

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

April 2, 1975

Chairman Barengo called to order this meeting of the Assembly Judiciary Committee at the hour of 8:10 a.m. on Wednesday, April 2, 1975.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY,
LOWMAN, POLISH, SENA and Mrs. WAGNER.

MEMBERS EXCUSED: Mrs. HAYES and Mr. HICKEY.

Guests present at this meeting were Mr. E. Pogue, Nevada State Prison Warden; Edward L. Pine, Vice President of the University of Nevada; Stan Warren, representing Nevada Bell; Joe Lawler, Deputy Commissioner, State of Nevada Consumer Affairs Division; Ray Trease, representing the Consumer Affairs Division; Assemblyman Lloyd Mann; and Pat Walsh, Esq., Deputy Attorney General. A Guest Register from this meeting is attached to these Minutes.

Testifying regarding A.B.413 was Warden Pogue of the Nevada State Prison. He stated that his position is that he is basically opposed to passage of this bill. It reaps too little benefit for too few people. He stated that only about 25% of the prison population is married. He told this Committee that he has a comprehensive prison bill coming out of the bill drafter's office, which bill allows for up to 72 hours of temporary furlough for the prisoner. This would allow him to return to the home setting and the family, which would help the prisoner more than the family visiting at the prison because it puts the prisoner more in touch with the family setting. He testified that to his knowledge two states allow conjugal visits on prison grounds, California and Mississippi. There may be more states allowing this now.

Assemblyman Lloyd Mann testified regarding A.B.412. He was the prime introducer of this bill, and he read from a prepared statement. The ombudsman would handle other people's grievances. The word ombudsman, according to Assemblyman Mann, means "every man's agent". He gave brief examples of how the ombudsman's office was created in 1966 in New York and how it functioned in Hawaii. Presently there are 19 states considering seriously the creation of the office of ombudsman in their states. Among the duties of an ombudsman are to receive and investigate complaints from grieved parties and to report back to these persons. He should also have the power to subpoena records if necessary to an investigation. The ombudsman's reports and findings would

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provide significant recommendations and advice to the legislature. He presented this Committee with a copy of a five-year-old news release regarding the Hawaii situation, a copy of which is attached to these Minutes. Mr. Mann referred this Committee to three books which he obtained from the Legislative Counsel Bureau. He has these books available to any member of this Committee who may wish to review them. These books completely break down the duties of an ombudsman and how he relates to the legislature of a state. He quoted from one particular book dealing with the Nebraska plan and gave statistics from both the administrative and the legislative areas. Mrs. Wagner questioned Mr. Mann as to the other states which have ombudsmen and the state agencies with which the ombudsman would be concerned. Mr. Heaney questioned Mr. Mann as to safeguards which could be used to prevent the office from becoming political. Mr. Barengo pointed out that the fiscal note on the bill for 1975-76 is \$91,811- and for 1976-77 it is \$91,963-. He proceeded to break down for the Committee the various expenses which would be paid out of these sums.

Mr. Mann said he would like Rex Lundberg, Consumer Affairs Division, to take this job. This would necessitate taking the Consumer Affairs Division out of executive control and placing it under legislative control. Mrs. Wagner then questioned Page 4 of the bill as to the ombudsman's independency of the judicial branch of the government. This Committee further questioned Mr. Mann.

Next to testify regarding A.B.412 was Stan Warren, representing Nevada Bell. He is concerned about how the utility companies would be affected by this type of legislation. They completely report to the Public Service Commission, and with the investigative powers in this bill, they then would be subject to the review of the ombudsman if there was a grievance. He stated that it would be difficult to "serve two masters"--the Public Service Commission and the ombudsman. Then Mr. Warren explained the procedure of complaint as to an individual and a utility company. He said so far this procedure has worked well for them. He presented this Committee with a proposed amendment to this bill, which is attached to these Minutes. This Committee questioned Mr. Warren.

Mr. Mann commented that the ombudsman would come into play only if the Public Service Commission failed in some particular area.

Next, testifying regarding A.B.432, Joe Lawler, Deputy Commissioner, Consumer Affairs Division, indicated his support of the bill. They have encountered problems where a rental was

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on a monthly basis. They have been confronted with the problem of removing the "dead beat" or dealing with a situation in which a dispute arises. This bill allows a quick remedy with the justices of the peace rendering a decision and solving the problem on a speedy basis. Mrs. Wagner questioned Mr. Lawler as to possible conflicts between this bill and A.B.130. Mr. Barengo explained for the benefit of this Committee the legal procedures now followed. Discussion by the Committee followed.

Mr. Edward Pine, Vice President of the University of Nevada, testified regarding A.B.353. He read to this Committee a prepared statement and asked for passage of A.B.353. He gave statistics of the land owned by the University, with particularity to the Reno Campus. Their police force is responsible for maintaining law and order on all of the property. He said that the City of Reno, Washoe County and the Highway Patrol often request their assistance with matters not dealing with the University, its property or its students. He cited examples of where this situation has occurred. The Reno Police also like them to handle any disturbances at the various sorority and fraternity houses nearby the University, but not adjacent thereto. The University Police move from the University proper to the Stead Campus and the force is out on the highway for a number of miles between these two pieces of University property. They are not asking for the complete status as a police officer, but they are asking for power to deal with people and events near the University, and particularly between the main Reno Campus and the Stead property. Thus, they may be better equipped to deal with any problems which may arise or which they may observe on the highway. Mrs. Wagner questioned Mr. Pine as to the student officers which are on the Reno Campus. Mr. Pine replied that these officers are not armed.

Mr. Pine stated that they do not feel they have the proper jurisdiction and are not entirely "legal" in some actions which have been taken in the past, as several cases have been thrown out of court for a technicality. They wish to avoid this situation. They cannot always call another law enforcement agency because things happen too quickly, and the assistance they need is not available. Mr. Heaney questioned a possible "overlapping" of jurisdiction. Mr. Pine told this Committee that the local police agencies have been consulted about possible passage of this bill, and they are in full agreement.

Assemblyman Robert Benkovich testified regarding A.B.413. The idea for this bill originated with an inmate of the Nevada State Prison who wrote a letter to Senator Joe Neal. Thereafter, Mr. Benkovich introduced the bill in the Assembly. Mr.

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see Exhibits
Benkovich said he wanted to emphasize family visitation. He was questioned by Mr. Heaney as to the Prison's visiting policy. Mr. Benkovich said he understood that it was up to the Warden. Mr. Heaney questioned the "Board" as referred to in the bill. (The definition is in the Constitution, Section 21, Article V-- Board of the State Prison Commissioners.) Apparently, the prisoner writing the letter to Senator Neal was denied visiting privileges by the Warden. They are merely talking about visiting privileges. Mr. Polish said he would like to know some of the rules and regulations the Prison has regarding visitation. Mr. Lowman requested that Mr. Benkovich provide this Committee with a copy of the letter written by the inmate. Mr. Benkovich said he would comply with this request, and he had hoped to have the prisoner present to testify before this Committee. The Committee decided to withhold action on this bill until testimony from the Warden could be had as to the contents of the prisoner's letter. Mr. Barengo suggested that someone from the Attorney General's Office should be present, too.

In regard to S.B.294, this bill would technically amend the statutes in placing the word "in" after "(a)" on Line 9, after "(b)" on Line 11, after "(c)" on Line 13, and after "(d)" on Line 15. The wording "in" or "or in" at the ends of Lines 8, 10, 12 and 14 would be deleted. Discussion followed. Mr. Heaney moved DO PASS S.B.294, and Mrs. Wagner seconded. A vote followed with 4 in favor of passage of this bill. Mr. Lowman, Mr. Polish and Mr. Sena dissented. Legislation Action Form is attached to these Minutes. At least 5 votes is necessary for any action on this bill; therefore, the motion did not carry.

Next, Pat Walsh, Deputy Attorney General, requested that this Committee introduce a bill dealing with weapons in the Nevada State Prison. This bill requires deleting from the statutes that there is no penalty for a prisoner if the weapon is not found on his person. Mr. Lowman moved for Committee introduction of the bill, and Mr. Heaney seconded. A vote was taken, and 7 members of this Committee were in favor of a Committee introduction. Mr. Hickey and Mrs. Hayes were absent for this vote.

Next, Chairman Barengo discussed A.C.R.35. He did not feel that a special time should be set for hearing of this matter, and it was deleted from the Agenda for Thursday, April 10, 1975. There is a problem and a change is needed in regard to A.J.R.15 of the 57th Session, which Resolution is in the possession of the Secretary of State. Mr. Lowman moved DO PASS A.C.R.35, and Mrs. Wagner seconded. A vote was had, and 7 were in favor of passage of A.C.R.35. Mrs. Hayes and Mr. Hickey were absent for this vote. Legislation Action Form is attached hereto.
MOTION CARRIED DO PASS A.C.R.35.

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In regards to A.B.106 which was originally considered by this Committee on March 13, 1975, Mrs. Wagner was to see that a Resolution was drawn up memorializing Congress to investigate and carry through along the lines proposed in the original bill. She had done so and presented the Resolution to this Committee for review. Mr. Lowman moved for introduction of this Resolution, and Mr. Heaney seconded. A vote was had, and 7 Committee members were in favor of introduction of this Resolution. Mrs. Hayes and Mr. Hickey were not present for the vote.

Mr. Barengo told the Committee that he had two measures for which he would request Committee introduction. First he asked consideration of a bill relating to evidence held for presentation at trial. So much physical evidence is stored, and there is not really room for such storage; therefore, this proposed bill would allow photographs to be taken of the evidence and would allow the photograph to be presented in court. Also, the victim of a crime is deprived of use of his property for lengthy periods of time, pending the property's presentation at the trial. If this bill passes, he would be allowed to use his property instead of having it tied up. Mr. Lowman moved for Committee introduction of this bill, and Mrs. Wagner seconded. The vote reflected 7 Committee members in favor of introduction. Mr. Hickey and Mrs. Hayes were absent for this vote.

The second bill for possible Committee introduction prohibits private practice for a justice of the peace (if he is an attorney) in counties with a population of 100,000 people or more. It was moved and seconded that this Committee introduce the bill. A vote of 7 in favor of introduction followed. Mr. Hickey and Mrs. Hayes were absent for the vote.

Mr. Heaney told this Committee that the amendment to A.B.296, the arson bill, was ready and copies were on their desks. It was agreed that this amendment, after Mr. Heaney read it to the Committee, was acceptable to the Committee.

Mr. Heaney has a film in his car to show to this Committee, and Chairman Barengo said a time would have to be decided upon for presentation of this film.

