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**GOOD TIME AND PROGRAMS FOR
PRISONERS
(NATIONWIDE)**

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NOTE:

This working paper provides research information for
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It is **not** a statement of the Council's views or opinions.

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EXECUTIVE SUMMARY

1. Good time was first enacted during the 19th century to control inmate behavior and relieve prison overcrowding by reducing inmates' sentences. Currently, 40 states use the good time credit system as an incentive for inmates to serve disciplinary-free time in prison.

2. Definition:

There are at least four types of good time early release models used in the US. today:

- statutory or administrative
- earned
- meritorious
- emergency credits

Statutory good time is awarded at the start of the inmate's sentence, and the inmate receives all potential credits at this time. When the inmate misbehaves, the credits are revoked.

Earned credit is an incentive system, where inmates are rewarded with good time credits for positive behavior within the prison. These credits are earned when the inmate participates in prison programs or activities, such as education or vocational training.

Meritorious or special credits are awarded when inmates perform exceptional acts, such as donating blood, exemplary behavior during emergencies, or serving as experimental medical subjects.

The *emergency credit* good time system is used in many jurisdictions to relieve prison overcrowding and court-ordered prison population caps. Eligible inmates are given predetermined numbers of credits to accelerate their discharge dates or parole hearings.

3. Administration:

Good time credits are usually granted, revoked and restored by corrections officers and staff. Inmates' credits are revoked at disciplinary hearings.

Good time may be revoked for violating prison rules and failing to participate satisfactorily in prison programs.

Most states limit good time forfeitures to credits already earned, but some states allow liens on future good time to be imposed. Also, other states allow for maximum penalties for a single serious violation—e.g. 360 days for one violation.

Studies done on the effects of disciplinary hearings found that the revocation of good time credit was often the sanction for breaking prison infractions; however, the time was usually restored to the inmate at a later date in order to free up prison beds.

An inmate's release date is also shortened if good time credits are used in combination with determinate sentencing (no parole). In a determinate sentencing state, the good time credits are the only method whereby the inmate may be released early because there are no other early release methods in effect.

In a state with indeterminate sentencing and parole, the good time credits may not affect the release date because the inmate's parole date is probably earlier than the release date with good time credits. However, one third of the indeterminate sentencing states subtract good time from the minimum as well as the maximum sentences. This method accelerates first parole eligibility and expands the power of parole by giving good time credit to the parole date rather than the sentencing date.

Good Time may be credited in a lump sum at the beginning of the prison sentence or it may be credited monthly as the inmate earns the time. Crediting in a lump sum is less of a burden on prison administration.

Allowance:

Good time allowances vary among jurisdictions. Some states provide for as much as a 50% reduction in sentence for good behavior, while other states provide no good time credits. The most common good time allowance is one day of good time for every three days of good behavior (equivalent to ten days per month).

Good time is often calculated based on the inmate's offense, sentence, tenure, and disciplinary and work records. Calculations may depend on whether the state has a fixed schedule, straight time or graduated good time.

In a "no fixed schedule" state the department of corrections determines the good time credits available for an inmate up to a maximum percentage of the inmate's sentence.

In a "straight time" state, all inmates are automatically credited with the same amount of good time credits. These credits are then lost for violations of prison rules.

In a "graduated good time" state, the good time credits depend on the inmate's offense, sentence length, time served or institutional placement.

Some states assign the prisoner to the highest good time earning class when they enter the prison and then they are reclassified to a lower class for disciplinary violations.

Some states do not award good time credits, or they define classes of ineligibles, for example, sex offenders, offenders with a life sentence.

Most states do not credit good time while the inmate is in jail as opposed to prison. This is because good time credits are linked to the notion of rehabilitation and there are rarely rehabilitation programs in jails.

Effects of Good Time:

The general assumption is that good time systems are necessary for the maintenance of order and discipline in the prison. However, there are no systematic data to support this belief.

Studies have confirmed that good time helps control prison population management by releasing inmates earlier than their actual sentence date.

Rehabilitating the Offender:

There have been no studies that confirm that good time contributes to inmate reform. However, research has shown that inmates released early presented only a small risk to public safety. These inmates were no more likely to commit crimes than inmates released either by parole or at their sentence completion date.

Bad Time:

There is very little literature on "bad time" policies in the US. Kansas proposed a "bad time" policy whereby good behavior was the expected norm and negative behavior would be punished by an increase of up to 20% of the inmate's prison sentence. However, this proposal was not implemented.

Prison Programs:

Prison programs are an important aspect of prison life. Inmates who keep active not only improve themselves but are also easier to control. Furthermore, prison programs are proving to be effective and economically viable.

The effectiveness of the educational and vocational skills programs are most notable. By teaching inmates skills in prison, we may be decreasing the likelihood that they will commit new crimes when released. Also, studies show that educational skills tend to increase inmate self-esteem.

Industrial programs can also be very effective. Sales of the inmate's products generate money that can be used to defray some of the prison costs in the state. Prison industries may also teach the inmates skills that can be used after they leave prison.

Programs that focus on the family are very important in maintaining significant relationships for the inmate while in the prison. They may also help the inmate to adjust to life after leaving prison.

I GOOD TIME

A HISTORY OF GOOD TIME AND GOOD TIME TODAY

Good time was first enacted during the first half of the 19th century in response to the problems associated with the American penitentiary (Chayet, 1994). New York enacted the first good time law in order to reduce the population at a new prison in Auburn, N.Y. (Chayet, 1994).

Inspectors at the prison were authorized to reduce inmates' sentences by up to 25%, based on their good behavior and work habits. It was found that good time laws gave prison officials control over inmate behavior, relieved overcrowding and improved rehabilitation programs (Chayet, 1994).

