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## **Correctional management : the systemic impact and consequences of truth-in-sentencing legislation**

Timothy S. Sexton

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CORRECTIONAL MANAGEMENT: THE SYSTEMIC IMPACT  
AND CONSEQUENCES OF TRUTH-IN-SENTENCING LEGISLATION

An Abstract of a Thesis  
Submitted  
In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

Timothy S. Sexton  
University of Northern Iowa  
December 1997

## ABSTRACT

Recently, a growing number of states have enacted truth-in-sentencing policies which will ensure that certain violent offenders serve at least 85% of their sentence. These policies are designed as a general deterrent to crime by placing an offender behind bars without the chance of parole. Theoretically by increasing the incarceration rate, "the effects of incapacitation will grow because fewer offenders will be free to victimize the population at large" (Parent, Dunworth, McDonald, & Rhodes, 1997, p.1). Although, truth-in-sentencing policies may sound practical, there is growing debate as to the systemic impact that truth-in-sentencing laws will have on correctional systems.

This project examines the systemic impact and consequences associated with truth-in-sentencing legislation. Data was collected on each state's current inmate population, and 5-year prison population forecasts. Previously, studies have only been able to make impact projections based on the assumption that each state will pass truth-in-sentencing laws. This study addresses this limitation by comparing two groups: (1) states that have met the requirements in order to be awarded the FY 1996 Federal Truth-in-Sentencing Grant (see Appendix B); and, (2) states that were not awarded the grant. Additionally, each state adopting truth-in-sentencing was asked to provide the most recent count of inmates serving sentences under truth-in-sentencing laws, as well as to respond to a national mailed survey (see instrument in Appendix D).

The results indicated the following: (1) no significant statistical difference between the 5-year projected prison populations of those states that received the FY 96 Federal Truth-in-Sentencing Grant and states that did not; (2) a significant difference within groups projected populations and the number of inmates actually serving sentences under truth-in-sentencing laws; and (3) a variety of consequences associated with truth-in-sentencing legislation.

The findings of this study support the hypothesis that truth-in-sentencing legislation may not have an immediate direct systemic impact. Rather, the impact will be felt over time as a sub-population of violent inmates serving 85% of their sentences will increase, slowing population turnover for this group and effecting prison growth in the future. The results of this study reveal shortcomings and additional questions raising the need for further examination into the systemic impact of truth-in-sentencing policies.

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Entitled: Correctional Management: The Systemic Impact and  
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has been approved as meeting the thesis requirement for the Degree  
of Master of Arts.

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Date Dr. Robert Hunter, Chair, Thesis Committee

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Date Dr. John W. Somerville, Dean, Graduate College

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## CHAPTER ONE

## INTRODUCTION

Recently, the federal government, along with state officials, has taken a "get tough" legislative approach toward criminals, by imposing policies that require violent offenders to serve longer sentences (Hunzeker, 1995; Wooldredge, 1996; Clear, 1995; Mauer, 1995; Austin, 1996). In particular, many state legislatures have passed or are considering passing "truth-in-sentencing" laws, requiring those convicted of the most serious felony charges to serve 85 percent of their sentence before being eligible for parole.<sup>1</sup> Truth-in-Sentencing in essence means that felons convicted of specific "85 percent" offenses having little or no chance to earn "good time."<sup>2</sup> Although the "85% rule" has satisfied the need for those in the political spectrum to present an agenda that sounds tough, it has been suggested that these legislative actions lack a clear understanding of the impact on the criminal justice system (Austin, 1996).

In 1995, it was estimated that if all states adopted the 85% rule, the projected prison population, ending in the year 2000, would be 1.6 million - an increase of 600,000 inmates over the

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<sup>1</sup>Serious felony charges are classified as Part 1 Violent Crime as reported to the Federal Bureau of Investigation for the purposes of the Uniform Crime Reports (UCR). These crimes consists of murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault (Office of Justice Programs, 1997).

<sup>2</sup>"Good time" is defined as the "amount of time deducted from time to be served in prison on a given sentence(s) and/or under correctional agency jurisdiction, at some point after a prisoner's admission to prison, contingent upon good behavior and/or awarded automatically by application of a statute or regulation" (Schmallegger, 1997, p. 365).

1994 prison population (Austin, 1996). The Bureau of Justice Statistics (1994), estimated that if violent offenders were required to serve 85% of their sentence, the increase in prison population for this group of offenders would grow by 63%. In terms of cost, by the end of the decade \$32.5 to \$37 billion was projected to be spent in order to construct and operate the additional bed space and prisons needed to keep up with the projected rise in inmate population (Austin, 1994).

The focus of this study will be to identify the systemic impact and consequences associated with truth-in-sentencing legislation. Currently, there is still much debate as to the true impact that truth-in-sentencing may have on prisons. Past research (Austin, 1996) has shown that, due to the 85% rule, projections of increased inmate populations and cost of prison construction and modifications will be inevitable, however, many states are still considering the truth-in-sentencing option. Ready or not, states and correctional officials will have to face the consequences.

#### Purpose

Following the aforementioned projections, twenty-five states were identified as receiving federal grant money through the Truth-in-Sentencing (TIS) Incentive Grant Program (See Appendix A). In fact, in FY 1996 (the first year awards were made available) a total of over \$183 million federal dollars was awarded to qualifying states. Although the proposed study does not focus on the monetary award under this grant, it should be

noted that the adoption of some states truth-in-sentencing legislation may have been influenced by the enticement of federal dollars.

Implications of this study: states receiving the TIS grant have either implemented or will implement the 85% rule.<sup>3</sup> This study seeks to identify the systemic impact and consequences associated with truth-in-sentencing legislation on corrections. Past studies have made projections concerning truth-in-sentencing by projecting that all 50 states will adopt truth-in-sentencing legislation. This study is unique in that it will focus specifically on the following:

1. A comparison between states that have met the requirements in order to be awarded the Federal Truth-in-Sentencing Grant money for FY 1996 with those that do not practice truth-in-sentencing. In particular, official data projecting prison population and current inmate populations serving under the Truth-in-Sentencing/85% rules is examined.

2. A select national survey fielded to identify opinions on truth-in-sentencing impact and to speak directly with prison administrative officials in states that would be most affected by truth-in-sentencing in order to qualitatively support the survey data.

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<sup>3</sup>Presently have in place sentencing guidelines that require violent offenders to serve 85% of their sentence.

## CHAPTER TWO

### REVIEW OF THE LITERATURE

Due to the recent nature of truth-in-sentencing legislation, in particular the 85% rule, there is little empirical research addressing the direct impact of such legislation on correctional institutions. As mentioned, past researchers have only made projections based on the assumption that all 50 states will pass the 85% rule. While this literature review is not exhaustive, the intention is to:

1. Present an understanding for the increased use of corrections as a crime control policy tool.
2. Define and overview the incentive grants associated with truth-in-sentencing.
3. Summarize the findings of previous research that addresses the systemic impact of truth-in-sentencing legislation on inmate populations, and problems associated with prison overcrowding.
4. Summarize the findings of prior research addressing the financial impact of truth-in-sentencing legislation on both states and correctional institutions.

#### The Use of Corrections to Control Crime

According to Vold and Bernard (1986):

Crime policies are the different ways in which the organized state responds to the serious social problems described by the term crime (p. 349).

Recently, states have focused policies on the increased use of *corrections*, a term often used to describe policies that focus on

punishment, restraint, or deterrence of offenders (Vold & Bernard, 1986). Current crime control policies practiced by states abolish parole and set mandatory sentences, thus requiring offenders to serve longer sentences behind bars.

States abolish parole and set mandatory sentences for two leading reasons--deterrence and incapacitation<sup>4</sup> (Parent, Dunworth, McDonald, & Rhodes, 1997). Parent et al. (1997), suggests that mandatory sentencing can act as a specific deterrent in a case where modest mandatory minimum sentences are imposed (i.e., 5 years for armed robbery). Likewise, mandatory sentences can act as a general deterrent in cases where an offender is sentenced to prison without the chance of being paroled (i.e., Serving under truth-in-sentencing/85% rule schemes). In either instance, the assumption behind mandatory sentencing laws is:

If the law successfully increases the imprisonment rate, the effects of incapacitation will grow because fewer offenders will be free to victimize the population at large (Parent, et al., 1997, p. 1).

In addition to deterrence and incapacitation, policy makers view the use of corrections as a way to get "tough on crime" (Burke, 1995; Irwin & Austin, 1994). A view that has been fueled by the demand of Americans for violent offenders to serve longer sentences in prison with fewer opportunities for parole (Clear,

---

<sup>4</sup>According to Schmalleger (1997, p. 699), deterrence is defined as "a goal of criminal sentencing that seeks to prevent others from committing crimes similar to the one for which an offender is being sentenced." Incapacitation is defined as "the use of imprisonment or other means to reduce the likelihood that an offender will be capable of committing future offenses" (Schmalleger, 1997, p. 703).

1995; Furniss, 1996). As a result of public demand, and the get tough approach of state legislatures, by 1994 it was reported that all 50 states had enacted one or more mandatory sentencing laws (Forer, 1994).

There are currently 25 states requiring select violent offenders to serve at least 85% of their sentence under truth-in-sentencing laws before being eligible for parole opportunities. In theory, this increased use of incarceration as a way to protect society from specific violent offenders is practical. However, there is now a growing debate as to both the effectiveness and impact of these crime control policies. States that have adopted truth-in-sentencing policies will inevitably be confronted with the negative consequences associated with such legislation. As suggested by Vold and Bernard (1986):

Policy choices are value choices, and scientific experts should not be in the business of making value decisions, although as private citizens they are entitled to their value commitments as are other persons. As scientific experts, however, they should use their expertise to determine accurately what the effects of various public policies are likely to be (p. 355).

There is need for further sound empirical research to determine the systemic impact of truth-in-sentencing legislation. This study addresses the effects and the systemic impact associated with truth-in-sentencing policy.

#### Incentive Grants

On August 25, 1994, the United States Congress passed the Violent Crime Control and Law Enforcement Act which addresses the need:

for additional prison and jail capacity so that violent offenders can be removed from the community and the public can be assured that these offenders will serve substantial portions of their sentences (Corrections Program Office, 1997, p. 1).

Through the Violent Offender Incarceration Grant (VOI) and Truth-in-Sentencing Incentive Grant, states that meet the newly established federal criteria are eligible to receive funding awards. The stated purpose of these new federal initiatives is to provide funding to qualifying states for:

- \* Building or expanding correctional facilities to increase the bed capacity for the confinement of persons convicted of Part 1 violent crime or adjudicated delinquents for an act which, if committed by an adult, would be a Part 1 violent crime.<sup>5</sup>
- \* Building or expanding temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a Part 1 violent crime.
- \* Building or expanding local jails  
(Corrections Program Office, 1996, p.1)

Overall, it is estimated that through the new incentives, participating states will share \$10 billion dollars for prison construction and renovation through fiscal year 2000. Half of the funds are available specifically through the Violent Offender Incarceration Grant (see Appendix B) and the remainder through

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<sup>5</sup>Part 1 Violent Crime means murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for the purposes of the Uniform Crime Reports (UCR) (Office of Justice Programs, 1997).

the Truth-in-Sentencing Incentive Grant (Corrections Program Office, n.d.).

Violent Offender Incarceration Grant: (Tier 1)

For FY 1996, under Tier 1 of the Violent Offender Incarceration Grant, the Office of Justice Programs awarded \$1,248,453 dollars to each of the fifty states, the District of Columbia, and Puerto Rico. U.S. Territories each received \$83,230.<sup>6</sup> Grant money distributed under Tier 1 of the Violent Offender Incarceration Grant totaled \$65,252,476 dollars. Tier 1 required states to ensure that violent offenders serve a substantial portion of their imposed prison sentence; provide a sufficiently severe punishment for violent offenders, including violent juvenile offenders, and, ensure that time served by violent offenders relates appropriately to time deemed necessary to protect the public.