Mr. Polish moved DO PASS A.B.353, and Mr. Lowman seconded. Discussion followed, during which Chairman Barengo pointed out to the Committee A/S Bart Jacka's testimony during a prior meeting regarding creating additional police agencies. It was then decided that Police Chief Parker, Reno Police Department, and Sheriff Galli, Washoe County Sheriff's Department, may be able to testify before this Committee regarding A.B.353. A vote was had, and 2 were in favor of passing A.B.353. Those

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dissenting were Mr. Banner, Mr. Barengo, Mr. Heaney, Mr. Sena and Mrs. Wagner. The motion did not carry. Form attached. Mrs. Hayes and Mr. Hickey were absent for this vote.

Mrs. Wagner moved DO PASS A.B.432, and Mr. Polish seconded. Discussion followed. A vote was had, and 7 Committee members voted in favor of passage. Mr. Hickey and Mrs. Hayes absent for the vote. Form attached.

MOTION CARRIED DO PASS A.B.432.

Mr. Lowman moved to INDEFINITELY POSTPONE A.B.412, and Mr. Banner seconded. Discussion was had, and a vote was taken with 4 in favor of indefinite postponement. Those dissenting were Mrs. Wagner, Mr. Heaney and Mr. Sena. Since 5 votes are necessary for indefinite postponement, this motion did not carry.

There was a motion and a second for adjournment, and seeing no further business before this Committee, Chairman Barengo did adjourn the meeting at 9:50 a.m.

From

THE COUNCIL
OF STATE GOVERNMENTS

Executive Building 40500
Phone: (606) 252-2231

News Release

FOR RELEASE COUNSEL BUREAU
Friday, August 7, 1970 417

AUG 6 1970

HAWAII OMBUDSMAN REFLECTS ON FIRST YEAR IN OFFICE

AUDIT DIVISION
L. C. LARSEN
FEDERAL DIVISION

"The rights of a particular individual must be recognized even at the expense of community convenience when necessary," Hawaii Ombudsman Herman Doi believes.

The principle embodied in that statement has enabled Mr. Doi, the Nation's first state Ombudsman, to shoulder problems between the citizen and his Island State since his office began operating a year ago.

Mr. Doi discusses the office and the complaints he has received in an article in the Summer issue of State Government, the quarterly journal of the Council of State Governments, a joint agency of all the States.

Working with a \$103,000 budget and a precedent-setting law which gave him investigative access to state and county executive offices, the Ombudsman began taking complaints July 1, 1969. In the first six months, he received 406.

The problems ranged from a question about the method used in selecting permittees to operate lei stands at the airport to a question about the State's 120-day animal quarantine period.

"The range of complaints is as broad as the spectrum of the activities of the government," Mr. Doi notes, but generally they fall into categories of similarity such as housing, environmental pollution, personnel, public education and highway safety.

Many of the complaints can be handled with a telephone call to the agency involved while others take months of investigation, Mr. Doi says.

His extensive powers of investigation include unannounced inspection of premises and hearings with compelled attendance and production of records.

-2-

Investigation results may lead him to recommend departmental changes. And although the agency may not heed the advice, the Ombudsman has additional leverage. The matter may be taken before the Governor, to the Legislature or exposed to public scrutiny through the news media.

The Ombudsman's freedom to take such action is due not only to provisions in the law but also to the security provided by a long term of office--six years with the potential for reappointment to two more six-year terms.

The Hawaiian law provides that an Ombudsman's service can only be terminated because of neglect of duty, misconduct or disability and then only by a two-thirds vote of the legislative members sitting in joint session.

But for an Ombudsman's efforts to be ultimately successful, Mr. Doi explains, complainants must be willing "to work within established institutions to achieve change in inequities and inefficiencies that arise in the government."

Also in this issue of State Government, dual articles examine the pros and cons of "insure-yourself" or "no-fault" automobile insurance.

Minnesota Senator Jack Davies defends the proposed changes and Massachusetts Senator P. L. Pellegrini and Charles Hvass, a Minnesota lawyer, discuss the pitfalls of revisions.

(Under "insure-yourself" proposals, an accident victim would collect damages from his own insurance company regardless of who was at fault in the collision.)

The proponent of the revised insurance believes a decrease in court docket loads and a substantial savings to motorists would result from the new insurance procedures.

However, the opponents contend the suggested legislation would not produce the savings claimed and that the proposals would take away individuals' rights to punish the persons who caused their losses by taking them to court.

Together, the articles reflect extensive research into the growing concern over highway accidents and post-accident civil litigation.

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 412Amendment No. 1

On page 1, line 21 of the printed bill after "employees" insert ", and the Public Service Commission and its staff and employees"

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 2, 1975
BILL NO. S.B. 294

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Heaney Seconded By Mrs. Wagner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Polish	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Sena	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mrs. Hayes + Mr. Hickey absent.

TALLY:

ORIGINAL MOTION: Passed _____ Defeated Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 2, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 2, 1975

BILL NO. A. C. R. 35

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Lowman Seconded By Mrs. Wagner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mrs. Hayes & Mr. Hickey absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 2, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 2, 1975

BILL NO. A.B. 353

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Polish Seconded By Mr. Leeman

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Banner	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Wagner	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____

Mr. Hickey + Mrs. Hayes absent

TALLY:

ORIGINAL MOTION: Passed _____ Defeated Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 2, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 2, 1975

BILL NO. A.B. 432

MOTION: _____

Do Pass Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mrs. Wagner Seconded By Mr. Polish

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

Mrs. Hayes & Mr. Hickey absent.

TALLY:

ORIGINAL MOTION: Passed Defeated _____ Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes

April 2, 1975
Date

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA SESSION

LEGISLATION ACTION

DATE April 2, 1975

BILL NO. A.B. 412

MOTION: _____

Do Pass _____ Amend _____ Indefinitely Postpone Reconsider _____

Moved By Mr. Lowman Seconded By Mr. Banner

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved By _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	_____	_____	_____	_____	_____	_____
Heaney	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Hickey	_____	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____
Wagner	_____	<input checked="" type="checkbox"/>	_____	_____	_____	_____

Mrs. Hayes & Mr. Hickey absent.

TALLY:

ORIGINAL MOTION: Passed _____ Defeated Withdrawn _____

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 2, 1975
Date

JACK K REED
SUPERINTENDENT

425

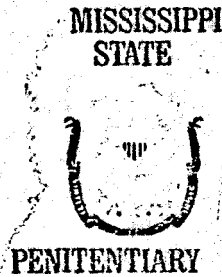
WILLIAM WHITE
LIEUTENANT GOVERNOR

R D GYMPIE
DEPUTY SUPERINTENDENT

LIBERTY CASH JR
ASSISTANT SUPERINTENDENT

JAMES T MCGLOWAN
ADMINISTRATIVE ASSISTANT

PHONE 601/745-6611
SWITCHBOARD 745-2411



RECEIVED

March 17, 1975

Ms. Vivien Topken
Legislative Counsel Bureau
Legislative Building
Carson City, Nevada 89701

Dear Ms. Topken:

I am sending you the information on our conjugal visiting program that you have requested. This report was compiled by Dr. Columbus Hopper, who has also written a book about Parchman's conjugal visitation program entitled Sex In Prison, which might be of valuable interest to you. Here at Parchman, we recently initiated our "Family Visitation Program," which allows the family of an inmate to visit and stay with the inmate a period of 72 hours (three days and two nights) in a housing facility on the prison grounds. The houses are well furnished and equipped with modern conveniences, some including televisions and stereos. In 1972, we began permitting women inmates to receive conjugal visiting privileges also, which before this time, were only accorded to male prisoners.

I hope this information will be of value to you and if you need anything else, please let us know. If you're ever in the Mississippi delta, be sure to stop in and say hello.

Sincerely yours,

Van Burnham III
Director of Public Relations
Box 133
Parchman, Mississippi 38738

§ 47-5-77

PRISONS, PAROLE, ETC.

receipt shall be sent to the chairman of the penitentiary board, the director of the commission of budget and accounting, and to the state auditor. All bills and accounts of said prison system shall be paid from appropriations made by the legislature from the general revenue fund of the state upon sworn accounts and warrants drawn by the state auditor on the state treasurer in the same manner as provided by general law. Each account shall be approved by the superintendent or, in the superintendent's absence, by the executive assistant duly appointed by him.

SOURCES: Laws, 1974, ch. 539 § 23, eff from and after passage (approved April 12, 1974).

Cross references—

As to duty of prison auditor with respect to bids, purchases, and sales, see § 47-5-35.

§ 47-5-79. How purchases to be made.

Cross references—

As to duty of prison auditor with respect to bids, purchases, and sales, see § 47-5-35.

As to purchase of supplies, etc., for farms operated on prison lands, see § 47-5-57.

§ 47-5-87. No gasoline or motor oil to be sold.

Cross references—

As to duty of prison auditor with respect to bids, purchases, and sales, see § 47-5-35.

§ 47-5-95. Governor and other officials to be admitted to places where prisoners kept and worked—visitors to penitentiary.

The governor, members of the executive and judicial departments of the state and members of the legislature, shall with the advance consent of the superintendent be admitted into the prisons, camps and other places where prisoners are kept and worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversations with the prisoners apart from all prison officials. Other persons may visit the state penitentiary under such rules and regulations as may be established by the superintendent and he shall be liable to the state on his bond for negligence in security and in an amount to be determined by the courts.

SOURCES: Laws, 1974, ch. 539 § 24, eff from and after passage (approved April 12, 1974).

§ 47-5-

There penitentiary assistant fare, the the director SOURCES: approv

§ 47-5-

The co by minute there is a special m of the me a regular chairman action or be valid ment of t least twen SOURCES: approv

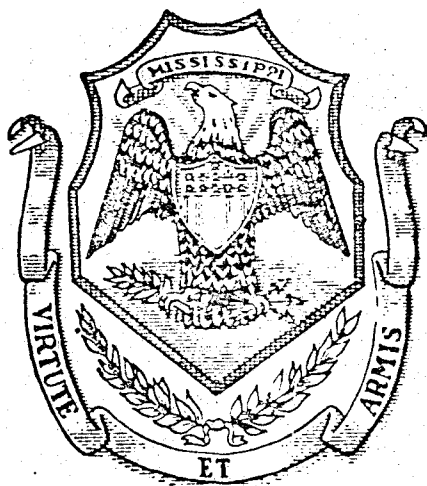
§ 47-5-

tion The co to each in the penit work duti bilitation while so consider family ba ence, inte ical exam personal above cri serve and inmate.

No clas als, and r of such a tentent,

Conjugal Visiting At The Mississippi

State Penitentiary



By Columbus B. Hopper

*Associate Professor of Sociology
University of Mississippi
University, Mississippi*

The matters of fact and of conclusion contained in this essay are based on personal research conducted by Professor Hopper at The Mississippi State Penitentiary during September 1963 to April 1964.

CONJUGAL VISITING AT THE MISSISSIPPI
STATE PENITENTIARY

By Columbus B. Hopper
Associate Professor of Sociology,
University of Mississippi

Since conjugal visiting is a controversial subject, generally disfavored in American penal practice, it is important that penal administrators and others interested in corrections have an understanding of the way the practice developed and operates in Mississippi. The purpose of this article, then, is to describe and discuss briefly the unusual practice of conjugal visiting at The Mississippi State Penitentiary. It is based on specific research I carried out at the penitentiary during September 1963 to April 1964.

