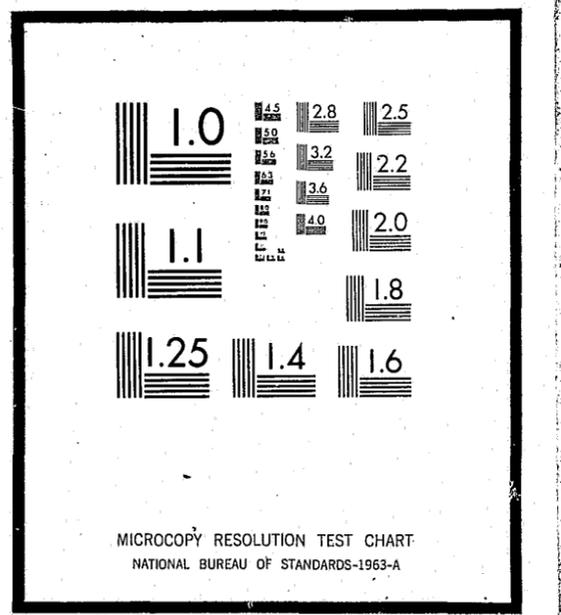


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for a more perfect union-

CORRECTIONAL REFORM

NCJRS

JUN 29 1976

ACQUISITIONS

ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575

M-64 August 1971

Foreword

To combat rising crime rates and to build more justice into their criminal justice systems, States and localities should make far-reaching improvements in courts and corrections, police and prosecution — and should carefully tie together these component elements of criminal justice into a coherent system.

That is the basic conclusion of the Advisory Commission on Intergovernmental Relations in its report, *State-Local Relations in the Criminal Justice System*. Based on 18 months of intensive study, the Commission formulated 44 specific recommendations for State-local action to improve all segments of criminal justice.

The Commission is a 26-member bipartisan, permanent, national body, founded by Federal law to monitor the operations of the federal system and to make recommendations for improvements at all levels of government. Its membership represents the legislative and executive branches of Federal, State and local governments and the public.

The Commission does not speak for the Federal Government and it should not be inferred that the Federal Government necessarily concurs in all recommendations of the Commission or draft legislation to implement Commission proposals.

Commission *recommendations for improving corrections* have been incorporated into a draft State Department of Correction Act, reprinted in this volume. This draft proposal was developed by the ACIR staff with the advice and assistance of State and local officials and others with special knowledge of the subject matter. It was reviewed in detail by the Commission's Advisory Board on State Legislation. In addition, as a service to State legislatures, the Committee on Suggested State Legislation of the Council of State Governments accepted the draft proposal for publication in CSG's annual volume of *Suggested State Legislation*.

Correctional Reform is one of a series of ACIR action packets designed to present in brief form selected Commission findings and recommendations together with draft legislation intended to serve as a point of departure for States wishing to incorporate the Commission's recommendations into their statutes.

The complete 300-page Commission report, *State-Local Relations in the Criminal Justice System* (A-38), may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Multiple copies of individual slip bills contained in this action packet are available without charge from the Commission.

Wm. R. MacDougall
Executive Director

Corrections: Stepchild of Criminal Justice

Corrections is the stepchild of the criminal justice system.

Fragmented internally and isolated both physically and administratively from the rest of the system—the police, courts and prosecution—corrections tends to be forgotten by government and the public alike,

Yet, prisons, jails, detention facilities, probation and parole agencies and the other components of corrections are an integral part of the criminal justice system. Their isolation contributes to a particularly vicious spiral of crime, incarceration, worse crime, and thus the Nation's rising crime rates.

Eighty-five percent of the crimes in this country are committed by repeaters. Most of the offenders held in the corrections system now are young—between 15 and 30 years old—and 98 percent of all offenders eventually will return to the community. The cycle of crime is one reason jails have been termed "factories of crime," and prisons, "colleges for advanced criminal education."

To break the cycle will require a major reordering of priorities to support a new emphasis on rehabilitation rather than custody, to upgrade personnel and institutions, and consolidate and streamline administration.

People Make The Difference

The statistics show that just about everybody now in prison will get out, but most of them will return. The Commission believes that one of the most critical factors in this process is the personnel involved in rehabilitation. The Task Force on Corrections of the President's Crime Commission summed it up: "In corrections, the main ingredient for changing people is other people."

About 133,000 people were employed in State-local corrections in 1969—more than two-thirds in institutions; less than one-third in parole and probation. They handled about 1.1 million offenders—about one-quarter in institutions and three-quarters on probation, parole or in community-based facilities. In custodial institutions there were about seven offenders for each employee; parole and probation officers averaged about 100 cases which permitted them about 15 minutes per case per month.

A 1969 study of correctional manpower found no formal recruitment programs for corrections personnel.

ACIR urges States and localities to improve recruitment, compensation, training and promotion practices

to attract sufficient numbers of high quality personnel to corrections. The Commission sees this as a primary way to cut down the crime rates.

