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NATIONAL INSTITUTE OF JUSTICE

Research in Brief

Charles B. DeWitt, Director

October 1991

Making Jails Productive

by Rod Miller, George E. Sexton, and Victor J. Jacobsen

Many inmates in American jails are getting away from television sets and are, literally, getting *into* productive work. Some are simply earning privileges; some are earning wages that go toward repayment of custodial costs and compensation to crime victims. Some are honing new job skills that improve their chances for successful employment following release.

In other instances, inmates are compensated with "good time," which enables them to reduce their sentences, thereby freeing scarce bedspace for use by incoming offenders.

These correctional innovations stem from the Jail Industries Initiative, an undertak-

ing of the National Institute of Justice (NIJ), in cooperation with the Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC).

Rising rates of incarceration and shrinking State and Federal budgets in the past decade have renewed interest in putting imprisoned persons to work helping to defray the costs of their incarceration and reducing the potential for violence that results from enforced idleness in crowded cellblocks.

In 1981 then-Chief Justice Warren E. Burger issued a challenge to correctional agencies to establish "factories with fences" that would give prisoners needed

job skills.¹ In response, NIJ launched in 1983 a variety of research, training, and demonstration activities promoting such programs for long-term convicts in prisons.

The 1984 Justice Assistance Act removed some of the longstanding restrictions on interstate commerce of prisoner-made goods, thereby opening new opportunities for prison labor to work for the private sector. The statute

¹ Warren E. Burger, "More warehouses or factories with fences?" Speech at University of Nebraska, December 16, 1981; text published in *New England Journal of Prison Law* 8, 1 (Winter 1982):111-120.

From the Director

A longstanding concern of State and local law enforcement officials responsible for prisons and jails has been the enforced idleness of inmates, unproductive time that compounds the already difficult task of managing these institutions. Steadily increasing prison and jail populations only serve to complicate the situation further: by the end of 1990 Federal and State prisons held some 770,000 inmates; local jails accounted for some 400,000 more.

Over the past 6 years, the National Institute of Justice (NIJ) has been involved in a variety of research, training, and demonstration projects that promote real-world work for inmates in prisons. With NIJ's support and encouragement, corrections officials have taken bold steps to strengthen work programs; many have looked to the private sector for an infusion of business

practices and the necessary capital to create prison-based industries.

The success of these efforts has led NIJ to launch a new program, the Jail Industries Initiative. In 1988 NIJ researchers studied 15 counties and cities that operated inmate work programs. The survey results, and a weeklong workshop for corrections officials, revealed a wide variety of programs, ranging from those where inmate workers earn so-called "good time," to programs in which inmates work for private-sector businesses and earn real wages.

A number of these inmate work programs are described in this *Research In Brief*, which includes useful guidelines for corrections officials who may want to create inmate work programs within their jurisdictions or at least explore the possibilities.

NIJ, meanwhile, will continue to identify pilot programs across the Nation and will provide experts and resource materials for use at State-level conferences and workshops. Along with the National Sheriffs' Association, whose members operate many of the jails under discussion, NIJ will research and develop resource materials, and communicate the findings and policy implications across the country.

Innovative jail industries programs can be useful to communities and corrections officials alike, and NIJ will continue to explore the most effective ways to develop and maintain effective operations.

Charles B. DeWitt
Director
National Institute of Justice

Golden Gate University

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designated the Bureau of Justice Assistance as the certifying agency for inmate work programs.

By 1987 private-sector work programs were under way in 14 State correctional institutions and 2 county jails (see page 5). This in turn led NIJ to launch a new undertaking: the Jail Industries Initiative.

The first step

With the assistance of NIJ and the National Institute of Corrections, Strafford County, New Hampshire, developed the first certified private-sector jail industry program. NIJ helped the county win Federal certification and provided support in developing policies and procedures, an accounting system, internal scheduling, and coordination with other programs in the jail. NIC provided an initial seed grant to employ an industries developer, and sponsored trips for county officials to visit other inmate work programs. Shortly after Strafford, neighboring Belknap County, assisted by NIJ and NIC, launched *its* certified jail industries program.

These experiences convinced NIJ of the enormous potential for the Nation's 3,300 jails to make their inmates more productive. But the experience also convinced NIJ of the complexities of county jail work programming and prompted an entirely new approach to the management of inmate time in jails.

The scope of the program

In 1988 researchers for NIJ studied 15 counties and cities, and 1 Federal detention center that operated inmate work programs. Extensive telephone interviews and a week-long professional workshop revealed a wide variety of programs, many of which have grown significantly in the 2 years since.