The Mississippi State Penitentiary consists of 21,000 acres of delta plantation land. The central plantation and the offices of administration are located at Parchman in Sunflower County in the Yazoo-Mississippi Delta. Parchman, as the institution is called, is one of the world's largest penal farm or plantation systems. Since it is a plantation system, the buildings and other facilities differ from those at most state prisons in the United States. The buildings are of many different types; administrative, hospital, barns, storehouses, cotton gin, equipment sheds, and repair shops. Other large buildings are found in the 16 inmate camps which form the basic organizational structure of the penitentiary.

Each camp at Parchman is a separate community within the plantation, under a sergeant responsible for all phases of the camp's operation. An individual camp consists primarily of a large rectangular building for the detention of the inmates. The buildings made of brick, are built and maintained by prison labor. The one story camp buildings are designed so that on an average 60 inmates may be housed in one wing. In each wing there are no partitions or cells separating the prisoners; they are housed in congregate quarters with elec-

tric lights, running water, showers and toilet facilities. Some of the camp buildings are surrounded by wire fences; most are not. The inmates sleep in beds arranged in the pattern of a military barracks. Each wing is ventilated by about 10 windows covered by bars. A hall, dividing the wings of each camp building leads to a central dining room, which also serves as an education and recreational room where movies are shown once every 2 weeks. A kitchen, where inmates assigned as cooks prepare food under the supervision of the prison dietician, is connected with each dining room. Each camp has a concession stand and wing a television set which inmates may watch in their spare time. The number of inmates housed in a single camp is never large. While one or two confine 200 inmates, a few have less than 100, and two less than 50. The camps are segregated for the white and Negro races. Generally, a total of approximately 2,100 inmates are confined in all the camps combined.

The institution is a productive plantation, not only producing all clothing and food used by inmates, but sometimes also showing a profit on its products. The work of the plantation is allotted by camp and varies somewhat with the season of the year. The work may be planting, gathering, canning slaughtering beef or hogs, or whatever chore may be most urgently needed at any particular time. Since cotton is the major crop grown, much of the work for the inmates, especially in the fall, centers around the production of this crop. Although cotton is the chief source of income for the institution, income is also derived from the sale of other crops as well as livestock.

During the period from July 1, 1961, to June 30 1962, the total cash receipts for the penitentiary products were \$2,027,619 while the total expenses for the same period were \$2,502,642. Although largely self-supporting, the institution is financed by the State and all profits of the penitentiary are turned into the State Treasury.

GENERAL VISITATION PROGRAM

A distinguishing feature of the penitentiary in Mississippi is its visitation program. Parchman apparently has the most liberal visitation program of any state penitentiary in The United States. The institution not only emphasizes bringing visitors into the prison, but also allows the inmates to keep in contact with their families by leaving the prison themselves. A survey carried out in 1956 indicates Parchman was the only prison among 47 surveyed which permitted inmates to make home leaves for other than reasons of emergency. Under the existing leave program at Parchman, called the "Holiday Suspension Program," each year from December 1 until March 1, selected inmates who have been at the penitentiary at least 3 years with good behavior records may go home for a period of 10 days. During 1963, out of 275 inmates released on holiday suspension, only 3 did not return voluntarily.

All visiting by the inmates' families occurs on Sunday afternoons; inmates may receive visits from their families each Sunday. Although visiting hours do not begin until 10 o'clock until 5 o'clock. The third Sunday is called "Big Sunday" because of the longer visiting hours; this is the time when the largest number of visitors come. On a "Big Sunday" there may be as many as 300 or more visitors.

While waiting for the visiting hours to start the visitors wait in their cars parked on the side of the highway in front of the administration building. As the visiting hours draw near, they drive to the main entrance and clear themselves with a guard. After a brief inspection of the car, consisting usually of the guard's looking into the car and recording the license plate, the visitors drive by the administration building; past the hospital, and out on the plantation to the camp that houses the inmates they wish to visit.

On arrival at the camp the visitors must undergo another inspection by the camp sergeant or the guard on duty at the entrance of the camp grounds. This inspection is more rigid than the inspection at the main entrance, particularly if it is the first time a visitor has appeared at the camp. The visitors must identify themselves, and if requested, submit to being searched. The guard looks into the car trunk and records the visitors' names. If the visiting hours have begun, he admits them into the camp area, and informs the inmate concerned that he has a visitor or visitors. The inmate then is allowed to come out of the camp building unguarded, receive his visitors and visit with them anywhere within the camp area.

The grounds around each camp building are extensive enough to allow inmates and their visitors room enough to be by themselves, considerably removed from any other inmates or staff members. The penitentiary provides tables and benches for inmates and their visitors. When the weather is warm, the grounds around a camp building, although less crowded, look somewhat like a city park on a Sunday afternoon. People sit on blankets eating picnic lunches; others sit on benches in the shade of trees, while others walk around. Viewers may even see a boy and his father having a game of catch with a baseball, or children playing by themselves on swings or slides.

The penitentiary allows all members of an inmates family to visit with him, except in the case where a member of the family had at one time been incarcerated in Parchman. Since released inmates are not allowed to return for visits to any other inmates, a member of ones own family may not visit if the member himself has formerly been an inmate. Otherwise, however, members of an inmates family are allowed to visit him every week if they desire. For the married male inmate, the visiting freedom means that he may see his wife in private. And he may go with her into a private room, all alone, in a little building on the camp grounds and have coitus. Parchman is the only penal institution in The United States which has publicly announced

such a practice. The conjugal visit is considered to be a part of the family visitation and home visitation programs. The family visit is emphasized at Parchman, and the conjugal visit is believed to be a logical part of the visiting program.

INFORMAL DEVELOPMENT OF CONJUGAL VISITS

The conjugal visiting privilege has developed informally in The Mississippi State Penitentiary, and it is still best described as an informal, unofficial practice. That is to say, the beginning of the practice may not be determined from the existing penitentiary records and that it still does not have legal notice or control. In fact, until the last camp was built, funds were not allocated for the program. Records are still not kept as to whether an inmate uses the privilege, nor does an inmate have to make application for it or hold a particular grade as an inmate.

At the time of this study no employee at Parchman remembered when the penitentiary did not allow conjugal visits. Most of the employees believed that the practice had been in existence since the penitentiary was first opened at its present location in 1900. One man who has been employed intermittently at the penitentiary for over 36 years and who lived near the penitentiary and has had knowledge of it even before his employment-----said that the privilege was allowed to his own knowledge as long ago as 1918.

While the practice has apparently been in existence for many years, it has only recently developed into a somewhat systematic program, and especially since it has begun to get publicity. In earlier days of conjugal visiting at Parchman the practice was confined largely to the Negro camps. Moreover, there was little or no institutional control over the privilege. A sergeant of a Negro camp said, for example, that when he became sergeant of his camp in 1940, conjugal visiting was being practiced but no facilities were provided. The usual practice, he added, was for an inmate to take his wife or girlfriend into the sleeping

quarters of the inmates and secure whatever privacy he could by hanging up blankets over beds. Upon gaining control of his camp the sergeant allowed the inmates to construct a small building for their own conjugal visits. He has continued to allow the inmates in their spare time to construct such buildings or add to them. At the time of this study, his camp had three separate conjugal visiting houses, each containing several rooms.

The buildings used for the conjugal visits are referred to by the inmates and staff as "red houses." No employees contacted at Parchman remembered the origin of this term. Apparently the first building provided for the visits was red in color, and inmates talking about it spoke of it as the red building or house. Most of the existing red houses are simple frame buildings with about five or six rooms, although some have as many as 10. The rooms are small and sparsely furnished; in each there is only a bed, a table and in some a mirror. A bathroom which the wives may use is located in each building.

Since the red houses have been built in an unsystematic and unplanned manner, through accommodative relationships between the individual camp sergeants and his inmates, they are not standard in appearance. Nor do they have the quality of workmanship found in the other penitentiary buildings. They do not, on the average, present an attractive or even presentable appearance. Their condition, however, has begun to show some improvement in the past few years.

Each camp sergeant usually referred to some feature of the red house in his camp to which he had contributed in its development. One mentioned having put a new roof on his red house; others spoke of painting, adding new rooms, or acquiring new furnishings for the rooms.

The only conjugal visiting facilities at Parchman planned and specifically provided by the penitentiary are those at the first offenders camp, opened in 1963. The planning and institutional construction of the conjugal visiting facilities at

this camp denote a significant point in the development of conjugal visiting at Parchman; they represent institutional acceptance of the conjugal visit as an important phase of the general visitation program. In this camp the red house was included in the camp plan from the beginning, and it is made from the same red brick and other materials as the main camp building itself. The main camp building is joined on one side by a chapel, and a few yards away in the back of the two is the red house. The rooms in this red house are larger than the ones in the other buildings. They are also more attractively designed, furnished and decorated.

EVALUATIONS BY CAMP SERGEANTS

In attempting to obtain the most meaningful evaluation of the program by the institutional staff attention was directed to the camp sergeants. The position of the camp sergeants is one which requires the individual to have constant association with the inmates. He lives a very short distance from the camp building and is, in fact, on duty 24 hours a day. The average sergeant spends at least 12 hours a day with his inmates. He knows each inmate personally, his hometown or community, and other members of his family. It is the sergeant's duty to censor the mail of each inmate, that which he writes as well as that which he receives. All disturbances and problems among the inmates come to the sergeant's attention, and are usually settled by him. If an inmate has a problem he takes it to his sergeant.

Furthermore, when a member of an inmate's family comes to the penitentiary with a problem concerning an inmate, he is referred first to the camp sergeant. Consequently, the camp sergeants come to know which inmates do and do not have the visits. Inquiries dealing with the staff member's evaluations of the influence of the conjugal visiting programs were directed, therefore to the sergeants of the 14 camps which have conjugal vis-

iting privileges.

Each camp sergeant was asked questions relating to the homosexuality, discipline, work, and cooperation of his inmates. Each was also asked what if any problems had developed relating to the conjugal visits, and what changes he would like to see made in the program as it was being practiced. The first question concerned the extent of homosexuality in their camps. While it is impossible for a camp sergeant to have accurate knowledge of such behavior, the sergeants were asked on the basis of incidents of it coming to their knowledge, to rate homosexuality in their camps as a very big problem; definitely a problem; a small problem; or a very small problem. Of the 14 sergeants, one rated homosexuality a very big problem; six considered it definitely a problem; five said it was a small problem, while two considered it to be only a very small problem.

When asked to compare the extent of homosexuality among their inmates who had conjugal visits with that of those who did not, all said those receiving the visits engaged much less. The remaining three said inmates receiving conjugal visits engaged in a little less all agreed that those receiving the visits engaged in less homosexuality.