Higher salaries, improvement in working conditions and better recruitment procedures still would not solve the severe shortage of trained manpower available. To meet the immediate need, the Commission suggests the use of paraprofessionals, including ex-offenders except former policemen. It also recommends that States and localities provide training and educational opportunities to help potential workers meet appropriate standards.

The inadequacy of personnel is especially acute in jails and other short-term institutions that generally confine people for more than 48 hours but less than one year. Frequently managed by a sheriff or other law enforcement officials, these facilities have neither the personnel nor the capacity for any rehabilitation. They are in reality merely holding operations. Yet, offenders sit in them for months—sometimes years—with no counselling, no job training, nothing to do except fuel their resentment and plan bigger and better crimes.

The Commission suggests that short-term penal institutions be administered by appropriately trained correctional personnel. It also suggests that States establish minimum standards for all correctional personnel.

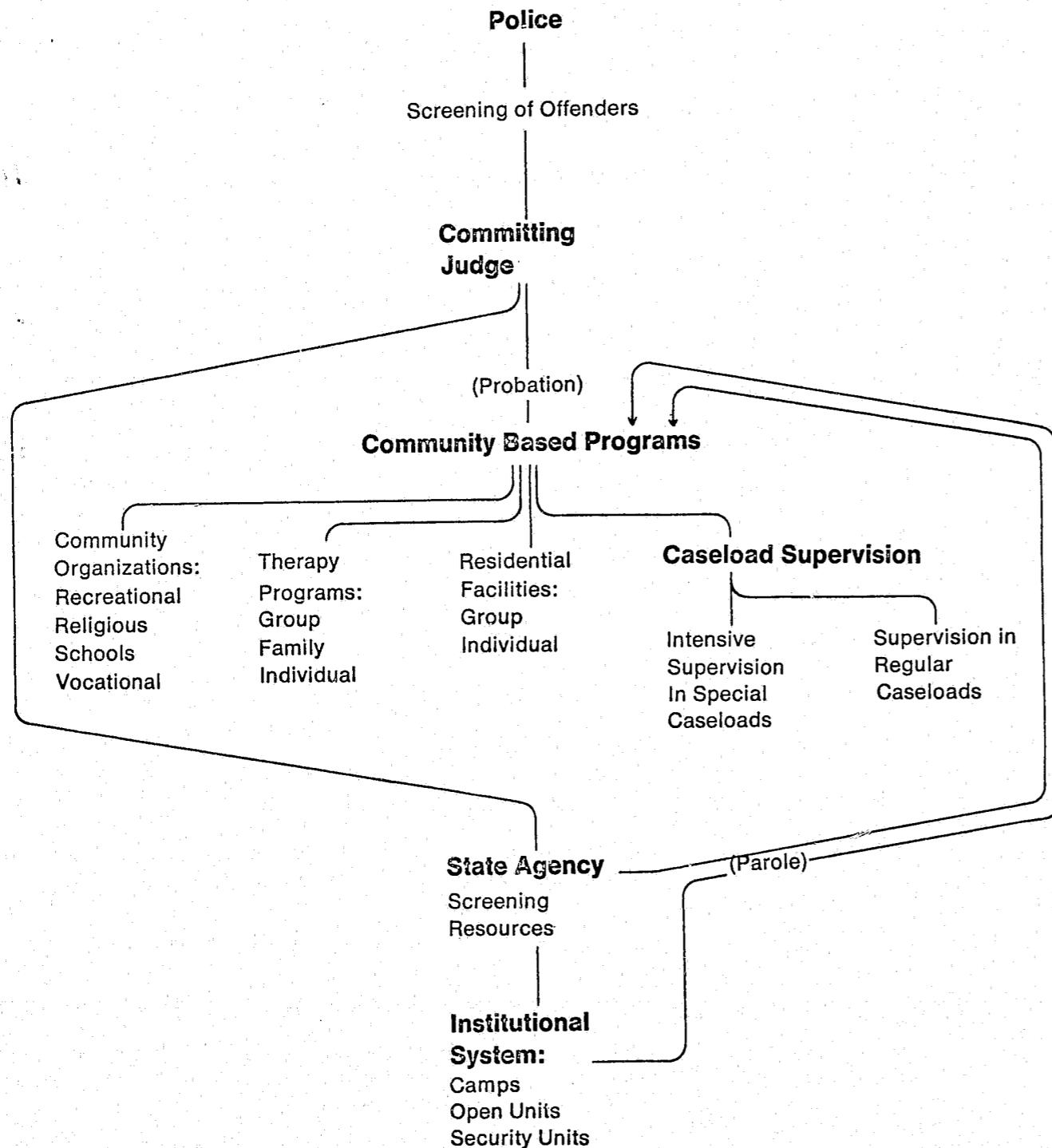
One problem with achieving these minimum standards is that many localities cannot afford to hire correctional personnel or to develop rehabilitation programs. The localities don't have the money—and their jails don't have enough inmates to warrant it. The Commission suggests that States encourage the development of regional institutions which would have both the financial base and enough inmates to make progressive rehabilitation programs economical.