Violent Offender Incarceration Grant: (Tier 2)

Under Tier 2 of the Violent Offender Incarceration Grant 48 states<sup>7</sup> shared \$101,207,890 dollars. Criteria for Tier 2 awards were more stringent than for Tier 1 funding. Under Tier 2 funding required that states must prove additional arrests for Part 1 violent crimes, or, prove an increase in the average

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<sup>6</sup>For FY 1997, the Office of Justice Programs has awarded over \$78 million - each state receiving approximately \$1.5 million dollars. Expected award date for further money under this grant is September 30, 1997.

<sup>7</sup>Rhode Island and Wisconsin were not awarded funding under the VOI (Tier 2) grant.

prison time actually served, or, an increase in the average percent of a sentence served by Part 1 violent offenders.

Violent Offender Incarceration Grant: (Tier 3)

Under Tier 3 of the Violent Offender Incarceration Grant, 29 states shared \$26,646,913 dollars. Tier 3 required states to increase the percentage of persons arrested under Part 1 violent crime definitions, and increase the average percent of sentence served by persons convicted under Part 1 offenses, or increase by 10% or more within the most recent 3-year period the number of new court commitments to prison of persons convicted of Part 1 offenses.

Truth-in-Sentencing Incentive Grant: (85% Rule)

A total of \$183,290,710 dollars was shared by 25 states that met an even more rigid federal standard under the new Truth-in-Sentencing Incentive Grant (see Figure 1).

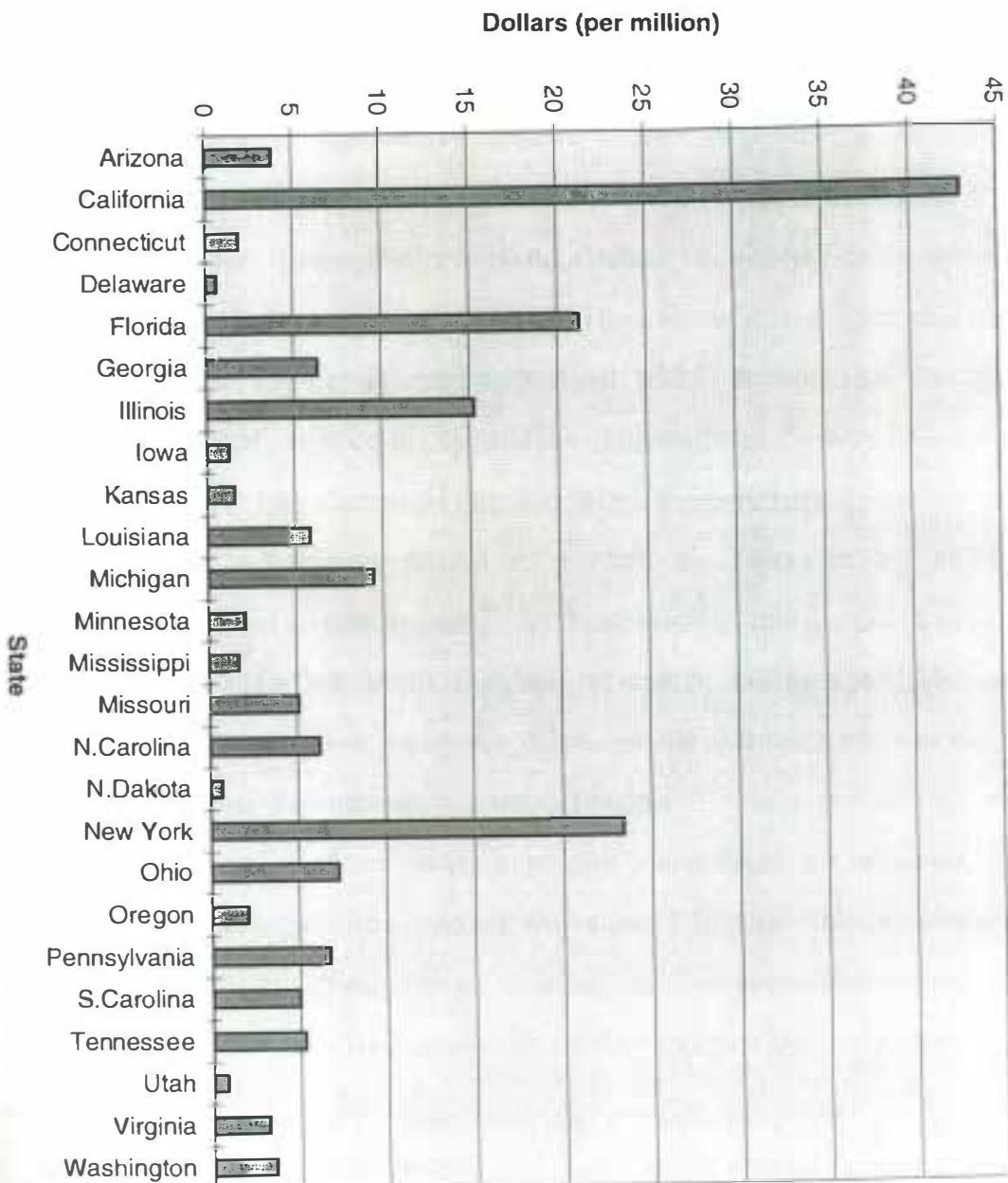
Insert Figure 1 FY 1996 TRUTH-IN-SENTENCING GRANT MONEY BY STATE

In order to be eligible for federal Truth-in-Sentencing Grant (see Appendix B), states had to comply with the requirement that Part 1 violent offenders serve at least 85% of their prison sentence. The 85% sentencing law can be mandated through state legislation, or a provision that allows indeterminate sentencing states<sup>8</sup> to show "on average that persons convicted of certain

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<sup>8</sup>Indeterminate sentencing is defined as "a type of sentence to imprisonment where the commitment, instead of being for a specified single time quantity, is for a range of time" (Schmalleger, 1997, p. 703).

**FIGURE 1**  
**FY 1996 TRUTH-IN-SENTENCING GRANT MONEY BY STATE**



violent crimes serve not less than 85% of their prison term"  
(Corrections Program Office, n.d.).

In summary, the Violent Offender Incarceration Grant and the Truth-in-Sentencing Incentive Grant offer a grand monetary enticement to states that implement truth-in-sentencing legislation. The question remains, what are the true systemic consequences associated with truth-in-sentencing legislation? The remaining sections of this review will summarize findings of past research that address systemic impact.

#### The Inmate Population Explosion

One projected consequence of truth-in-sentencing rules is an increase in inmate population. Wooldredge (1996, p. 457), suggested that "states with longer minimum sentences for felons might have more crowded prisons if longer sentences serve to slow prison population turnover." Wooldredge (1996, p. 457), adds that "higher levels of crowding might be found in states with numerous mandatory prison terms because of the sheer numbers of felons in prison." Therefore, imposing longer sentences, the added number of long-term inmates will directly increase inmate crowding.

Austin (1994), estimated that if each state adopts the 85% rule in 1995, the projected prison population ending the year 2000 would be 1.6 million - an increase of 600,000 over the 1994 prison population. Also, since truth-in-sentencing focuses on violent offenders, the projected inmate population for this unique group is expected to increase dramatically. The Bureau of

Justice Statistics (1994, p. 29), estimated that violent offenders sent to prison in 1992 served a minimum of 52% of their sentence before being eligible for parole or other forms of release. Under the 85% rule, the increase in prison population would be 63% if violent offenders are required to serve 85% of the imposed sentence (Bureau of Justice Statistics, 1994).<sup>9</sup>

In 1995, the Texas Criminal Justice Policy Council examined the impact of a truth-in-sentencing or the no-parole proposal. Like the federal 85% rule, the Texas "Truth-In-Sentencing" rule would require an offender convicted of specific aggravated violent offenses to serve 85% of the imposed sentence. The Texas impact report concluded that implementation of truth-in-sentencing legislation would result in the mandatory construction of an additional 30,609 prison beds by the year 2046 (Texas Criminal Justice Policy Council, 1995).<sup>10</sup>

Although the above projections give vital information regarding the expected increase in inmate population resulting from truth-in-sentencing legislation, these forecasts underscore an important point:

Larger numbers of long-term inmates, in turn, correspond with higher levels of prison crowding across states (Wooldredge, 1996, p. 456).

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<sup>9</sup>"Sentencing policies are not likely to have strong, direct effects on inmate crowding. Rather, they probably contribute to crowding by increasing the numbers of long-term inmates in prison (i.e., inmates serving more than 1 year), thereby slowing population turnover" (Wooldredge, 1996, p. 457).

<sup>10</sup>The projected impact of abolishing parole for aggravated violent offenders would start in 1998 and continue to 2046 (Texas Criminal Justice Policy Council, 1995). It should also be noted that Texas received none of the FY 1996 Truth-In-Sentencing Incentive Grant.

Problems associated with prison overcrowding may include the following:

- 1) Inequity in the treatment of inmates (Champion, 1988; Skovron, Scott, Cullen, 1988).
- 2) Greater likelihood of violence and victimization (Cobb, 1985; Gaes & McGuire, 1985; Skovron et al., 1988).
- 3) Constraints on an inmate's ability to be rehabilitated (Champion, 1988, Cobb, 1985, Skovron et al., 1988).
- 4) Psychological and physiological stress (Bonta & Gendreau, 1990).
- 5) Danger associated with either established or newly identified prison threat groups (Hunter, Crew, & Sexton, 1997).
- 6) Dangers associated with HIV/AIDS (Hunter, Crew, & Sexton, 1997).

#### Rising Costs

Federal incentive grants purport "much-needed" funding to states for prison construction, however, at the heart of the matter is individual state cost. Will the amount received in federal grant money offset each state's costs associated with implementing federal policy?

As mentioned previously, the Texas Criminal Justice Policy Council (1995) concluded that an additional 30,609 beds would have to be constructed if the 85% rule was passed in that state. The total cost to the state of Texas would be \$979.5 million in construction funds and \$510 million in annual operation costs (based on 1992 costs). The total amount that Texas received from

the Federal Violent Offender Incarceration grant for FY 1996 was just over \$9 million.

The expected cost of the 85% rule in Florida is estimated at more than \$2 billion over the next five years (Hunzeker, 1995, p. 11). This projected cost is based on the conclusion that the inmate population will double due to truth-in-sentencing laws (Hunzeker, 1995, p. 11). The amount awarded to Florida from the federal FY 1996 incentive grants totaled over \$31 million dollars, of which over \$21 million was awarded from the Truth-in-Sentencing grant. Assuming that Florida will receive at least \$31 million in incentive grants over the next four years, that amount will not compensate for the total cost that the state will accrue by implementing truth-in-sentencing legislation.

The cost to states, assuming all 50 states pass truth-in-sentencing legislation, is estimated between \$10.6 and \$15.1 billion for construction of additional bed space (Austin, 1996). Austin (1996, p. 169), suggests by the end of the decade, an "additional \$21.9 billion would be required to operate the new bed space (based on an annual cost of \$25,000 per bed)". Mauer (1995), in his article entitled A Crime Bill to Bust Budgets, estimates that states will have to spend between \$2 and \$7 of their own funds for each dollar they receive from federal truth-in-sentencing grants. Mauer adds that:

after the six-year funding cycle is completed, states that have altered their sentencing policies to qualify for funding will continue to incur these increased costs of incarceration (p. 20).

Considering that a total of \$10 billion in federal grant money is available through FY 2000; each state would be wise to consider a cost/benefit analysis on prison impact before implementing truth-in-sentencing legislation.