In comparing disciplinary problems presented by inmates, six said they could tell no difference in this regard. Four said that those receiving conjugal visits gave them much less trouble, and four said that they gave a little less trouble.

When asked to compare the willingness to work of their inmates, five believed those receiving conjugal visits were much better in this respect. An additional five said those receiving conjugal visits were a little better workers while four said they could tell no difference. All the others however, stated that they could definitely say those receiving conjugal visits were more cooperative.

The sergeants were also asked what they believed to be the most helpful aspect of the conjugal visiting program. One said the work of the inmates was the most importantly influence in his judge-

ment; four felt the visits were most helpful in producing cooperative attitudes in general among the inmates while two others suggested the reduction of homosexual behavior. Seven of the camp sergeants, however, believed the most important aspect and chief purpose of the visits was to keep marriages from breaking up.

When asked if the program caused any extra work for them, 12 of the 14 asserted that it did not. They said, rather, that they had to be on the job all the time anyway. On the other hand, one believed that the practice actually saved him work in some instances. The freedom of the visiting privileges in general, he added, kept the prisoners' and other members of the family from worrying so much and making inquiries about them. When an inmate and his wife can see each other in private--talk freely, and even have intercourse--he said, they do not have to come to him often for help or information. Speaking of this he said:

"Most problems the inmates have are concerned with worry about their families. And most people who come to the penitentiary are concerned about how the inmate is getting along, how his health is and so on. The best thing I can do is allow them to see each other and judge for themselves. A common thing in prison is for a married man to worry about his wife, whether or not she still loves him and is faithful to him. One visit in private is better than a hundred letters because he can judge for himself."

Two sergeants of Negro camps, however, indicated that the program caused them extra work in ascertaining whether a woman was the wife of an inmate. Although the sergeants of the white camps said they did not allow a woman to visit an inmate unless she had official proof of their marriage, the Negro camps still present problems in this respect. Since many Negro inmates in Mississippi have common-law marriages, which the penitentiary wishes to respect, the sergeants have to question

the female visitors and try to determine whether the visitor and the inmate have actually been living as a married couple. Often, one said he checked with one or two people in the inmate's home community as additional proof of marriage. While he admitted that several of his inmates probably received visits from women to whom they were not married, even by common law, he did not believe that many of his inmates did so because most of the women who visited also brought their children with them.

The other camp sergeant who spoke of problems involved in screening out the unmarried female visitors said that on at least one occasion, to his knowledge, a prostitute had slipped by his screening and spread venereal disease among several inmates. He also mentioned that several wives had become pregnant. He did not say that the wives becoming pregnant had caused any trouble at the penitentiary, but mentioned it as a problem associated with conjugal visiting.

All of the sergeants of camps having conjugal visits said that the facilities provided should be improved. Not a single sergeant rated his red house as being in satisfactory condition. Even with neglected facilities, however, all sergeants enthusiastically supported the program as being of basic importance in their camps. Each believed that the program should be continued, in general, as it was being practiced. The changes they felt would be desirable related to the adequacy of the buildings. All said that they needed large and more attractive red houses which would afford more privacy and a more pleasant atmosphere.

Except for the two who complained of the work the problems involved in screening wives, the sergeants felt that the informal administration would curtail the freedom and privacy of the visits which they believed to be the most important aspects of them.

INMATE OPINION

A question of importance concerning conjugal

visiting is: "How do the single inmates feel about married inmates having the conjugal visiting privilege?" Since the program of conjugal visiting is intended only for married inmates, it is a categorical privilege which the majority of inmates do not have. It might be, for example, that the unmarried men in the institution feel that the penitentiary is unfair in its treatment of the inmates. If this were the case then one would expect that a program of conjugal visiting would, as some writers suggest, cause more tension and conflict than it would reduce. To obtain some indication of this problem, a questionnaire was submitted to a total of 1,600 inmates. Of this number, 822 were unmarried and not receiving conjugal visits; 464 were married and receiving conjugal visits; while the remaining 314 were married but were not receiving conjugal visit.

An item in the questionnaire was directed to the unmarried inmates and stated as follow: "If you are unmarried, do you resent married inmates having the conjugal visiting privilege?" The possible answers were: "yes," "very much," "yes," "a little," and "no." The response indicated that the great majority of unmarried inmates did not feel resentment over the privilege being granted to married men. Of the 822 unmarried inmates responding to the question, 737, or 89.6 percent, answered that they felt no resentment; a total of 85 inmates, however, did report resentment, 58 replying "very much" and 27 replying that they felt a little resentment.

The fact that nearly 9 out of every 10 unmarried inmates did not indicate resentment suggests that for most inmates a pattern of relative deprivation operates within the institution in regard to conjugal visits. Apparently most unmarried inmates identify with other unmarried inmates and view a married inmate and his wife very nearly in the same way unmarried individuals do in a free community. Of several unmarried inmates talked to by the researcher, not one said he felt any resentment toward the staff or other inmates concerning the visits.

Since the embarrassment associated with and the obviousness of sex in conjugal visits have been objections to the practice, two items in the questionnaire were directed to these aspects. Of inmates who received conjugal visits, the following question was asked: "If you engage in conjugal visiting, has any other inmate ever acted in any way disrespectful to your wife?" Of 462 inmates answering this question, only 18, or 3.9 percent, replied in the affirmative. When asked if the visits were embarrassing to them, 42, or 9.1 percent replied in the affirmative. When asked if they believed the conjugal visits were embarrassing to their wives, however, 87, or 18.3 percent, answered that the visits were embarrassing to their wives.

The inmates who received conjugal visits were also asked to choose from among several items the one for which they believed the conjugal visits to be most helpful. The items from which they had to choose were as follows: Keeping marriages from breaking up; reducing homosexuality; making inmates more cooperative; helping rehabilitate inmates; making inmates easier to control; or making inmates work harder. As a final choice, the inmates could choose to mark that the visits were helpful for all the above equally. As may be seen in the table which follows, of the 464 inmates responding to the question, 234 believed that conjugal visits were most helpful in keeping marriages from breaking up. It is interesting to note that the inmates, as did the sergeants, ranked the preservation of marriages as the most important function of conjugal visiting.

The majority of the inmates using the conjugal visiting privilege did not believe that the facilities provided for the visits were in satisfactory condition. When asked to rate the buildings provided for the visits, only 152 out of 464, or 32.7 percent, rated them as being in satisfactory condition. Most of the inmates talked to about the red houses complained that the rooms were too small and that the buildings were in need of repairs.

IMPORTANCE OF SMALL CAMPS

The fact that so few inmates reported embarrassment and so few problems have been encountered despite neglected facilities, is perhaps best explained by the small size of the inmate camps and the informality and freedom small numbers allow. In an inmate camp at Parchman housing only 150 men the number of visitors coming on a single day is never large. It is easier to evolve and maintain a working system of interpersonal relations, generally, when numbers are small. In conjugal visiting, small numbers are basic, for sex activities are the most delicate of human activities.

Although the practice of conjugal visiting at Parchman has begun to be recognized, institutionally supported program, informality is still stressed in its operation. Inmates are not specifically encouraged or discouraged to use the privilege. They simply use the privilege if they wish to do so. The wives are not informed officially that they are allowed to make conjugal visits. The individual inmate is responsible for answering any questions his wife may have about the privilege.

RATING OF THE HELPFULNESS OF CONJUGAL VISITS, BY INMATES RECEIVING CONJUGAL VISITS

For which of the following do you believe conjugal visits to be most helpful?	NUMBER	PERCENT OF TOTAL
TOTAL	464	100.0
Keeping marriages from breaking up	234	50.4
Reducing homosexuality	75	16.2
Making inmates more cooperative	19	4.1
Making inmates easier to control	39	8.4
Making inmates work harder	10	2.2
Helpful for all equally	68	14.6

The penitentiary provides no contraceptive devices for the inmates nor does it require their

use. If an inmate and his wife wish to use a contraceptive the wife must provide them.

The freedom and informality of conjugal visiting at Parchman are further revealed by the fact that the inmates themselves are responsible for the orderly operation of the red houses and for cooperation in the use of them. No time limit is imposed by the staff of the institution on the time an inmate and his wife may stay in the red house. The inmates are left to use their own judgement. They know how many inmates have wives visiting on a single day, and know that when there are fewer visitors they may stay longer in the red house. In camps having a fairly large number of men receiving conjugal visits, systems have been worked out by the inmates to avoid embarrassment in determining whether a room in the red house is being used. The usual procedure is to erect a board in front of the building that indicates which rooms are empty and are not empty. Each room is numbered and its number is written on a piece of wood or some other material suitable for a marker. A string or chain is then attached to the marker and it is hung on the board. Before an inmate and his wife go into the building, they select a room, remove the marker from the board, and take it with them into the room. An inmate may thus determine whether the red house has rooms available simply by walking by the board. This procedure helps prevent embarrassment arising over such things as knocking on doors, standing in line, and other such incidents likely to be of concern.

In leaving the inmates alone without formal rules and regulations, the penitentiary has forced the inmates to cooperate with each other if they are to have the conjugal visiting privilege. Thus the inmates cooperate in several ways. By informal agreement, married inmates whose wives are visiting are left to themselves in one area of the camp grounds. Inmates not having wives or whose wives do not visit, do not go near the areas in which the red houses are located. Inmates often cooperate by attending to or watching the children of a couple in the red house. Above all, the inmates cooperate by being respectful and courteous to each

other's wives.

The conjugal visit at Parchman is not a privilege granted specifically for good behavior. The inmates in the maximum security unit do not have the privilege nor do women inmates have it. All married in the other camps, however, have the privilege. While the privilege is not granted for good behavior within an individual camp, inmates whose behavior presents a persistent problems are often moved to the maximum security camp for a few days. If an inmate attempts to escape, refuses to work, or attacks a guard or another inmate, he will generally be placed in a cell in the maximum security unit until he indicates that he is willing to abide by the farm camp rules. Actually, very few inmates are removed from the regular camps for disciplinary reasons. In October 1963, for example, there were only 13 inmates confined in maximum security, and two of the were on "death row" awaiting execution dates.

The attitude of the staff at Parchman toward conjugal visiting is that a man and his wife have the right to sexual intercourse, even though the man is in prison. Inmates are eligible to receive conjugal visits upon commitment as soon as they are assigned to a camp. No special counseling is given to an inmate using the privilege nor is any extra requirement made of him. He is like any other inmate except that he and his wife take part in the conjugal visiting program.

If a married inmate at Parchman does not use the privilege, it is generally because his wife does not live close enough to visit him, he and his wife are not getting along well, or they simply do not choose to do so. Most married inmates not using the privilege or using it rarely fall into the first category. These are the inmates whose wives live at such a distance that visiting is expensive and time-consuming. Since many wives work, if they live two hundred miles or more from the penitentiary, a visit generally means travelling overnight and considerable expense as well as a lose of a day's work.