. . . And So Do Fellow Prisoners

Besides those charged with caring for him, fellow prisoners can make the biggest impact on an offender—especially a juvenile first offender. Yet, in jails across the country juveniles and adults are mixed, untried detainees and convicted felons are placed in the same cell, misdemeanants can sit at the feet of hardened criminals and "learn the finer points."

It is generally assumed that persons under 16 years are not held in jail, but only nine States prohibit the

Elements of a Modern Correctional System



Source: U.S., President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, February 1967), p. 182.

placing of children in adult jails; only three of those States assert that jails are not used for children. It is generally assumed that city and county jails are reserved for detention until trial or incarceration of misdemeanants—offenders sentenced to less than one year. A survey of 215 county and city jails showed that half of them held convicted felons as well. And in one State, more than 2,000 prisoners were serving sentences exceeding two years in city and county jails.

Further, a 1965 study showed that 93 percent of the juvenile court jurisdictions in the Nation lack detention facilities other than city jails or police lockups. It found that more than 100,000 children were being admitted to city and county jails and police lockups.

In the case of the juvenile offender or convicted misdemeanant, this co-mingling with convicted adult felons hinders later attempts at rehabilitation.

But in the case of the untried person—who is presumed to be innocent—the situation in the jails and lockups around the country is the baldest form of injustice. Yet, a 1970 survey showed that more than half the inmates in local jails had not been convicted of crime.

The Commission recommends that States and local governments work together to provide adequate adult and juvenile detention services and facilities to end the mixing of children and adults, and untried persons with convicted offenders and to expedite the trial of untried detainees.

Towards Rehabilitation

If the corrections system is to train a person to live in society, it must provide him with a means of earning a living in the community and help him adjust to community life. But most penal institutions are far removed from the community. Vocational education and training often are irrelevant, prison industries inadequate. Psychological counselling generally is meager.

The Commission makes three recommendations to refocus corrections on rehabilitation by strengthening community-based treatment, expanding education and vocational training, and increasing programs and facilities for work release.

Community-based programs have a variety of advantages. Studies in California, New York, Wisconsin and elsewhere indicate that participants are less likely to become repeaters than those who receive only institutional care.

In addition, community-based treatment is cheaper.

Probation costs only one-sixth as much as institutional care and parole only one-fourteenth as much.

Academic and vocational training is inadequate. Studies generally indicate a high relationship between employment success and post-release success. A 1964 study showed that less than one-fifth of the offenders who were successful on parole were making use of training they received in prison. But management of prison industries is poor and many States have severe restrictions on the sale of prison-made goods—in large measure because of union opposition. A first step would be to upgrade management and repeal the restricting laws. In addition, hospitals, universities and State agencies could be encouraged to purchase products manufactured in penitentiaries. And the business community could be encouraged to cooperate in rehabilitation programs.

Work-release programs are not new. Wisconsin started the first program in 1913, and by 1969, 29 States had work-release programs. They generally permit the prisoner to work during the day and live in a small community-based facility—frequently a half-way house—at night. Or they enable the prisoner to take a furlough to look for work. In general, work-release is used for prisoners the last few months before parole to ease the transition back to the community. The Commission recommends more use, earlier, of this type of program.

Streamlining Administration

Very little is “systematic” about the State-local corrections system.

Three States—Alaska, Rhode Island and Vermont—have consolidated all corrections functions into one agency at the State level; Delaware has consolidated eight of nine functions into one agency. Alaska, Connecticut and Rhode Island pay the entire cost of corrections; and Vermont puts up nearly the total expenditure.

But a comprehensive approach generally stops there. In most situations, administrative responsibility is divided among the State, its counties and localities; split between agencies at each level that handle adults and those that deal with juveniles; and sliced up within jurisdictions among various functions. Many functions are not even handled by the corrections system, but are performed by the courts.

Every State, most of the 3,050 counties and all but the smallest cities in the Nation have at least one prison or jail. The average State bears two-thirds of the financial burden for corrections; its localities one-third.

The most widespread split in administration is between adult and juvenile care. This is based on the

historical separation in the concept of justice for juveniles and for adults. Useful at one point, bifurcation has led to duplication and overlap in responsibility, difficulties in comprehensive planning, and vagueness in the status of older juveniles and young adults.

The Commission believes this separation has outlived its usefulness and suggests one overall agency to have the responsibility for planning and developing programs for all ages of offenders. Within that agency, a separate division for dealing with juvenile problems might be warranted.

As far as functional divisions, the Commission believes that corrections should be viewed as the continuum it represents from detention through aftercare. It suggests that States consolidate responsibility into one agency—with the exception that the judicial functions of parole be handled by a separate board which is “in but not under” the single agency.