Twenty-five states have either implemented the 85% rule or meet the criteria to receive federal funding. These states assume that federal incentive grants will offset the cost (i.e. prison construction) associated with truth-in-sentencing legislation (Clear, 1995; Mauer, 1995). Some state officials and analysts argue that truth-in-sentencing policies will actually defray costs. For example, according to an Arizona Synopsis of Truth-in-Sentencing (n.d.), truth-in-sentencing in conjunction with their new DUI law:

is expected to help the state avoid approximately \$74 million in prison construction and operational costs through June 30, 1999.

Also, according to the Governor Jim Edgar of Illinois (1995):

The cost of legislation is significant, but it is affordable. I appreciate the cooperation of the General Assembly and others in developing a package that is effective and affordable (State of Illinois Home Page).

It should be noted that at the time the Illinois legislation was introduced, the Illinois Department of Corrections projected, as a result of truth-in-sentencing, a cost of \$320.4 million over the next ten years (Illinois Department of Corrections Web Page, n.d.). In Illinois the total operational costs will increase \$184.5 and require the construction of two additional medium security prisons, at a cost of \$135.7 million, as a result of the

projected 10-year prison population increase of 3,774 inmates (Illinois Department of Corrections Web Page, n.d.).

To summarize, expected costs associated with truth-in-sentencing legislation are enormous. Although the purpose of this study is not to present the cost of truth-in-sentencing per se, cost is a consequence associated with this legislation. Responsibility for the increased cost should be directed at the previously mentioned enticement of federal grant money and state legislatures and governors that put forth such agendas.

#### Summary

Historical literature on truth-in-sentencing offers little insight on systemic impact. The broader impact and consequences of truth-in-sentencing demonstrates a need for further study. The past research is based on predictions that all 50 states will implement truth-in-sentencing legislation. No comparison or estimation is made regarding the systemic impact on prison populations that have implemented or meet the criteria to receive the Truth-in-Sentencing grant. This study addresses the aforementioned shortcomings and provides a to date analysis of the systemic impact of truth-in-sentencing policies.

## CHAPTER THREE

### DESIGN AND PROCEDURE

This research seeks to identify both the systemic impact and consequences to corrections associated with truth-in-sentencing legislation. Prior research has resulted in some useful projections concerning the impact of this issue, but falls far short of identifying the differences between those states that have implemented truth-in-sentencing legislation with those states who have not.

The study addresses several important issues: 1) what is the projected prison population impact of truth-in-sentencing legislation, 2) what is the current inmate population serving sentences under truth-in-sentencing rules, and, 3) what are the predicted consequences that may arise from long-term incarceration of inmates?

#### Research Design and Methodology

##### Prison Population Forecasts and Current TIS Inmate Population

The study group consisted of those states that met the Federal FY 1996 Truth-in-Sentencing grant requirements and those states that did not (see Appendix A and Appendix C for a list of states). Prison population forecasts and current TIS inmate populations were obtained by contacting the Research and Planning Department of each state by phone and fax during a time frame between August - October 1997. States that did not have a Research and Planning Department, were contacted directly. States that did not reply to the original request for data, were

contacted repeatedly, by telephone and fax, until either data was received or upon three unsuccessful attempts. Each state was asked to provide the following information:

1. The state's current prison inmate population.
2. A five-year projected prison population.
3. States that presently implement truth-in-sentencing legislation were asked to provide the current inmate count of those serving sentences under truth-in-sentencing rules.

#### Mailed Survey

The survey instrument for this study was utilized by the University of Northern Iowa in conjunction with the Iowa Department of Corrections (see instrument in Appendix D). The intent of the instrument was to identify common issues, opinions, and strategies associated with "Truth-in-Sentencing" sanctioning schemes among states that have adopted such legislation (Hunter, Crew, Sexton, and Lutz, 1997). In total, 24 states **excluding** Iowa were identified as having received "Truth-in-Sentencing" funding for FY 1996 through the U.S. Federal Government (see Appendix A). As previously mentioned, in order for a state to receive federal funding through the Truth-in-Sentencing Incentive Grant, that state must comply with the requirement that "on average" certain types of offenders serve at least 85% of their sentence (see Appendix B).<sup>11</sup>

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<sup>11</sup> Federal funding for FY 98 has yet to be announced; it is predicted that there will be additional states receiving funding in the next cycle.

Surveys were mailed to identified points of contact within each of the 24 state's Department of Corrections. The survey consisted of a total of 30 questions (see Appendix D).<sup>12</sup> Twenty-one questions required the respondent to express intensity of agreement/disagreement on a 1 to 6 scale, with 6 indicating "Strongly Agree" and 1 indicating "Strongly Disagree."<sup>13</sup> Of the remaining 8 survey questions, 4 were directed at the demographics of the actual respondent, and the final 4 questions were open-ended items allowing the respondent the opportunity of an unrestricted narrative answer. All states who were mailed a survey returned their completed survey for a response rate of 100 percent.

### Analysis

#### Prison Population Forecasts and Current TIS Inmate Population

Analysis of the data consists of a collection of the projected prison population from each state meeting study criteria. Population projections covered approximately five years. Prison population projections are based on the assumption that current criminal justice system trends, policies and practices will continue. A comparison of those states that met the FY 1996 Truth-In-Sentencing Grant requirements with those states who did not gives the total projected difference in inmate

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<sup>12</sup>For coding purposes, question #1 is the state in which the survey was returned and responded from. This question, or as seen in analysis as variable 1, does not appear on survey form.

<sup>13</sup>These Likert-type response options are interpreted such that the higher the numeric response the greater a respondent agreed with the statement.

populations. Chi-square analysis is used in order to determine whether the "observed frequencies differ significantly" between groups (Kachigan, 1986, p. 343). Population data was also examined to show the percentage of a state's current inmate population serving sentences under truth-in-sentencing rules.

#### Mailed Survey

As previously mentioned, the survey instrument consisted of a total of 30 opinion questions (see Appendix D). Of these questions, 21 required the respondent to express intensity of agreement/disagreement on a 1 to 6 Likert-scale, with 6 indicating "Strongly Agree" and 1 indicating "Strongly Disagree." The analysis is based on issues of concern in which there was the most consensus among the states.<sup>14</sup> Chapter four presents the findings of the consensus questions with a brief narrative summary providing insight into those consequences associated with truth-in-sentencing legislation. Where applicable, reference is also made to interviews with a states corrections official.

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<sup>14</sup>Chi Square test of significant difference among state responses comparing subtotal of agreement with subtotal of disagreement.

## CHAPTER FOUR

## FINDINGS

This chapter begins by first addressing if there is a significant difference in 5-year projected inmate populations between those states that have implemented truth-in-sentencing legislation with those who have not. Second, this chapter reports the current inmate population currently serving sentences under truth-in-sentencing rules. And finally, this chapter addresses the consequences associated with truth-in-sentencing legislation by providing the results from the select national opinion survey.

Five-Year Prison Population Forecasts

Analysis utilized 5-year prison population forecasts from each state. It is important to understand that in the analysis of such data, prison population forecasts are based on the assumption that each state current justice system trends, policies and practices will continue unchanged. Due to the recent nature of truth-in-sentencing legislation, several states responded as being in the process of updating projections. Therefore, the following data should be examined with caution.

A comparison of those states that met the FY 1996 Federal Truth-in-Sentencing grant requirements with those who did not revealed no significant statistical difference in 5-year projected inmate populations. Data indicates that the mean 5-year percent increase for TIS states is 27.9% (see Appendix A), while Non-TIS states is 27.1% (see Appendix C). Although there

is no significant difference between these groups, further examination exposes a significant difference within groups.

Figure 2 indicates that within truth-in-sentencing states, prison populations vary from California, reporting 150,851 inmates, to North Dakota, reporting an inmate population of 770. This calculates to a range of 150,081 which alone indicates the great variation between states inmate populations. Further analysis reveal the mean inmate population for TIS states is 29,176, while the standard deviation is 31235.92. The standard deviation score signifies the wide variance of inmate population between TIS states.<sup>15</sup> In terms of 5-year population projections, Louisiana projected an increase of 66.0%, while North Carolina projected a decrease of 4.2% (see Appendix A).

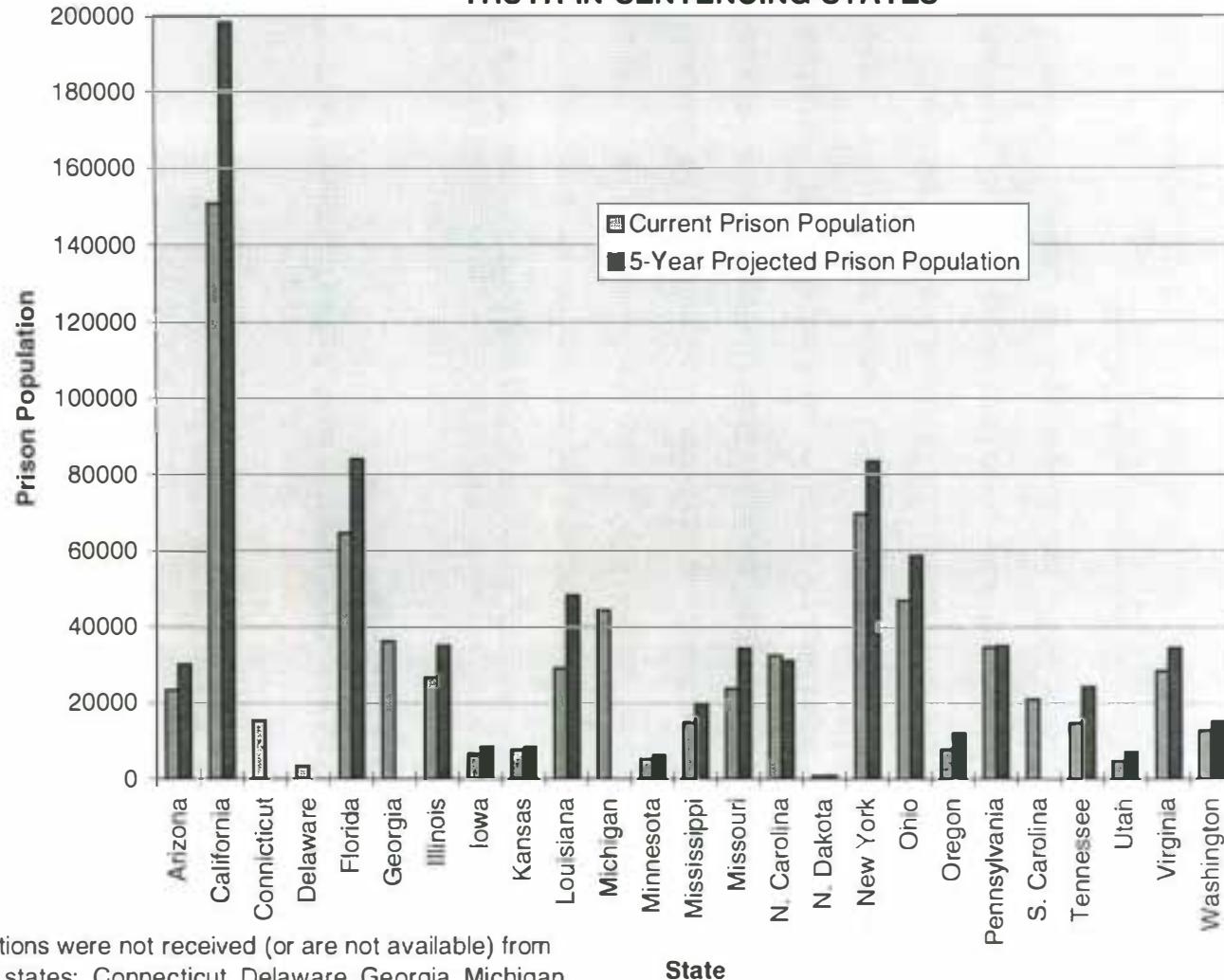
Insert Figure 2 *Prison Population and 5-Year Projection FOR TRUTH-IN-SENTENCING STATES*

Figure 3 also indicates that within Non-Truth-in-Sentencing states, prison populations vary from a high of 138,015 inmates reported in Texas, to a low of 1,240 inmates in Vermont. The range within non-truth-in-sentencing populations is 136,775, again suggesting a wide variation between reported inmate populations. Further, the mean inmate population for Non-TIS

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<sup>15</sup>Kachigan (1986), suggests that "at the very least we can surmise that the greater the value of the standard deviation the greater the variation of scores about the mean" (p. 60). However, caution should be taken in examining the differences among states due to the many factors that may reflect this difference (i.e. state population, crime rates).