The second reason why a married inmate may not use the conjugal visiting privilege is because he

and his wife were not getting along well before his incarceration. Inmates serving a sentence for non-support, for example, are usually in this category. A few inmates also told me that their wives engaged in conjugal visiting on their first incarceration, but that on their second commitment they did not.

Other inmates do not use the privilege because they or their wives do not wish to do so. This may be because children or parents and other members of the family always come with the wife to visit, or it may be because they are embarrassed by the poor facilities generally available. At any rate, when married inmates do not use the conjugal visiting privilege, it is not because they are different in their offenses or general conduct within the prison.

CONCLUSION

The development of conjugal visiting in the Mississippi State Penitentiary has not been due so much to the individuals or the officials involved as to the social and physical organization of the penitentiary itself. It is believed there are general and specific features of the structure and organization of the penitentiary in Mississippi especially amenable to its development. The features believed to be important in its development are: rural environment in which the penitentiary is located, the plantation life the penitentiary follows, the small semi-isolated camp organization of the institution, the economic motives of the penitentiary, and the organization of the Negro white races within the prison.

The conjugal visit in Mississippi seems, above all, a manifestation of the rural emphasis on the stable family. Mississippians are, and always have been, a rural people. Although the percentage of people living in urban areas in Mississippi has been increasing, the rate has been slow. The census of the population in 1960 showed that only 37.7 percent of all Mississippians lived in urban places. Until 1950 more than 80.0 percent of the people in Mississippi lived in rural communities.

The influence of the rural environment upon marital and family relationships is well known, and the stability of the rural family is a widely accepted fact. As a union of husband and wife, parents and children, the rural family is much more closely integrated and more permanent than the urban family, and in comparison with other social institutions, the role of the family is much more important in the country than in the city. A prison in a rural culture in which both the staff and inmates have a high regard for the stability of marriage is more likely to make efforts to safeguard a marriage even though the husband is imprisoned than a prison in an urban setting.

Not only does the penitentiary allow wives to visit husbands, but it also allows all members of the family to visit and allows the family to visit as a group in private. The high regard in which rural Mississippians holds the family has not only been a factor in the development and operation of conjugal visiting within the prison, but also is important in making the practice acceptable to the general public and officials of the state. The fact that the practice of conjugal visiting is believed to help in keeping marriages and families from breaking up helps the people of Mississippi not only accept the practice but also gives them pride in it.

The small semi-isolated camp structure was favorable to the development of conjugal visiting in part because it simply increased the probability of its development. Instead of being one big central prison, Parchman is several different prison camps, most of them separated by several miles. More importantly, however, the small number of inmates housed in each camp reduces security precautions a great deal. It also allows a camp sergeant to know his inmates well and to develop primary relationships with them. The fact that a sergeant knows an individual inmate and his wife is very helpful for the conjugal visit for it means less formality in the reception of wives and in security precautions. The small camps present wives with a less rigid and more informal situation than would a large prison. As a result they are able to relax and are not constantly reminded of the pri-

son setting of the visit. Such an atmosphere allows wives to keep their self-respect and to have the feeling that the visit has been a private one.

Since segregation of the races is a general feature of the social organization of the State of Mississippi, the functioning of the conjugal visiting program at Parchman is also dependent upon the segregation of the Negro and white races within the penitentiary. While this factor might be of no importance in a prison in a state having successful integration of the races generally, there can be little doubt of its significance in Mississippi. Segregation of the Negro and white races in Parchman precludes the conflict of the races in the most carefully guarded aspect of their interaction--that of sexual behavior.

The fact that conjugal visiting in Mississippi developed in an unofficial, unplanned manner as an accomodative adjustment does not necessarily mean that it is undesirable; it merely shows the magnitude of the problem of sexual adjustment in penal institutions. It is to be expected that penal institutions will, when the relationship between the inmates and the staff becomes accomodative or cooperative, for whatever motivation, turn attention to the sexual problems of the inmates. The practice of conjugal visiting at Parchman reveals such relationships. With adequate facilities, careful selection, and appropriate counsel, it is possible that the conjugal visiting program in Mississippi could be developed into one of the most enlightened programs in modern corrections.

Conjugal visiting was initiated for the women inmates in July of 1972. A pullman railroad car was donated to the Prison to be used as their "red house" and it was christened "Lady Champagne". The car is divided into 14 compartments and the inmates are responsible for its up-keep and cleanliness. This program is under the supervision of the Sunflower County Health Department and birth control practices are used. To participate an inmate must show proof of marriage. There are approximately seventy women incarcerated at the Mississippi State Penitentiary, twenty six percent are married and approximately 44% of these participate in the program.

Some of the mens camps have modern and up-to-date units resembling a hotel unit, consisting of a bedroom and bath. The cost of maintaining the units is very little, since the inmates take care of the up-keep and care of the facility. Plans have been drawn up for new units with ten and/or twelve rooms per unit at a cost of approximately \$5,000. The inmate construction crews will be used to construct these units.

The Family Visitation Program has recently swung into action at the Mississippi State Penitentiary at Parchman. On December 24, 1974, the program was implemented into the rehabilitation program in an effort to build and strengthen the family relationship of the prisoner. It is basically a simple program with a simple plan - to bring the family of the prisoner to the Penitentiary for an extended visit with the inmate. Upon arrival at Parchman, the family will move into the housing unit designated for this program and will stay for approximately three days and two nights (72 hours). The housing units used for this program consist of old abandoned houses on the prison grounds that have been renovated for occupancy. These houses are partially furnished by donations from the prisoner's family and also by contributions from various furniture stores in the surrounding area. At the present time, there are three units in operation with future plans to expand to five such units. Certain criteria is used in selecting the inmates for participation and the family must adhere to the rules of the institution while on the grounds. Needless to say, this program has been well received and is certainly good for the morale of the inmate and his family.

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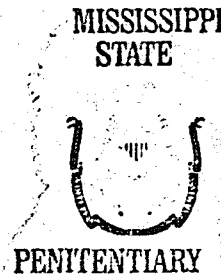
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PARCHMAN, MISSISSIPPI 38738

March 17, 1975

Ms. Vivien Topken
Legislative Counsel Bureau
Legislative Building
Carson City, Nevada 89701

Dear Ms. Topken:

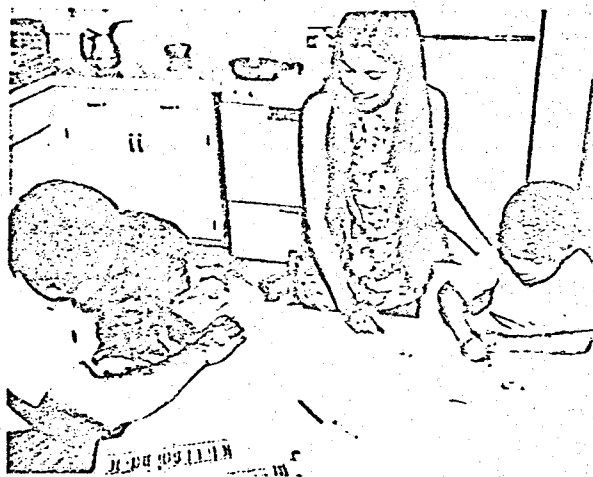
I am sending you the information on our conjugal visiting program that you have requested. This report was compiled by Dr. Columbus Hopper, who has also written a book about Parchman's conjugal visitation program entitled Sex In Prison, which might be of valuable interest to you. Here at Parchman, we recently initiated our "Family Visitation Program," which allows the family of an inmate to visit and stay with the inmate a period of 72 hours (three days and two nights) in a housing facility on the prison grounds. The houses are well furnished and equipped with modern conveniences, some including televisions and stereos. In 1972, we began permitting women inmates to receive conjugal visiting privileges also, which before this time, were only accorded to male prisoners.

I hope this information will be of value to you and if you need anything else, please let us know. If you're ever in the Mississippi delta, be sure to stop in and say hello.

Sincerely yours,

Van Burnham III
Director of Public Relations
Box 133
Parchman, Mississippi 38738

FAMILY VISITING



California

Department of
Corrections

California's program of Family Visiting for prison inmates is the nation's largest. It differs in important ways from the traditional concept of conjugal visits in prison.

The idea of private visits by wives of inmates was long a subject of discussion and controversy among the nation's prison authorities. California's Department of Corrections had studied the possibility of conjugal visits during the mid-1960's, but no action resulted.

The idea got the impetus it needed in 1968, however, when the then governor suggested to department officials that they should give it a try.

A pilot program of family visiting started in July 1968 at one department institution, the California Correctional Institution, Tehachapi.

Family barbecue at
San Quentin



What Evolved

The Tehachapi program attracted attention from the nation's prison authorities. It set the pattern for similar programs which were to be initiated later at the state's 11 remaining prisons. It turned out to be an unqualified success.

The Tehachapi program was started in two attractively furnished cottages, buildings no longer used as staff housing. A lawn and playground equipment were placed in the back yards. Visits of up to two days were permitted for legal wives, children, parents and other immediate family members.

Fully equipped kitchens made it possible for visitors to bring along food and prepare favorite dishes, as they might at home.

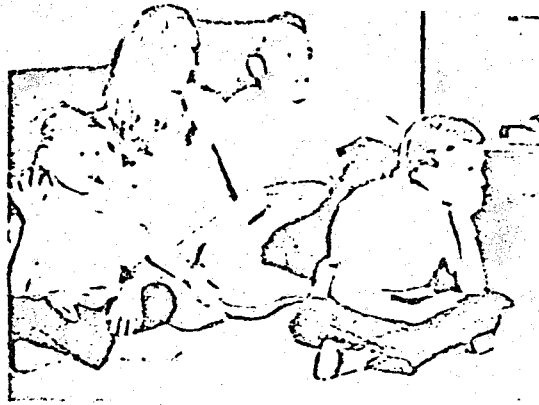
Family visiting started without special funding by the legislature.

The Tehachapi program did not place emphasis on providing a sexual outlet. It was not viewed primarily as a force against prison homosexuality, a chronic problem in confinement facilities.

Instead, the program was regarded as an attempt to help inmates retain family ties which might sustain them following release from prison. There was a serious determination to conduct the program in an atmosphere of dignity.

Most family visiting units have kitchens. This wife brought foodstuffs not usually available in prison dining halls.





Family visiting gives this man and wife, and their two sons, a chance to watch television together.

Current Program

The pilot program at Tehachapi was judged a success in a department evaluation in early 1971. Other institutions were instructed to start the program, but again without adding money to the state budget.

Family visiting gradually emerged as a statewide correctional program via some ingenious improvising and scrounging by both staff and inmates. At one institution the lumber from an old barn was salvaged and used to provide an attractive modified A-frame structure. Other institutions obtained and remodeled used mobile homes. Former staff housing units were repaired and spruced up. Citizens donated furniture and other items. Inmates contributed many hours of volunteer labor.