However, the Commission sees a need to keep the operation and partial financing of some institutions at the local level. These primarily are the functions that relate most closely to local court jurisdictions.

The Commission therefore suggests that localities retain operation and some of the fiscal responsibility for detention facilities, jails and other short-term adult institutions, and misdemeanor and juvenile probation. It urges States to assume the full financial, administrative and operating responsibility for all long-term correctional institutions, adult probation, parole, and juvenile aftercare.

In addition, the States should establish and monitor minimum standards of service, furnish planning and technical assistance, and provide a reasonable share of the cost of all corrections programs.

Reordering Priorities

Overall, the Commission concludes that to lower crime rates we are going to have to raise the priority of corrections significantly.

This means greater public attention, more funds and a shift of policy focus to bring about fundamental reforms in the system.

Federal, State and local governments together spent less than one-fifth of their criminal justice budgets on corrections in fiscal 1969. They spent more than three-fifths on police. States and localities did a bit better that year, putting about one-quarter of their \$6.5 billion criminal expenditures into corrections in fiscal 1965, four-fifths went into the walls and bars of institutions and the custodial personnel to maintain them, only one-fifth into community-based treatment and rehabilitation.

There are indications that the States are earmarking more money for corrections. But just as essential, is the shift in approach from punishment to rehabilitation. That will take longer, for it requires a change in attitude on the part of both the government and the public. A 1971 Gallup poll conducted for *Newsweek* found that even though a majority of those polled considered conditions of prisons deplorable and expressed concern, 83 percent opposed putting more money into improving the corrections system. And although 44 percent called for subsidizing bigger and better police forces, only 21 percent “would be willing to finance the construction of additional prisons to handle the additional felons that better police would inexorably produce.”

Attitudes change slowly, but economic realities may help. One man summed it up to the Gallup poll: “We need more mechanics than license plate makers.”

State Department of Correction Act

In most States, the administration of corrections facilities and services is highly fragmented. Only three States have established a “unified” corrections system, while a handful of others have consolidated responsibility for most of the corrections functions in one agency at the State level. Generally, however, administrative responsibility for the nine corrections activities — juvenile detention, juvenile probation, juvenile institutions, juvenile aftercare, misdemeanor probation, adult probation, local short-term adult institutions and jails, long-term adult institutions, and parole — is divided between the State and its political subdivisions, and among the various public and private agencies that handle adult and juvenile related programs. The only generalization that can be safely made is that every State has assumed responsibility for parole, long-term adult institutions, and long-term juvenile institutions, while local governments usually are responsible for juvenile detention and jails, police lock-ups, and other short-term facilities. This wide inter-governmental and interagency diversity has done little to further the successful rehabilitation of offenders, as reflected in rising recidivism rates.

The purpose of this bill is to provide for a more systematic State-local approach to corrections by expanding State administrative and supervisory responsibilities and by increasing State financial and technical assistance. Section 1 sets forth the legislature’s findings and purpose, and section 2 contains the necessary definitions. Section 3 establishes a State Department of Correction and a director of correction directly accountable to the governor. Section 4 fixes responsibility for the maintenance, supervision, and administration of all long-term correctional institutions for adults and juveniles, adult probation, parole services, and juvenile aftercare. The department is required to furnish to local detention and short-term correctional facilities and probation programs technical assistance, training courses, encouragement to enter into interlocal contracts and agreements for regional facilities, and financial aid. The department also is made responsible for establishing and enforcing standards and rules of operation for local facilities. Section 5 deals with cooperative agreements. Section 6 pertains to the director’s role in the commitment and transfer of offenders. Section 7 concerns the provision of diagnostic services, and section 8 deals with the transfer of mentally retarded inmates. Section 9 provides for the classification, treatment, and discipline of inmates. Section 10 focuses on offender vocational training programs and permits temporary furloughs and work release under specified conditions. Section 11 authorizes good behavior and discharge allowances. Sections 12 and 13 set forth procedures for the transfer of certain personnel, property, records, and funds from local to State status.

This bill draws upon the *Standard Act for State Correctional Services*, prepared by the National Council on Crime and Delinquency and the American Correctional Association, and on Delaware’s recent statute (Title II, *Delaware Code Annotated*, “Crimes and Criminal Procedure,” Chapter 65) establishing a State Department of Correction.

Suggested Legislation

[Title should conform to State requirements. The following is a suggestion: “An Act to establish a state department of correction.”]

