complaints written by offenders currently assigned to the Camp are investigated and answered by Departmental staff.

The camp's administrator and administrative board submit annual budget requests to Departmental staff in much the same format as is required for budget requests submitted by state agencies. Departmental staff analyze the requests and make necessary changes in conjunction with camp officials.

Offenders have been assigned to the camp by the Courts as an alternative to incarceration or, in some cases, as a condition of probation. Diversion from prison has been the primary intent or purpose of the camp. Offenders sentenced to the Camp are not commitments to the Department of Corrections. With the implementation of Sentencing Guidelines, the camp will primarily serve as a sentencing option for offenders who fall within the presumptive nonimprisonment blocks of the sentencing grids.

Departmental staff, as well as camp officials, have been concerned about the camp's lack of referrals from the counties and its low average daily population which remains well under the camp's capacity. In an effort to resolve the problem, the Department requested and received technical assistance from the National Institute of Corrections to provide a consultant's review of the camp's selection and referral process. The review was completed in October, 1992, and the final report included recommendations which the consultant believed would increase the camp's population. Some of the recommendations, such as expanded eligibility criteria, have been implemented. Other recommendations are still being considered or have been disapproved by the Labette County Commission.

In addition, the Department is drafting legislation which would require a sentencing court to consider placement of an offender in the Labette Correctional Conservation Camp prior to sentencing the offender to prison following a probation revocation, when the offender falls within a border box of the non-drug sentencing grid, or when the Court is considering a dispositional departure for an offender who falls into the presumptive nonimprisonment blocks of the sentencing grids. Under the Department's proposal, if the offender falls within any of the above categories, he could not be sentenced to imprisonment if space is available in the conservation camp, and the offender meets the camp's placement criteria unless the Court states on the record the reasons for not placing the offender in the conservation camp.

**Summary of Appropriations
Labette Correctional Conservation Camp**

<u>Fiscal Year</u>	<u>Total Appropriation</u>	<u>Operating Costs</u>	<u>Debt Service*</u>
1991	\$ 589,500	\$ 589,500	\$ --. **
1992	1,213,245	1,031,232	182,013
1993	1,380,978	1,196,743	184,235
1994	1,412,114	1,230,566	181,548
1995 ***	1,412,114	1,230,319	181,795

* Principal and interest payments

** Initial debt service payment (interest only) was paid from bond proceeds, accrued interest paid on the bonds, and investment earnings from the bond reserve.

*** Governor's recommendation