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During the past 5 years, the Federal Bureau of Prisons has spent over \$200 million for new prison facilities and nearly \$1 billion for the care and custody of its prisoners. Despite these large expenditures, Federal prisons are overcrowded. The Bureau estimates that it will need additional facilities to house about 10,000 Federal inmates so overcrowded conditions can be alleviated and the three oldest Federal facilities phased out. Findings/Conclusions: Four alternatives are suggested in terms of costs, benefits, and potential problems: (1) aiding State and local governments in constructing facilities to provide space for Federal as well as non-Federal prisoners; (2) decreasing emphasis on institution-based programs and increasing the use of minimum security alternatives such as halfway houses and prison camps; (3) using and/or improving existing Department of Defense facilities that are excess or underused; and (4) constructing new Federal correctional institutions and/or expanding existing facilities. Careful consideration must be given to achieving the objectives of providing: a safe and humane environment for offenders, opportunities for offenders to change their behavior patterns, and a model for State and local correctional systems. (RRS)

5375



*STUDY BY THE STAFF
OF THE
U.S. GENERAL ACCOUNTING OFFICE*

**What Can Be Done About
Overcrowding In Long-Term
Federal Correctional Facilities**

The Bureau of Prisons estimates that it will need facilities to rehouse about 10,000 Federal inmates to alleviate overcrowded conditions and to phase out the three oldest Federal facilities.

In this study, we analyze four alternatives for providing correctional facilities for Federal prisoners. We also highlight several major questions that have surfaced in recent years in the corrections area.

PREFACE

Recently, GAO has been looking for new ways to assist congressional committees involved in the Budget process by adding to existing sources of information about GAO's work. Our objective is to provide significant and timely information with insights unique to GAO's missions and perspective about matters of current interest and concern. This staff study on housing Federal prisoners is one product of that effort.

In our analysis, we relied on GAO reports and studies already issued or in process and on the expertise of GAO's professional staff. Where appropriate, we supplemented this information in a limited way with results of studies performed outside of GAO, and worked closely with the Federal agency officials who have program responsibility. We also examined and considered the views of a number of groups outside the Government. From this work, we developed a list of program alternatives, or modifications to existing approaches, to meet agency or legislative objectives and analyzed the facts and issues involved.

How best to house persons convicted of Federal crimes is one of the major concerns of the Department of Justice today. The Bureau of Prisons estimates that it currently needs facilities to rehouse about 10,000 Federal inmates to alleviate overcrowded conditions and to phase out the three oldest Federal facilities. Of the needed prisoner spaces, projects for only about 4,500 have been fully or partially funded.

Before additional major commitments are made, attention should be devoted to fully exploring the alternatives for meeting this need and to determining which alternative or combination of alternatives will best do the job. This study is intended to highlight the major alternatives in order to permit a more informed choice among them. As we see it, the alternatives are:

- Aiding State and local governments in constructing facilities to help provide space for Federal as well as non-Federal prisoners.
- Decreasing emphasis on institution-based programs and increasing the use of minimum security alternatives such as halfway houses and prison camps.

- Using and/or improving the existing Department of Defense facilities that are excess or underused.
- Constructing new Federal institutions and/or expanding existing facilities.


Another soon to be released GAO report, "Housing Federal Prisoners in Non-Federal Facilities is Becoming More Difficult", (GGD-77-92) discusses Bureau of Prison's problems in contracting for space for Federal prisoners not detained in Federal institutions and discusses possible solutions.

Given the short timeframe in which this analysis was developed, we have not been able to perform additional new research, evaluation or audit work. We also have not verified information and analyses drawn from non-GAO sources.

Given the complexity of many of the issues and problems associated with the incarceration of Federal offenders, we urge that other sources be consulted to obtain a full assessment. Finally, we emphasize that this staff study is not a formal GAO position statement. It reflects a variety of viewpoints and discusses issues for which there are no simple straightforward answers. We hope that it will prove useful to the Congress in considering future legislation and making Budget decisions.

This study was prepared by our Program Information Group with the assistance of GAO's General Government Division. Any questions that you may have regarding this analysis should be directed to Roger Sperry, Assistant Director, on (202) 275-1907 or Dorothy Davis on (202) 275-3593. For information about other GAO reports on corrections contact Norman Stuberhofer or Robert Taylor, General Government Division on (202) 376-3863.

We appreciate the cooperation and assistance of all those persons and groups both inside and outside of GAO that made this study possible.


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ABBREVIATIONS

GAO General Accounting Office

CHAPTER 1

INTRODUCTION

Building and operating new prison facilities costs a lot of money.^{1/} During the past 5 years, the Federal Bureau of Prisons has spent over \$200 million for new prison facilities and nearly \$1 billion for the care and custody of its prisoners. Despite these large expenditures, the Federal prisons are overcrowded. The Bureau estimates that it will need additional facilities to house about 10,000 Federal inmates so overcrowded conditions can be alleviated and the three oldest Federal facilities phased out. Before decisions are made to fund a major expansion program like this, careful attention should be given to fully exploring the available alternatives that can meet this need and to discussing the merits of each.

The Federal Bureau of Prisons provides detention services for prisoners under Federal indictment and humane maintenance of offenders who are incarcerated. The number of Federal prisoners averages about 32,500. The Bureau operates 49 correctional facilities and contracts for additional spaces in State and local facilities. The facilities have a wide range of designs and security levels--some are nearly 70 years old. About 16 percent of all Federal prisoners are housed in the three oldest Federal penitentiaries: in Atlanta, Georgia; Leavenworth, Kansas; and McNeil Island, Washington. They are considered antiquated and are due to be phased out.

State prison systems have problems similar to those at the Federal level. There is no single correctional system in the United States. Each level of government and jurisdiction typically functions independently. Most are hampered by inadequate funding, insufficient staffing, and the lack of relevant research and development.

^{1/}In this report we address the economic costs of imprisonment and various alternatives. No attempt is made to analyze social costs of incarceration or the non-institutional options we discuss.

In this analysis we examine four alternatives for providing correctional facilities for Federal prisoners. We also highlight several major questions in the corrections area that have surfaced in recent years. We hope this paper will provide a framework and an impetus for congressional debate on how best to solve the Nation's problems of housing its prisoners.