Good time today is complex and varies among jurisdictions in the U.S. (Chayet, 1994). Based on a survey conducted in 1990, out of 47 states that responded (Kansas, Maryland and Texas did not respond), more than 40 of the nation's prison systems used good time as an incentive for inmates to serve disciplinary-free time in prison (Davis, 1990). Six states did not award good time under their law at the time of the survey (Davis, 1990). Jurisdictions award good time credits in various ways. There has been some criticism of the good time system in recent years, yet with prison overcrowding and increasing use of mandatory sentencing, good time may be an important method to control prison overcrowding

GOOD TIME DEFINED

There are at least four types of good time early release used in the U.S. today: statutory or administrative; earned; meritorious; and emergency credits (Jacobs, 1982; Chayet, 1994). Statutory good time is usually awarded at the start of the inmate's sentence. This means that prison inmates receive all potential good time credits when they enter the prison facility. In 1989, statutory good time was the method used in 39 states, with 27 states having some provision for crediting time "up front" (Davis, 1990). Up front good time awards can be revoked as a penalty for inmate misbehavior. In other words, the statutory system rewards inmates who conform with the prison rules and regulations. This may be why this good time method is sometimes called a disincentive or punishment system (Chayet, 1994). It has some similarities with "bad" time proposals which will be discussed briefly later in this report.

Earned credit is a second method of awarding good time (Chayet, 1994). Earned credit systems are referred to as incentive systems and they reward inmates for positive behaviors within the prison (Chayet, 1994). With this method, inmates can earn good time credit and reduce their sentences by participating in prison programs or activities, such as education or vocational training (Chayet, 1994). Earned credit good time was offered in 37 states in 1989, often in combination with statutory (administrative) good time (Davis, 1990).

Meritorious or special credits are a form of statutory good time that is provided to inmates who perform exceptional acts, such as donating blood, exemplary behavior during emergencies or serving as experimental medical subjects (Davis, 1990 and Chayet, 1994).

Finally, the emergency credit good time system is being used in many jurisdictions to relieve prison overcrowding and court ordered prison population caps (Chayet, 1994). Under this system, eligible inmates are granted predetermined numbers of credits to accelerate their discharge dates or parole hearings in order to relieve emergency population overcrowding (Chayet, 1994). The emergency credit award is usually included under existing administrative or meritorious good time statutes and gives prison administrators the discretion to respond to inmate population crises (Chayet, 1994). Since 1980, more than a dozen states have implemented this system. Michigan, for example, used its Emergency Powers Act nine times between 1980 and 1984 (Chayet, 1994). In Texas, good time credits can be added under emergency circumstances (Chayet, 1994). Texas' policy also has the effect of moving up an inmate's parole eligibility date (Chayet, 1994).

GOOD TIME ADMINISTRATION AND PAROLE

The administration of good time usually involves granting, revoking, and restoring forfeited credits (Chayet, 1994). This system is often very complex and varies among the states. Decisions to revoke credits are typically made by corrections officers and staff in disciplinary hearings. During these hearings, infractions of prison rules may be penalized with a variety of sanctions (Chayet, 1994).

Connecticut is one of the few states that has studied the administration of good time credits. The research was conducted in 1978 and examined the good time allowances on felony and misdemeanor sentences (Chayet, 1994). The study found that 20% of inmates had some good time revoked although one third of forfeited time was ultimately restored (Chayet, 1994). Researchers in Massachusetts also conducted a study of prison disciplinary committee decision making (Chayet, 1994). The sanctions selected for the inmates most often included a loss of good time, although lost credits were typically restored toward the end of the sentence in order to free up prison beds (Chayet, 1994).

Determinate and Indeterminate Sentences

A determinate sentencing system is one in which there is no parole. Thus, under determinate sentencing good time credits accelerate the date of release. The accelerated date is commonly known as the inmate's "conditional" or "statutory" release date (Jacobs, 1982). Therefore, if a prisoner receives a day's sentence reduction for every three days served, a prisoner sentenced to a ten-year term would be released after seven and one-half years (Jacobs, 1982).

An indeterminate sentencing system is one in which there is parole. Almost all indeterminate sentencing states subtract good time from the maximum sentence, thus producing a conditional release date similar to a determinate sentence (Jacobs, 1982). However, if the inmate is paroled, he or she will probably be released from prison before the conditional release date. Thus, under indeterminate sentencing, good time appears to be irrelevant to the inmate unless he or she is returned to prison for parole violations (Jacobs, 1982). Nevertheless, New York has an

indeterminate sentencing system with good time credits which appears to work (Jacobs, 1982). Approximately 25% of New York inmates are given conditional release based on good time rather than release on parole (Jacobs, 1982).

One third of the indeterminate sentencing states subtract good time from minimum as well as maximum sentences (Jacobs, 1982). This method accelerates first parole eligibility and expands the power of parole officials. Researchers in Connecticut studied this process prior to the revision of their sentencing statutes. Connecticut inmates were able to earn statutory good time at the rate of often days per month during their first five years, and twelve days per month thereafter. Thus, a prisoner serving two to seven years was eligible for parole after one and one half years, equivalent to 75% of the minimum term (Jacobs, 1982). This study also showed that the average prisoner with a two-year minimum sentence was eligible for parole in 14.88 months (62% of the minimum term). Additionally, a Connecticut inmate with a longer sentence was eligible for more good time credits than a short term inmate, and probably served only 50% of the sentence (Jacobs, 1982). Because 75% of all prisoners are paroled at earliest eligibility, subtracting good time from the minimum sentence would greatly reduce both the size of the inmate population and the length of time served (Jacobs, 1982).

When Can Good Time Be Credited?

Good time may be credited as a lump sum at the beginning of the prison sentence or it may be credited monthly as the inmate earns the time (Jacobs, 1982). Crediting as a lump sum is less of a burden on prison administration, because to calculate an inmate's good time credits on a monthly basis would also require a monthly recalculation of the inmate's release date. In large prisons, with large inmate turnover and scarce resources, it is highly unlikely that a thoughtful decision could be made each month as to whether an individual inmate deserves to be awarded good time (Jacobs, 1982). This is probably the reason why prison management has tended to award statutory and meritorious good time automatically.

Jacobs (1982) believes that good time systems in this country have become bureaucratized. Time credits are often automatic and individual decision making usually only considers the question of forfeiture. Jacobs writes that good time has become a system of punishment where the many incentives for good behavior inside and outside of prison are seen by inmates mainly as an entitlement and their denials as punishments.

How Much Good Time May Be Credited?