ARTICLE I: CONSTRUCTION

1 Section 1. *Findings and Purpose.* The legislature hereby finds and declares that:

1 (1) The state has a basic obligation to protect the public by providing institutional confinement
2 and care of offenders and, where appropriate, treatment in the community;

3 (2) Efforts to rehabilitate and restore criminal offenders as law-abiding and productive members
4 of society are essential to the reduction of crime;

5 (3) Upgrading of correctional institutions and rehabilitative services deserves priority considera-
6 tion as a means of lowering crime rates and of preventing offenders, particularly youths, first-
7 offenders, and misdemeanants, from becoming trapped in careers of crime; and

8 (4) Correctional institutions and services should be so diversified in program and personnel as
9 to facilitate individualized treatment.

10 The purpose of this act is to establish an agency of state government to provide for the custody,
11 care, discipline, training, treatment, and study of persons committed to state correctional institutions
12 or on probation or parole, and to supervise and assist in the treatment, training, and study of persons
13 in local correctional and detention facilities, so that such persons may be prepared for release, after-
14 care, and supervision in the community.

15 *Section 2. Definitions.* As used in this act:

16 (1) "Adult" means a person [eighteen] years of age or older.

17 (2) "Juvenile," "minor," or "youthful" means a person less than [eighteen] years of age.

18 (3) "Offender" means any person convicted of a crime or offense under the laws and ordinances
19 of the state and its political subdivisions.

20 (4) "Institution" means a prison, penitentiary, jail, workhouse, training school, or other facility
21 operated by the state or by a unit of local government for the correction of offenders.

22 (5) "Local facility" means a temporary holding facility, police lock-up, or other facility for the
23 detention of persons for less than [forty-eight] hours operated by a unit of local government.

24 (6) "Detention" means the temporary care of juveniles and adults who require secure custody
25 for their own or the community's protection in a physically restricting facility.

26 (7) "Halfway house" means a community based and oriented facility which may provide
27 "live-in" accommodations for offenders who are assisted to obtain and hold regular employment; to
28 enroll in and maintain academic courses; to participate in vocational training programs; to utilize the
29 resources of the community in meeting their personal and family needs; and to participate in whatever
30 specialized programs exist within the halfway house.

31 (8) "Professional employee" means any employee whose work is predominantly intellectual
32 and varied in character; requires consistent exercise of discretion and judgment; requires knowledge
33 of an advanced nature in a field of science or learning customarily acquired by prolonged study in an

1 institution of higher learning; or is of such character that the output or result accomplished cannot
2 be standardized in relation to a given period of time; and who is compensated for his services on a
3 salary or fee basis.

4 (9) "Unit of local government" means a county, municipality, town, township, village, or other
5 general purpose political subdivision of the state.

ARTICLE II: ORGANIZATION OF DEPARTMENT

1 *Section 3. State Department of Correction.* (a) A state department of correction is hereby
2 established. The department shall be accountable directly to the governor.

3 (b) A director of correction, who shall be the chief administrative and fiscal officer of the
4 department, shall be appointed by the governor [with the advice and consent of the Senate] and shall
5 serve at his pleasure. The director shall receive an annual salary fixed by the governor pursuant to
6 law, in addition to an allowance for expenses actually and necessarily incurred by him in the perform-
7 ance of his duties. The director shall be qualified for his position by character, personality, ability,
8 education, training, and successful administrative experience in the correctional field. He need not
9 be a resident of this state when appointed.

10 (c) The director shall appoint such personnel as are required to administer the provisions of
11 this act. Within [four] years following the effective date of this act, all employees of the department
12 other than the director shall be within the state merit system.

13 (d) Within the general policies established by the governor and legislature, the director shall
14 administer the department, prescribe rules and regulations for its operation, and supervise the admin-
15 istration of all institutions, facilities, and services under the department's jurisdiction pursuant to
16 Section 4. The director shall prescribe the duties of all personnel of the department and the regula-
17 tions governing transfer of employees from one institution or division of the department to another.
18 He shall have authority, subject to civil service requirements, to suspend, discharge, or otherwise
19 discipline personnel for cause.

20 (e) The director, in cooperation with [insert state civil service commission or personnel
21 agency], shall establish minimum qualifications standards for correctional personnel; shall develop
22 new personnel classification positions to enable paraprofessionals, volunteers, and ex-offenders
23 [except those who were former police officers] to perform appropriate correctional services; and
24 shall arrange with appropriate agencies to provide pre-employment training and educational opportu-
25 nities to such individuals to enable them to meet minimum qualifications standards, and to make
26 available in-service training to departmental personnel.

1 *Section 4. Institutions, Services, and Administrative Structure.*

2 (a) The department shall be completely responsible for the maintenance, supervision, and ad-
3 ministration of the following institutions and services:

4 (1) All institutions within the state for the care, custody, and correction of persons committed
5 for felonies or misdemeanors, persons adjudicated as youthful offenders, and minors adjudicated as
6 delinquents by the [juvenile or family] courts and committed to the department.

7 (2) Probation services for courts having jurisdiction over adult criminal offenders.

8 (3) Parole services for persons committed by criminal courts to institutions within the depart-
9 ment. The parole board established by [cite section of act establishing parole board] shall be con-
10 tinued and shall be responsible for those duties specified in section [. .].*

11 (4) Aftercare services for juveniles released from correctional institutions and facilities.