For our analysis, we relied on information already developed in earlier GAO reports on corrections (see app. II), reports issued by the Congressional Budget Office and Congressional Research Service, and congressional committee hearings. We worked closely with officials in the Department of Justice, including Bureau of Prisons and the Office of Management and Finance, and Department of Defense. We also spoke with independent groups such as the National Council on Crime and Delinquency, the National Moratorium on Prison Construction and the Correctional Economics Center to obtain additional insight on correctional problems. For our analysis, cost and capacity statistics were obtained from the Bureau of Prisons and the Department of Defense, we did not verify the accuracy of this data. We also did not independently analyze the effectiveness of Bureau programs and operations. We relied on existing information from GAO, Federal agencies, and other sources. We did not solicit formal agency comments since we are not making any specific recommendations. However, we did obtain and incorporate informal comments from officials we worked with in the Departments of Justice and Defense.

HOUSING FEDERAL PRISONERS IN NON-FEDERAL FACILITIES

Another GAO report, "Housing Federal Prisoners in Non-Federal Facilities is Becoming More Difficult," (GGD-77-92) will be released during February 1978. This report discusses the problems the Bureau of Prisons faces in finding and contracting for space for Federal prisoners not detained in Federal institutions and describes actions that have been and could be taken to find alternative solutions.

An average of about 5,000 Federal prisoners a day were housed in non-Federal facilities in Fiscal Year 1976 at a cost of about \$24.6 million. These prisoners are (1) awaiting trial, (2) serving short sentences, or (3) staying for a number of other reasons, including overcrowding at Federal institutions. The report points out that non-Federal institutions have also become overcrowded resulting in difficulties in using this additional space.

CHAPTER 2

PERSPECTIVE

Several major questions have arisen in the corrections field over the past several years. This chapter discusses these questions to give the reader a background on correctional problems. Briefly, the questions are:

- How costly is imprisonment?
- How critical is the overcrowding?
- What actions can be taken to reduce prison populations?
- How is the Bureau using community based programs?
- Should Federal prisons be phased out?

HOW COSTLY IS IMPRISONMENT?

In a sample survey of 10 newly built facilities, the Correctional Economics Center found that per bed construction costs range from \$22,587 to \$57,052 and averaged about \$39,000 per bed.^{2/} The Bureau estimates its construction cost at about \$35,000 per bed. In addition the cost of maintaining a prisoner in a Federal institution averages nearly \$8,700 per year.

HOW CRITICAL IS THE OVERCROWDING?

The Bureau is currently housing about 30,000 prisoners in space designed for less than 23,000. Overcrowding is dealt with by (1) putting two inmates in a cell designed for one (double bunking) and (2) housing inmates in facilities not designed for housing, such as basements, recreation areas, and old shower stalls. By using

^{2/}Correctional Economics Center, "Cost Analysis of Correctional Standards: Institution Based Programs and Parole", Volumes I and II, January 1976, U.S. Government Printing Office.

this additional space, the Bureau estimates that it can house about 29,600 prisoners temporarily. The Bureau has about 7,000 more prisoners than its facilities were designed for and about 400 more prisoners than the maximum temporary capacity.

Overcrowding results in increased tension and violence among the youthful offenders and reduces the level of privacy for inmates. According to the Bureau of Prisons, Federal institutions which have more overcrowding have higher rates of assault and other violence. The Federal courts have ruled that the present levels of prison overcrowding, both on the State and Federal level, are unconstitutional. For example, in January 1976 a U.S. District Court ruled that the Alabama correctional system could not accept newly sentenced offenders until overcrowding was relieved. Another Federal court ruled that double bunking in cells designed for one person at the Bureau's Metropolitan Correctional Center in New York was unconstitutional.

According to a study by Corrections Magazine, the current overcrowding problems are caused by:

- The post-war "baby boom," which is resulting in a high number of individuals between the ages of 17 and 29, the "high risk" age category for criminal activity,
- The high unemployment level, which hurts young adults the most, and
- The current emphasis on punishment which results in parole boards and judges getting tougher.^{3/}

Underestimates of the projected prison population have contributed to the overcrowding of prisons. Projecting prison population on which to base construction has historically been difficult. The crime rate, unemployment, judicial policy and legislation among other factors affect prison population and the precise effects have been difficult to forecast. The trend of future prison populations is still uncertain.

^{3/}Gettinger, Steve; "U.S. Prisons Population Hits All Time High", Corrections Magazine, V. II, March 1976, pp. 9-20.

Policy set in the Congress and in various components of the Federal justice system also greatly affects the Federal prison population. For example, when Congress increases the number of Federal judges, more offenders can be sentenced to prison. The revision of the Federal Criminal Code, S.1437, and the institution of sentencing standards could affect prison population. Justice Department actions such as changes in policies or in resources devoted to the enforcement of certain types of crime could affect prison population. It is difficult to base construction plans on prison population projections because of all these uncertainties.

WHAT ACTIONS CAN BE TAKEN TO REDUCE PRISON POPULATIONS?

The Bureau of Prisons has very limited control over the size of prison population. Legislatures enact the laws; law enforcement groups prosecute those who violate the laws; judges sentence the offenders to prison; and prison systems carry out the sentences of the courts. Any attempts to significantly reduce prison population must come from outside the prison system.

The United States has one of the highest incarceration rates in the world. Other countries are using programs such as day fines, community service orders, and restitution instead of imprisonment. These alternatives are suggested for nonviolent, nonhabitual offenders and if their use were expanded in the United States justice system, they could significantly reduce prison population and reduce the economic costs of corrections.

The imposition of fines is the least inconvenient sanction available to society. It imposes no economic cost on the public, no burden on the prison system and no social dislocation of the offender. In Sweden, where fines are widely used, the amount of the fine is based on the offender's ability to pay.

The British Criminal Justice Act of 1972, aimed at halting or slowing the continual increase in prison population, reflects a trend toward social rather than purely penal treatment of offenders. Community service has been ordered for offenders convicted of

a wide range of offenses, including robbery, burglary, arson, assault, vandalism, traffic offenses, marijuana use, and forgery. Community service offers an opportunity for constructive activity in the form of personal service to the community.

