

VERSION 2016

CORRECTIONS

CHAPTER 7

UTAH STATE BOARD OF EDUCATION
CAREER AND TECHNICAL EDUCATION

CHAPTER SEVEN: CORRECTIONS

GOALS OF CORRECTIONS

Corrections, like the judicial system, is a dual structure including federal and state entities. Corrections is much more than just jails or prisons, even though they probably make up the largest part. Corrections involves the incarceration of those awaiting trial, usually in a county jail, and those who have been convicted of a felony, usually in the state prison. It also involves the community supervision of those individuals on probation or paroled from the prison.

Jails make up the oldest component of the corrections system, dating back to the twelfth century when the first *goal*, as they were known, was ordered built by King Henry II. These were initially used to hold individuals awaiting trial.

The first prison in the American colonies was built in Philadelphia in 1733. A group of Quakers had decided that they needed a more humane method to punish and reform the prisoners. They took a wing of the Walnut Street Jail and used the individual cells to house inmates as punishment for their crimes. The prisoners initially were held in an environment where they were alone and not allowed to talk with any other inmates. The purpose of prison is somewhat different from jail, since they were established to house inmates convicted of felonies.

Utah's first prison was built in the Sugar House area of Salt Lake City in 1855, and consisted of 16 cells dug into the ground with bars on top. A more suitable building was built, and the prison was moved to its present location at the Point of the Mountain, Draper in 1951.

After a person has been found guilty of a crime, society assesses a penalty. The type of punishment will vary depending upon the goal of the particular punishment. There are four basic goals for which a correctional institution such as a jail, prison, or other correctional program is created.

The goal of *retribution* is to inflict some type of revenge. Society, individuals, and victims may demand "an eye for an eye." Those who support this goal feel that people who break the law do so on purpose and deserve to be punished. This type of punishment was common among early societies, and is still supported by portions of society today.

The goal of *deterrence* is to punish the guilty party so severely that he/she and others in society will be discouraged from the commission of a crime in the future. The penalty should exceed the true value of the crime in order to show people that crime does not pay.

The primary goal of corrections in the United States since the 1960s has been *rehabilitation*. The purpose of this is to change the guilty party or his or her environment so that he/she no longer wishes or needs to commit criminal acts. This is considered to be the most humane policy; however, studies have indicated that rehabilitation may not be any more successful than other programs. Some prisoners have even filed lawsuits to stop the government from trying to treat them.

The fourth goal of corrections is *custodial*. It is argued that in order to protect society, it is necessary to lock up some criminals. This goal is not concerned with the cause of the crime, nor is there an effort to change the criminal. The only concern is to allow society to function more smoothly by locking up criminals so that they cannot commit any more crimes against the public.

Consider the following crimes. Beside each corrections goal, suggest a punishment that would be consistent with that goal.

1. A drunk driver runs over and kills a two-year old child.

RETRIBUTION:

DETERRENCE:

REHABILITATION:

CUSTODY:

What sentence would you give if you were the judge?

2. A person eats a \$5.00 meal at a restaurant and then leaves without paying.

RETRIBUTION:

DETERRENCE:

REHABILITATION:

CUSTODY:

What sentence would you give if you were the judge?

3. A person breaks into your vehicle and steals your brand new CD player, causing damage to your dashboard.

RETRIBUTION:

DETERRENCE:

REHABILITATION:

CUSTODY:

What sentence would you give if you were the judge?

CORRECTIONS MISSION

The mission of the Department of Corrections is as follows: *“Our dedicated team of professionals ensures public safety by effectively managing offenders while maintaining close collaboration with partner agencies and the community. Our team is devoted to providing maximum opportunities for offenders to make lasting changes through accountability, treatment, education and positive reinforcement within a safe environment.”*

THE UTAH DEPARTMENT OF CORRECTIONS

Once an individual has been arrested, tried, convicted, and sentenced, he or she is often transferred to the care and custody of the Utah Department of Corrections. The Department supervises the Utah prison system, the Division of Adult Probation and Parole, the Board of Pardons and Parole, and the other components of the corrections system.

ADULT PROBATION AND PAROLE

The Department of Adult Probation and Parole (AP&P) was created to supervise individuals who have been found guilty of a criminal offense and have either been placed on probation or have been confined in the prison system and released on parole. AP&P plays a key role in ensuring that the public is safe in today’s rapidly changing society by providing both the courts and the Board of Pardons & Parole with creative solutions to sentencing. The main goal of AP&P is to ensure the safety of Utah’s citizens by carrying out the various orders of the courts and the Board of Pardons & Parole. This is done through the variety of duties imposed upon AP&P by the state legislature.