To stimulate interest in as many jurisdictions as possible, NIJ adopted a broad definition of "jail industry." To NIJ, a jail industry:

- Uses inmate labor . . .
- To create a product or provide a service . . .

- That has value to a public or private client and for which . . .
- The inmates receive compensation, whether it be pay, privileges, or other benefits.

This definition describes a continuum of jail industries. If a trusty cuts the grass in front of the jail and thereby earns permission to watch television an extra hour, the elements of labor, service provision, value, and compensation are all present. At the other end of the continuum are those jail inmates who work for private-sector industry and earn real dollars.

Common goals

When jail officials were asked to identify objectives for their industry programs, four answers predominated:

- Develop inmate work habits and skills.
- Generate revenues or reduce costs for the county.
- Reduce inmate idleness.
- Meet needs in the community.

Individual counties also listed such objectives as "become self-sufficient," "provide inmates with funds upon release," and "reduce jail population." Significantly, those counties did not include making a profit among their objectives.

Determining compensation

In most of the programs, inmates receive no or low wages. Their work often serves the public sector, and they usually are credited with "good time." Thus the offenders pay for crime with public-service labor, and their early release makes scarce bedspace available for other offenders.

In some instances, however, inmates are compensated at prevailing wages. The market served is primarily in the private sector, and the employed inmates do not earn so-called good time toward early release. Often these inmates are pretrial detainees for whom good time is not an available reward.

Three counties that pay wages comparable to those in the private sector—Hennepin County (Minneapolis), Minnesota, and Strafford County (Dover) and Belknap County (Laconia), New Hampshire—all assess fees against the working inmates and deduct these from inmates' pay. The funds deducted can include charges for room and board, and inmates are required to support a crime victims assistance program.

Working for early release

In Kennebec County (Augusta), Maine, the jail industry program helps drunk drivers shorten their sentences, and reduces repeat offenses.

When the Maine Legislature responded to public concern over alcohol-related highway accidents by imposing mandatory 72-hour jail sentences for drivers with blood alcohol levels of 0.15 percent or higher, Kennebec County's 133-year-old jail bulged at the seams from the resultant crowding. To ease the strain, Sheriff Frank Hackett, an advocate of alternative sentencing, devised the OUI (operating under the influence) program.

The State code was revised to permit inmates participating in a municipal public-work-related project to have his or her sentence reduced 1 day for each 16 hours of work performed.

Those convicted and approved for the program are expected to make their own arrangements to be processed at the jail. They arrive by 6 p.m. Friday at the school selected for weekend use as a minimum-security facility and submit to alcohol screening. In addition to 16 hours of general cleaning and repair work (which produces substantial savings to local taxpayers), the OUI participants undergo 8 hours of general alcohol education. They are released at 6 p.m. Sunday, having served the 48 hours to which their 16 hours of work reduced the original 72-hour sentence.

Positive results

The jail, the taxpayers, the community, and the inmates all benefit. The jail gains scarce bedspace. The taxpayers save money by having useful services

performed in the community, work that might otherwise go undone. The inmates are spared a day's incarceration, avoid secure confinement in the jail, and are less likely to become repeat offenders.

Repeat offenses of driving under the influence have dropped to 5 percent from a 33-percent rate in 1986. Many of the offenders voluntarily undergo professional counseling or enter rehabilitation programs after their weekend incarceration.

The program has earned strong support from Mothers Against Drunk Driving (MADD), whose initial concern was addressed by the rigorous work, education, and counseling programs.

Reducing costs

Ventura County, California, has a long history of using inmate labor to offset the costs of running its correctional operation. About 470 inmates—36 percent of the confined population—work at one of the varied list of available jobs: cleaning; food service; painting; landscaping; laundry; farming; raising of hogs, beef, and rabbits; butchering; warehousing; wood and metal shopwork; construction; minor maintenance; sewing; and car washing.

Most counties in the United States use inmates for at least one of these activities, but Ventura takes the approach much further, both within the jail and in alternative settings.

The Ventura County Correctional Services Agency administers a work furlough program that permits inmates to work at their own jobs during the day-time. They must return at night to Camarillo, a custodial facility converted from a former air base. The 250–300 participants pay an administrative fee of \$25 a day for the privilege, but avoid confinement in the crowded jail.

Correctional Services also runs a work-in-lieu-of-jail program in which participants perform 9 hours of work at landscaping, road cleanup, and solid-waste recycling in lieu of 1 day of their jail sentence.