Prison good time varies greatly from state to state. The most common good time allowance is one day of good time for every three days of good behavior (ten days per month) (Jacobs, 1982). Some states provide for as much as a 50% sentence reduction for good behavior, with further reductions for meritorious and extraordinary good time. Illinois and Alabama are examples of states that, in 1986, provided anywhere from one to two and a half days of good time for every day served (Jacobs, 1982). Alternatively, as of 1990, six states - Georgia, Hawaii, Idaho, Pennsylvania, Utah and Wisconsin - awarded no good time whatsoever (Davis, 1990).

Calculation of Good Time

Good time is often calculated based on the inmate's offense, sentence, tenure, and disciplinary and work records (Jacobs, 1982). This means that in some cases, inmates with longer sentences are earning more good time than inmates with shorter sentences or vice versa; and those with vocational training may be getting more credit than those attending education programs (Jacobs, 1982).

No Fixed Schedules

Some states do not fix the amount of good time available to inmates. The Department of Corrections determines the amount of good time available for an inmate, usually up to a maximum percentage of the sentence. Wyoming's statute is a good example of the "no fixed good time" schedule (Jacobs, 1982). Wyoming's statute gives the Department of Corrections the authority "to provide by reasonable rules and regulations for the granting of good time" (Jacobs, 1982; p. 229).

Straight Time

Eleven states automatically credit a certain amount of good time to all inmates (Jacobs, 1982). This system appears to be the easiest to use. Furthermore, although inmates all begin with the same amount of good time credits, they do not necessarily finish with the same amount of credits, because some may be lost for violations of prison rules or for failure or inability to work.

Graduated Good Time

Eligibility for graduated good time may depend on an inmate's offense, sentence length, time served, or institutional placement (Jacobs, 1982). In ten states, good time credits are tied to the time served (Jacobs, 1982). During the inmates' first year they are eligible for one month's time credit, during the second year two months credit, and so on up to a maximum of six months. Then, for the sixth and successive years, inmates can earn six months good time each year (Jacobs, 1982). This system allows the inmates' good time to be more systematic and less varied. Additionally, the program reflects the idea that long-term inmates need greater incentives than short-term inmates (Jacobs, 1982).

Nine states determine statutory good time by the length of the nominal sentence rather than by time served. For example, an inmate is eligible to earn five days a month if the sentence is between six months and a year; six days if between one and three years; seven if between three and five years; eight if between five and ten years; and ten days a month if the sentence is ten years or more. This means that more serious offenders serve their time faster than less serious offenders (Jacobs, 1982).

At least one state, Arizona, links good time to the inmate's current offense and prior record. Inmates with no prior record and less serious offenses can earn one day of good time for each day served, while a more serious offender's record reduces the amount of

good time to one day for every three days served. This system appears to give greater incentive to less serious offenders while punishing more serious offenders (Jacobs, 1982).

Some state statutes either do not allow an offender to earn any good time credit, or the corrections department has the power to define classes of ineligible (Jacobs, 1982).

This

decision may be based on the length of the inmate's sentence or the type of crime that the

offender committed. For example, in Alabama an inmate sentenced to more than ten years

is not eligible for any good time credit (Jacobs, 1982). Additionally, as of 1986, 20 out of 44 states reported that inmates with life sentences were not eligible for good time

(Jacobs,

1982). Massachusetts also denies good time to sex offenders, including individuals

convicted for "unnatural and lascivious" behavior. Arizona prohibits child molesters from accumulating good time credits until they have served "at least 2/3 of the court imposed sentence" (Jacobs, 1982, p.231). In some states, recidivists are ineligible for good time

(Jacobs, 1982).

Good time credits may also be linked to institutional assignments (Jacobs, 1982). For example, South Carolina has an administrative code providing specified good time credit

for each work assignment (Jacobs, 1982).

Finally, Missouri has created a system that imposes two sentences on all inmates - a prison

term and a conditional release term (Jacobs, 1982). The conditional release term is set at

some fixed term, depending on the length of the prison term (e.g., three years for prison terms between nine and fifteen years), at the end of which the inmate may be released under conditions set by the state board of probation or parole (Jacobs, 1982).

Behavior Status

Some states assign inmates to the highest good time earning class when they enter the prison, and inmates remain at this class level until they are reclassified to a lower-earning

or non-earning status for a disciplinary violation (Jacobs, 1982). For example, in Texas, inmates entering a prison are automatically assigned to Class I, in which they earn 20 extra

days for every 30 days served. At the discretion of the Texas Department of Corrections officials, inmates may be: (1) promoted to a trusty status, in which they earn 30 days for every 30 days served; (2) demoted to Class II, in which they earn ten days for every 30 served; or (3) demoted to Class III, in which no good time is earned (Jacobs, 1982).

Some states, such as Alabama, use an opposite arrangement. Inmates are placed at the

lowest good time status and subsequently promoted for maintaining positive disciplinary and program participation (Jacobs, 1982).

Most states credit jail time toward sentence length, but good time is generally not credited in jail

(Jacobs, 1982). Thus, if inmates cannot post bail, they will likely serve more time than those who were able to post bail (Jacobs, 1982). This is because the former will receive good time credits only for the portion of the sentence served in the state prison system. McGinnis v. Royster, (410 U.S. 263 (1973)) a Supreme Court Decision, upheld this rule because the availability of rehabilitation programs in state prisons made it rational to provide good time credits to inmates,

but not to persons detained in jails where rehabilitation programs were not available (Jacobs 1982).

Whether states allow good time credits to be earned in jail usually depends on the legislators' interpretation of the goals of the good time statute. If good time is meant to reward participation in prison programs, it is not likely that good time will be rewarded in jail because few jails providing rehabilitative programs (Jacobs, 1982). Yet, if the intent of good time is to reward inmates who do not cause trouble, then jail good time would likely be credited toward the inmate's sentence (Jacobs, 1982).