The duty that most people are aware of is the supervision of individuals who have been placed on parole or probation. Many of the individuals under supervision have very little contact with AP&P because of the requirements placed on the probationer. As an example, an individual who has been convicted of intoxication may be advised by the judge that he/she cannot commit any alcohol-related offenses for six months. AP&P would check at the completion of the six-month period to verify that there are no additional charges. If there are none, the judge will be advised that the defendant’s probation is completed. However, other individuals on intensive parole are monitored on a daily basis. These high-risk parolees take a great deal of time to ensure that they complete parole requirements.

Another responsibility assigned to AP&P is to provide pre-sentence reports to the court when a defendant is awaiting sentencing. AP&P is accountable to a sentencing judge to check into the history of the defendant and provide an evaluation and assessment for the court. AP&P is also responsible for providing an evaluation to the Board of Pardons and Parole prior to the inmate coming up for a parole hearing.

THE UTAH BOARD OF PARDONS AND PAROLE

The Utah Board of Pardons was created in 1886 by Utah Constitution. The Board was initially comprised of the governor, the justices of the Utah Supreme Court, and the state attorney general. It has evolved into a five-person board composed of individuals appointed by the governor. The board now consists of five full-time members and three *pro tempore* members who serve for staggered five-year terms, except for the chairperson, who is appointed for an indefinite term. In 1993, the board was given its current title, the Board of Pardons and Parole.

The board is required to conduct an initial hearing, known as a parole grant hearing, after an offender has been committed to prison. Within six months of his or her initial confinement, the offender must be given notice of the month and year in which he/she will be eligible for the hearing. An inmate serving a sentence of up to fifteen years will be eligible for a hearing after nine months. An inmate

servicing a sentence of up to five years will be eligible for a hearing after ninety days. This rule does not apply for sex offenders or second and third degree felony offenders in cases where a life has been taken.

Upon scheduling the original parole grant hearing, the board must notify any of the offender's victims of the date and time of the hearing. Any victim who would like to is allowed to address the board. Each victim is given five minutes to testify before the board. The victims will also be notified with regard to any rehearings or parole violation and rescission hearings that may be scheduled.

A rehearing may be given to an inmate after the parole grant hearing if the inmate is not given a parole date. The inmate will be given the month and year of his or her next hearing, and the rehearing will be conducted in much the same way as the initial hearing, including the notification of victims who may wish to address the board.

If an inmate has received a parole or a rehearing date and the inmate violates prison rules and regulations or is convicted of new criminal acts, the board may schedule a rescission hearing to review that decision. The outcome may be to postpone the release date or the date of the rehearing. Rescission hearings are conducted by a hearing officer who makes the decision in each case.

A parole violation hearing will be held when an offender violates the terms and conditions of his or her parole. The hearing is conducted by a board member or a hearing officer. The person conducting the hearing will hear from the parole officer as well as the offender, and will then render an interim decision. The interim decision is reviewed by the board and becomes final upon receiving a majority of concurring votes.

THE UTAH STATE PRISON SYSTEM

The Utah State Prison is composed of two main facilities: the Utah State Prison, located in Draper, and Central Utah Correctional Facility, located in Gunnison. The primary mission of these two facilities is "to provide a continuum of confinement to control committed offenders so that they may function in a manner which will not be harmful to themselves, staff, other offenders, or society." They also attempt to "provide offenders with the tools necessary to be competitive and enhance the prospects of success in the free world." This is done through educational opportunities, counseling, treatment, and work training and experience.

PRISON LIFE

A key element of the prison experience is the classification of the incoming inmates. Inmates are processed by establishing a program of treatment, and by indicating privileges to be allowed and restrictions to be imposed. Upon entering the prison, the inmate will be tested and diagnosed in terms of his or her social, medical, psychological, educational, and vocational standing. Concern is also shown for any religious and recreational preferences. An individualized treatment program is then developed. Of key concern is the inmate's assigned security risk level. There are five different classification levels at the Utah State Prison, varying from Level 1, which is maximum security, through Level 5, for the offender who is considered to be a low-risk inmate.