Restitution is used in France, Switzerland, Germany, Mexico, Sweden, England, Holland, Norway, Cuba, and even some states in the United States. Restitution compensates the victim, relieves the State of some burden of responsibility, and permits the offender to pay his debt to society and the victim.

Another way to reduce the prison population is to decriminalize certain offenses for which the current criminal law and justice processing appear to be inappropriate. Much overcrowding could be avoided if certain types of victimless offenses were dealt with outside the criminal justice system. For example, the offenders convicted of the possession of marijuana could be fined rather than sentenced to imprisonment. Drug offenses account for 10 percent of the Bureau's prisoners. ^{4/} Congressional revision of the United States Criminal Code, S. 1437, has provided an opportunity for a rethinking of the types of offenses that should be dealt with by imprisonment.

The National Advisory Commission on Criminal Justice Standards and Goals ^{5/} recommended that consideration be given to implementing such alternatives as:

- pretrial and presentence diversion programs,
- nonresidential supervision programs in addition to probation and parole,
- residential alternatives to incarceration, such as prison camps,

^{4/} Congressional Budget Office, "Federal Prison Construction: Alternative Approaches", January 1977.

^{5/} U.S. National Advisory Commission on Criminal Justice Standards and Goals, "Corrections", January 1973.

- prerelease programs, such as work/study release, and
- community facilities for released offenders in the critical reentry phase with provision for short-term return as needed.

Consideration of some of these options is not within the discretion of the Bureau of Prisons. For example, pretrial diversion programs would be carried out by the prosecution component of the justice system. Greater use of these programs offer a potential for future reductions of the prison population for nonviolent offenders. However, action would be required by the Congress in revising the Criminal Code, by the judges who sentence the offenders, or by the law enforcement and prosecution groups. Current Bureau discretion is limited to assigning offenders within their system of correctional facilities which includes correctional institutions, community treatment centers, work release, etc. This paper addresses only the alternatives that the Bureau can carry out within its current mission.

HOW IS THE BUREAU USING COMMUNITY BASED PROGRAMS?

Major studies of the Nation's correctional systems have emphasized the need for change. One widely advocated change is a greater use of adult community based correctional activities in lieu of sending offenders to prison or as a transitional step back to the community after being in prison. One type of community based correction activity is community treatment centers--commonly known as halfway houses. Each halfway house establishes a program to help offenders adjust to society and avoid criminal behavior. Although program techniques differ, employment and counseling are the primary rehabilitation programs. Community based programs are viewed as more economical and more humane than more secure institutions. 6/

6/U.S. General Accounting Office, "Federal Guidance Needed If Halfway Houses Are To Become A Viable Alternative to Prison", GGD-75-70, May 28, 1975.

The Bureau operates 11 community treatment centers and contracts with more than 400 State and local facilities to house Federal offenders. The Bureau primarily makes use of these facilities, as a transition between prison and release. Inmates spend an average of 75 days in community treatment centers.

Some have argued that once a prisoner is assigned to the Bureau's custody the program is totally at the discretion of the Bureau unless the courts make a specific designation.

The Bureau has been reluctant to commit inmates directly to community treatment centers or seek other alternatives because it believes that the discretion really belongs to Federal judges. Federal judges have options when sentencing convicted offenders including fines, imprisonment, community based programs, probation, suspended sentences, and reprimands. Bureau officials explained that although they may have the authority to assign offenders directly to community treatment centers and certain other community programs, to do so without the direction of sentencing judges would be usurping the role of the judiciary.

SHOULD THE FEDERAL PRISONS BE PHASED OUT?

Several experts in the corrections area have recommended phasing out the Bureau of Prisons as it exists today and replacing it with an agency that would provide technical assistance, program guidelines, and research designs to State and local correctional systems. In testimony before the Congress in 1975, the Bureau's Director said:

*** from a philosophical point of view, I agree that in the long run the Bureau of Prisons could and should be phased out, with the inmates being turned over to State and local authorities". 7/

7/"Prison Construction Plans and Policy", Hearings before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, House Committee on the Judiciary, July 28 and 30, 1975.

However, he felt that this goal would be very long term in nature because of inadequate facilities and programs at the State and local levels and an overall lack of progress at those levels.

The Bureau of Prisons was established in 1930 to manage a number of Federal prisons that had developed sporadically. Originally, all Federal prisoners were "boarded out" in State and local institutions, and the Federal Government's role in criminal law was very limited. The first Federal institution was Leavenworth, which was transferred from the War Department to the Department of Justice in 1895. The first penitentiary was constructed in Atlanta, Georgia in 1902, when States were unable to effectively deal with rising prison populations. During the next 40 years, 14 new institutions were built as the Federal Government expanded its criminal code and the types of prisoners it maintained. The Federal Bureau of Prisons was created (1) to manage the Federal institutions which were then operated autonomously and (2) to serve as a model for State and local systems in correctional philosophy and programs.

The prison systems that have developed at the Federal, State, and local levels currently function relatively independently. Although several States and local systems have progressive correctional programs, most of the State and local programs still have serious problems. Overcrowding, inadequate facilities, inmate violence, and ineffective rehabilitation programs are prevalent in many State and local institutions. In the past few years, GAO has issued several reports that describe problems in State and local systems. Brief descriptions of the findings from two of the most relevant reports follow:

1. State and county probation systems were not adequately protecting the public. Most probationers did not successfully complete probation, and probation systems are overburdened. GAO recommended that the Federal Government provide leadership, funds, and technical assistance. 8/

8/U.S. General Accounting Office, "State and County Probation System In Crisis", (GGD-76-87, May 27, 1976).

2. Halfway houses could become a viable alternative for dealing with many criminal offenders or could die out for lack of funds and public support. Halfway houses were achieving some success in assisting offenders. GAO noted that Federal guidance was necessary if halfway houses are to become a viable alternative to prison. 9/

In a report on local detention facilities, we found:

Conditions in local jails remain inadequate, despite Federal funding for improvements. GAO identified problems in the overall physical condition of the jails and the availability of services such as, lack of inmate security, multiple occupancy cells, and inadequate sanitary conditions. GAO recommended Federal leadership for improving conditions in local jails. 10/

In addition, GAO has several ongoing or planned assignments that will address problems in State and local correctional systems, including the following areas:

- Effectiveness of programs to improve offender employability,
- Adequacy of data on prison releasees to assess the impact of institutional programs on offender employability and recidivism,
- Effectiveness of community service organizations in providing transitional services to exoffenders, and
- Adequacy of health care in correctional institutions.