**FIGURE 2**  
**PRISON POPULATION AND 5-YEAR PROJECTION FOR**  
**TRUTH-IN-SENTENCING STATES**



Note: Projections were not received (or are not available) from the following states: Connecticut, Delaware, Georgia, Michigan, and South Carolina.

states is 14,148, with a standard deviation equaling 26988.44. In terms of 5-year population projections, the range of increase is from a 64.8% increase for Montana, to a 2.9% increase for South Dakota (see Appendix C).

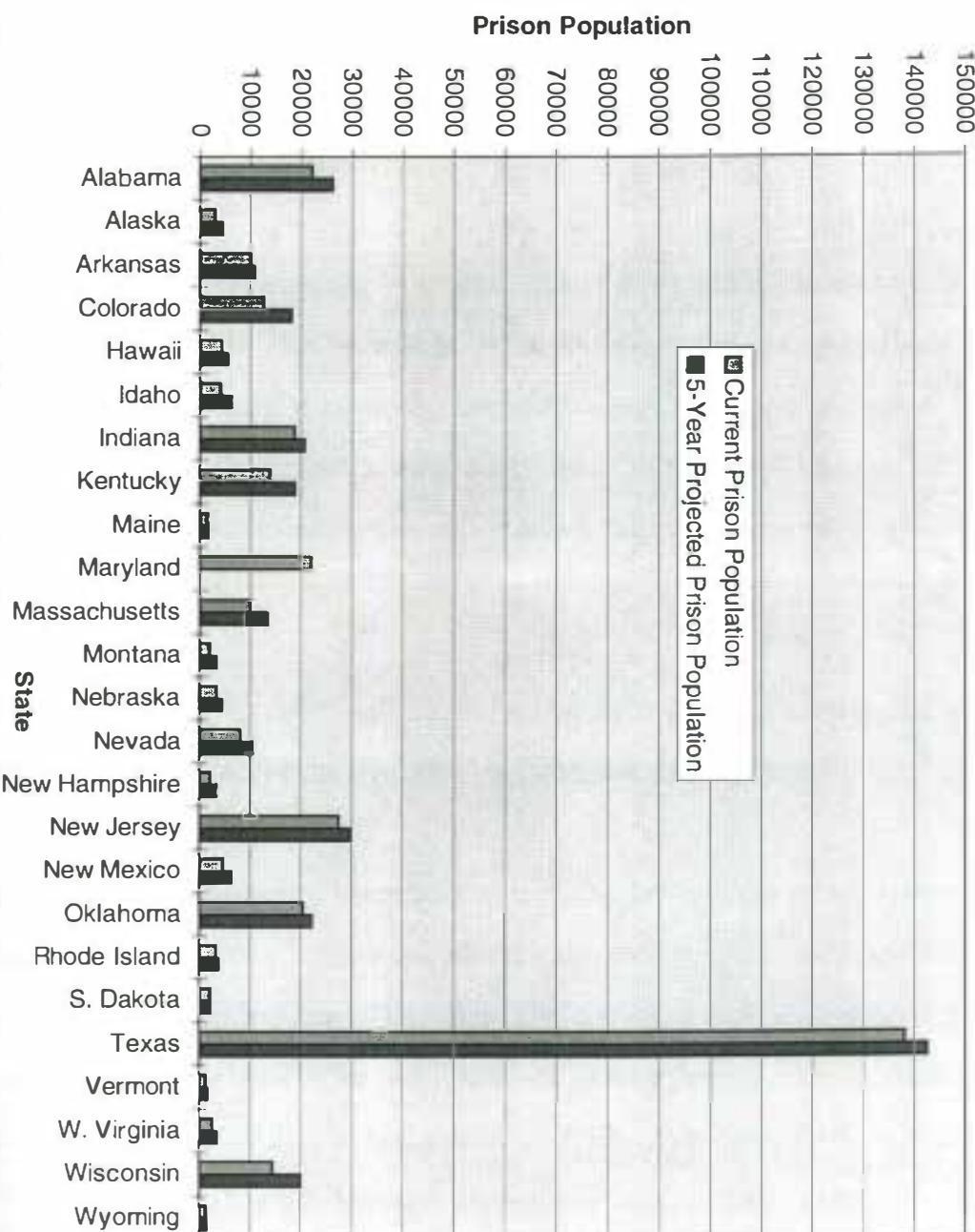
*Insert Figure 3 Prison Population and 5-Year Projection FOR NON-TRUTH-IN-SENTENCING STATES*

Five-year population forecast data clearly supports the notion that the systemic impact of truth-in-sentencing legislation does not immediately impact each state. Rather, the number of inmates serving long-term sentences will slowly increase, thus restricting population turnover and effecting increased inmate population growth in the future. States that adopt truth-in-sentencing rules will have to revise projections yearly to forecast the population impact over a period of time. Additional examination of the population data and population growth on corrections will be discussed in Chapter five.

TIS Inmate Population

As of October 15, 1997, examination of this data indicates that in those states identified as TIS states, there were 97,805 inmates serving sentences under truth-in-sentencing rules (see Appendix E). Figure 4 indicates a breakdown of these numbers by individual states.

**FIGURE 3**  
**PRISON POPULATION AND 5-YEAR PROJECTION FOR**  
**NON-TRUTH-IN-SENTENCING STATES**



Note: Projection was not received from Maryland.

Insert Figure 4 *TOTAL INMATE POPULATION OF THOSE SERVING SENTENCES UNDER TRUTH-IN-SENTENCING RULES FOR TRUTH-IN-SENTENCING STATES*

Although the total number of TIS inmates today is relatively low in comparison with the overall TIS states prison population, analysis reveal that truth-in-sentencing inmates account for 13.4% of the total prison population. Further, there is a significant difference between states within the TIS group (see Figure 5).

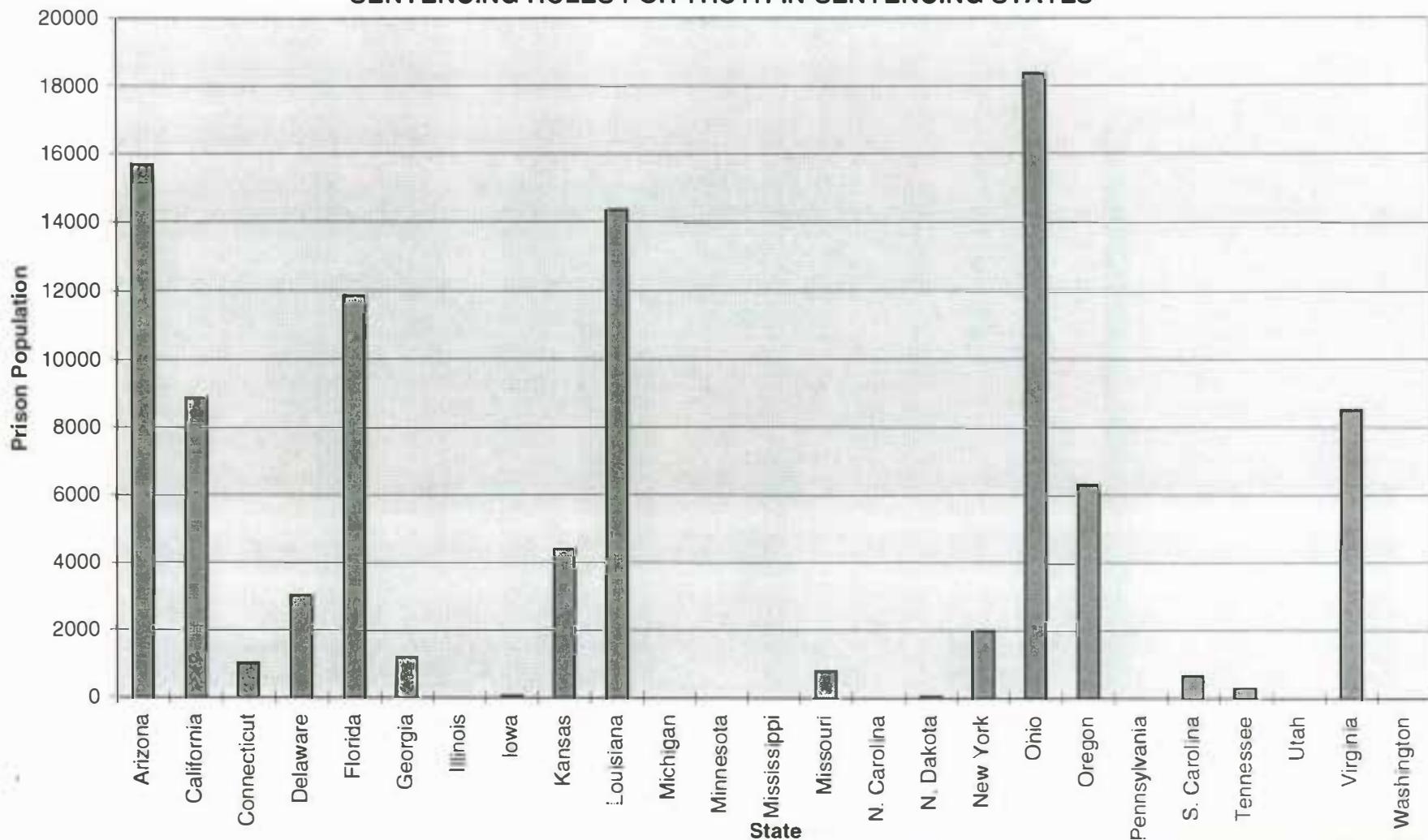
Insert Figure 5 *PERCENT OF INMATES SERVING SENTENCES UNDER TRUTH-IN-SENTENCING RULES FOR TRUTH-IN-SENTENCING STATES*

For example, Delaware reported a truth-in-sentencing inmate population of 3,028. This number represents 91 percent of their total inmate population. Oregon reported 81.9 percent of their inmate population serving sentences under truth-in-sentencing rules. In comparison, Iowa reported 61 TIS inmates making up only .9 percent of the inmate population.<sup>16</sup> The likely explanation for this difference is the length of time in which states have implemented truth-in-sentencing legislation, and how each individual state uniquely applies the law.