Level 1—Intensive Custody (death sentence inmates)

Highly structured and supervised environment; typically confined to cell 23 hours a day and restrained in the presence of non-inmate personnel

Level 2—Close Custody

Typically confined to cell 21 hours a day; when leaving unit, must be escorted by an officer

Level 3—Inside Compound

Must remain inside perimeter fence

Level 4—On Property

Must stay on prison property; may go outside the fence on supervised work details

Level 5—Off Property

May, on approval, leave prison property (home visit, work release, etc.)

Level 6—Housed Off Property

Housed at community correction center

(Source: Utah UDC Inmate Orientation Handbook)

As part of the reception process, inmates are familiarized with the buildings, the personnel, and the rules of the institution. There is usually a physical reception area separate from the main prison population area where new inmates are kept in isolation until it can be determined whether they have any communicable diseases. (A contagious infection would spread rapidly in a confined institution such as a prison.)

After being introduced into the regular prison population, an inmate is assigned to a cell or dormitory and settles into a regular routine. Most inmates are given a job in the prison and are paid a small amount in wages. However, inmates are not allowed to have money in prison, and are given an account which the prison administration oversees. Inmates can purchase items such as toiletries and candy from the prison commissary. The cost of the items is then deducted from their individual accounts. All eligible inmates are required to work or be productive in some way during their time out of the cell. Inmates refusing to work may receive a disciplinary report and be referred to the Offender Management Review team. Depending on an inmate's treatment program, some inmates may leave the institution for work, recreation, or school. Inmates are also required to clean their cells, hallways, and other prison buildings.

In order to maintain security and keep the system going, the prison routine is extremely repetitious. Inmates will be up at a certain hour, eat at specified times, and be in their cells at certain times of the day, and lights will be put out at a set time. There is also time set aside for most inmates to participate in recreation and religious meetings. Recreation may range from weightlifting to outdoor sports to television, depending upon the available facilities, weather conditions, and individual inmate behavior. An inmate may lose access to these facilities and privileges if he/she violates prison rules and regulations.

Visits may be allowed several times per week, depending upon the security classification and behavior of the inmate. Visitation is considered to be a privilege which can be disallowed or limited if needed. The nature of the visit is limited by the security needs of the prison. Visits range from face-to-face visits to barrier visits, again depending upon the classification of the inmate. Visitors and inmates must follow certain rules, such as a modest dress policy, individual search upon reasonable suspicion, etc. The Utah State Prison places an invisible hand stamp on all visitors and monitors them when leaving the facility.

Guards who are stationed inside the prison facility are usually not armed. Guards operate the prison, but much of the day-to-day operation is handled by inmate trusties. Discipline is handled on the basis of write-ups, which are written reports to the prison administration by guards about inmate violations of prison rules. Penalties, which are given after a hearing, can range from withdrawal of privileges to solitary confinement. On the other hand, good behavior is rewarded by a clean file that will be considered at the Board of Pardons and Parole hearing.

Prisons are not ideal places for meeting an inmate's needs. Violence and homosexuality are not uncommon. Riots at places such as Attica, the New Mexico Penitentiary and throughout the Texas prison system have demonstrated the fragile balance of control that exists in many institutions. Administrations sometimes rely on the internal power structure of inmates themselves to keep the system going.

Many individuals are also concerned about the prison as a crime school. Inmates who are not rehabilitated often learn or teach different and better techniques for committing crimes and avoiding arrest and conviction. Release from prison may allow the now more skilled criminal to be an increased risk to society.

PRISON RULES

The following are examples of rules and regulations imposed on inmates housed within the Utah State Prison System:

1. Male inmates may grow a mustache or beard or both, as long as it is maintained.
2. Inmates shall meet the following sanitation and grooming standards:
 - a. Bathe thoroughly with soap and water, at least three times per week
 - b. Wash hair at least weekly
 - c. Keep hair combed and tidy
 - d. Launder clothing and bedding at least weekly
 - e. Brush teeth daily
3. Tattooing is prohibited.
4. Except for members of the inmate's immediate family, married persons visiting inmates of the opposite sex shall be accompanied by one or more of the following, who must remain with the married visitor for the duration of the visit:
 - a. Visitor's spouse
 - b. Inmate's spouse
 - c. Inmate's parent
5. Inmates, while out of their housing unit, shall keep their shirts tucked in and completely buttoned.
6. Clothing shall not be altered.
7. Inmates shall not be allowed to alter or change their natural hair color.
8. Male inmates shall not be allowed to keep or use cosmetics.
9. The following are examples of contraband:
 - a. Batteries
 - b. Currency
 - c. Gum
 - d. Metal hair rakes
 - e. Incense
 - f. Lighters
 - g. Tattoo equipment and inks
10. Inmates and their property may be searched at any time, under any condition, with or without the inmate's presence (this is known as a "shakedown").