Revoking Good Time

Good time is most often revoked for violating prison rules. Prison rules cover all aspects of an inmate's life, for example, personal grooming, possessions, smoking, talking, reading materials, working, sex practices, and inmate-staff and inmate-inmate relations (Jacobs, 1982). Frequently, these behaviors would not be punishable if they were committed outside of prisons (Jacobs, 1982). Maine's statute is a typical example of this system:

"Any portion of the time deducted from the sentence of any person... may be withdrawn by the supervising officer of the institution for the infraction of any rule of the institution, for any misconduct or for a violation of any law of the state. The withdrawal of deductions may be made at the discretion of the supervising officer of the institution, who may restore any portion thereof if the person's later conduct and outstanding effort warrant that restoration."

(ME.REV. STAT. ANN. tit. 17-A § 1253 (Pamphlet 1982))

Good time may also be revoked for failure to participate satisfactorily in prison programs (Jacobs 1982). Some prisons permit inmates to earn special credits/meritorious good time for various kinds of work or program participation. Thus, if an inmate refuses to work or fails to work satisfactorily, this may constitute a breach of institutional rules and regulations. Good time may also be revoked for violation of parole or conditional release conditions (Jacobs, 1982). Appendix 1 shows a list of disciplinary offenses by level that was proposed for the Texas prison system.

Procedures For Revoking Good Time

The Supreme Court case of *Wolff v. McDonnell* set the standard for revoking prisoner good time (418 U.S. 539 (1974)). The court found that prison officials possess almost complete discretion to define, adjudicate and determine the penalty for certain offenses, but that they must determine guilt or innocence at a hearing which gives the inmate minimum due process protection (Jacobs, 1982). At the hearing, due process requires written notice of the charge, a right to be heard, an impartial fact finder, and a written statement by the fact finder as to the evidence relied on and reasons for any disciplinary action (Jacobs, 1982). Prison personnel usually preside over disciplinary hearings and thus are subject to the pressures of security, staff morale, and bureaucratic expediency. The hearings tend to be informal and perfunctory and "not guilty" verdicts are rare (Jacobs. 1982: d. 238).

How Much Good Time May Be Revoked

Most states limit good time forfeitures to credits already earned (Jacobs, 1982). However, in some states, liens on future good time can be imposed. For example, Washington provides that all good time earned or to be earned may be forfeited; or in Texas, inmates may be placed in a status whereby they are unable to earn good time credits for a specified period of time (Jacobs, 1982).

Some states provide for maximum penalties for every offense. For example, Illinois provides for maximum penalties of 360 days for a single serious violation (Jacobs, 1982). Iowa limits the amount of the penalty: two days lost for the first violation; four for the second; eight for the third; sixteen, plus the number of days more than one that the inmate spends in segregation, for the fourth violation; and any or all good time for the fifth and subsequent violations (Jacobs, 1982).

Restoring Good Time

Prison officials have discretionary power to restore good time. Usually there are no standards to guide the decision on restoration of good time credits, thus the time restored may vary among inmates (Jacobs, 1982).

EFFECTS OF GOOD TIME

Maintaining Order and Discipline

The general assumption is that good time systems are necessary for the maintenance of order and discipline in the prison, although no studies have been conducted to evaluate this notion (Jacobs, 1982). Surveys of prison managers in Canada and the U.S. during the 1980's found support for good time policies (Chayet, 1994). While there was concern by the prison managers about the effectiveness of good time, they agreed that good time was important in helping administrators control their prison (Chayet, 1994). The perception that good time helps to control inmate behavior may perhaps be as important as actual control.

While there are no systematic data to support the idea that good time helps to maintain prison discipline, two studies in Indiana and California add some additional insights (Chayet, 1994). When Indiana changed from earned statutory good time to a system of formula-based classes of credit time, there was fear that the inmates would become more difficult to control. The change led to an increase in more minor offenses but no increase in predatory behavior offenses (Chayet, 1994). Additionally, while California was studying the impact of determinate sentencing and the abolition of parole release on prison unrest, they found that serious prison rule violations increased despite substantially strengthened and specifically articulated good time provisions (Chayet, 1994). Thus, good time may be a management tool that has little effect on inmate behavior.

Jacobs believes that other methods of discipline would be more effective than good time credit (Jacobs, 1982). He suggests that segregation, or denial of prisoner opportunities, would be

perceived by inmates as a more immediate, visual punishment, rather than good time, which is perceived only as a paper punishment that may, or may not, affect the release date (Jacobs, 1982), Jacobs bases his opinion on the fact that prisoners are aware that good time credits may not affect their release date if they are paroled early, or that their good time may be restored (Jacobs, 1982).

Prison Population Management

A second question regarding good time concerns its utility as a tool for managing the size of the prison population and its effectiveness as a safety valve. Research suggests that good time credit may still be widely used because of its impact on prison populations (Chayet, 1994).

For example, in 1978 the Illinois legislature passed determinate sentencing laws that contributed to general prison population growth but also to extending the length of stay for those inmates convicted of more serious crimes (Lane, 1986). In the spring of 1980, the Illinois prison system was heading for a clear crisis in overcrowding. The Illinois Department of Corrections oversaw 18 operating prisons, 16 community correctional centers, and 7 work camps, with more than 19,200 adults in custody (Lane, 1986). Under these conditions, Michael Lane, the Director of Corrections, felt that he could no longer make reasonable guarantees as to the safety of his staff and inmates (Lane, 1986). He began granting Meritorious Good Time (MGT) to prescreened groups of inmates in order to create a "pressure release valve" by which the population crisis could be temporarily postponed. The MGT produced a 10% reduction in the size of the projected prison population (Austin, 1986). Later, the Supplementary Meritorious Good Time (SMGT) policy reduced prison population by 1,490 inmates; and combined with MGT population, the prison population decreased by 4,529 (Austin, 1986). By the year 2000, both policies were projected to reduce the inmate population by 8,951 (Chayet, 1994). However, the good time policy was significantly curtailed by the Illinois Supreme Court in July, 1983.