12 (b) The department may establish and operate institutions for misdemeanants committed for
13 terms of thirty days or over.

14 (c) The following services and assistance shall be provided by the department to detention and
15 short-term correctional facilities and probation programs operated by units of local government:

16 (1) Consultation regarding the design, construction, programs, and administration of facilities
17 for juveniles and adults. The department may make studies and surveys of the programs and adminis-
18 tration of those facilities. Personnel of the department shall be admitted to these facilities as required
19 for those purposes.

20 (2) Establishment of standards and rules for the operation of local facilities and inspection, on
21 at least an annual basis, to ensure their compliance with the standards set. The department shall pub-
22 lish the results of the inspections as well as statistical and other data on the persons held in those
23 facilities. After providing reasonable notice and opportunity to make necessary improvements, the
24 director may order the closing of any facility that does not meet the standards set by the department.

25 (3) Establishment of minimum standards for probation services for juveniles and misdemeanants.

26 (4) Provision of training courses for the personnel of local facilities.

27 (5) Encouragement to enter into contracts and joint service agreements with other local units
28 to establish and operate regional detention and correctional facilities for adult and juvenile offenders.

29 (6) Administration of a financial assistance program established by state law to cover a reason-
30 able share of the costs of construction and operation of approved local facilities and programs. [The
31 department shall administer the state share of all federal funds for corrections related purposes made
32 available under Title I of the Omnibus Crime Control and Safe Streets Act of 1968.]

*See National Council on Crime and Delinquency, *Standard Probation and Parole Act* (New York: The Council, 1955).

1 (d) The department shall establish programs of research, statistics, and planning, including
2 evaluations of the performance of the various functions of the department and the effectiveness of
3 the treatment of offenders.

4 (e) The department shall make an annual report to the governor on its activities, including
5 statistical and other data; accounts of research work; analysis and evaluation of the adequacy and
6 effectiveness of personnel, institutions, and services; and recommendations for legislation affecting
7 the department. Copies of the report shall be provided to each member of the legislature.

8 (f) The director shall develop a suitable administrative structure providing for divisions and
9 services to accomplish the purposes, goals, and programs required by this act, including, but not
10 limited to, the following:

11 (1) Services for minors committed as delinquents by the [juvenile or family] courts shall be
12 provided by specially qualified staff, in institutions separate from those for adults and, where admin-
13 istratively practical, other services for juveniles shall be administered separately from those for adults.

14 (2) Females committed to the department shall be housed in appropriate institutions or quarters
15 separate from those for males.

16 (3) The department shall provide for the administration of all institutions by professional
17 corrections personnel.

18 *Section 5. Cooperation and Agreements with Other Departments and Agencies.* The department
19 shall cooperate with the courts and with public and private agencies and officials to assist in attaining
20 the purposes of this Act. The department may enter into agreements with other departments of
21 Federal, State, or local government and with private agencies concerning the discharge of its responsi-
22 bilities or theirs.

ARTICLE III: INSTITUTIONAL ADMINISTRATION

1 *Section 6. Commitment and Transfer.* (a) Commitment to institutions within the jurisdiction
2 of the department shall be to the department, not to a particular institution. The director shall
3 assign a newly committed inmate to an appropriate institution. He may transfer an inmate from one
4 institution to another, consistent with the commitment and in accordance with treatment, training,
5 and security needs, except that he may not transfer to an institution for offenders committed by
6 criminal courts a minor adjudicated as delinquent by a [juvenile or family] court.

7 (b) On the request of the chief executive officer of the affected unit of local government, the
8 director may transfer a person detained in a local facility to a state institution. The director shall

1 determine the cost of care for that person to be borne by the unit of local government.

2 *Section 7. Diagnostic Facilities and Services.* The department shall provide diagnostic
3 facilities to make social, medical, psychological, and other appropriate studies of persons committed
4 to its care. At the request of any sentencing court, and in accordance with standards established by
5 the department, diagnostic services shall be provided for any person who has been convicted, is before
6 the court for sentencing, and is subject to commitment to the department. A report of the findings
7 shall be furnished to the court. To the maximum extent feasible, diagnostic services shall be made
8 available in community-based institutions.

9 *Section 8. Transfer of Mentally Ill and Mentally Retarded Inmates.*

10 The director may arrange for the transfer of an inmate for observation and diagnosis to
11 other appropriate state departments or institutions, provided that he has obtained the prior consent
12 of the administrators of the agencies. If the inmate is found to be subject to civil commitments for
13 psychosis or other mental illness or retardation, the director shall initiate legal proceedings for the
14 commitment. While the inmate is in another institution his sentence shall continue to run. When, in
15 the judgment of the administrator of the institution to which an inmate has been transferred, he has
16 recovered from the condition which occasioned the transfer, the administrator shall provide for his
17 return to the department, unless his sentence has expired.