There are only limited work opportunities at the 1,000-inmate county jail in Ventura because of crowding and the pretrial status of so many of the inmates, but the sheriff's department offers plenty of work elsewhere. An honor farm on 124 acres in Ojai houses more than 300 inmates, including sentenced females, and produces 365,000 pounds of meat and 30,000 pounds of row crops a year. Its laundry serves the entire jail system and handles about 1.5 million pounds of work each year.

At the Rose Valley Work Camp, the U.S. Forest Service refused a use permit for a California Youth Authority camp in 1984 because of opposition from neighbors. Two years later, however, Sheriff John Gillespie won a Federal use permit (and a county appropriation) to convert the site into a minimum-security work camp. More than 40,000 inmate work hours went into the conversion job.

Inmates assigned to Rose Valley must complete a formal application for admission, must agree to camp rules (which include a conservative hair style), and must pass a rigid background inspection.

The camp regime includes military drill, a full day's work, and an opportunity to take 160 hours of drug/alcohol education classes or vocational training. This training ranges from basic literacy instruction to federally funded Job Training Partnership Act courses provided in cooperation with Ventura College.

Private-sector partnerships

Strafford County conceived of jail industries as an integral component of the new jail they began planning in 1981. Seeking to reduce chronic idleness among medium-security detainees, who were unable to work outside the facility, the county created a coordinated "privileges and services matrix" to reward inmates with better housing, more television, and other benefits.

The county literally turned off all television when it moved into the new building, requiring inmates to earn their television time.

Strafford also turned to the private sector for primary employers of inmate labor.

Development Activities

Foundation decisions:

- Identify sources of guidance and policy.
- Determine goals and objectives.
- Determine State and Federal restrictions and what standards and regulations will apply.
- Establish sector to be served.
- Classify inmates who will be involved.
- Determine inmate compensation.
- Determine job location.
- Identify sources of financing.
- Identify areas of resource assistance.

Development tasks:

- Identify manager and supervisors.
- Coordinate with other jail programs.
- Determine who will work and establish selection process.
- Create compensation method.
- Identify market potential.
- Locate workplace.
- Prepare evaluation plan.
- Prepare budget and revenue projection.
- Obtain startup funding.

Implementation actions:

- Schedule implementation activities.
- Develop work schedules.
- Prepare policies and procedures for operations, recordkeeping, and bookkeeping.
- Train staff and inmates.
- Begin limited operations.
- Evaluate (modify, if necessary) initial operation.
- Commence full operation.

Deductions from wages allow inmates to offset confinement costs, pay fines or restitution, contribute to victim assistance, support families, and save money, which is given them on release.

Customers include GFS Industries (electronic components), Colby Footwear, and Fornax (components for furnaces that burn recycled oil). Inmates are paid piecework rates to ensure productivity.

The private-sector jail employment program enabled Strafford County to secure a new form of Federal employment funding through the Job Training Partnership Act. The county now receives nearly \$60,000 a year to serve as a private employer and training site for its jail inmates.

The funds support preplacement testing, counseling, linkage with substance abuse and educational services, job readiness classes, prerelease counseling, family counseling, and postrelease followup.

In Belknap County, inmates assemble crutches for one of the Nation's largest manufacturers. They are paid piecework rates and depending on their productivity can earn \$.20 to \$.60 an hour, returning 31 to 44 percent of their earnings to the jail for room and board. Another 5 percent goes into a victims assistance fund. Inmates are encouraged to use part of their earnings to pay family support.

Overcoming difficulties

Many counties have found innovative ways to overcome obstacles that made the establishment of a jail industries program difficult, in some instances seemingly impossible.

Faced with severe space limitations, Strafford County, New Hampshire, for example, searched long and hard for a suitable jail industry, finally settling on its pioneering private-sector electronics program in part because the program required so little space. Encountering a similar problem, Hampden County, Massachusetts, decided to operate offsite.

Belknap County, New Hampshire, with no budget to plan, develop, and adminis-

ter a program, obtained help from the private-sector manufacturer that intended to hire the inmate-workers. In the end, the county required no additional funds or staff.

Restrictions on the use of inmate labor vary from State to State, but there are opportunities for meaningful work programs virtually everywhere. In Pennsylvania, for example, State law restricts the market in which jail-manufactured products can be sold. So the Philadelphia program (Philacoor) simply sells its products within the State-imposed limitations.

In Shelby County, Ohio, State law prohibited sale on the open market of vegetables grown by jail inmates. The jail now sells its produce to the county hospital, meeting that institution's needs and using an outlet for its product.