Florida is under a court consent decree which prohibits prison overcrowding. Thus, in Florida there is unlimited extra good time credit in order to control prison population growth. This shortened the average time served from two years in 1980 to less than one year in 1989 (Austin, 1991). Additionally, New York, Maine and Texas created simulation studies which projected the impact of various good time policies on the size of the prison population (Chayet, 1994). In 1982, the N.Y. proposal for a good time policy would have resulted in greater numbers of inmates released each year and would have generated the slowest growth in prison populations (Chayet, 1994). In 1984, Maine studied the use of an enhanced good time policy which would save 233 beds over four years compared to a continuation of previous policy (Chayet, 1994).

Some states have already responded to the crisis by passing legislation giving corrections officials authority to release enough inmates to alleviate crowding. Michigan's new law gives the governor the power, upon certification by the Corrections Commission, to declare a state of emergency when a prison is overcrowded for thirty consecutive days (Jacobs, 1982). The governor may then release inmates who are close to the end of their sentences (Jacobs, 1982). Finally, a recent study in Texas concluded that the abolition of both parole and good time would dramatically increase the prison population over a six year period, requiring the construction of 184,000 new prison

beds (Chayet, 1994). These studies reinforce the idea that good time credit is at least one effective method for reducing prison overcrowding.

Mitigating Sentence Severity

Good time is also a method by which the prison system can mitigate sentence severity (Chayet, 1994). Often the public demands tougher, stricter and longer sentences for inmates and the politicians promise to fulfill these demands. Yet, voters resist funding new prison facilities and providing for adequate standards at existing facilities (Chayet, 1994). Good time allows politicians to promise tougher sentences while also shielding the public from the social and economic costs of more imprisonment (Chayet, 1994).

Predicting Release and Rehabilitating the Offender

The original goals of good time credit were to contribute to inmate reform by encouraging participation in programs aimed at offender rehabilitation (Chayet, 1994). Additionally, good time was believed to strengthen inmate pro-social skills, which would be necessary for a law abiding life in the community (Chayet, 1994). However, there have been no studies to confirm that credit early release contributes to inmate reform.

There is some research on the public safety risk posed by special early release programs (Chayet, 1994). Two research projects examined Illinois' use of Meritorious Good Time (MGT) deductions (Chayet, 1994; Austin, 1986; Austin and Bolyard, 1993). They found that the MGT system presented only a small risk to public safety. Inmates released earlier were no more likely to commit crimes than inmates released either by parole or at their sentence completion date. Additionally, when early release inmates were re-arrested, their crimes were typically nonviolent offenses. Overall, the Illinois early release program resulted in a 1 % increase in reported arrests. These results were likely because Illinois carefully screened selected inmates who had good conduct records and lower security levels (Chayet, 1994). Furthermore, to cope with continued crowding, in 1990 Illinois created the Supplementary Meritorious Good Time (SMGT) program which offered 90 days of supplemental MGT for selected inmates. Austin and Bolyard (1993) found no differences in recidivism for SMGT and MGT inmates, compared to those who were not released under these programs (Chayet, 1994). Researchers in Colorado also examined the rate of recidivism of many inmates released early (Chayet, 1994). They found no evidence of increased rates of re-arrest during the first eight months following discharge (Chayet, 1994).

However, researchers in Texas found contrary results. Inmates released early were back in jail more often on parole violations. The study concluded that early release actually "contributed to crowding by speeding up the cycle time of release and return" (Chayet, 1994; p. 527).

There is little research on whether good time enhances the rehabilitative potential of prison programs. It may be argued that failure to conform to rules and to participate effectively in prison programs should be punished by lengthening prison sentences because such failures indicate that an inmate is unwilling to live a crime free life outside the prison (Jacobs, 1982). However, behavior in prison may not be a reliable indicator of post-release behavior because the prison environment is abnormal and has its own norms and values. Some inmates who break the rules in

order to survive prison may not necessarily have difficulty coping with everyday life once they are released (Jacobs, 1982). On the other hand, there may be some individuals who learn to survive in prison, but are incapable of coping or prospering outside of prison (Jacobs, 1982).

There are some results which suggest that restoring lost days of earned remission can be successful in modifying drug abuse and violent behavior among inmates (Chayet, 1994). However, this research examined a sample of only 16 cases.

In 1982 the New York State Coalition for Criminal Justice surveyed inmates and correctional employees about the state's good time system (Chayet, 1994). Employees felt that there was very little incentive value in good time credits. Also, 80% of inmates and 71%-84% of employees believed that good time should motivate participation in educational programs, yet only 55% of the inmates and 35%-56% of employees felt that it did (Chayet, 1994). Furthermore, participation in prison programs and industries does not necessarily mean that the inmate has been reformed. Inmates participate in programs primarily to obtain release and the staff in prisons are unlikely to be able to determine what program participation might or might not indicate about an inmate's character. Prisons are too large for the staff to try and discern the behavior and motivation of every inmate (Jacobs, 1982).

Just Deserts

The just deserts perspective focuses on both the moral quality of the offender's act and on a limited number of offender characteristics such as mental state, age and criminal sophistication. Supporters of the just deserts perspective point out that the good time system allows prison management to re-sentence the prisoner based upon character traits which become apparent in prison. They criticize this practice because they believe that prison administrators and line staff are not qualified and should not be authorized to reevaluate offenders' moral character and recalibrate their sentence.

BAD TIME

There is much more information on good time policies in the correctional system than on "bad time" policies. This is undoubtedly because bad time exists as a proposal which has not been implemented.

For example, in 1991 the Kansas Sentencing Commission proposed a bad time model. The proposed system would have added time to the inmate's base sentence as a result of the inmate's negative behavior. Thus, instead of a system of good time credits, the Commission endorsed a concept labeled Behavior Attitude Adjustment Time. In a system of bad time, good behavior is the expected norm and negative behavior is punished. The limit on the amount of time that could be added to any inmate's sentence was to be 20% of the presumptive sentence. The sentence pronounced would be expressed as a mandatory sentence of X months and a potential sentence of (X + 20%) months.

The Kansas proposal represented a major shift in prison behavior control systems. The Sentencing Commission saw this as a method to preserve truth in sentencing by establishing a base sentence that could not be altered. At the same time, it would have provided the Department of Corrections with a management tool. Thus, nothing would affect the base sentence except the actions of the offender. However, the proposal was not enacted into law.