9/U.S. General Accounting Office, "Federal Guidance Needed If Halfway Houses are to Become a Viable Alternative to Prison", (GGD-75-70, May 28, 1975).

10/U.S. General Accounting Office, "Conditions in Local Jails Remain Inadequate Despite Federal Funding for Improvements", (GGD-76-36, April 5, 1976).

The quality of the State and local correctional programs varies widely. Correctional programs in 22 States have been declared unconstitutional by the courts or have litigations pending. Several independent groups such as the American Bar Association, American Correctional Association, American Medical Association, National Clearinghouse for Criminal Justice Planning and Architecture, and National Advisory Commission on Criminal Justice Standards and Goals have developed standards for correctional facilities and programs. In several reports, GAO suggested that the Department of Justice (through the Law Enforcement Assistance Administration) develop standards or provide guidance to State and local governments for various aspects of corrections programs. The Department of Justice has been studying this area for several years and has established a task force that is currently working toward the development of Federal correctional standards.

Some groups such as the National Council on Crime and Delinquency advocate phasing out the Bureau of Prisons and replacing it with an agency that would provide assistance to State and local correctional systems. They view one of the major advantages as the greater Federal impact that could result on correctional programs at the State and local levels.^{11/} If Federal prisoners were housed by State prison system, the Federal Government would have a stake in food, medical treatment, space, recreation, housing, training and all the matters that affect the maintenance of prisoners and could work toward improved conditions for all the nation's prisoners.

^{11/}National Council on Crime and Delinquency, "Phasing-out the United States Bureau of Prisons, Policy and Background Information", June 1974.

CHAPTER 3

ALTERNATIVES FOR HOUSING FEDERAL PRISONERS

As previously discussed, there are a number of problems with the corrections system. Prisons are overcrowded and the system is very expensive. Careful consideration should be given to alternatives for achieving the Bureau of Prisons objectives of providing: (1) a safe, humane environment for offenders, (2) opportunities for offenders to change their behavior patterns, and (3) a model for State and local correctional systems.

In this chapter we examine the Bureau's construction requirements and analyze various alternatives for providing additional correctional facilities for Federal prisoners. The alternatives are presented in terms of costs, benefits, and potential problems. The alternatives are:

- Aiding State and local governments in constructing facilities to provide space for Federal as well as non-Federal prisoners.
- Decreasing emphasis on institution-based programs and increasing the use of minimum security alternatives, such as halfway houses and prison camps.
- Using and/or improving existing Department of Defense facilities that are excess or underused.
- Constructing new Federal correctional institutions and/or expanding existing facilities.

The alternatives presented in this analysis offer a wide range of policy choices. This study is not intended to recommend a specific course of action for the Bureau of Prisons. No alternative by itself would meet all the needs or solve all the problems. Implementing some would require special efforts to overcome bureaucratic or community resistance.

The chart on the next page summarizes the projected operating and construction costs for the alternatives under consideration. Costs for alternative I are not

presented because costs could not be adequately projected until types of facilities are negotiated. A discussion of the Bureau's construction requirements and each of the alternatives follows.

Comparison of Bureau Construction
and Operating Costs a/

<u>Alternative</u>	<u>Type of facility</u>	<u>Annual operating cost per inmate</u>	<u>Construction cost per bed or start-up costs</u>	<u>Timeframe Required for start-up</u>
I. Use of State and local facilities	to be negotiated	(b)	(b)	(b)
II. Minimum security facilities	Halfway houses Prison camps	\$5,500 c/ 4,900 c/	-0- \$1-1.5 mill.	6 months 8-12 months
III. Military facilities	Detention facilities Prison camps active base Prison camps inactive base	8,700 4,500 4,900	- 0 - - 0 - 1-1.5 mill.	6 months 6 months 18 months
IV. Federal Correctional Institutions	Institution	8,700 d/	18 million (\$35,000/bed for 500-bed facility)	48 months

a/ Estimates of construction costs were provided by Bureau of Prisons planning officials. Operating costs are based on actual Bureau operating costs for Fiscal Year 1977 and include overhead for regional and headquarters offices and are in 1977 dollars.

b/ Since we are assuming that by aiding state and local governments, the overall quality of the facilities will improve, using current construction and operating costs of State institutions is not appropriate. Projections for these costs are not currently available.

c/ Operating costs for community treatment centers and prison camps include the costs for rental of property.

d/ Operating costs for Federal correctional institutions do not include an amortized cost for construction; if this were included, it would add an additional \$917 to the annual inmate cost.

THE BUREAU'S CONSTRUCTION REQUIREMENTS

The Bureau's current construction programs are directed toward reducing overcrowding and closing three antiquated facilities by providing spaces for a total of 10,000 prisoners. The Bureau currently has some ongoing construction projects. Appropriations already made will fully fund facilities for 2,180 inmates and partially fund projects to accommodate another 1,800. The Bureau estimates that it needs appropriations to fund space for an additional 5,500 prisoners for which no funds have been appropriated. To meet these new requirements the Bureau estimated that it needs six additional Federal correctional institutions and five prison camps.

The Fiscal Year 1979 Budget includes a request for \$37 million in new Budget authority. A major portion of this request is for modernization and repair of existing facilities. Funds are requested for two new correctional institutions and increases in the use of halfway houses. The chart below shows the effect of the Fiscal Year 1979 Budget requests on the Bureau's capacity requirements.