TRENDS IN CORRECTIONS

It is impossible to predict the direction that corrections will take in the future with absolute certainty. Listed below are some trends within our country and other countries that may be adopted into our system.

Monitoring. A variety of electronic monitoring devices are now being marketed to allow an individual's activities to be limited. The monitor is usually an armband or ankle band that alerts the monitoring agency if the restricted person leaves a specified area, such as more than 150 feet from his or her home.

Community Service. Providing service to the community has become an accepted form of punishment for many offenders. Judges in both the adult and juvenile systems are using this as an avenue for offenders to repay the community in some way for the problems generated by the offender. In the past, this has often been limited to ideas such as litter pickup and school crossing guard service. However, many white-collar criminals are now being assigned to use their minds and business talents for government groups, community organizations, and nonprofit organizations. Also, celebrities and sports figures are being required to use their popularity and exposure to attack drug abuse and other community problems.

Day-Fines. An idea in use in the Scandinavian countries, this is designed to ensure that both rich and poor offenders are treated equally. An individual who has received a fine must pay an amount proportionate to a specific portion of his wages. He could be fined the equivalent of an hour's, a day's, or a week's wages.

Size of Correctional Institutions. Future jails and prisons will probably be much smaller. The riots and turmoil of today's larger institutions clearly point out their inability to do more than house large groups of inmates.

Location of Correctional Institutions. The trend appears to be that community-based corrections will come back to the cities and suburbs. Most prisons in previous years were built in rural areas for security reasons. If the goal is rehabilitation, then the institution must be moved back into the inmate's community, where the inmate can locate a job, find recreation and schooling, and maintain family ties. The community will no longer be able to divorce itself from dealing with and being part of the correctional process.

Improved Probation Services. New and innovative programs need to be created to help keep the offender out of traditional institutions. More youth hostels, sheltered workshops, and group homes will likely be built. Job placement and psychiatric services will be improved. Treatment will be expanded to include the entire family unit.

Restoration of Offender Rights. There is rising concern that the goal of rehabilitation is not consistent with the practice of limiting offender rights upon successful completion of prison, parole, and/or probation requirements. The conviction record of most ex-convicts makes it hard to get any job, let alone enter a licensed profession, the military, or other government positions. Loss of voting privileges brings a stigma to community members, while the bar on running for public office may limit one's political future. Some states are already restoring civil rights to ex-offenders, as are some courts. It is likely that in the future, the restoration of an offender's rights will be granted automatically by statute at some point after his or her sentence is completed.

PRISONER RIGHTS

In 1871 the court case of *Ruffin v. The Commonwealth of Virginia* set a precedent that prisoners' rights and confinement conditions had no judicial oversight. For almost 100 years after that case, the courts refused to hear any case filed by an inmate for unfair or inhumane conditions. Judges believed that the inmates forfeited their rights when they were committed to prison and, after all, corrections administrators were the experts on how to handle inmates, and the courts should not intervene. In 1964, the case of *Cooper v. Pate* was filed alleging the inmates' freedom of religion had been compromised. The courts finally agreed to look at the case and agreed that the inmates' ability to practice their religion was being compromised by corrections' rules. This opened the door for inmates to begin filing complaints regarding their treatment and conditions under which they lived.

Traditionally, courts have adopted a hands-off policy toward prisoners who have been sentenced and turned over to correctional officials. Complaints about abuse of authority and unfair treatment were considered to be the natural result of being in prison. Since prisons are run by the executive branch of government, the courts felt for many years that such complaints should be handled administratively within the executive branch.

In the 1970s, however, the courts began to listen to the complaints of individuals who were confined in correctional facilities. The basic argument raised by the prisoners and their attorneys was that they, like other citizens, are entitled to due process and constitutional rights, and that these could not be guaranteed without the courts becoming involved in the entire process.

The courts have attacked the problems issue by issue. The key issue in almost all cases is whether one of these two questions can reasonably be answered in the affirmative: (1) Does the restriction placed on a prisoner serve a legitimate purpose of the State, such as rehabilitation? (2) Does the activity present a clear and present danger to the security of the institution?