SURVEY OF THE FIFTY STATES' USE OF GOOD TIME POLICIES

Appendix 2 presents charts showing the results of a nationwide survey conducted by *Corrections Compendium* in May of 1990 on good time credits for inmates. Forty-seven states, the District of Columbia and the Federal Bureau of Prisons responded to the survey. Kansas, Maryland, and Tennessee did not respond. The survey shows which states use good time laws and how they are applied.

II PRISON PROGRAMS

"In today's climate, more and more people are asking: Why don't we lock these criminals up and throw away the key? In view of our fear of criminal violence, this is not a surprising reaction. However, there is a second question the public should be asking with equal passion: What are you doing with those you have locked up so they won't victimize us any more?" (Vance, 1995; p.58) This statement, made by the chairman of the Texas Board of Criminal Justice, epitomizes the conflict between punishing offenders and teaching them skills in prison so that they learn how to cope without crime once they are released. The following is a brief survey of some of the prison programs instituted around the nation. Included in the survey are programs for: domestic violence, education, keeping families ties while in prison, health, industrial training, life skills, privileges for inmates while in prison, spirituality, treatment programs and vocational programs

DOMESTIC VIOLENCE PROGRAMS

MENDS, Harrisburg, Pa.:

"Two and a half million women in the United States are battered by men each year" (Baugh, 1994). County jails, where most batterers serve their time, can play an important role in helping deter violence against women. A new educational program for batterers was developed at Dauphin County Prison in Harrisburg, Pa.. The program is entitled Men Establishing New Directions (MENDS). The program focus is on changing attitudes and violent behavior toward women, and is split into two phases: a group program; and an open-ended group session in the second phase, if the men choose to continue. There is much role playing and group discussion. The program has apparently been successful in that many participants choose to enter the second phase. The program is not considered a cure for domestic violence, but a starting point for change (Baugh, 1994).

EDUCATIONAL PROGRAMS

Connections Compendium 1995 Survey

This *Corrections Compendium* survey shows that general education provisions for inmates appear to have remained stable in the face of rising populations and budget problems. The survey found that 246,398 of the nation's approximately one million prisoners were enrolled in educational programs during the previous year, from Adult Basic Education to postgraduate study. One potential source of concern is that higher education programs, which have been linked to dramatically reduced recidivism rates, may be undergoing cuts in many states and institutions. Appendix 3 presents some results from the survey, conducted in December, 1995. *Corrections Compendium* surveyed inmate participation and degrees earned in 43 states and general education programs provided by the state corrections departments. There was no response from Arizona, Connecticut, District of Columbia, Maine, New Hampshire, Oklahoma, Utah and Wyoming. Windham School System. Texas

The Texas Legislature created the Windham School System (WSS) in 1969 to "provide the opportunity for students to acquire [the] academic and vocational skills necessary for an adult" (Marquart et al., 1994; p.522). WSS offers basic adult and high school equivalency, bilingual and special education, and a wide variety of vocational classes (e.g., automotive, refrigeration, woodworking). WSS provides in-classroom and in-cell classes; thus, death row inmates can also receive an education. WSS has studied the effects of reduced prison education on inmate behavior. When inmates serve a fraction of their sentences due to early release credits, the reduction in time has unintended consequences for the educational and vocational programs. Surveys show that education programs are important instruments in establishing stability and control in the prison. Inmates who are busy and occupied are less of a security problem. Thus, when prisons reduce their education programs they negatively affect both the value of the program to the inmate as well as prison security.

WSS is expensive to operate; however, it appears to have established a national reputation among correctional education program administrators. The cost of providing educational services at 36 Texas prison institutions in 1991-1992 was \$31,255,313.

Motheread Program, North Carolina

The Motheread Program was created at a North Carolina facility and teaches female inmates to read children's stories on tape to be sent to their families. The program apparently has been very effective in building self-esteem, literacy, and writing ability, as well as creating greater communication and understanding between inmate mothers and their children (Martin, 1995).

FAMILY TIES PROGRAMS

Family and Corrections Network (FCN), Virginia

FCN was founded in 1983 and provides families of offenders, corrections officials, academics, offenders and policy planners with a forum to exchange information concerning inmates' families. The program advocates strengthening offenders' family ties in order to prevent recidivism by current offenders and provide primary prevention for the next generation. The program provides family check-ups with visiting schedules and also publishes a FCN Report. The FCN Report focuses on topics pertaining to parenting programs, children of inmates, prison visiting, and spirituality. The founder of the program believes that FCN, and family programs similar to it, will "lead to increased public safety, enable families to steer away from crime in future generations and infuse hope in the hearts of inmates so they won't commit crimes again" (Dallao, 1995; p.168).

Bedford Hills Correctional Facility, New York

This facility provides a nursery infant center and children's center. Programs include a summer program, overnight program, individual counseling, foster care, children's advocates and the taping of children's stories (Corrections Today, 1995).

Center for Children of Incarcerated Parents. California

This center offers information services to inmates, including a clearinghouse that distributes publications and audiovisuals, both free and at cost (Corrections Today, 1995).

Family Focus Project, Oregon

This program promotes family health and stability to reduce recidivism and interrupt the inter-generational cycle of criminal behavior. It diverts or transfers pregnant and parenting female offenders from jails and prisons into long-term programs of community based treatment and support services (Corrections Today, 1995).

Inmate Family Service, Inc, Pennsylvania

This program offers parent education for inmate fathers and support groups for inmate fathers and their spouses. It provides play centers where children can play and/or interact with their fathers (Corrections Today, 1995).

MILK (Men/Mothers Inside Loving Kids), Virginia

This program provides classes on child development, parent education and independent living skills for inmates. It also offers support groups for inmates and child guardians, extended parent/child visits, transportation assistance and leadership training for inmate program participants (Corrections Today, 1995).