Effect of FY 1979 Budget Request
on the Bureau's Overcrowding

<u>Type of Project to Meet Capacity Requirements</u>	<u>Capacity (Approved through FY 1978)</u>	<u>Additional Capacity (Requested FY 1979)</u>	<u>New Totals</u>
TOTAL BEDS	<u>10,000</u>	<u>2,400</u>	<u>10,000</u>
Correctional Institutions			
Fully funded	2,180	300	2,480
Partially funded <u>a/</u>	1,800	600	2,400
Increases in use of halfway houses	--	1,500	1,500
Increases in use of prison camps <u>b/</u>	480	--	480
Unsatisfied requirements	5,540	--	3,140

a/Partially funded includes funds for planning and site acquisition only.

b/Funds for prison camps were reprogrammed in December 1977 from savings derived from other construction projects.

ALTERNATIVE I: AIDING STATE AND
LOCAL GOVERNMENTS IN THE CONSTRUC--
TION OF FACILITIES TO PROVIDE
SPACE FOR FEDERAL AS WELL AS NON-
FEDERAL PRISONERS

Instead of building its own facilities, the Federal Government could jointly fund facilities with State and local governments. In this arrangement, the Federal Government could provide funds to help build a State facility if the State agrees to provide housing for Federal offenders. For example, a State might be given Federal funds to finance one half the cost of building a 500 bed institution on the condition that 250 beds throughout the State system be made available for boarding Federal offenders. The Congress could appropriate funds for a pilot test to assess the feasibility of such a program.

In the past, the Bureau has concentrated its efforts on providing facilities and programs for Federal prisoners and has not directly worked toward improvements in the correctional systems at the State and local levels. However, there are many precedents for Federal-State collaboration. The Federal Government has helped States by funding such major construction programs as hospitals, highways and educational facilities, and providing operating funds for health care, welfare, and employment training. In criminal justice, State and local programs have been funded by the Law Enforcement Assistance Administration.

The Department of Justice is working toward national standards for correctional facilities and programs. Several groups such as the American Correctional Association, National Clearinghouse for Criminal Justice and Architecture, and National Advisory Commission on Criminal Justice Standards and Goals have already developed standards in various aspects of corrections.

The overall cost of corrections is expected to increase as these standards are implemented on a nationwide basis. Federal financial assistance will probably be required to fund the improvement programs in the State and local correctional systems. This development would appear to provide a logical starting point for

greater Federal cooperation and assistance to State corrections programs in return for State cooperation in housing Federal prisoners.

By funding State construction projects, the Federal Government could work directly toward improved conditions for prisoners at the State as well as the Federal level. Also, if the Federal prisons were to be phased out in the future, the use of jointly funded facilities reduces the stock of Federal facilities and personnel required. However, an additional administrative activity would probably be required to support this arrangement.

Projecting costs for this alternative is difficult because they depend on the type of facility constructed. Facility type would be negotiated between the Federal Government and the State. However, it is reasonable to assume that if the States constructed the same type of facility as the Federal Government, the cost per prisoner housed would probably not differ much from that incurred in constructing Federal prisons.

The Department of Justice's task force on corrections policy is studying this alternative. Officials we talked to in the Department of Justice believe that jointly funded facilities may be less expensive in the long run than building additional Federal facilities.

The Law Enforcement Assistance Administration is currently providing funding to State and local governments for correctional programs. From 1969 to 1977 that agency provided \$54.9 million in funds to correctional institutions. During the same period it provided \$21.9 million for community based rehabilitation facilities.^{12/} A Department of Justice task force is considering the feasibility of using this funding in conjunction with the Bureau of Prison's facility funds and requirements to upgrade correctional facilities for all the Nation's prisoners.

^{12/}U.S. General Accounting Office, "Overview of Activities Funded by the Law Enforcement Assistance Administration," (GGD-78-21, November 28, 1977).

If this alternative were implemented, Federal prisoners may be housed in facilities that do not meet Federal expectations. As the Director of the Bureau has pointed out, improvements in the State and local correctional programs and facilities are necessary before the Federal Government can seriously consider housing its prisoners in these facilities. Providing more financial aid and working with the State and local governments could upgrade the programs and facilities for all the Nation's prisoners. Although an integration of the Nation's prison system may provide a mechanism for improving State and local facilities, there are no assurances that in the long-run the State systems will be able to meet all of the Federal expectations.

State governments may also be reluctant to assume responsibility for Federal prisoners or unwilling to accept the conditions under which Federal monies are provided. However, pilot projects could help demonstrate the feasibility of this alternative and help determine the nature of the cost impact to the Federal Government, State, and local governments.

ALTERNATIVE II: DECREASING EMPHASIS
ON INSTITUTION-BASED PROGRAMS AND
INCREASING THE USE OF MINIMUM SECURITY
ALTERNATIVES, SUCH AS HALFWAY HOUSES
AND PRISON CAMPS.

To the extent that the Federal Government can place offenders in minimum security facilities operating costs can be reduced and major construction costs can be avoided completely. Minimum security facilities do not require new construction; they can use excess facilities such as hospitals, hotels, or schools. There are two major types of minimum security facilities: (1) halfway houses ^{13/} and (2) prison camps.

Halfway houses

The primary objective of the community treatment center or halfway house is to give the offender more and more supervised

^{13/}For further discussion of halfway houses, see Congressional Budget Office, "Federal Prison Construction: Alternative Approaches", January 1977.

freedom through which he can obtain employment and learn to function in society. As part of this program, most offenders have been able to find employment within 2 weeks and contribute to their support in the facility, thus further reducing the Government's costs.

Studies on the effectiveness of community-based programs for rehabilitating offenders have been inconclusive. In our report on halfway houses, 14/ we noted that halfway houses were achieving some success in assisting offenders and that there was a general indication that results were not any worse than for other forms of rehabilitation.

The Bureau currently houses about 17 percent of its prisoner population in halfway houses. However, the Bureau uses the centers only as a transitional step between prisons and release to the community. The program could be expanded by (1) increasing the amount of time offenders spend in these programs, (2) directly committing offenders, 15/ or (3) increasing the number of eligible offenders. The Bureau gave us the following information about the characteristics of prisoners who do not participate in community treatment centers.

14/U.S. General Accounting Office, "Federal Guidance Needed If Halfway Houses are to Become a Viable Alternative to Prison", GGD-75-70, May 28, 1975.

15/The courts currently directly commits about 1,200 offenders per year to halfway houses. Although the Bureau has the authority to directly commit offenders to these programs, it generally does not.