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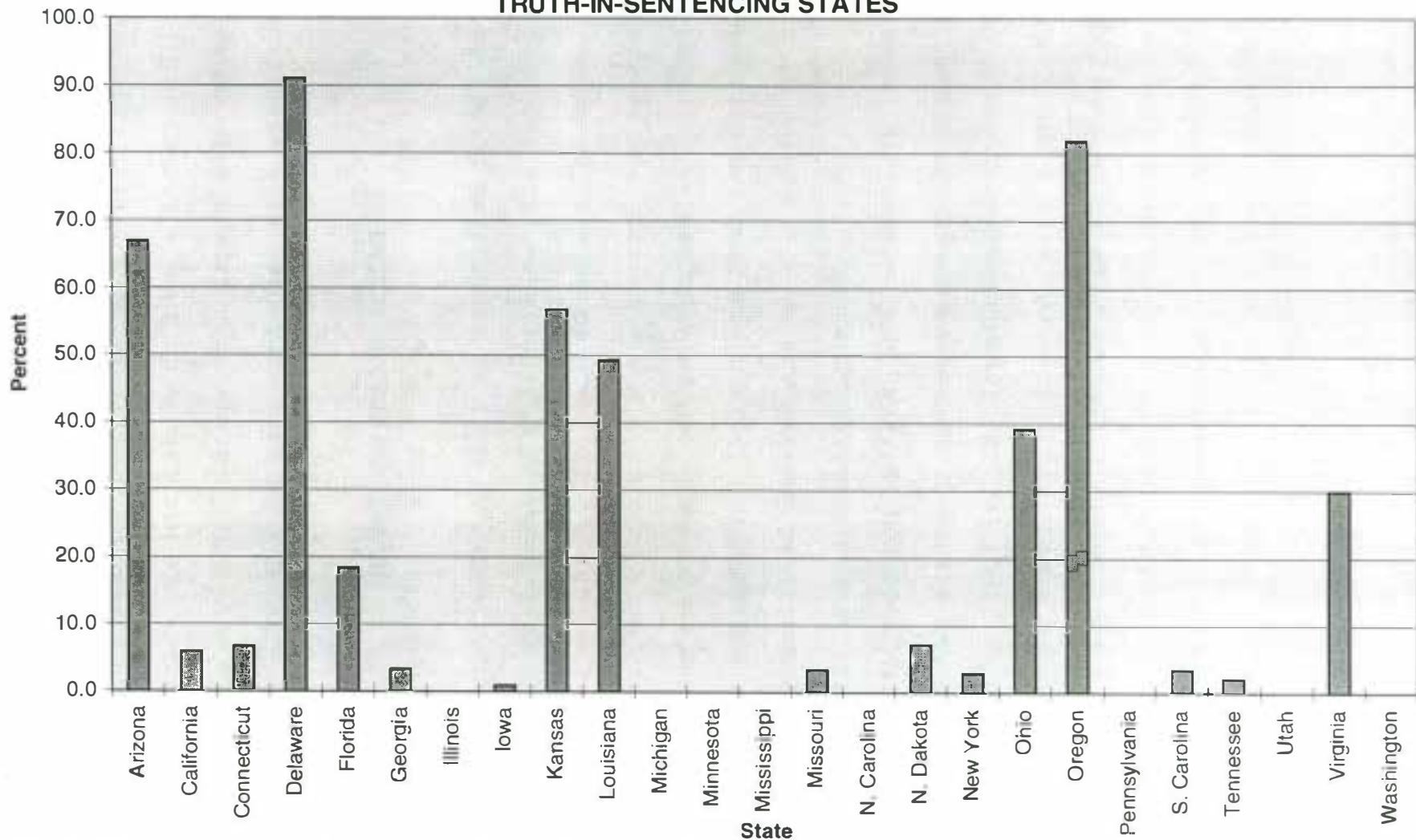
<sup>16</sup>Iowa's truth-in-sentencing law went into effect on July 1, 1996. At that time it was forecasted that the 5-year impact of this legislation would be an additional 140 inmates (Division of Criminal and Juvenile Justice Planning, 1997).

**FIGURE 4**  
**TOTAL INMATE POPULATION OF THOSE SERVING SENTENCES UNDER TRUTH-IN-SENTENCING RULES FOR TRUTH-IN-SENTENCING STATES**



Note: The following states did not report any inmates currently serving TIS sentences: Illinois, Michigan, Minnesota, Mississippi, N. Carolina, Pennsylvania, Utah, and Washington.

**FIGURE 5**  
**PERCENT OF INMATES SERVING SENTENCES UNDER TRUTH-IN-SENTENCING RULES FOR  
 TRUTH-IN-SENTENCING STATES**



Note: The following states did not report any inmates currently serving TIS sentences: Illinois, Michigan, Minnesota, Mississippi, N. Carolina, Pennsylvania, Utah, and Washington.

This analysis shows support for the position that truth-in-sentencing policies are not likely to have a strong initial effect on inmate crowding. Rather, the impact will be felt over time as inmates serving long-term sentences will inevitably slow the population turnover.

#### Mailed Survey of States

##### Who Responded

A survey was fielded by mail to identified points of contact within 24 states Department of Corrections. The majority of respondents to the survey (70%) were Directors, or Deputy Directors, others were primarily state corrections research managers. Of the respondents, 80 percent had at least 10 years of correctional employment. It is clear that the data collected was provided by qualified individuals.

##### Survey Responses: Administrative Opinions

The priority research interest was to identify those issues where there was the strongest consensus among the states - a consensus found on 11 of the 22 closed-response items.<sup>17</sup> The findings from these issues are presented, with a brief narrative for each. Where applicable, reference also is made to findings from interviews with individual corrections managers. An item number corresponding to the questionnaire (see Appendix D) is noted. The complete item results can be found in Appendix G.

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<sup>17</sup>Chi Square test of significant difference among state responses comparing subtotal of agreement with subtotal of disagreement (see Appendix F).

Q2 We expect new prison construction within the next twelve months.

States overwhelmingly agreed with this statement. The most commonly reported response was (6) strongly agree. Of the 24 states polled, 19 expected prison construction within the year. Clearly, the consequence of the long-term incarceration of inmates is prison overcrowding and the need for new prison construction. As indicated by the findings in the previous section, the impact over the next five years shows that some states will see their inmate population increase by nearly 66.0% (Louisiana-TIS). Each individual state will be unique in the way that they will be effected and will be required to respond accordingly.

Q4 Taking away good time has been an effective management strategy in maintaining inmate behavior.

The majority of polled states (91%) agreed with this statement. Clearly, correctional managers believe that "good time" is part of a "carrot and stick" approach to managing inmate behavior; an approach that historically has been a useful management tool. Although not unique to the state of Texas, Texas prisons, for example, employed the "Control Model" which contained a mixture of correctional carrots and sticks. For inmates who violated the rules, punishment in the form of solitary confinement or extra work assignments was swift and certain. For inmates who did their own time and kept out of trouble, the rewards were equally swift and certain (Dululio,

1987). Without the use of "good time" as an incentive tool, there will arise the consequences associated with behavioral management issues.

- Q6 We have taken new steps to minimize the possible behavioral management problems associated with inmates sentenced under truth-in-sentencing (long-term) legislation.

A majority of the 24 responding states (62%) agreed with this statement. However, the most common response was to somewhat agree (5), rather than to strongly agree (6). Again, the issue of behavioral management arises. Clearly, responses to this question indicates that those states that have enacted truth-in-sentencing legislation have had to (or will have to) undertake the development of new strategies in the management of TIS inmates. Cost, staffing, and other unintended consequences may arise.

- Q8 Line officers are well informed regarding individual inmate's sentencing status.

Very few states agreed with this statement; rather the majority, 75 percent, strongly disagreed. Most of the states, therefore, restrict or limit the amount of information available to correctional officers. One possible consequence is the legal implications of issues concerning the medical conditions of inmates.

Q9 We are seeing increased ties to street gangs by our newly sentenced inmates.

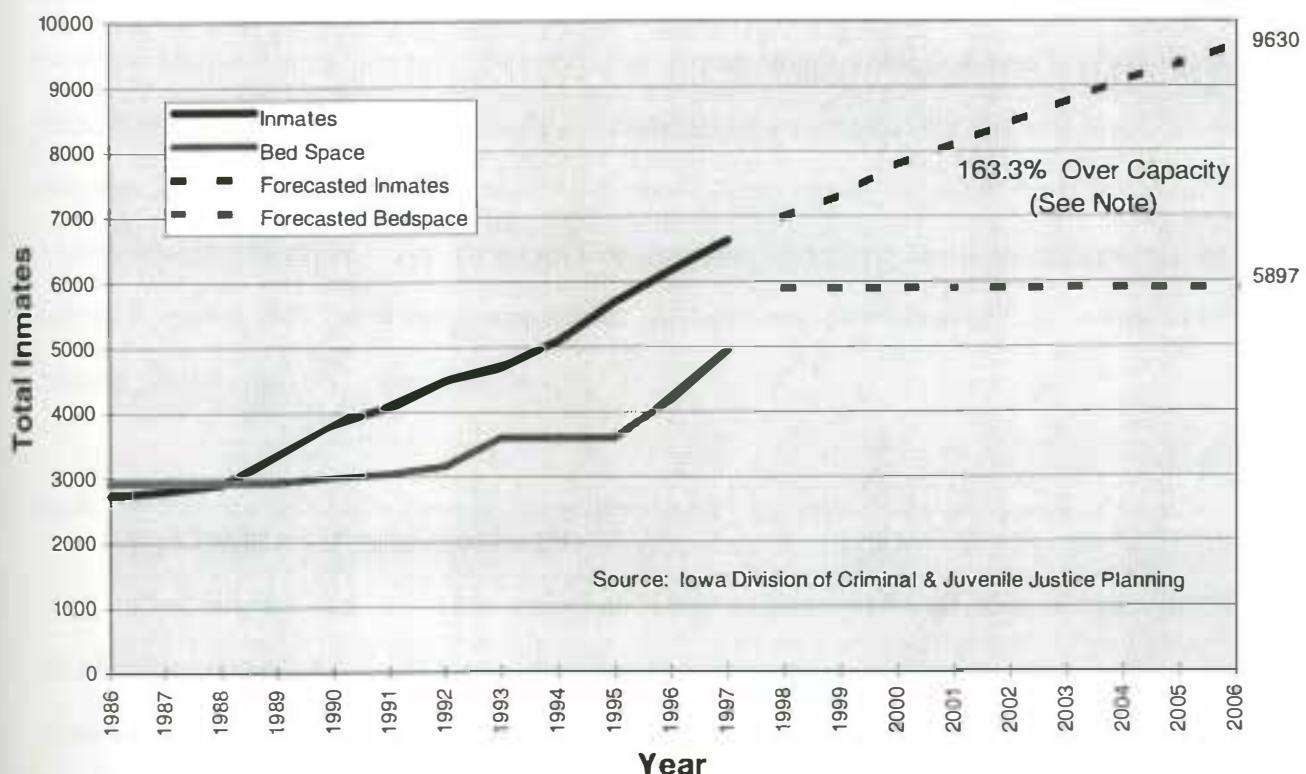
A majority of the 24 polled states (88%) agreed with this statement. It is clear that street gang membership poses a significant concern to correctional managers. The threat to security, custody, and order of all factors by prison gangs poses an unintended consequences that may be very disruptive if not dealt with immediately.

Q11 Inmates without access to early parole opportunities are increasing in number.

Of the 24 states polled, 21 agreed (87%) with this statement. This clearly seems to be a direct result of the new truth-in-sentencing statement. The responses clearly again supports the notion that the legislation is so new that the real impact of increased inmate populations will not be known for a few years. However, individual states project significant prison populations as seen in the previous sections. For example, projections for the Iowa prison population conforms to the prediction of a delayed impact (Chart) by forecasting prison population at 163.3 percent over capacity by the year 2006 (Iowa Division of Criminal Justice & Juvenile Justice Planning).

Insert Figure 6 *Iowa Prison Population and Forecasted Bedspace*

**FIGURE 6**  
**IOWA PRISON POPULATION AND**  
**FORECASTED BEDSPACE**



Note: Depending upon the ultimate size of Cellhouse 17 when opened, Iowa's prison capacity for FY 98 and beyond may be slightly higher than shown.

Q12 Long-term (truth-in-sentencing) inmates have put a strain on the correctional system.