Generally, about half of the state's 19,500 inmates are now eligible for visiting. However, eligibility varies according to the security of the institution and the location of the visiting units.

Inmates have cooperated to prevent serious problems in the family visiting program—and even family squabbles have been held to a minimum. Institution officials and department administrators receive many sincere letters from inmates and their families expressing appreciation for the program.

By mid-1974 all department institutions had developed family visiting units, and it was estimated that there would be some 6,000 family visits during the year.

Health and Welfare Agency
DEPARTMENT OF CORRECTIONS
Sacramento, California

Staff will not eavesdrop on an interview between the inmate and the attorney. Any document proposed to be exchanged between the inmate and the attorney may be inspected by an institutional employee to ascertain that the content does not include objects of contraband. The inspecting employee will perform the inspection by holding and shaking out the document, but must not read any part of the document.

N. Inmates Confined to Special Housing

Attorneys' visits with inmates who are confined to special housing facilities may be limited to regular visiting hours and subject to scheduling in accordance with the availability of the staff and facilities. Only in extreme emergencies should such visits be permitted outside regular visiting hours, and such emergency visits must, in all cases, be approved by the Administrative Officer of the Day.

O. Court Order Witness Interviews

The attorney of record representing an inmate defendant in a prison felony offense may interview designated witnesses pursuant to a court order based on proof as to the materiality of the testimony of the witnesses.

California

PART IV - FAMILY VISITING PROGRAM

The Rules and Regulations of the Director of Corrections are to be followed. They are as follows:

- A. DP-2700 Family Visiting. Each institution will provide suitable facilities for and operate a family visiting program. Visitations will be limited to the inmate's legal spouse and/or members of his or her immediate family. The program will be extended to as many inmates as possible commensurate with security requirements, and will be administered equitably for all participating inmates.
- B. Available Facilities
1. Apartments
For Minimum-B inmates and their families, there are 4 units consisting of two 1-bedroom apartments and two 2-bedroom apartments, with additional sofa-bed furniture, to accommodate four to six people. These units also contain bathrooms, kitchen and dinette, and adequate fenced-in yard so that children may have recreation space. These units are located at the West Facility.
 2. Mobile Homes
For those inmates and their families who cannot qualify for the apartment units, accommodations consist of four mobile homes, completely equipped to sleep four people. Within these units most standard household items are available to allow participants to prepare meals and to maintain their own quarters. These mobile home units are located inside the East Facility security fence.
- C. Hours of Visit

These inmates eligible for participation in the Family Visiting Program may spend a maximum of two days and two nights (43 hours) with their

guests. Each visit begins at 3 PM on the first day and can extend to 10 AM on the third day.

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D. Visitor Eligibility

1. Apartment
Legal spouse and children, mother, father, brothers, sisters and spouses of each.
2. Mobile Home
Legal spouse, children, mother and father. Space limitations will restrict mobile home visits to no more than 3 guests for any one visit.

E. Inmate Eligibility for Program

1. Each inmate must be in compliance with prescribed institutional programs.
2. Each inmate must have 90 days without a disciplinary action, 6 months without a serious infraction.
3. Any records of smuggling contraband into the institution will be carefully evaluated.
4. While there is no mandatory waiting period for the minimum custody apartments, those inmates utilizing the inside units must not have had a previous visit for 120 days.
5. Inmates within 90 days of release will not normally be considered for this program due to their eligibility for Temporary Community Release, and/or advance of release date.
6. Proof of marriage may be required.
7. Each applicant for the outside visiting units must have Minimum-B custody. All other applicants will be considered for the inside visiting units.
8. Men designated Minimum-B "R" custody are eligible, subject to the approval of the Associate Superintendent, Special Services.

F. Application

Forms are available at the East Facility quad offices and at each Section Office at the West Facility. Inmates who are desirous of participating in the program will submit a completed application form to their Program Administrator or Correctional Captain if housed at the West Facility. The Administrator will make recommendations and forward the request to the Associate Superintendent, Inmate Services, for final decision. He will notify the inmate of the scheduled approved visit.

Applications which are disapproved will be returned to the inmate by the appropriate Program Administrator or West Facility Captain along with a written statement as to the reason for the disapproval.

Appeal of the disapproval may be made in accordance with General Order No. 28, Institutional Appeal Procedure.

The inmate should indicate a preferred visiting date; however, an alternate date should also be made in the event his original choice has been filled. 455

It is the inmate's responsibility to notify his visitors of the approved scheduled visiting date.

G. Cancellations

When, after being approved, an inmate is found guilty of a disciplinary infraction, the Program Administrator (or Correctional Captain - West) will have the man's name removed from the approved list and reapplication may be made when he is again eligible. The Program Administrator (or Correctional Captain - West) will notify the Family Visiting Coordinator and the inmate, instructing him to notify his visitors immediately.

If a disciplinary report has not been adjudicated by the time of his scheduled visit, the Program Administrator (or Correctional Captain - West) assigned will decide if the visit will be permitted, pending Disciplinary Committee or Disciplinary Court hearing.

When the inmate learns that his visitors will not be present, he is to notify his Program Administrator (or Correctional Captain - West), who will notify the Family Visiting Coordinator. The latter will schedule substitutes or notify the Program Administrators (or Correctional Captain - West) of the existing vacancy.

H. Standby List

The standby list is made up of approved Family Visiting Program participants and will be rotated. This list is to be used to fill last-minute cancellations and is composed of those whose family can participate on a moment's notice. When requesting this list, inmates should write "Standby List" on their applications. The inmate and visitors will be notified by phone.

I. Counseling Service

Upon request, the assigned Counselor will provide marital-type counseling service. These requests can be made to the Counselor prior to the visit or through the Entrance Building Sergeant between 8 AM and 4:30 PM, weekdays only.

J. Count Procedure

Inmates in the Family Visiting Programs must report to the roadway in front of the unit and be counted at these times: 4:30 PM, 9 PM, 8 AM, and 11:40 AM. An alarm clock will also be provided in each visiting unit.

Should an inmate fail to appear for count at the prescribed times at the West Facility, the Sergeant will telephone the visiting unit and at the East Facility the Tower Officer will advise the inmate concerned to report for count. This will always be done prior to a staff person's entering a visiting unit, as inmate-visitor privacy is considered paramount.

K. Family Visiting Gate Procedure

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Inmate

The inmate will be processed through the Visiting Room of his facility, the same as for regular visits. He will bring an itemized list of those articles to be taken with him, Family Visit Inventory List, CMC-EF-ASC-09, and the list must be verified upon return from visits.

Guests

All visiting guests will report to the East Facility Entrance Building. From there they will be escorted to the appropriate accommodations.

L. Cleaning, Maintenance and Search

When an apartment is vacated at 10 AM, an assigned officer will have the responsibility of verifying that the last occupants left the unit clean and that the inventory is correct. Cleanliness deficiencies will be corrected by the last inmate occupant. Maintenance work on the buildings, lawn mowing and watering in nearby areas will be done only during the vacancy hours of 10 AM to 3 PM.

No surprise search will be made of the Family Visiting units and, unless invited by the participating inmate, free personnel are to insure the privacy of the participants.

D. J. McCARTHY, Superintendent

Last Revision: 4-20-73

Although there was no significant increase in the level of prison and parole service in 1967 and 1968, and no accompanying boost in expenditures, the department initiated many innovative and pilot efforts.

With some exceptions, all such management improvements were accomplished within existing budget and staffing.

Most of the innovative programs initiated in the past two years, plus regular programming efforts, involve an effort by the department research and statistics units to measure results.

Often a precise evaluation is difficult in the absence of advanced data processing capabilities and heavy outlays for staffing. Nevertheless, the recent research emphasis on program measurement has given department administrators new statistical means to evaluate the effectiveness of various programs.

Here are some examples of new pilot or experimental programs which were started in the past two years.

Family Visiting

At the direct suggestion of Governor Reagan, a pilot conjugal visiting program started in 1968 at California Correctional Institution, Tehachapi. In this program, wives, children and parents are allowed to visit in private for up to two days with inmates who are nearing release.

Two apartments, previously staff quarters, are used in the program. Cooking and light housekeeping items are provided, and visitors may bring in food.

The purpose of the program is to give families a chance to become reacquainted and to get an earlier

Innovations

start on the often difficult adjustment which is necessary following an inmate's release from prison.

Reaction to the program by inmates, including those not eligible for it, was very positive. Wives, children, and parents expressed nearly unanimous appreciation. More experience and time will be required for evaluation of any other benefits.

"Contracts"

California Correctional Institution (CCI) is the setting for another trial program—a test of the "prescription" or "contract" programming idea.

Many prison authorities have suggested that inmates would benefit and institutions would be easier to run if each inmate could be released upon accomplishing specific program goals.

A programming innovation at Tehachapi is providing some practical experience with the theory. Felon narcotics addicts, parole violators who have been returned to prison, are sent to CCI by the parole board, the California Adult Authority.

At the time of assignment to the program, participants know that they will not again receive routine parole consideration for two years. However, they can earn earlier consideration and likely release by reaching specific goals and winning a parole recommendation from institution staffers.

When the inmate participant arrives at Tehachapi, he sits down with counselors and together they work out a plan—participate in group counseling, complete requirements for a high school diploma, perform satisfactorily in a job assignment.

If the inmate completes the plan in 10 months and has otherwise handled himself well, the institution

Furlough Programs and Conjugal Visiting in Adult Correctional Institutions

BY CARSON W. MARKLEY

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THE PROJECT discussed in this article is a survey and analysis of furlough programs¹ in adult correctional institutions in each of the 50 States, the District of Columbia, and the Federal Bureau of Prisons. It was designed to determine characteristics of existing furlough programs and to determine whether those agencies without furlough programs now are planning to implement such programs. The investigator also hoped to provide additional data regarding potentialities or limitations of furlough programs. In addition, an attempt was made to determine the present attitude of correctional administrators toward conjugal visiting.

Before the project was begun certain limitations were recognized:

- (1) The survey would be limited to adult correctional institutions, e.g., reformatories, penitentiaries, etc.
- (2) Inmates participating in community work release programs and not housed in a correctional institution would not be considered in this study.
- (3) Certain inmates in closed institutions were not eligible for participation in furlough programs due to the seriousness of their crimes, and would not be likely to become eligible.

In spite of these obvious limitations it was hoped that the results would: (1) indicate whether wider implementation of furloughs and greater utilization of community-oriented programs, e.g., work release, halfway houses, community school, etc., were advisable; and (2) provide data for future research studies regarding furloughs.

Background of the Project

The President's Commission on Law Enforcement and Administration of Justice states in its report, *The Challenge of Crime in a Free Society*: "Graduated release and furlough programs should be expanded. They should be accompanied by

guidance and coordinated with community treatment services."