Characteristics of Federal
Prisoners Relating to
Eligibility for Community Programs

Eligible	42%
Currently ineligible because:	
Status as aliens (deportees) or because of state detainers	23%
Have no need for community programs because of strong family or com- munity ties, such as white collar criminal	10
Serving sentence less than 6 months	11
Too violent	1
Lack of program in offender's com- munity	2
Other, such as medical, psychiatric, or lack of interest by offender	<u>11 = 58</u>
	<u>100%</u>

Although it appears as if opportunities to expand the number of participants are limited, some of the offenders that are currently ineligible could be placed in halfway houses without endangering the community. This would reduce the Bureau's operating costs and alleviate some of the overcrowding in some secure facilities.

The Fiscal Year 1979 Budget requests resources to increase the average stay of offenders in community treatment centers from 75 days to 120 days and to increase the number of inmates participating; those that were identified in the chart above as "Having no need for community programs because of strong family or community ties, such as white collar criminal". The Bureau estimates that this increase in the use of community treatment centers will free space for 1,500 inmates in the existing institutions.

Prison Camps

Another type of minimum security installation is the prison camp. Like community treatment centers, prison camps can use already existing buildings such as hotels and schools. In prison camps, offenders without violent backgrounds are housed in open dormitories. The Bureau currently has four independent prison camps (including two on military installations) and several serving as satellites to other Federal institutions. Operating costs are about one-half of those for a Federal correction institution and these facilities do not require new construction. Although some prison camps have community based programs, most offenders are employed in the camp-grounds.

Cost could be reduced if the Bureau made greater use of minimum security facilities. Expansion of minimum security programs could alleviate some of the overcrowding in medium and close security facilities.

Recently, Fiscal Year 1978 Budget funds amounting to about \$2 million were reprogrammed for activation of prison camp spaces at five existing Bureau facilities (El Reno, Texas, Kansas, Leavenworth, Danbury, and Miami). In total these camps would accommodate about 480 prisoners.

The Fiscal Year 1979 Budget does not include any funds for activation of new prison camps. The Bureau has been unable to identify new locations for additional prison camps. The Bureau has surveyed properties on General Services Administration's listings of surplus Federal property and explored some non-Federal properties but has rejected numerous properties as unsuitable. In other instances, the community or local officials opposed Bureau plans to establish prison camps. If the use of prison camps is to be expanded, the Bureau may have to reexamine its requirements for site selection. For example, one of the requirements is to locate offenders as close as possible to his home community. The Bureau may wish to consider compromising on this requirement to alleviate overcrowding in existing institutions.

Those who are against the expansion of minimum security programs stress three major points.

--Offenders' sentences are for imprisonment and their expanded participation in minimum security programs may lessen the severity of the punishment and serve as less of a deterrent.

--Failure rates (that is, the number of escapes, or returns to prison for criminal behavior) may increase.

--Need for the protection of the public while the offender is in the Bureau's custody.

Clearly not all offenders are suited for minimum security programs. Some may pose a continued threat to society and require close supervision. However, many can be placed in minimum security situations without endangering the community. The Bureau plans to begin a reclassification of prisoner custody levels within the next year. This may present an even greater opportunity for expanding the minimum security program.

Obtaining community acceptance can be a problem in expanding minimum security programs. Communities have been reluctant to accept these facilities in their neighborhoods because of the freedom afforded the offenders and the potential threat to the public. However, this problem is not unique to minimum security facilities; the Bureau has had trouble in finding locations for all types of facilities.

ALTERNATIVE III: USING AND/OR
IMPROVING EXISTING DEPARTMENT
OF DEFENSE FACILITIES THAT ARE EXCESS
OR UNDERUSED

Instead of building new facilities, the Bureau could work with the Department of Defense to make greater use of existing Defense facilities. In this way, construction costs might be minimized or avoided. Prior arrangements with the Department of Defense have resulted in reduced operating costs. Three types of arrangements could be negotiated: (1) the use of existing military detention centers, (2) the development of prison camps at active military installations, and (3) the use of inactive or closed military bases.

Existing military detention centers

The Defense Department maintains a large network of detention centers within the United States. These centers have a current population of about 2,600 and a total capacity of about 7,600 ^{16/}. This capacity, however, is spread among more than 50 separate detention centers that vary in size and quality. Many of them would not be economical for the Bureau to operate because of either their size or their dilapidated condition. The chart below provides information on some of these facilities that the Bureau has identified as meeting its needs.

MILITARY DETENTION CENTERS MEETING BUREAU REQUIREMENTS

<u>Location</u>	<u>Capacity</u> ^{a/}	<u>Recent Average</u> <u>Population</u>
Fort Bragg, N.C.	250	10
Fort Meade, Md.	171	15
Fort Dix, N.J.	416	14
Camp Pendleton, Calif.	382	187
Quantico, Va.	150	37
Fort Bliss, Tex.	150	16
Treasure Island, Calif.	148	47
Philadelphia Naval Yard, Pa.	170	120

^{a/} Capacity based on 72 square feet per person. The Bureau said that in dormitory facilities 55 square feet per person would be adequate. Thus, the capacity could increase by as much as 20 percent.

Except for the two Navy facilities at Treasure Island and the Philadelphia Naval Yard, the detention facilities were recently constructed and would require little or no renovation for Bureau use. The two Navy facilities were constructed during World War II or earlier. The Bureau

^{16/} These statistics exclude the Army Retraining Brigade in Kansas which has a capacity of 2,126 and a current population of 472.

believes they could be used with only minor renovation. A complete listing of military detention facilities' capacity and current population is presented in Appendix I.

The military services are presently consolidating their detention facilities. This gives the Bureau an opportunity to obtain existing facilities. To the extent that these facilities could be used to reduce the need for new facilities, cost and time needed for planning and construction would be saved.