Some suggestions

Seek the advice and participation of knowledgeable persons in the private sector. In Hampden County, the jail industries manager regularly relies on the business advice of a retired insurance professional. In Middlesex County, New Jersey, the Chamber of Commerce advises the program on its marketing and product selection processes. In Prince George's County, Maryland, the local Private Industries Council plays a central role in providing advice. And frequently the Federal Small Business Administration can be an invaluable asset.

Operators of successful programs caution against overstating program objectives and failing to articulate fully the purposes of the program. They also strongly recommend consulting with those who are running sound inmate labor operations.

The next step

NIJ's first phase of the Jail Industries Initiative produced national and regional workshops that provided more than 50 counties with new insights and resources. Usually a team to be trained from each county includes a lay policymaker such

as a county board member, a corrections policymaker such as a sheriff, and a jail administrator or warden.

During the second phase, the National Institute of Justice will:

- Identify, support, and promote 20 pilot programs throughout the United States.
- Develop and distribute resource materials.
- Provide experts and materials to State-level conferences and workshops.
- Facilitate networking between jail industry programs.
- Evaluate programs and develop a peer-audit program.
- Facilitate cooperation between all Federal agencies involved with jail industries.
- Assemble a comprehensive data base of practices and resources.

The National Institute of Corrections will:

- Create a Jail Industries Resource Center in Hennepin County, Minnesota, to provide a model training and assistance site.
- Provide short-term direct technical assistance.

Conclusion

The experiences of existing programs can help local officials avoid common pitfalls in designing and implementing jail industry programs. It is evident that the benefits of jail work programs—to the community, the inmate, inmate families, and the jail itself—far outweigh the difficulties that must be surmounted in establishing them.

Rod Miller is president of the nonprofit CRS, Inc., in Kents Hill, Maine, and editor of Detention Reporter; George E. Sexton is president of Criminal Justice Associates, Philadelphia, Pennsylvania, and is one of the authors of the 1985 Research in Brief: "The Private Sector and Prison Industries"; Victor J. Jacobsen is affiliated with TST, Inc., Pacific Grove, California.

For more information

Additional information relating to jail industries and other public/private-sector work programs can be obtained from the following programs, organizations, and agencies:

National Criminal Justice Reference Service

Box 6000
Rockville, MD 20850
800-851-3420

NIJ Jail Industries Development Program

P.O. Box 234
Kents Hill, ME 04349
207-685-9090

National Institute of Corrections

320 First Street NW.
Washington, DC 20534
202-307-3106

Bureau of Justice Assistance

633 Indiana Avenue NW.
Washington, DC 20531
202-307-1065

NIC Jails Division

1790 30th Street, Suite 440
Boulder, CO 80301
303-939-8866

NIC Information Center

1790 30th Street, Suite 130
Boulder, CO 80301
303-939-8877

American Correctional Association

8025 Laurel Lakes
Laurel, MD 20707
301-206-5100

Correctional Industries Network (CI-NET)

8025 Laurel Lakes
Laurel, MD 20707
301-206-5100, ext. 281

Initial research for the Jail Industries Initiative was conducted through Abt Associates, Inc., under the direction of Thomas Albrecht, Program Manager, Corrections, in NIJ's Research Applications Division. The research team was headed by Abt's Peter Finn.

The second phase is being coordinated by CRS, Inc., through an NIJ grant.

Points of view or opinions expressed in this publication are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

The Assistant Attorney General, Office of Justice Programs, establishes the policies and priorities, and manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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The Private Sector/Prison Industry Enhancement Program

The Private Sector/Prison Industry Enhancement (PIE) Program, created by the Congress in 1984, initially sought to encourage private-sector work in prisons. However, 2 of the first 20 certificates authorized by the Bureau of Justice Assistance were issued to Strafford County and Belknap County, New Hampshire, for work in jails. As of early 1989 prison programs were certified in the following States:

Alaska	Kansas	New Mexico
California	Maine	Oklahoma
Colorado	Minnesota	Oregon
Connecticut	Missouri	South Carolina
Idaho	Nebraska	Utah
Iowa	Nevada	Washington

In addition, jail programs were certified in Belknap and Strafford Counties, New Hampshire.

The PIE Program opened major markets to participating jurisdictions, but it imposed particular requirements (*Federal Register* 30, 61: 12563).

- A portion of any inmate earnings must go toward supporting programs that provide aid to crime victims.
- Representatives of organized labor and private industry must be consulted when inmate work programs are established.
- Inmate workers must be paid wages commensurate with those in the private sector.
- State labor officials must certify that private-sector workers will not be displaced, or existing labor contracts infringed upon.
- Inmates must participate voluntarily, and must receive standard benefits (including workers' compensation).
- Each program must incorporate a substantial role for the private sector.

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