HEALTH PROGRAMS

Handicapped Offenders Programs

Prison programs must also accommodate the needs of handicapped inmates. There may be challenges to provide the inmate with meaningful work, study and recreational opportunities. It is difficult to find prison jobs for handicapped inmates that also provide good time credits. Some program possibilities would be rolling silverware into napkins, helping with stockroom and wiping down lower walls and handrails. Access to educational programs, food services, housing and medical services are all issues which need to be addressed in prisons for handicapped inmates. (Rosefield, 1992)

Mental Health Care Programs, New York

In 1976, New York enacted legislation that transferred responsibility for prison mental health care from the Department of Correctional Services to the Office of Mental Health (OMH). The OMH provides high quality mental health services to prisons. N.Y. operates a psychiatric center in Marcy, as well as 11 satellite units throughout the state. There is strict security surrounding the facilities but, inside the perimeter, the facility functions as a psychiatric hospital. The goal in the hospital is rehabilitation or recovery, emphasizing patients' personal investment in their own recovery (Dvoskin et al., 1993).

Mental Health Care, Nebraska

Criminality and Self-Change for Incarcerated Offenders, is a cognitive restructuring program at the Nebraska Center for Women. Through the program, inmates are taught to identify their thinking patterns and to change them. The ideas of self-change and non-coercion are two concepts that are stressed. This program teaches inmates to be responsible for their own thinking and behavior. Over time, inmate students are apparently less disruptive, show less denial and accept more accountability for their behavior (Haworth, 1993).

INDUSTRIAL PROGRAMS

Apart from the economic success of prison industries, they also provide employment for otherwise idle inmates and provide inmates with the skills, training and experience necessary to find and retain gainful employment following their release (Wunder, 1994). The benefits of vocational training and work experience on the inside become clear when ex-inmates succeed on the outside. A study of Federal prisoners showed that inmates who participated in vocational training and industrial work programs were less likely to break parole and had greater success in finding stable work following release (Wunder, 1994). The average inmate salary depends upon many factors, including the type of industry, the skill and experience of the inmate-employee, and the location of the institution. Appendix 4 includes a survey conducted by *Corrections Compendium* in October, 1994. The survey shows prison industries systems around the nation. They surveyed each state's prison population, inmates' eligibility to work, work eligibility requirements, inmate pay or credits and the current prison industry budget. Forty-six states responded to the survey. (Hawaii, Maine, Michigan, Mississippi, North Dakota and Vermont did not respond to the survey.)

Corcraft, New York

New York's Corcraft program is a prison industries program that appears to compete successfully with private industries. Corcraft's mission is "to employ inmates in real work situations, produce quality goods and services at competitive prices, and deliver orders on time as required by the state of New York at no cost to the taxpayers" (Conroy, 1994; p.95) To achieve these results, Corcraft creates an annual business plan, has an organizational structure and total quality management. Corcraft uses modern manufacturing techniques and equipment to plan production, control inventories, reduce costs and maximize productivity. They also use sophisticated computer software to operate efficiently. As a result of these efforts, it appears that Corcraft has become an important player in the state's economy (Conroy, 1994)

LIFE SKILLS PROGRAMS

Delaware Life Skills Program (Pilot), Delaware

The Delaware Life Skills Program is a blend of basic academic instruction, and instruction in violence reduction techniques. The curriculum is competency based and self-paced depending upon the make-up of the class. Applied skills training includes: self-development, interpersonal relationships, communication skills, job and financial skills, development, and family values.

Academic instruction focuses on reading, writing, arithmetic, and mathematical problem-solving. Violence reduction includes anger control, personal peacemaking, stress management, conflict resolution and moral recognition therapy. The resulting figures show that the graduates of the program appear to have less recidivism than those who did not participate in the program and were released. The ratio of success to failure in work release for graduates is three to one. Since the preliminary results have been so positive, the Delaware Department of Corrections is very interested in continuing the program once the pilot phase is completed. Additional results show that students feel they benefited from the program; there is an increase in self esteem; and there are significant decreases in feelings and inappropriate expressions of anger (Miller, 1995).

Elizabeth Fry Center, California

This is an 11 bed center which offers inmate residents a chance to live in a home environment with their children and participate in a variety of in-house and community programs while finishing their sentence. This program helps ease the transition from prison to home for women offenders with families. Eighty four percent of the participants in this program apparently stayed crime-free after leaving the center. Additionally, their involvement in the community has led to increased community support (Acorn, 1992).

Girl Scouts Beyond Bars, Maryland

This is another program for women and their daughters. The program encourages inmates to work with their daughters in community projects and spend supervised time with their daughters in structured play. The meetings are fun and educational, with serious issues addressed in creative manners. The results of this program have apparently been very positive and the costs are minimal (Moses, 1995).

PRIVILEGES FOR INMATES

"Politicians are making new rules for state departments of corrections" (Corrections Compendium, 1995). Alabama inmates are now potential chain-gang members, working the highways as walking advertisements against crime. Mississippi has just passed a bill requiring inmates to use turn of the century uniforms: shirts and pants with three-inch wide horizontal stripes and the word "convict" written on the back (Corrections Compendium, 1995). Inmate privileges have apparently been changing with a renewed focus on crime and corrections in this country. *Corrections Compendium* conducted a survey in 1995 on inmate privileges, focusing on whether any had been eliminated during the previous year. Some of the reductions in privileges reflect changing public opinion, the new approach to corrections, and budget cuts for corrections,

The survey conducted by *Corrections Compendium* is listed in Appendix 5. The survey looks at whether inmates are rewarded with privileges for good behavior, and whether any privileges had been eliminated or added during the previous year. Forty-six states and the District of Columbia responded to the survey. (Alaska, Arizona, Georgia, and Maine did not respond to the survey.)

SPIRITUALITY PROGRAMS

James Osborne Address

Prison Fellowship and the Salvation Army are two programs that are committed to motivating prisoners' spirituality and changing their attitudes from anti-social to pro-social. Programs of this type have been in existence for at least 100 years (Osborne, 1993).