Officials in the Department of Defense pointed out that the Bureau is interested primarily in Defense's best facilities--those listed on the previous page. If consolidation of military facilities occurs, Defense would like to retain the facilities in the best condition. However, there are several other Defense facilities (Fort Knox, Great Lakes, Norfolk, San Diego, Fort Lewis, Fort Gordon, and Camp Lejuene) that have a large enough capacity to accommodate Bureau needs. The Bureau is not actively soliciting these facilities because they do not meet all the Bureau's other requirements. For example, there has been informal discussion concerning Bureau use of the detention facility at Fort Lewis in Washington. The facility is in good condition and has a capacity of 209. The Bureau is not interested in this facility because it does not have a shortage of prisoner space in that area of the country. The Bureau tries to keep offenders close to their home community. If the Bureau considers overcrowding critical, it may wish to reconsider some of its requirements.

Although there have been previous arrangements, Defense is reluctant to make new arrangements to relinquish or lend its facilities to the Bureau because of:

- an anticipated increase in military prisoners,
- alternative uses for detention facilities,
- past difficulties in lending facilities to the Bureau, and
- anticipated unfavorable reaction by communities and military personnel.

Although the current military facilities are underused, consideration should be given to military needs in the event of war. According to Defense officials, military projections

of prisoner population during mobilization indicate that current facilities may be inadequate. The Department of Defense and the Bureau could work out a leasing arrangement with the provision that when needed, the facility would be returned to Defense. Such an arrangement was negotiated for the Lompoc, California facility now operated by the Bureau. However, Defense officials are reluctant to enter into similar arrangements because of past difficulties in dealing with the Bureau. During the Vietnam War, Defense requested the Bureau return the Lompoc facility, but the Bureau refused because of overcrowded conditions in its facilities.

Bureau use of military facilities limits Defense's flexibility and there is currently little incentive for voluntary cooperation. Even if the military determines that a detention facility can be closed, it will attempt to find an alternative use, thus making maximum use of its existing facilities. Only if the military has no other use for the facility will it be declared excess. Thus, detention facilities may be changed into student dormitories or offices rather than being made available for Bureau use as detention facilities. If Bureau needs were considered before facilities were diverted for alternative uses, there could be cost savings in the overall Federal Budget.

The Fiscal Year 1979 Budget does not include any funds for activation of military facilities. Current negotiations between the Bureau and the Department of Defense have not produced results. The differences could be resolved between these two agencies; however, resolution may require involvement of a third party such as the Congress or the Executive Office of the President.

Prison camps at active military installations

Establishing a Federal prison camp on an active military base has saved both the military and the Bureau money. Such arrangements exist at Eglin and Maxwell Air Force Bases. Federal prisoners are housed there and employed in base maintenance and conservation work, such as maintaining base roadsides, air strips, buildings, and grounds. The Air Force provides prisoner housing from excess property, and furnishes supplies, equipment, utilities, and fire protection. The Bureau estimated that, in Fiscal Year 1977, the Air Force saved \$1.1 million at Eglin by having maintenance done by prisoners rather than military or civilian personnel.

When prison camps are situated on active military installations, the Bureau estimates that its operating costs are 50 percent less than at a traditional Federal correctional institution and 16 percent less than other prison camps. Also, all Federal prisoners at such camps have jobs. This is not typical at standard Federal facilities, where prisoner employment averages 17 percent because of overcrowding.

Federal inmates have not created discipline or crime problems at the existing military prison camps. There have been no reported incidents involving Federal prisoners and the base population of either installation. The Department of Defense reported there have been some "walk aways," but no on-base criminal activities have been attributed to a Federal prisoner.

Defense feels a lot of pressure to reduce and consolidate existing bases and it therefore is reluctant to expand this program. Officials in the Department of Defense pointed out that although prison camps have been mutually beneficial at Eglin and Maxwell Air Force Bases, there are no guarantees that the same benefits will occur if more camps were established at other military installations. Some of the functions performed by prisoners at Eglin and Maxwell are performed by civilians at other installations. Other functions may be termed cosmetic and not essential to base operations. The Department of Defense has not studied this proposal to project the exact nature of the military costs and benefits of this arrangement.

The Fiscal Year 1979 Budget does not include any funds for activation of prison camps on active military bases.

Inactive or closed military installations

Recently closed facilities may also provide sites for Bureau prison camps. These camps are not as attractive to the Bureau as active military installations because there are usually renovation and start up costs. In addition, operating costs are greater than on an active base where the military provides utilities and other operating needs. Also, work for inmates is more difficult to program since they are not directly supporting activities as on an active military base.

Defense recently offered six closed bases to the Bureau. These bases were rejected for a variety of reasons including lack of community support, unsatisfactory location, and requirements for significant renovations.

One alternative that may benefit the military is the establishment of prison camps on military bases that are being retained in an inactive status in the event of war. The prisoners could serve the function of maintaining the base for the military. Department of Defense and the Bureau had not discussed the feasibility of this option at the time of our study; however, officials from both agencies expressed an interest in pursuing this alternative.

The Fiscal Year 1979 Budget does not include any funds for activation of prison camps at inactive or closed military bases.

ALTERNATIVE IV: CONSTRUCTING NEW
FEDERAL CORRECTIONAL INSTITUTIONS
AND/OR EXPANDING EXISTING FACILITIES

The Federal Government could meet its requirements for additional capacity by constructing new Federal institutions or expanding existing capacity. The major advantage of incarceration in a Federal prison is that it protects the public most completely by isolating the offenders from the community. There also seems to be a growing sentiment favoring imprisonment as punishment and as a deterrent for others.

Expanding existing facilities or constructing new prisons would require a major capital investment. There are two types of secure institutions operated by the Bureau: penitentiaries and correctional institutions. Penitentiaries usually offer maximum security for the most violent offenders and the Bureau estimates construction costs at \$39,000 per bed. Correctional institutions more typically accommodate the medium security prisoners and cost an average of \$35,000 per bed. The Bureau currently operates six penitentiaries and 21 correctional institutions. A major disadvantage of incarceration in a Federal prison is the need for new construction. The facilities are permanent in nature and reduce flexibility for future changes in direction. If the Bureau were to meet all of its unfunded needs for new facilities by building correctional facilities, it would require in excess of \$200 million for the 5,500 spaces.

The Fiscal Year 1979 Budget requests resources for additional correctional institutions, including:

- Construction funds amounting to about \$16 million for a 500 bed institution in Phoenix, Arizona.16/
- Planning and site acquisition funds amounting to \$2.6 million for a 600 bed Western adult facility.