The majority of the responding states (70%) agreed with this statement. Correctional managers believe that truth-in-sentencing legislation does significantly strain their correctional systems. Telephone conversations reveal that short staffing, resource scarcity, inmate overcrowding, physical plant depletion, and inmate behavior problems are at the top of the list of concerns. At present time further prison construction is anticipated to be the suggested solution for reducing some of these burdens on the system.

Q14 Long-term (truth-in-sentencing) inmates are classified differently than others.

The majority of the responding states (71%) disagreed with this statement. Most states do not have a plan to separate inmates who are incarcerated under truth-in-sentencing laws from the remaining prison population. Through phone conversations, correctional managers report that the system seems reluctant to make such a change. Problems with classification is clearly a consequence of truth-in-sentencing that will have to be faced in the future as this specific population increases.

Q15 Most of our behavioral problems involve younger inmates.

States overwhelmingly agreed (80%) with this statement. Correctional managers reported that the youngest inmates cause

the most problems. Adding to this issue is the possibility of increase gang membership and involvement by young "first-timers".

- Q17 Initial classification of inmates places importance on the ability of the inmate to be paroled early.

The majority of states (71%) disagreed with this statement. Correctional managers have not implemented a new classification system based on long-term inmates. However, most states have not yet experienced the anticipated increased number of these inmates.

- Q18 We expect our overall inmate population to increase due to truth-in-sentencing (long-term) legislation.

The majority (87%) agreed with this statement. Once again the responses to this statement raises the issues of increase inmate populations and facility capacity. Prison managers expressed concerned over the expected significant increases in state expenditures on corrections due to truth-in-sentencing legislation.

## CHAPTER FIVE

### DISCUSSION AND CONCLUSIONS

This study provides the most current data available regarding the systemic impact of truth-in-sentencing legislation. Prior research made projections based solely on the theory that each of the 50 states would implement truth-in-sentencing legislation. The current project addresses the shortcomings of previous studies in the following ways:

- 1) A 5-year prison population forecast comparing those states that received the Federal FY 1996 Truth-in-Sentencing grant monies with those states that did not.
- 2) Using official data, a report of the current inmate population serving sentences under truth-in-sentencing rules.
- 3) Results of a national opinion survey giving insight from correctional administrators into the consequences associated with truth-in-sentencing legislation.

A discussion of the research follows.

#### Five-Year Prison Population Forecasts

A review of past research clearly supports the hypothesis that truth-in-sentencing laws have a systemic impact on prison populations (Austin, 1994; Wooldredge, 1996). The past research is based on predictions that all 50 states will implement truth-in-sentencing legislation to date. No comparison is made regarding the systemic impact on actual prison populations that have thus far implemented or meet the criteria to receive the

Federal FY 96 Truth-in-Sentencing grant. To address this shortcoming, the current study identified, using non-parametric statistics (chi-square), whether there was, or was not, a significant difference between states that meet the federal truth-in-sentencing criteria with those states that do not.

Findings indicate that it is premature to fully evaluate the full systemic impact of truth-in-sentencing legislation on a national prison population. A full evaluation of the systemic impact and broader implications of this issue must therefore utilize additional qualitative data collected from a national mailed survey. A discussion follows which examines findings from both between group and within group differences in terms of growth of states 5-year prison population projections. Reasons are presented for the restrictive use and implications of such data. Qualitative findings and implications are presented in a later section.

#### Between Group Differences: Truth-in-Sentencing States Verse Non-Truth-in-Sentencing States

Results of the present study found no significant differences, in terms of growth, between the 5-year projected prison populations of those states that received the Federal FY 96 Truth-in-Sentencing grant and those states that did not allow truth-in-sentencing rules. The current study indicates that the mean five-year percent increase for truth-in-sentencing states is 27.9%, while the 5-year percent increase of non-truth-in-sentencing states is 27.1%. Chi-square was used as an

statistical measure to determine differences between groups.

Findings must be taken with caution for the following reasons.

First, data collected for the current study is based on 5-year prison population forecasts and is preliminary in its findings. As reported by several truth-in-sentencing states, in most cases this legislation has been just recently enacted. Projections may not reflect the impact of truth-in-sentencing legislation. Therefore, to fully evaluate the true systemic impact of truth-in-sentencing legislation, in terms of growth, on prisons, states will have to revise forecasts yearly.

Second, projections may reflect an individual state's own definition and application of truth-in-sentencing rules. The federal criteria in order for states to be awarded the Truth-in-Sentencing grant does allow for states to submit "an alternative definition for use in the implementation of Truth-in-Sentencing" (Corrections Program Office, n.d.). An example of the use of an alternative definition is a state that does not require all Part 1 violent offenders to serve 85% of their imposed sentence. It is possible that the use of alternative definitions by states classified as using truth-in-sentencing may have created inconsistencies within the data. Truth-in-sentencing states that use alternative definitions in order to qualify for federal funding may have projected the prison population impact of this legislation as being either higher or lower than those states that do meet the actual federal criteria. Note that findings

from this study do not take into consideration the possibility of the use of alternative truth-in-sentencing definitions.

Lastly, caution is emphasized in examining the findings from prison population projections where states reported that they have enacted, or are in the process of enacting, new truth-in-sentencing policies.<sup>18</sup> In addition, several states identified themselves as truth-in-sentencing states, but did not meet the federal definition to be awarded truth-in-sentencing grants monies.<sup>19</sup>

For the reasons mentioned above, the use of 5-year projections within this research cannot be regarded solely as an evaluation of the overall impact truth-in-sentencing. However, the findings support the hypothesis that truth-in-sentencing legislation may not have an immediate impact on truth-in-sentencing states. The number of inmates serving long-term sentences may increase over time, slowing population turnover of violent offenders and effecting prison growth in the long-term. In terms of systemic impact, the comparison of prison population projections do not imply that any one state, in terms of growth, is impacted by truth-in-sentencing legislation more than another. For this reason, further examination of the qualitative measure

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<sup>18</sup>The following states reported having enacted, or in the process of enacting, truth-in-sentencing policies: Alaska, Arkansas, Indiana, Kentucky, Maine, Massachusetts, Nebraska, Nevada, New Jersey, and Oklahoma.

<sup>19</sup>The state of Nevada reported passing truth-in-sentencing legislation in the year 1995. This legislation is based upon a 40% minimum and not the federal required 85% minimum.

employed for this study, the national opinion survey, must be discussed.

#### Within Group Differences: Truth-in-Sentencing States

The findings from the present study indicate that there is a difference within groups. These analysis indicate prison populations, within truth-in-sentencing states, vary from California, reporting 150,851 inmates, to North Dakota, reporting an inmate population of 770. The range between inmate populations is 150,081. The mean inmate population for truth-in-sentencing states is 29,176, while the standard deviation score is 31235.92. The standard deviation for inmate population demonstrates the extreme variation of inmate populations between truth-in-sentencing states. In terms of systemic impact, the total variance cannot be explained. Systemic impact within states should be based on the 5-year percent increase/decrease that each individual state projects.

For example, in terms of 5-year prison population impact, Louisiana is projected to see an increase of 66.0%, while North Carolina is projected to see their inmate population decrease by 4.2%. The differences between the two indicates that truth-in-sentencing will affect some states more than others. Some states will be required to build new prisons or modify existing prison designs to keep up with increasing inmate populations.

Qualitative measures from this study, the national opinion survey, have indicated that, within truth-in-sentencing states,

many concerns relate to the increase of a specific group (violent offenders).

By all indications each state must be prepared to face the challenges of prison growth that is unique to their individual laws. As mentioned, prison population projection data was based on the assumption that current criminal justice system trends, policies and practices will continue. Truth-in-sentencing is recent and in many states systemic impact has not yet been felt. The use of a 5-year projection cannot be regarded solely as an overall evaluation of the effects of truth-in-sentencing laws. This turns the discussion to the national opinion survey.

#### TIS Inmate Population

The findings indicate that in those states that have received the FY 96 Federal Truth-in-Sentencing grant, 97,805 inmates are currently serving sentences under TIS rules. These inmates account for 13.4% of TIS states' total prison population. In addition, the findings indicate that there is a great difference in the reported number of TIS inmates by state. For example, Ohio reported 18,404 inmates serving sentences under truth-in-sentencing laws, while North Dakota reported a TIS inmate population of only 55 inmates. Also, TIS inmates represent 91% of Delaware's total inmate population, in comparison to Iowa's TIS inmate population that represents only .9% of their total inmate population. It would seem that states with larger inmate populations will inevitably report more inmates, however, another possible reason for the difference

between states goes back to how truth-in-sentencing policies are defined and implemented within individual states. For example, a state may apply the 85% rule to all offenses, while another will only apply the law to specific serious offenses as defined by the state. With these differences in the application and definition of the 85% law, classification of truth-in-sentencing inmates and counts of populations between states will differ.

The data is once again restrictive in its application and generalization to the broader issue of systemic impact on prison populations. Although restrictive, the analysis does show support for the hypothesis that truth-in-sentencing policies are not likely to have a strong initial effect on inmate crowding. Rather, the impact will be felt overtime as a sub-population of violent inmates serving 85% of their sentence will increase, slowing population turnover for this group and effecting prison growth in the long-term. In order to fully explore the consequences of truth-in-sentencing, a discussion of the findings from the nation opinion survey will be addressed.

#### Mailed Opinion Survey

The purpose of the national opinion survey was to identify opinions of correctional managers regarding the consequences of truth-in-sentencing legislation. Respondents consisted of those states (excluding Iowa) that met the criteria to receive the FY 1996 Truth-in-Sentencing Grant. As presented in the discussion to this point, the inmate population data is restrictive in its implications and evaluation of the systemic impact of truth-in-

sentencing. For this reason, the administrative opinions provided by correctional officials is in this case the only true source of reliable information concerning the consequences associated with truth-in-sentencing legislation.

Clearly states correctional managers responding to the opinion survey view truth-in-sentencing legislation as having an impact on their correctional system. The majority of state corrections managers report, due to truth-in-sentencing legislation, that they expect a significant increase in inmate populations--a considerable increase in numbers, well beyond their current capacity. Respondents report that this increase will add to an already overburdened correctional system.

Behavioral problems and medical costs top the list of concerns.

Correctional managers report they expect the 85% law to increase the number of inmates serving sentences with limited parole opportunities. Correctional managers have stressed that the increase population growth of this specific group of offenders will create several, possibly severe, consequences. At the top of the list are behavioral management issues. Correctional managers report that they are experiencing, and fully expect more, behavioral problems from young inmates, and a growing population of gang members. The threat to security, custody, and order by prison gangs will continue to create a hostile environment within prison walls. Although respondents report that new policies have been developed to minimize problem behavior, the implications of the findings from this study

indicate that states have not yet felt the full systemic impact of truth-in-sentencing. Only in time will states be able to realize the success or failure of their behavioral management strategies.

As reported by respondents, another consequence of increased inmate populations due to truth-in-sentencing are issues associated with medical costs. Correctional managers reported that annual medical costs associated with the incarceration of older inmates, and those inmates who are HIV-positive, will increase, as will the cost of treatment for substance abusers. The implications are that state and correction officials will realize a costly consequence of long-term of inmates. Additional medical staff will be necessary as well as the need for specialized care facilities.

By all indicators, prison populations are expected to increase--inmate management will likely be more difficult and costs associated with the long-term incarceration of inmates will rise. At present, future prison construction is anticipated for reducing some of these burdens of overcrowding on the system. The opinion survey shows a need for states to look beyond short-term prison construction and focus on the more pointed issues associated with the incarceration of long-term inmates. As indicated by the prison population forecast data, the direct systemic impact of truth-in-sentencing may not yet been clearly evaluated. States must understand that the degree and severity of this impact will depend on the steps taken prior to a influx

of long-term inmates. An attitude of denial, or even a delay in planning will likely cost states dearly.