Indicate how you think the courts would respond to each of the following questions with regard to due process and constitutional rights, and provide an explanation for your decision.

1. Can an inmate send a letter to a government official, without being censored, claiming illegal conduct by prison personnel?
2. Can prison officials open letters addressed to an inmate's lawyer?
3. Can prison officials prohibit magazines that detail how to smuggle contraband into prison?
4. Can prisoners organize a "National Prisoner's Reform Association"?
5. Can media officials interview prisoners with their permission?
6. Can a prison be required to feed black Muslims separately, with special food conforming to their religious beliefs?
7. Can an inmate be prohibited from having long hair?
8. Can a cell be searched only with a search warrant, like a house?
9. Can a government be required to pay prisoners minimum wage?
10. Can a prisoner be whipped or strapped as punishment?
11. Could an entire prison system be considered "cruel and unusual punishment"?
12. Must jails and prisons be desegregated?
13. Are prisoners being disciplined entitled to due process?
14. Do prisoners have the right of access to legal materials?
15. Should prisoners be free to refuse treatment designed for rehabilitation? (See below.)

This last question has recently been answered by the courts. The courts have said that an inmate cannot be forced into a rehabilitation program. Most treatment programs, in order to be successful, must be entered into voluntarily. Many inmates who are treated are not actually rehabilitated, because the treatment programs are based on community standards that are not shared by many minority groups. The courts have said that failure to complete a treatment program should not alter the required sentence because this penalizes non-conformity or punishes the inmate for the failure of the treatment personnel.

The courts have also ruled that psychiatric medication cannot be forced upon an individual. In 1997, a Utah State Prison inmate died while being restrained in a behavior modification chair for sixteen hours. This inmate was mentally ill and refused to take his medications. The prison staff was unable to control him, and he was placed in the chair. Other methods, such as straitjackets and padded cells, have also come under fire as inappropriate methods to control mentally ill inmates. This type of situation places the prison staff in a predicament. When a prisoner is out of control and cannot be forcibly medicated, what options are available to them? This question has not been answered.

THE DEATH PENALTY (CAPITAL PUNISHMENT)

Between 1930 and 2010, 5,093 people were executed in the United States. As of 2010, 35 states and the federal government authorize capital punishment. At the end of 2010, 35 states and the federal government held 3,260 prisoners under penalty of death. In 2010, 46 persons in 12 states were executed. Of those executed, 34 were white and 12 were black, 45 were male and one was female. Executions have been carried out by a variety of methods, including firing squad, hanging, gas chamber, and electrocution. Most states have now approved injections of lethal poisons as a more humane method of execution. Of those executed in 2010, lethal injection was utilized for 44 of the executions, one was carried out by electrocution, and one was by firing squad.

Nearly two-thirds of inmates under sentence of death at the end of 2010 had previous felony convictions, including nine percent with at least one prior homicide conviction. Forty-two percent of those on death row had an active criminal justice status at the time of their capital offense (i.e., on parole or probation, or escaped from prison or jail).

Between 1977 and 1997, there were 5,796 inmates on death row. Of those, only eight percent were executed. Since the death penalty was reinstated by the United States Supreme Court in 1976, Caucasian inmates have made up the majority of those under sentence of death.