ARTICLE IV: TREATMENT OF INMATES

1 *Section 9. Classification, Treatment, and Discipline.* (a) Persons committed to the institu-
2 tional care of the department shall be dealt with humanely, with efforts directed to their rehabilitation
3 and return to the community as safely and promptly as practicable. For these purposes, the director
4 shall establish programs of classification and diagnosis, education, casework, counseling and psycho-
5 therapy, vocational training and guidance, work, library, and other rehabilitation services; he may
6 establish religious programs; and he shall institute procedures for the study and classification of
7 inmates. The director shall maintain a comprehensive record of the behavior of each inmate reflecting
8 accomplishments and progress toward rehabilitation as well as charges of infractions of rules and regu-
9 lations, punishments imposed and medical inspections made.

10 (b) The director shall establish and prescribe standards for health, medical, and dental services
11 for each institution, including preventive, diagnostic, and therapeutic measures on both an out-patient
12 and a hospital basis, for all types of patients. An inmate may be taken, when necessary, to a medical
13 facility outside the institution.

1 (c) Under rules prescribed by the department, heads of institutions may authorize visits and
2 correspondence, under reasonable conditions, between inmates and appropriate friends, relatives, and
3 others.

4 (d) The director shall promulgate regulations under which inmates, as part of a program looking
5 to their release from the custody of the department, or their treatment, may be granted temporary
6 furloughs from an institution to visit their families or to be interviewed by prospective employers.

7 (e) The director shall prescribe rules and regulations for the maintenance of good order and
8 discipline in institutions, including procedures for dealing with violations. A copy of the rules shall
9 be provided to each inmate. [Corporal punishment is prohibited.]

10 *Section 10. Work by Inmates and Compensation.* (a) The department shall provide employ-
11 ment opportunities, work experiences, and vocational training for all inmates. To the extent possible,
12 equipment, management practices, and general procedures shall approximate normal conditions of
13 employment. [Tax-supported departments, agencies, and institutions of the state and its political
14 subdivisions shall give preference to the purchase of products of inmate labor and inmate services.]

15 (b) Inmates shall be compensated, at rates fixed by the director, for work performed, includ-
16 ing institutional maintenance and attendance at training programs. The inmate shall contribute to the
17 support of his dependents who may be receiving public assistance during the period of commitment if
18 funds available to him are adequate for that purpose.

19 (c) The department may make contractual arrangements for the use of inmate labor by other
20 tax-supported units of government and private industry when evidence is available that such employ-
21 ment will contribute to the rehabilitation of the inmate.

22 (d) The department may grant any inmate serving a sentence, the balance of which does not
23 exceed [five] years, the privilege of leaving the institution during necessary and reasonable hours for
24 any of the following purposes:

25 (1) Seeking employment;

26 (2) Working at his employment;

27 (3) Conducting his own business or other self-employed occupation including, in the case of a
28 woman, housekeeping and attending the needs of her family; or

29 (4) Attending an educational institution.

30 (e) The department shall establish administrative and fiscal procedures to permit the use of
31 approved regional or community institutions or halfway houses for the placement of inmates re-
32 leased for those purposes.

1 (f) Any inmate participating in work and educational release programs under the provisions of
2 subsection (d) shall continue to be in the legal custody of the department, notwithstanding his ab-
3 sence from an institution by reason of employment or education, and any employer or educator of
4 that person shall be considered the representative of, or keeper for, the department.

5 *Section 11. Good Behavior and Discharge Allowances.* (a) An inmate serving a commitment
6 shall be allowed a reduction, from his maximum term, of [ten] days for each month served for the
7 first [five] years of any term, and [fifteen] days per month for the period of any term over [five]
8 years. However, the director, pursuant to regulations promulgated by him, may deny the allowances
9 for [one] or more months of time served prior to the infraction of rules by the inmate. The regula-
10 tions shall provide, under stated circumstances, for the restoration of good time lost.

11 (b) Inmates released upon completion of their term or released on parole or mandatory condi-
12 tional release shall be supplied with satisfactory clothing, transportation to the point of destination
13 within the state, and [financial assistance to meet their needs for a reasonable period after release.]
14 [Insert state unemployment compensation law, providing for the state as the employer.] If the
15 inmate or his family has financial resources, these shall be used prior to the use of public funds.

16 (c) The department shall establish a revolving fund from funds available to the department, to
17 be used for loans to prisoners discharged, released on parole, or released on mandatory conditional
18 release, to assist them to readjust in the community.

ARTICLE V: TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND FUNDS

1 *Section 12. Status of Personnel.* (a) All employees of state, county, and municipal correctional
2 institutions and agencies providing adult probation and juvenile aftercare services shall be deemed to
3 be employees of the department of correction as of [insert effective date of this Act].