### Conclusion

By passing truth-in-sentencing laws, state legislatures convey the message that they are "tough on crime." Due to the current perception of society that longer prison terms will reduce crime, policies that require offenders to serve longer sentences before being eligible for parole draws public support. Yet, it is misleading to think that past sentencing policies were not harsh enough. According to Reiman (1998, p. 19), "the evidence is that we are quite harsh, in general harsher than other modern industrial nations, and that we have gotten strikingly harsher in recent years with little effect on the crime rate." Further, according to Irwin & Austin (1994, p. 23), in 1990, contrary to popular perception, the vast majority of inmates were admitted to prison "for either nonviolent crimes or no crimes at all." States must be aware that 85% rules may not be effecting the vast majority of inmates serving sentences in prisons today, however, the consequences associated with the long-term incarceration of inmates will inevitably arise. These points further the need for states to individually examine the need to implement policies that reduce "good time" for violent offenders. Policy-makers would best test truth-in-sentencing and "get tough" approaches on sound research rather than on the often misinformed public perception of crime policies.

### Limitations of the Study

The use of 5-year inmate projections within this study cannot be regarded solely as an overall evaluation of the impact that truth-in-sentencing will have on the prison population in the future. Inconsistencies within the population projection data (i.e. the use of alternative truth-in-sentencing definitions and the recent nature of truth-in-sentencing policies), limit the use of this data to draw any real implications from the findings. Further, the responses provided by corrections managers in the national opinion survey can only give insight into the consequences associated with truth-in-sentencing legislation. Every concern expressed by states must be examined closely in order to appreciate the stress on each individual state. As mentioned, the full systemic impact of truth-in-sentencing on prisons may not be felt until years to come.

More research is needed. This study only marks the beginning of what should be an extended analysis of the impact of truth-in-sentencing legislation. Only in time and with the lengthened incarceration of those sentenced under this law will we be able to fully evaluate the systemic impact of truth-in-sentencing.

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### Appendix A

#### Inmate Populations and Projections for Truth-in-Sentencing States

<u>TIS STATE</u>	<u>PRISON POPULATION AS OF OCTOBER 15, 97</u>	<u>5 YEAR POPULATION PROJECTIONS</u>	<u>5-YEAR PERCENT INCREASE</u>
Arizona	23429	30180	28.8
California	150851	198435	31.5
Connecticut	15528	NA	NA
Delaware	3328	NA	NA
Florida	64705	84099	30.0
Georgia	36320	NA	NA
Illinois	28617	35140	22.8
Iowa	6636	8420	26.9
Kansas	7782	8388	7.8
Louisiana	29180	48453	66.0
Michigan	44441	NA	NA
Minnesota	5243	6222	18.7
Mississippi	14883	19829	33.2
Missouri	23888	34428	44.1
N. Carolina	32638	31259	-4.2
N. Dakota	770	869	12.9
New York	69736	83469	19.7
Ohio	46995	58665	24.8
Oregon	7747	12243	58.0
Pennsylvania	34688	35070	1.1
S. Carolina	21093	NA	NA
Tennessee	14792	24318	64.4
Utah	4785	7181	50.1
Virginia	28522	34514	21.0
Washington	<u>12805</u>	<u>15360</u>	<u>20.0</u>
<b>TOTAL</b>	729402	776542	557.6
<b>MEAN</b>	29176	38827	27.9

## Appendix B

### Violent Offender Incarceration Grant/Truth-In-Sentencing Incentive Grant Eligibility Requirements

**Source:** Corrections Program Office. (1997, January). Violent offender incarceration/truth-in-sentencing incentive grant program FY 1996 summary report: Program outline and application data. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs.

#### **Violent Offender Incarceration Grants - Eligibility Requirements**

The Violent Offender Incarceration grant funds are allocated to States using a three-tiered formula. Each tier of the formula has different criteria for eligibility and eligible States may receive funding under ***all three tiers.***

Eighty-five percent of the funds available for Violent Offender Incarceration grants are available for the first two tiers, with 15 percent reserved for the third. **By statute, no State may receive more than 9 percent of the total funds available for Violent Offender Incarceration grants.** The requirements and allocations for the three tiers are as follows:

##### **TIER 1**

To be eligible for Tier 1 funding, a State must provide an assurance in its application that it has implemented, or will implement, correctional policies and programs, including Truth-in-Sentencing laws, that:

- \* ensure that violent offenders serve a substantial portion of the sentences imposed;
- and**
- \* are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders;
- and**
- \* ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

##### **TIER 2**

A State that receives a grant under Tier 1 is eligible to receive additional funds if it demonstrates that, **since 1993**, it has increased:

- \* the percentage of persons arrested for a Part 1 violent crime sentenced to prison;
- or**
- \* the prison time actually served;

**or**

- \* the average percent of sentence by persons convicted of a Part 1 violent crime.

### **TIER 3**

A State that receives a grant under Tier 1 (and Tier 2, if applicable) is eligible for additional funds if it can demonstrate that it has:

- \* **since 1993**, increased the percentage of persons arrested for a Part 1 violent crime sentenced to prison, **and** has increased the average percent of sentence served by persons convicted of a Part 1 violent crime;

**or**

- \* increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of Part 1 violent crimes.

### **Truth-in-Sentencing Incentive Grants - Eligibility Requirements**

To be eligible to receive a Truth-in-Sentencing Incentive award, a State must demonstrate any **one** of the following:

- \* For **determinate sentencing States**, the State has implemented Truth-in-Sentencing laws that require persons convicted of a Part 1 violent crime to serve not less than 85 percent of the sentence imposed.

**or**

- \* For **determinate sentencing States**, the State has implemented Truth-in-Sentencing laws that result in persons convicted of a Part 1 violent crime serving **on average** not less than 85 percent of the sentence imposed.

**or**

- \* For **determinate sentencing States**, the State has enacted, but not yet implemented, Truth-in-Sentencing laws that require the State, not later than 3 years after it submits its application for funds, to provide that persons convicted of a Part 1 violent crime serve not less than 85 percent of the sentence imposed.

**or**

- \* For **indeterminate sentencing States**, persons convicted of a Part 1 violent crime **on average** serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines.

**or**

- \* For **indeterminate sentencing States**, persons convicted of any Part 1 violent crime **on average** serve not less than 85 percent of the **maximum** prison term allowed under the sentence imposed by the court.

### Appendix C

#### Inmate Population and Projections for Non-Truth-in-Sentencing States

<u>NON-TIS STATE</u>	<u>PRISON POPULATION AS OF OCTOBER 15, 97</u>	<u>5-YEAR POPULATION PROJECTION</u>	<u>5-YEAR PERCENT INCREASE</u>
Alabama	22138	26189	18.3
Alaska	3001	4500	50.0
Arkansas	10063	10742	6.7
Colorado	12709	18049	42.0
Hawaii	4391	5624	28.1
Idaho	4101	6231	51.9
Indiana	18735	20651	10.2
Kentucky	13888	18783	35.2
Maine	1586	1640	3.4
Maryland	22050	NA	NA
Massachusetts	10044	13435	33.8
Montana	2002	3300	64.8
Nebraska	3361	4419	31.5
Nevada	8150	10663	30.8
New Hampshire	2140	3300	54.2
New Jersey	27375	29675	8.4
New Mexico	4677	6277	34.2
Oklahoma	20404	22066	8.1
Rhode Island	3338	3711	11.2
S. Dakota	2129	2191	2.9
Texas	138015	142464	3.2
Vermont	1240	1540	24.2
W. Virginia	2562	3500	36.6
Wisconsin	14366	19873	38.1
Wyoming	1245	1532	23.1
<b>TOTAL</b>	<b>353710</b>	<b>380355</b>	<b>650.9</b>
<b>MEAN</b>	<b>14148</b>	<b>15848</b>	<b>27.1</b>

## Appendix D

**PLEASE ANSWER EACH QUESTION WITH THE BEST RESPONSE RANGING FROM STRONGLY AGREE TO STRONGLY DISAGREE.**

**NOTE: THE STRONGER YOU AGREE THE HIGHER THE NUMBER, AND THE STRONGER YOU DISAGREE THE LOWER THE NUMBER.**

6	5	4	3	2	1
Strongly agree	Agree	Somewhat agree	Somewhat disagree	Disagree	Strongly disagree
—	We expect new prison construction within the next twelve months.				
—	In general, line officers are required to supervise too many inmates.				
—	Taking away good time has been an effective management strategy in maintaining inmate behavior.				
—	Over the last five years, the average age of our inmate population has become younger.				
—	We have taken some new steps to minimize the possible behavioral management problems associated with inmates sentenced under truth-in-sentencing (long-term) legislation.				
—	Correctional officers will need additional training to meet the challenge of long-term inmates.				
—	Line officers are well informed regarding individual inmate's sentencing status.				
—	We are seeing increased ties to street gangs by our newly sentenced inmates.				
—	Inmates who will be serving long sentences have not been a behavioral problem.				
—	Inmates without access to early parole opportunities are increasing in number.				
—	Long-term (truth-in-sentencing) inmates have put a strain on the correctional system.				
—	We have not yet felt any behavioral problems impact from long-term (truth-in-sentencing) inmates.				

**CONTINUE USING THE SCALE BELOW AND PLEASE INDICATE THE EXTENT IN WHICH YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENTS.**

6	5	4	3	2	1
Strongly agree	Agree	Somewhat agree	Somewhat disagree	Disagree	Strongly disagree
<ul style="list-style-type: none"> <li>— Long-term (truth-in-sentencing) inmates are classified differently than others.</li> <li>— Most of our behavioral problems involve younger inmates.</li> <li>— We have seen increased participation in prison gang activity by long-term inmates.</li> <li>— Initial classification of inmates places importance on the ability of the inmate to be paroled early.</li> <li>— We expect our overall inmate population to increase due to truth-in-sentencing (long-term) legislation.</li> <li>— In general, AIDS/HIV is increasing among our inmate population.</li> <li>— All inmates are medically screened for the presence of HIV during their initial classification.</li> <li>— The majority of our inmates work a full eight hour day.</li> <li>— Most inmates will serve at least 85 % of their adjudicated sentence.</li> </ul>					

What is your official job title? \_\_\_\_\_

How long have you been employed by the Department of Corrections? \_\_\_\_\_

Is your position upper-management, middle-management, or line-staff? \_\_\_\_\_

How much contact do you have with inmates?    Alot\_\_\_\_  Little\_\_\_\_  Some\_\_\_\_  None\_\_\_\_

*PLEASE CONTINUE ON NEXT PAGE*

**PLEASE RESPOND TO EACH OF THE QUESTIONS BELOW. SPACE HAS BEEN PROVIDED FOR YOUR ANSWERS.**

**If you were a physician (medical doctor) and your correctional system was the patient, how would you describe the overall health of your correction system?**

**What do you see as the greatest challenge in the management of truth-in-sentencing (long-term inmates?)**

**PLEASE RESPOND TO EACH OF THE QUESTIONS BELOW. SPACE HAS BEEN PROVIDED FOR YOUR ANSWERS.**

**In the last twelve months, has your prison system reduced any privileges that were available to the general inmate population (i.e., removing television, weights, etc.), if so what?**

**What positive incentives currently exist to motivate inmates who have no real early parole opportunities?**

***THANK YOU FOR YOUR COOPERATION***

## Appendix E

### Current TIS Inmate Population

<u>TIS STATES</u>	<u>TIS INMATE POPULATION AS OF OCTOBER 15, 97</u>	<u>PERCENT TIS POPULATION OF TOTAL POPULATION</u>
Arizona	15697	67.0
California	8900	5.9
Connecticut	1047	6.7
Delaware	3028	91.0
Florida	11881	18.4
Georgia	1215	3.3
Illinois	0	0
Iowa	61	0.9
Kansas	4419	56.8
Louisiana	14346	49.2
Michigan	0	0
Minnesota	0	0
Mississippi	0	0
Missouri	822	3.4
N. Carolina	0	0
N. Dakota	55	7.1
New York	2000	2.9
Ohio	18404	39.2
Oregon	6341	81.9
Pennsylvania	0	0
S. Carolina	707	3.4
Tennessee	325	2.2
Utah	0	0
Virginia	8557	30
Washington	0	0
<b>TOTAL</b>	<b>97805</b>	<b>469.3</b>
<b>MEAN</b>	<b>5753</b>	<b>27.6</b>