Correctional administrators are beginning to recognize the limitations of rehabilitative efforts within the structure of an institution and are recommending the development of programs more relevant to life in the community. During recent years various schemes have been devised to enable the offender to make a more satisfactory adjustment in the community. Probation has come into increasingly common use; parole has come to be seen as a necessary, rather than optional, precursor to discharge; work release has been developed for the misdemeanor, and eventually adopted for the felon; interaction between inmates and community members has been increasingly used within institutions; staff-escorted trips of inmates away from the institution have become relatively common in many areas; conjugal visiting has been receiving greatly increased attention; and a few states have begun wide use of unescorted leaves, or furloughs, as a deliberately planned and utilized treatment option.²

The term "furlough" is frequently confused with special leave, which most adult institutions have long been willing to grant under extenuating circumstances, such as family crises. A prisoner on special leave customarily travels under escort, while on furlough he is on his own. From a correctional standpoint, one of the most compelling reasons for granting furloughs is to reinforce family ties, where these exist.³ Correctional workers have long been accustomed to witnessing the steady and seemingly inevitable erosion of prisoners' family ties over years of confinement, in spite of the fact that efforts have been directed toward preparing offenders for normal community life, including the resumption of normal family ties and responsibilities. Correctional workers have also become concerned that correction may have been one-sided in the sense that while substantial investments in offenders were being made in institutions, little or no work was being done with the offenders' families. The

* This article was prepared while the author was a criminal justice fellow at Harvard Law School.

¹ For our purpose "furlough" means any unsupervised visit away from the correctional facility for the purpose of visiting the offender's family, job interview, school interview or test, funeral trip, etc. For this study we are not interested in programs where the offender leaves the institution regularly, e.g., work release.

² O.R. Chambers, "Temporary Leaves for Male Felons? Oregon's Experience," May 1971, Salem, Oregon, p. 1.

³ Mark Richmond, "On Conquering Prison Walls," *FEDERAL PROBATION*, June 1966.

timely and judicious use of home furloughs may do much to alleviate such an imbalance.⁴

The use of furloughs has been seen to reinforce the self-esteem of the offender when he finds that he is trusted to take care of himself while still serving his sentence. It provides the offender with the opportunity to do things for himself, rather than having them done for him by institution officers or parole officers, and this tends to lessen his dependence on others and preserves his ability to make decisions concerning his own actions and conduct—an ability often atrophied through institutionalization.⁵

Furloughs for adults benefit the children by allowing the parent to appear in the home on occasion before he is completely forgotten.⁶

Correctional administrators indicate that furloughs are effective in release planning. Furloughs serve as a bridge between the institution and the community, and gradually reintegrate the offender into the community and expose him to beneficial programs and experiences which are not available in the institution.

And finally, furloughs are conceived of as being a positive aid to rehabilitation and to a crime-prevention program.

Furloughs in European and Latin American Countries

Cavan and Zemans state that furloughs are a regular part of the program of rehabilitation in England, Wales, Northern Ireland, Scotland, Denmark, Switzerland, Germany, Greece, and Sweden. They add that England and Wales, since 1951, have granted home leaves of 5 days toward the end of the offender's sentence in order to enable him to renew his contacts with his family and to prepare himself for freedom. Northern Ireland and Scotland have a similar plan. In Denmark, furloughs are confined to inmates of penal work houses and juvenile prisons. In Switzerland, certain categories of prisoners are granted the privilege of visiting their families for 8 to 24 hours. In Germany, inmates of closed institutions may be granted leave of up to 7 days to enable them to attend to urgent personal or business affairs. Greece has a similar provision.⁷

⁴ *Ibid.*, p. 17.
⁵ State of Maine, Policy Statement, "Granting of Furloughs," 1959, p. 1.
⁶ *Ibid.*, p. 1.
⁷ Ruth S. Cavan and Eugene S. Zemans, "Marital Relationships of Prisoners in Twenty-Eight Countries," *Journal of Criminology, Criminal Law, and Police Science*, July-August, 1958, p. 135.
⁸ *Ibid.*, p. 135.
⁹ *Ibid.*, p. 135.

Sweden is most lenient and also most generous with furloughs. Furloughs are granted at regular intervals—the first, 6 to 10 months after admission of the prisoner, with subsequent leaves following at 4-month intervals. The prisoner may be absent from 48 to 72 hours, exclusive of travel time.⁸

Chile, Puerto Rico, Argentina, and Mexico all provide furloughs for prisoners in their institutions. Practices vary from country to country, but generally prisoners are permitted visits in cases of illness or death in the family, family anniversaries, the birthday of a wife or son, and to obtain work.⁹

Methodology

The instrumentation for the project consisted of a questionnaire containing 14 questions. The questionnaire was developed from information compiled from the literature in the field and with the advice of social science researchers. The goal of the survey was to provide comprehensive data on the current status of furloughs in adult correctional institutions. The areas of inquiry included in the questionnaire were: number of participants, purposes of furlough, criteria for selection, when the program was implemented, anticipation of changes, restrictions on individual participants, problems, and current attitudes about conjugal visiting.

The population sample used in this study consisted of 205 adult correctional institutions in the 50 States and the District of Columbia.

The total instrument was administered in the following manner: Questionnaires were mailed to the directors or commissioners of correction in each State and the District of Columbia. The respondents were instructed to answer the questionnaire for those institutions identified on the questionnaire. Additional information was obtained from telephone calls to state correctional agencies and the Federal Bureau of Prisons.

Results

The Fifty States and the District of Columbia.—All 50 of the State departments of correction, plus the District of Columbia, completed and returned the questionnaires, a response of 100 percent. Of the 51 responses, 29 departments of correction (or 57 percent) indicated they now have furlough programs. Twenty-two departments are currently without furlough programs,

but 16 of these plan to implement programs in the near future.¹⁰ Only six states indicated that they had no plans for such programs.¹¹

Table 1 lists those States currently conducting furlough programs and presents information regarding furloughs: criteria for selection, restrictions placed on individual participants, purposes of visits, date implemented, problems encountered, number of participants to date, and anticipation of any program changes.

The survey revealed that special legislation was required in approximately 98 percent of the States that permit adult offenders serving sentences for felony convictions to participate in furlough programs.

Mississippi, in 1918, was the first State to introduce furlough programs; these were 10-day holiday leaves for minimum custody inmates. Arkansas followed in 1922; Louisiana was next in 1964. The Federal Bureau of Prisons, North Carolina, Utah, and the District of Columbia began their programs in 1965. The remaining States instituted programs during the period from 1967 to the present.

Furlough programs vary from State to State, but most States permit furloughs on the basis of the individual's need. Other factors determining participation are: custody classification, length of sentence, institutional adjustment, parole eligibility, release date, attitude of the family, etc.

During the next few years 88 percent of the State departments of correction will be conducting furlough programs, thus providing the offender a greater opportunity for community involvement and the development of satisfactory release plans.

More than 50 percent of the States anticipate some minor changes in their furlough programs. Illinois, for example, plans to expand its program to all institutions and to more offenders; Louisiana and Idaho are planning changes in the law that presently restricts many offenders; and other States indicated that they plan to make changes in their general policy. Only one State indicated that it planned stricter guidelines.

Correctional administrators in 23, or 82 per-

cent, of the States currently conducting furlough programs state that they have experienced minimal or no serious problems since introducing furloughs in their institutions. One State indicated that its only problem had been in communicating guidelines to staff members. Three States indicated that there had been adverse publicity from their local communities and police. They added that a few of their participants had been involved in serious crimes, and in two of these reported cases police officers had been killed. As a result of these problems, one State reported that it was establishing stricter guidelines in the selection of participants. It had initially adopted a very liberal policy but now felt that it was necessary to restrict the category of offenders to those inmates serving sentences for less serious crimes.

Federal Bureau of Prisons.—The Federal Bureau of Prisons introduced furlough programs in all of its institutions in 1965, and several hundred inmates are granted leaves annually. The program is used quite extensively for inmates in institutions for young adults; inmates serving sentences in the more secure institutions, such as penitentiaries, are permitted furloughs in family emergencies. In addition, those inmates nearing completion of their sentences are permitted furloughs for employment or school interviews, etc.

The program has had remarkable success and in only a few cases—less than 1 percent—have problems arisen. Legislation has been introduced to expand the program to enable prison administrators to make greater use of furloughs for more offenders in all the Federal institutions.¹²

Conjugal Visiting.—An effort was made in this project to determine the present attitude of correctional administrators toward conjugal visiting. Each correctional agency was asked if it had a conjugal visiting program or was planning one. Administrators from 50 agencies, including the District of Columbia and the Federal Bureau of Prisons, responded that they do not have conjugal visiting programs and are not planning programs at this time. Only the departments of correction from California and Mississippi currently conduct conjugal visiting programs.

Correctional administrators stated that conjugal visiting is considered a specific treatment program, while the furlough program is far broader and provides for far more flexibility in aiding the reintegration of the offender. Furloughs accomplish the goals of conjugal visiting, and in addition are much more normal and eliminate the

¹⁰ The 16 are: Alabama, Colorado, Georgia, Hawaii, Indiana, Massachusetts, Missouri, Montana, New Hampshire, New York, Ohio, Oklahoma, Rhode Island, Tennessee, Virginia, and Washington. In Hawaii and Illinois, the departments of correction conduct furlough programs but from prerelease guidance centers or special facilities.

¹¹ These six are Kentucky, Nevada, South Dakota, Texas, West Virginia, and Wyoming. The Texas Department of Pardons and Parole does permit selected inmates home leaves in emergency situations.

¹² Interview with Mark Richmond, Federal Bureau of Prisons, April 1972.