4 (b) Employees shall receive full credit for the time employed by state, county, or municipal
5 institutions or agencies in computing the number of years of service required to receive pension bene-
6 fits within the meaning of the [insert state employees' pension plan]. No person shall be entitled to
7 the pension benefits provided herein until he has completed [one year] as an employee of the depart-
8 ment and has met all other requirements of the [insert state employees' pension plan]. [Language
9 may be added to provide for the appropriate transfer of funds from local retirement systems to the
10 state retirement system.]

11 *Section 13. Transfer of Property, Records, and Funds.* The following shall be transferred to
12 the department in accordance with regulations and procedures prescribed by the director:

1 (1) All property and records of correctional institutions and adult probation and juvenile after-
2 care agencies operated by units of local government.

3 (2) All property, records, and unexpended balances of appropriations, allocations, and other
4 funds of state correctional institutions, adult probation and juvenile aftercare agencies, and the parole
5 board.

ARTICLE VI: APPLICATION OF ACT

1 *Section 14. Laws Repealed.* [Insert language repealing all other acts and parts of acts incon-
2 sistent with the provisions of this Act.]

3 *Section 15. Separability.* [Insert separability clause.]

4 *Section 16. Effective Date.* [Insert effective date.]

PUBLISHED REPORTS OF THE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS¹

- Coordination of State and Federal Inheritance, Estate and Gift Taxes. Report A-1, January 1961. 134 pages.
- Investment of Idle Cash Balances by State and Local Governments. Report A-3, January 1961. 61 pages (out of print; summary available)
- State and Local Taxation of Privately Owned Property Located on Federal Areas. Report A-6, June 1961. 34 pages, offset (out of print; summary available).
- Local Nonproperty Taxes and the Coordinating Role of the State. Report A-9, September 1961. 68 pages.
- Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas. Report A-13, October 1962. 135 pages.
- *The Role of the States in Strengthening the Property Tax. Report A-17, June 1963. Vol. I (187 pages) and Vol. II (182 pages). \$1.25 each.
- Statutory and Administrative Controls Associated with Federal Grants for Public Assistance. Report A-21, May 1964. 108 pages.
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- State-Federal Overlapping in Cigarette Taxes. Report A-24, September 1964. 62 pages.
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- Building Codes: A Program for Intergovernmental Reform. Report A-28, January 1966, 103 pages.
- *State-Local Taxation and Industrial Location. Report A-30, April 1967. 114 pages. 60¢.
- *Fiscal Balance in the American Federal Systems. Report A-31, October 1967. Vol. I, 385 pages. \$2.50; Vol. 2 Metropolitan Fiscal Disparities, 410 pages. \$2.25.
- *Urban and Rural America: Policies for Future Growth. Report A-32, April 1968. 186 pages. \$1.25.
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- *Federal Approaches to Aid State and Local Capital Financing. Report A-37, September 1970. 71 pages. \$.75.
- Factors Affecting the Voter Reactions to Government Reorganization in Metropolitan Areas. Report M-15. May 1962. 80 pages.
- *Performance of Urban Functions: Local and Area-wide. Report M-21, September 1963. 281 pages. \$1.50.
- State Technical Assistance to Local Debt Management. Report M-26, January 1965, 80 pages.
- *A Handbook for Interlocal Agreements and Contracts. Report M-29, March 1967. 197 pages. \$1.00.
- *Federalism and the Academic Community: A Brief Survey. Report M-44, March 1969. 55 pages. 60¢.
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- 1970 Cumulative ACIR State Legislative Program. Report M-48, August 1969.
- *The Commuter and the Municipal Income Tax. A Background Paper. Report M-51, April 1970. 30 pages. \$.25.
- *Revenue Sharing - An Idea Whose Time Has Come. Report M-54, December 1970. 29 pages. \$.30.
- *State Involvement in Federal-Local Grant Programs. A Case Study of the "Buying In" Approach. Report M-55, December 1970. 71 pages. \$.70.
- *A State Response to Urban Problems: Recent Experience Under the "Buying In" Approach. A Staff Analysis. Report M-56, December 1970.
- *State-Local Finances and Suggested Legislation, 1971 Edition. Report M-57, December 1970.
- *Measuring the Fiscal Capacity and Effort of State and Local Areas. Report M-58, March 1971. 209 pages. \$1.75.
- Annual Report, Twelfth. Report M-59, January 1971. 25 pages.
- *State Action on Local Problems in 1970. Report M-60, April 1971. 14 pages. \$0.35.
- *County Reform. Report M-61, April 1971. 31 pages. \$0.40.
- *The Quest for Environmental Quality: Federal and State Action, 1969-70 (includes annotated bibliography). Report M-62, April 1971. 63 pages. \$0.35.

¹Publications marked with an asterisk may be purchased directly from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Single copies of other publications may be obtained without charge from the Advisory Commission on Intergovernmental Relations, Washington, D.C. 20575.