TREATMENT PROGRAMS

Prison Programs for Drug-Involved Offenders

Studies show that drug-involved inmates repeatedly circle through the correctional system (Chaiken, 1989). Breaking the cycle of drug use, crime and incarceration is a high priority for criminal justice practitioners, legislators and other citizens (Chaiken, 1989). Corrections administrators have responded to the growing numbers of drug-involved offenders by increasing the enrollment of inmates in prison programs. Releasing drug-involved offenders from prison without changing their behavior is contrary to the public interest (Chaiken, 1989). This study looked at four prison programs that carried out evaluations of the effects of treatment on the subsequent behavior of inmates: the Cornerstone Program, the Lantana Program, the Simon Fraser University Program, and the Stay 'n Out Program (Chaiken, 1989). These programs all have special sources of funds and exist as guests of established host institutions. They use a comprehensive approach and wide range of activities and participants learn a range of practical life skills. Program staff members maintain contact with participants after release and provide follow-up support (Chaiken, 1989). This article advocates that before states decide to implement new programs, they should examine the existing ones. Programs already in place may be better than newer, more popular ones. Additionally, effective programs require cooperation among diverse agencies, all of which should realize the benefits from substance abuse programs (Chaiken, 1989)

Colorado Pre-Release Program, Colorado

The Colorado program helps to alleviate crowding in the prison system and handles parole violators and offenders returned from lower security community corrections centers for rule violations. The center provides education services, treatment and transitional resources referral for almost five years. Inmates are eligible to be placed at the center if they are within 120 days of their release date and do not suffer from severe medical or mental health problems. The program includes four parts: the life enrichment program, a community resource database, employment and transitional counseling, and a pre-release chemical dependency treatment program. The program apparently has been very successful (Diana, 1992).

Neil J. Houston House, Boston

This program is a residential, pre-release, substance abuse treatment program. It is a national

model offering an alternative to incarceration and mother-infant separation for pregnant, non-violent offenders and their infants.

Florida Drug Treatment and Rehabilitation Programs for Offenders

The goal of Florida's rehabilitation and treatment program is to break the cycle of drug use and related crime by reducing the demand for drugs (Bureau of Justice Assistance, 1994). The program attempts to retrain the offender's physical and psychological needs through treatment services, and to substitute viable academic and vocational skills that offset the financial incentives for drug involvement through rehabilitation services (USDJ, 1994). Florida officials emphasize prevention and treatment in their fight against substance abuse. Treatment and rehabilitation services are provided either by the state or by local providers to drug offenders who are incarcerated, on probation, or in pre-trial status. The settings in which the services are delivered vary, although the treatment programs are the same: detoxification. Treatment alternatives to Street Crimes (TASC) community based intervention, non-residential services, and several levels of residential services. It appears that programs with the most control over the offenders have the most impact on drug use. Also, the programs appear to have some success with drug related criminal behavior. However, there are not enough data to determine whether the treatment programs are having an impact on substance abuse.

VOCATIONAL PROGRAMS

Oklahoma Department of Vocational and Technical Education

The Oklahoma Department of Vocational and Technical Education administer 54 programs at vocational skill centers in 13 state prisons. All instructors and administrators are members of the state "vo-tech" staff. Inmates are treated as students and the focus is more educational when teachers are not prison staff. Some of the programs include: auto body work, carpentry, construction trades, custodial services, data processing, electrical work, equine management, food service, heavy equipment mechanics, horticulture, landscaping, industrial electronics, masonry and plumbing. The program has apparently been successful and about 70% of minimum security inmates who complete the program find jobs within 90 days of release. Also there has been less recidivism among inmates who participate in these programs than among those who do not (Friedemann, 1993).

TIE Program, Kansas

The Training, Industry and Education (TIE) program links vocational training education and work experience to provide inmates with skills that will help them find jobs upon release. The program was launched in Kansas and began by preparing inmates for manufacturing jobs. The program matches inmates skills, aptitude and interests with available jobs. The program also includes a significant amount of classroom study and testing to ensure inmates have mastered what they have learned (Ewell, 1994).

MANDATING PRISON PROGRAMS

The Federal Bureau of Prisons began mandating educational programs in the Federal prison system as a result of a speech by then Chief Justice Burger who felt that the country had a moral obligation to find a better way to manage prison programs (McCollum, 1990).

The Bureau of Prisons' mandatory literacy program, established in May 1982, began by requiring that inmates meet at least the sixth grade achievement level as measured by the Stanford Achievement Test (McCollum, 1990). Any Federal prisoner who tested below that standard was required to enroll in a literacy program for 90 days before they could be promoted beyond the entry level labor grade either in prison industries or in institutional work assignments (McCollum, 1990). This mandatory adult basic education program (ABE) created a tie between pay level and education which was easily recognized as a reflection of the real world. Within a few years, the minimum standard was raised to the eighth grade and state prisons began experimenting with, and adopting, mandatory literacy standards for their prisoners (McCollum, 1990).

The success of ABE led the Federal Bureau of Prisons to enlarge the mandatory concept to include the completion of high school, or its equivalent, in order to qualify for the top inmate jobs in Federal correctional institutions. Several significant factors led to the success of the ABE program:

1. All inmates who tested below the required grade level on a standardized test had to enroll in a literacy program for a minimum of 90 days.
2. Inmates could opt out of the program after the required time period without incurring any sanctions, except that they could not be promoted above the entry level pay grade for any industrial or institution job (McCollum, 1990). These factors show that if a required program is coupled with substantial incentives and/or specific, significant entitlements, there is a possibility that it will work (McCollum, 1990). This concept can then be extended to requiring quality occupational training before assigning any inmate to a paid institution or prison industry job. Alternatively, certain privileges, such as preferred housing or priority access to high demand recreation opportunities, may be contingent on enrollment and completion of parenting programs, Alcoholics Anonymous, or other programs designed to strengthen inmate coping skills (McCollum, 1990). The possibilities of mandating these programs are endless, exciting and may offer the criminal justice system some new options.

Many correctional administrators and others in related fields of work do not support the extension of mandatory requirements to inmates beyond work and acceptable behavior. They argue that mandating programs is invasive and violates individual freedom. However, outside of prison, there are many programs or opportunities that an individual may want to participate in which have prerequisites (for example, one must take a test in order to get a drivers license). Additionally, if inmates want to work in certain occupations outside of prison, they generally have to demonstrate some educational achievement or competence level. Thus, "if you want something from us you have to meet prescribed standards" is a theme that could be as effective within prison walls, as it is outside of prisons.

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