## Appendix F

## Chi-square Values and Significance of Selected Variables

Variable	Description	N	Observed Values		Chi-Square	D.F.	Significance
			Agree	Disagree			
VAR2A	Expect Prison Construction Within Next 12 Months	24	19	5	8.1667	1	.0043
VAR3A	Line Officers are Required to Supervise Too Many Inmates	24	12	12	.0000	1	1.0000
VAR4A	Taking Away "Good Time" Has Been Effective	22	20	2	14.7273	1	.0001
VAR5A	Average Age of Inmate Population Has Become Younger	24	10	14	.6667	1	.4142
VAR6A	Have Taken New Steps to Minimize Management Problems Associated With Truth-In-Sentencing	21	15	6	3.8571	1	.0495
VAR7A	Correctional Officers Need Additional Training to Meet Challenge of Long-Term Inmates	24	15	9	1.5000	1	.2207
VAR8A	Officers are Well Informed Regarding Individual Inmates Sentencing Status	24	6	18	6.0000	1	.0143
VAR9A	Seeing Increased Ties to Street Gangs by Newly Sentenced Inmates	23	21	2	15.6957	1	.0001
VAR10A	Inmates Who Will be Serving Long Sentences Have Not Been a Behavioral Problem	24	12	12	.0000	1	1.0000
VAR11A	Inmates Without Access to Early Parole Opportunities are Increasing in Number	23	21	2	15.6957	1	.0001
VAR12A	Long-Term Inmates Have Put a Strain on the Correctional System	22	17	5	6.5455	1	.0105
VAR13A	Have Not Yet Felt Any Behavioral Problems Impact from Long-Term Inmates	23	16	7	3.5217	1	.0606

Variable	Description	N	Observed Values		Chi-Square	D.F.	Significance
			Agree	Disagree			
VARI4A	Long-Term Inmates are Classified Differently than Others	22	5	17	6.5455	1	.0105
VARI5A	Most of Our Behavioral Problems Involve Younger Inmates	24	20	4	10.6667	1	.0011
VARI6A	Seen Increased Participation in Prison Gang Activity by Long-Term Inmates	23	13	10	.3913	1	.5316
VARI7A	Initial Classification of Inmates Places Importance on the Ability of the Inmate to be Paroled Early	22	5	17	6.5455	1	.0105
VARI8A	Expect Overall Inmate Population to Increase Due to Truth-In-Sentencing Legislation	23	21	2	15.6957	1	.0001
VARI9A	In General, Aids/HIV is Increasing Among Inmates	24	16	8	2.6667	1	.1025
VARI20A	All Inmates are Medically Screened for the Presence of HIV during Initial Classification	24	9	15	1.5000	1	.2207
VARI21A	The Majority of Our Inmates Work a Full Eight Hour Day	24	11	13	.1667	1	.6831
VARI22A	Most Inmates will Serve at Least 85% of Their Adjudicated Sentence	24	11	13	.1667	1	.6831

An observed value of "Agree" is derived from combining the number of respondents who answered Strongly Agree, Agree, or Somewhat Agree to each item. Likewise, an observed value of "Disagree" is derived from combining the number of respondents who answered Strongly Disagree, Disagree, or Strongly Disagree to each item..

Appendix G  
Scaled Variable Frequencies

**#2 Expect Prison Construction Within Next 12 Months**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	4	16.0	16.7	16.7
Disagree	0	0	0	16.7
Somewhat Disagree	1	4.0	4.2	20.8
Somewhat Agree	0	0	0	20.8
Agree	6	24.0	25.0	45.8
Strongly Agree	13	52.0	54.2	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

**#3 Line Officers are Required to Supervise Too Many Inmates**

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	1	4.0	4.2	4.2
Disagree	6	24.0	25.0	29.2
Somewhat Disagree	5	20.0	20.8	50.0
Somewhat Agree	9	36.0	37.5	87.5
Agree	2	8.0	8.3	95.8
Strongly Agree	1	4.0	4.2	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #4 Taking Away “Good Time” Has Been Effective

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	2	8.0	9.1	9.1
Somewhat Disagree	0	0	0	9.1
Somewhat Agree	4	16.0	18.2	27.3
Agree	11	44.0	50.0	77.3
Strongly Agree	5	20.0	22.7	100.0
Missing	3	12.0		
Total	25	100.0	100.0	

## #5 Average Age of Inmate Population Has Become Younger

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	9	36.0	37.5	37.5
Disagree	3	12.0	12.5	50.0
Somewhat Disagree	2	8.0	8.3	58.3
Somewhat Agree	4	16.0	16.7	75.0
Agree	3	12.0	12.5	87.5
Strongly Agree	3	12.0	12.5	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #6 Have Taken New Steps to Minimize Management Problems Associated With Truth-In-Sentencing

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	3	12.0	14.3	14.3
Somewhat Disagree	3	12.0	14.3	28.6
Somewhat Agree	6	24.0	28.6	57.1
Agree	6	24.0	28.6	85.7
Strongly Agree	3	12.0	14.3	100.0
Missing	4	16.0		
Total	25	100.0	100.0	

## #7 Correctional Officers Need Additional Training to Meet Challenge of Long-Term Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	5	20.0	20.8	20.8
Somewhat Disagree	4	16.0	16.7	37.5
Somewhat Agree	4	16.0	16.7	54.2
Agree	4	16.0	16.7	70.8
Strongly Agree	7	28.0	29.2	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #8 Officers are Well Informed Regarding Individual Inmates Sentencing Status

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	1	4.0	4.2	4.2
Disagree	13	52.0	54.2	58.3
Somewhat Disagree	4	16.0	16.7	75.0
Somewhat Agree	0	0	0	75.0
Agree	5	20.0	20.8	95.8
Strongly Agree	1	4.0	4.2	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #9 Seeing Increased Ties to Street Gangs by Newly Sentenced Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	2	8.0	8.7	8.7
Somewhat Disagree	0	0	0	8.7
Somewhat Agree	2	8.0	8.7	17.4
Agree	13	52.0	56.5	73.9
Strongly Agree	6	24.0	26.1	100.0
Missing	2	8.0		
Total	25	100.0	100.0	

## #10 Inmates Who Will be Serving Long Sentences Have Not Been a Behavioral Problem

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	5	20.0	20.8	20.8
Somewhat Disagree	7	28.0	29.2	50.0
Somewhat Agree	7	28.0	29.2	79.2
Agree	5	20.0	20.8	100.0
Strongly Agree	0	0	0	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #11 Inmates Without Access to Early Parole Opportunities are Increasing in Number

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	1	4.0	4.3	4.3
Disagree	1	4.0	4.3	8.6
Somewhat Disagree	0	0	0	8.6
Somewhat Agree	3	12.0	13.0	21.7
Agree	9	36.0	39.1	60.9
Strongly Agree	9	36.0	39.1	100.0
Missing	2	8.0		
Total	25	100.0	100.0	

## #12 Long-Term Inmates Have Put a Strain on the Correctional System

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	1	4.0	4.5	4.5
Disagree	2	8.0	9.1	13.6
Somewhat Disagree	2	8.0	9.1	22.7
Somewhat Agree	5	20.0	22.7	45.5
Agree	9	36.0	40.9	86.4
Strongly Agree	3	12.0	13.6	100.0
Missing	3	12.0		
Total	25	100.0	100.0	

## #13 Have Not Yet Felt Any Behavioral Problems Impact from Long-Term Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	2	8.0	8.7	8.7
Somewhat Disagree	5	20.0	21.7	30.4
Somewhat Agree	5	20.0	21.7	52.2
Agree	10	40.0	43.5	95.7
Strongly Agree	1	4.0	4.3	100.0
Missing	2	8.0		
Total	25	100.0	100.0	

## #14 Long-Term Inmates are Classified Differently than Others

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	7	28.0	31.8	31.8
Disagree	10	40.0	45.5	77.3
Somewhat Disagree	0	0	0	77.3
Somewhat Agree	2	8.0	9.1	86.4
Agree	1	4.0	4.5	90.9
Strongly Agree	2	8.0	9.1	100.0
Missing	3	12.0		
Total	25	100.0	100.0	

## #15 Most of Our Behavioral Problems Involve Younger Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	0	0	0	0
Somewhat Disagree	4	16.0	16.7	16.7
Somewhat Agree	5	20.0	20.8	37.5
Agree	10	40.0	41.7	79.2
Strongly Agree	5	20.0	20.8	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #16 Seen Increased Participation in Prison Gang Activity by Long-Term Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	5	20.0	21.7	21.7
Somewhat Disagree	5	20.0	21.7	43.5
Somewhat Agree	8	32.0	34.8	78.3
Agree	5	20.0	21.7	100.0
Strongly Agree	0	0	0	100.0
Missing	2	8.0		
Total	25	100.0	100.0	

## #17 Initial Classification of Inmates Places Importance on the Ability of the Inmate to be Paroled Early

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	4	16.0	18.2	18.2
Disagree	10	40.0	45.5	63.6
Somewhat Disagree	3	12.0	13.6	77.3
Somewhat Agree	2	8.0	9.1	86.4
Agree	3	12.0	13.6	100.0
Strongly Agree	0	0	0	100.0
Missing	3	12.0		
Total	25	100.0	100.0	

## #18 Expect Overall Inmate Population to Increase Due to Truth-In-Sentencing Legislation

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	0	0	0	0
Disagree	2	8.0	8.7	8.7
Somewhat Disagree	0	0	0	8.7
Somewhat Agree	2	8.0	8.7	17.4
Agree	8	32.0	34.8	52.2
Strongly Agree	11	44.0	47.8	100.0
Missing	2	8.0		
Total	25	100.0	100.0	

## #19 In General, Aids/HIV is Increasing Among Inmates

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	2	8.0	8.3	8.3
Disagree	3	12.0	12.5	20.8
Somewhat Disagree	3	12.0	12.5	33.3
Somewhat Agree	8	32.0	33.3	66.7
Agree	5	20.0	20.8	87.5
Strongly Agree	3	12.0	12.5	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #20 All Inmates are Medically Screened for the Presence of HIV during Initial Classification

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	8	32.0	33.3	33.3
Disagree	4	16.0	16.7	50.0
Somewhat Disagree	3	12.0	12.5	62.5
Somewhat Agree	0	0	0	62.5
Agree	4	16.0	16.7	79.2
Strongly Agree	5	20.0	20.8	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #21 The Majority of Our Inmates Work a Full Eight Hour Day

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	3	12.0	12.5	12.5
Disagree	8	32.0	33.3	45.8
Somewhat Disagree	2	8.0	8.3	54.2
Somewhat Agree	6	24.0	25.0	79.2
Agree	5	20.0	20.8	100.0
Strongly Agree	0	0	0	100.0
Missing	1	4.0		
Total	25	100.0	100.0	

## #22 Most Inmates will Serve at Least 85% of Their Adjudicated Sentence

	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly Disagree	2	8.0	8.3	8.3
Disagree	5	20.0	20.8	29.2
Somewhat Disagree	6	24.0	25.0	54.2
Somewhat Agree	4	16.0	16.7	70.8
Agree	5	20.0	20.8	91.7
Strongly Agree	2	8.0	8.3	100.0
Missing	1	4.0		
Total	25	100.0	100.0	