16/Spaces for 200 inmates are reserved for Federal prisoners awaiting trial so only 300 spaces will be available for sentenced prisoners.

DEPARTMENT OF DEFENSE DETENTION FACILITIES
IN THE UNITED STATES WITH A CAPACITY
OF AT LEAST 10 AS OF DECEMBER 1977

<u>Location</u>	<u>Capacity a/</u>	<u>Recent Average population</u>	<u>Construction date</u>
Army:			
Ft. Bragg, N.C.	250	10	1971
Ft. Campbell, Ky.	179	34	1955
Ft. Carson, Colo.	152	12	1972
Ft. Hood, Tex.	178	28	WWII
Ft. Lewis, Wash.	209	14	1958
Ft. Meade, Md.	171	15	1958
Ft. Ord, Calif.	139	19	1953
Ft. Polk, La.	34	7	WWII
Ft. Riley, Kans.	96	29	1880s
Ft. Benning, Ga.	129	13	1938
Ft. Bliss, Tex	150	16	1973
Ft. Dix, N.J.	416	14	1972
Ft. Gordon, Ga.	268	18	WWII
Ft. Jackson, S.C.	17	1	WWII
Ft. Knox, Ky.	162	21	1952
Ft. Sill, Okla.	129	22	1976
Ft. Leonard Wood, Mo.	51	4	WWII
Ft. Richardson, Ark.	30	15	1954
Fitzsimons, Colo.	28	1	
USA Retraining Brigade, Kans.	2,126	472	WWII
US Disciplinary Barracks, Kans.	1,852	939	1880
Navy:			
Charleston, S.C.	99	80	1966
Corpus Christi, Tex.	65	35	WWII
Great Lakes, Ill.	202	58	WWII
Jacksonville, Fla.	64	53	WWII
Losa-Long Beach, Calif.	34	15	WWII
Memphis, Tenn.	68	22	WWII
New London, Conn.	20	3	WWII
Newport, R.I.	75	18	1952

a/ Capacity based on 72 square feet of living space per inmate. The Bureau of Prisons pointed out in most instances 55 square feet per inmate would be appropriate in dormitory facilities. This would increase capacity as much as 20 percent.

Location	Capacity a/	Recent average population	Construction date
Norfolk, Va.	276	179	1972
Pearl Harbor, Hawaii	99	40	WWII
Pensacola, Fla.	55	41	Pre-WWII
Philadelphia, Pa.	170	120	Pre-WWII
San Diego, Calif.	187	80	1941
Seattle, Wash.	69	55	WWII
Treasure Island (S.F.) Calif.	148	47	WWII
Marine Corps:			
Camp Pendleton, Calif	382	187	1971
Camp Lejeune, N.C.	358	273	1968
Parris Island, S.C.	55	9	1898
Quantico, Va.	150	37	1971
Albany, Ga.	30	1	1955
Air Force:			
Kirtland, N. Mex.	25	0	
Edwards, Calif.	28	1	
Lackland, Tex.	50	1	
Mather, Calif.	37	0	
Sheppard, Tex.	28	3	
Lowry, Colo.	60	34	1953
Maxwell, Ala.	14	0	
Charleston, S.C.	14	1	
Beale, Calif	32	1	
Dyess, Tex.	22	3	
Myrtle Beach, S.C.	14	1	

GAO REPORTS ON CORRECTIONSCOMPLETED STUDIES

"Housing Federal Prisoners in Non-Federal Facilities Is Becoming More Difficult" (to be released soon)

"Probation and Parole Activities Need to be Better Managed" (GGD-77-55, Oct. 21, 1977)

"Managers Need Comprehensive Systems for Assessing Effectiveness and Operation of Inmate Grievance Mechanisms" (GGD-78-3, Oct. 17, 1977)

"Grievance Mechanisms in State Correctional Institutions and Large-city Jails" (GGD-77-63, June 17, 1977)

"State and County Probation: Systems in Crisis" (GGD-76-87, May 27, 1976)

"Federal Prison Construction Plans Should Be Better Developed and Supported" (GGD-76-10, Apr. 27, 1976)

"Conditions in Local Jails Remain Inadequate Despite Federal Funding for Improvements" (GGD-76-36, Apr. 5, 1976)

"Department of Labor's Past and Future Role in Offender Rehabilitation" (MWD-75-91, Aug. 7, 1975)

"Behavior Modification Programs: The Bureau of Prisons' Alternative to Long Term Segregation" (GGD-75-73, Aug. 5, 1975)

"Examination of Financial Statements of FPC, Inc., Fiscal Year 1974" (FOD-76-2, Sept. 8, 1975)

"More Effective Criteria and Procedures Needed for Pretrial Confinement" (FPCD-76-3, July 30, 1975)

"Use of Selected Drugs at Medical Center for Federal Prisons" (GGD-75-91, June 6, 1975)

"Uniform Treatment of Prisoners Under the Military Correctional Facilities Act Currently Not Being Achieved" (FPCD-75-125, May 30, 1975)

COMPLETED STUDIES

"Federal Guidance Needed If Halfway Houses Are To Be a Viable Alternative to Prison" (GGD-75-70, May 28, 1975)

"Use of Statutory Authority for Providing Inmate Release Funds" (GGD-75-84, Apr. 16, 1975)

"Review of Inmate and Employees Welfare Funds and Department of Correction and BOP's Selected Costs" (B-118638, June 21, 1974)

"Better Management Needed for Tighter Security at Lorton Correctional Institutions" (B-118638, June 21, 1974)

"Proposals and Actions for Improving the Federal Parole System" (B-133223, May 24, 1974)

"Rehabilitating Inmates of Federal Prisons: Special Programs Help But Not Enough" (B-133223, Nov. 6, 1973)

ONGOING OR PLANNED STUDIES

Programs to improve offender employability in Federal and State institutions.

Adequacy of data on Federal and State prison releases to assess the impact of institutional programs on offender employability and recidivism.

Effectiveness of community service organization in providing transitional services to ex-offenders.

Medical and dental care in Federal, State, and local correctional institutions.