Table 1.—States with furlough programs

State	Date program was introduced	Number of participants	Purposes of visit	Criteria used for selection of participants	Anticipate any program changes	Restrictions on participants	Problems encountered
Alaska	July, 1970	34	Home visits, job or school interview, medical care, attendance at civic or social functions in community.	Custody, time remaining to serve, program participation, analysis of furlough situation, need for furlough.	Yes, expand the program.	Compliance with furlough agreement, no drugs, no alcohol, notify institution if any problems develop.	None
Arizona	1970	Numerous	Home visits, job or school interviews.	Institutional adjustment, needs, record, no detainees.	No	Same as parole.	None
Arkansas	1922	Numerous	Home visits, job or school interview, emergency trips (sickness, death, etc.).	Institutional adjustment, security risk, status of inmate, parole eligibility.	No	Can not leave a specified area.	None
California	1969	Numerous	Prerelease planning, emergency leaves, job or school interviews, finding residence, family visits, obtain auto license.	Individual need, no detainees, no life sentences or condemned prisoners, no serious custody risks.	No Comments	Up to 72 hours and remain within the state.	Yes, bad publicity. One participant allegedly killed a person, accused of coddling the inmates.
Connecticut	Dec., 1969	Numerous	Home visits, job or school interviews, critical illness, medical care, etc.	Minimum risk, no objection from local police.	No	Obey all laws, no alcohol or drugs, remain in specified area.	None
Delaware	1969	Numerous	Home visits, job or school interviews, etc.	Institutional adjustment, offense, program participation.	Yes, change law to expand program for more offenders.	No alcohol or drugs.	None
Florida	Oct., 1971	Numerous	Emergencies, e.g., funeral, sickness, etc. Employment, residence, other compelling reasons. Church, A.A., civic club, recreation, family, other.	Minimum custody, good work record, program participation, no disciplinary problems.	Yes, minor policy changes.	NA	Minimal
Idaho	July, 1971	Numerous	Home visits, job or school interviews, sickness or funeral trips.	Minimum custody, must have a parole date, permitted two (2) leaves.	Yes, change law to expand program for more offenders.	Remain within the state.	None
Illinois	1969	Numerous	Family visits, medical trips, residence, job interview, family illness, panel discussions, television/radio programs.	Different criteria for different purposes of visits.	Increased use of furloughs.	No alcohol, obey laws, no contracts without permission, use approved transportation, return on time, possibly have medical exam on return.	Minimal

Table 1.—States with furlough programs (continued)

State	Date program was introduced	Number of participants	Purposes of visit	Criteria used for selection of participants	Anticipate any program changes	Restrictions on participants	Problems encountered
Iowa	1969	Numerous	Job or school interview, funeral trips, short term (14 days) training.	Needs, parole eligibility, work release, minimum custody, trust, near end of the sentence.	Yes, expand program.	Family association, travel time to specified place restricted, place of furlough specified.	Minimal, but some alcohol and tardiness.
Kansas	1971	Numerous	Home visits, job or school interviews, etc.	Minimum custody, no major crimes, good institutional adjustment.	No	Obey laws, remain in state, no contacts with other inmates, and no firearms.	None
Louisiana	1964	Numerous	Home visits, job or school interviews, critical illness or death in family, participate in work release, Christmas and Easter furloughs.	Offense, sentence, and disciplinary record.	Yes, remove restrictions on offender class.	Stay out of trouble.	None
Maine	1969	Numerous	Home visits, job or school interviews, illness and funeral trips.	Institutional adjustment, approval of community, need, & custody.	No	Obey laws.	None
Maryland	1969	678	Weekend leave, funeral trips, special training.	Must be participating in pre-release program.	Extension of family leaves.	Obey laws, no drugs, etc.	Minimal
Michigan	April, 1971	16 limited 30 extended	Home visits, job or school interviews, funeral trips, and home conditions.	Type of crime, length of sentence, mental stability, custody, within 6 mos. of parole, strong family ties.	No	Remain in state, no alcohol, obey laws.	None
Minnesota	Oct., 1971	NA	Help family in emergency, obtain medical care, job or school interviews, residence, participate in family activities, solidify relationships.	Eligible for parole, institutional record, demonstrated a level of responsibility, reduced custody for 90 days.	Yes, changes in general policy.	Not to exceed 5 days.	Minimal
Mississippi	1918 (Approx.)	250-300 annually	Home leaves for ten (10) days.	Good record in institution, 2 yrs. prior to release, must be serving 3 yr. sentence, half or full trusty status.	No	NA	None
Nebraska	1971	300 an.	Home visits, job or school interviews, illness, medical services, find residence, treatment in interest of inmate.	Length of sentence, behavior, adjustment, custody, & abnormal circumstances.	No	Obey laws, return on time, & go to designated place.	None
New Jersey	June, 1971	NA	Home visits, job or school interviews, resolving family conflicts, completing parole plans, sick bed visits, weddings, graduations, births of children.	Minimum custody, must be within 3 mos. of parole or one mo. of release.	No	None	None

Table 1.—States with furlough programs (continued)

State	Date program was introduced	Number of participants	Purposes of visit	Criteria used for selection of participants	Anticipate any program changes	Restrictions on participants	Programs encountered
New Mexico	Dec., 1971	NA	Home visits, job or school interviews, visit ill members of family, & funeral trips.	Institutional record, crime, time remaining to serve, purpose of furlough, residence & ties during furlough.	No	Must remain in area and must report to parole officer.	None
North Carolina	1965	Numerous	Home visits, community volunteer work.	Be honor grade, be within 6 mos. of parole or release, type of offense.	No	Return on time & remain in assigned place.	None
North Dakota	1970	20-30 an.	Home visits, job or school interviews, funeral, sickness, etc.	Work record, efforts at self-improvement, custody, behavior, attitude change, mental and emotional stability, safety of the public, funds, home situation.	Yes, establish a policy statement with written guidelines.	Remain within the state.	Communications to staff concerning leaves and who is to receive them.
Oregon	1967	Numerous	Visit family, sickness, funeral trips, obtain medical care, job interviews, & other approved trips.	History of offenses, length of sentence, time served on present sentence, parole hearing date, detainers, self-control patterns, escape history, patterns of conduct, emotional stability, community factors.	No	Not to exceed 30 days.	None
Penna.	1971	Numerous	Home visits, job or school interviews, strengthen family ties.	Individual need, overall adjustment and behavior, participation in programs.	Yes, stricter selection of cases.	Same as parole.	None
South Carolina	May, 1967	NA	Home visits.	Must have been in "AA" trusty status for a minimum of 90 days prior to applying, clear conduct record, no community objections.	No	Remain at home, notify sheriff's office.	None
Utah	1965	Numerous	Home visits, job or school interview, funeral trip, strengthen family ties.	Custody, satisfactory institution adjustment.	Yes, increase number of participants.	Observe all institution rules, no alcohol or drugs.	Yes, escapes, drug and alcohol problems.
Vermont	1967	Numerous	Home visits, job or school interview, work, funeral trips, Christmas visits, & hospital appointments.	Attitude of community, attitude of family, general living conditions, overall effect on treatment.	No	Remain in general area.	Minimal
Washington	1971 & 1972	Numerous	Home visits, job or school interviews, family visits, sickness, death in family, strengthen family ties.	Minimum custody & good adjustment.	No	Obey laws.	A few participants involved in criminal activities.
Washington, D.C.	1965	12-16 mo.	Home visits, job or school interviews, illness, funeral trips, other serious family problems.	Offense, length of sentence, length of time remaining to serve, psychological status, minimum custody, reward for measured progress.	Yes, expand the program and use it more as a treatment tool than reward.	No alcohol or drugs, remain in area.	Yes, negative reaction from local community and police.

possibility of degradation. Other comments regarding conjugal visiting were: It discriminates against the single inmate; it is embarrassing to the wives; it does not provide for any community involvement on the part of the inmate; and it is contrary to most correctional administrators' philosophy of an increasingly community-oriented program.

Administrators in 50 percent of the replies also stated that present facilities are not adequate for conjugal visiting programs.

Conclusions

One problem beyond the scope of the present project which needs to be resolved is the effect furlough programs have on recidivism and other criteria for success or failure. Before any firm conclusions can be drawn, considerably more research will be required. California and Oregon have been the only States to conduct followup evaluations of their furlough programs at this time.

Norman Holt's study of California's prerelease furlough program for State prisoners during 1969 indicates that prerelease furloughs have substantial benefits in preparing inmates for their return to the community. In all, 82 percent of those furloughed looked for, confirmed, or secured a job for parole. The responses of the families, in turn, suggest strong support and a positive beginning. An independent rater listed 86 percent as having accomplished "most" of the things planned.¹³

Holt and Miller's study, again in California, found that furloughs are successful by almost any standard. They found that furlough programs enjoyed almost unanimous support from the inmates. Almost all inmates hoped to participate, yet those who could not were not resentful. There were no serious administrative problems. In addition, a followup study found that the participants did better on parole than nonparticipants. Sixty percent of the participants experienced no difficulty during the first year, compared to 42 percent of the nonparticipants. The number of

participants was small, and the results must be interpreted with caution. However, the findings held up under the application of numerous control variables. The study recommended that more extensive use of furloughs should be made, and suggested that it should be permissible to grant furloughs at any point during incarceration.¹⁴

The results from Oregon's study are inconclusive at this time; however, correctional officials feel that furloughs tend to strengthen family ties more than institutional visits and that they will prove to be positively related to release adjustment. Further, the rate of known misconduct other than escape is 1.34 percent; the escape rate is 1 percent.¹⁵

The Federal Bureau of Prisons stated that it had experienced no major problems, and that preliminary studies indicate that furloughs are very successful in strengthening family ties and reintegrating the offender into the community.

Donald Johns suggests that many (probably most) convicted persons would be harmless at large at any time during confinement, and could be released from time to time without undue risks. For these men and women furloughs could serve as a rehabilitation tool throughout confinement.¹⁶

It is difficult to develop accurate measuring instruments to evaluate treatment programs in correctional institutions. Many studies have been conducted, but there are so many factors that may influence the offenders' success or failure on release that the conclusions derived are generally assumptions and not necessarily facts.

Studies by Messrs. Ohlin,¹⁷ Glaser,¹⁸ and Holt and Miller¹⁹ have shown that those inmates with strong family ties, and who have maintained those ties during incarceration, are more successful on release than those offenders without such ties. It is inmates with strong family ties who are likely to be selected to participate in furlough programs. Thus the apparent success of the programs could be an illusion, since it may be that these inmates would have done as well without furloughs. However, interviews with correctional officials and directors of community treatment centers indicate that some community treatment centers and halfway houses which are less selective in their intake also support the idea that furloughs are effective. These officials state that offenders having contact with the community before release recidivate at lower rates than those not having such contact.

The chief recommendation flowing from this re-

¹³ Norman Holt, "California Pre-Release Furlough Program for State Prisoners," California Department of Corrections, Sacramento, 1969.

¹⁴ Norman Holt and Donald Miller, "Explorations in Inmate-Family Relationships," Research Report No. 46, Sacramento, California, January 1972, p. 63.

¹⁵ Chambers, *op. cit.*, p. 61.

¹⁶ Donald R. Johns, "Alternatives to Conjugal Visiting," FEDERAL PROBATION, March 1971, p. 51.

¹⁷ L.E. Ohlin, *The Stability and Validity of Parole Experience Tables* (Ph.D. dissertation), University of Chicago, 1954.

¹⁸ D. Glaser, *The Effectiveness of a Prison and Parole System*, Bobbs-Merrill, Inc. New York, 1964, p. 366.

¹⁹ Holt and Miller, *op. cit.*, p. 61.

search is that furlough programs be widely implemented and expanded, while subjected to continued evaluation. During the implementation and expansion care should be taken to consider the public's interests, which range from its need to understand what is happening to its right to be protected from needless incidents. It will be remembered that one State reported that it had introduced the program with few restrictions on

the participants and had experienced many difficulties. Perhaps, in order to insure public understanding, and to insure that safeguards keep pace with the new program, it would be well to initiate a program with the less serious offenders, and gradually expand to other classes of offenders. Written guidelines and procedures should be very specific, and every staff member should be kept abreast of current objectives.