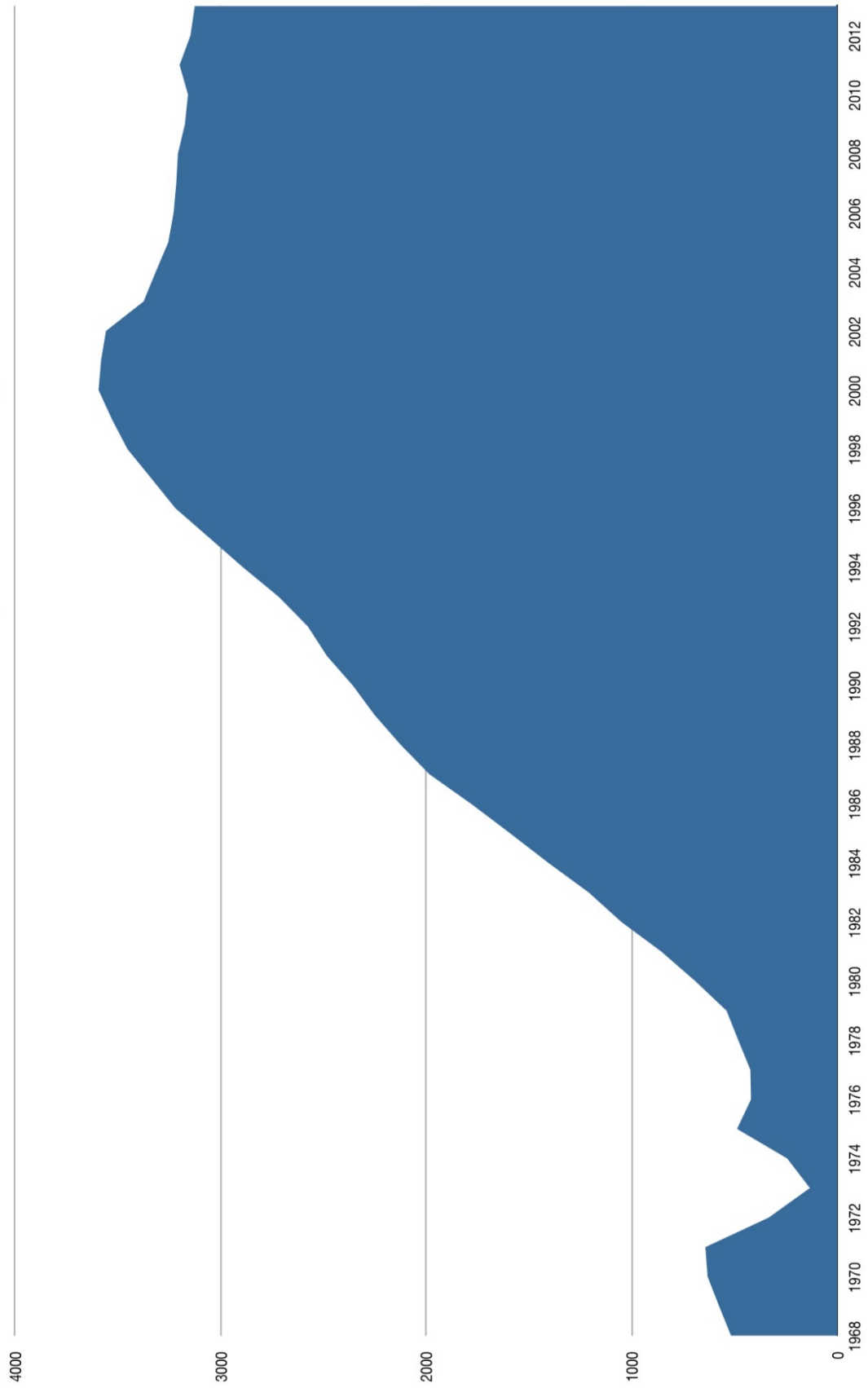
The death penalty has existed for many centuries, but has been abolished by many countries and some states during the last century. The death penalty has been challenged many times, and several important court decisions have resulted. The most significant decision was reached in *Furman v. Georgia* (1976), in which the U.S. Supreme Court found that the death penalty, as it was then being implemented, was unconstitutional.

The opinion of the court held that since too much discretion was granted to judges, statutes that were currently in effect were no longer valid. Since the time of that decision, several other court decisions have established that a separate sentencing hearing is required after the trial in order to consider whether the death penalty is appropriate in each individual case. Nor can the death penalty be imposed for crimes such as rape and armed robbery, as it had been in the past.

Listed below is some information about the death penalty and its implementation, as well as a number of arguments for and against the death penalty. Some of the arguments are based on fact, while others are based on opinion. As you participate in the discussion over whether the death penalty should be kept, make notes about each argument. The chapter test will ask for your opinion on this hotly debated issue, and why you feel the way you do.

1. The murderer will not commit any more crimes.
2. The state will save money.
3. Other people will be deterred from committing similar crimes.
4. It satisfies the public needs for justice.
5. Public opinion (for or against).
6. Stops parole boards from releasing murderers.
7. Discriminatory against minorities.
8. The state should not have the authority to kill.
9. The convicted person may be innocent (no margin for error).

Death Row Inmate Population By Year



SIZE OF DEATH ROW BY YEAR (1968-PRESENT)

1968	517	1982	1,050	1996	3,219	2010	3,158
1969	575	1983	1,209	1997	3,335	2011	3,082
1970	631	1984	1,405	1998	3,452	2012	3,033
1971	642	1985	1,591	1999	3,527	2013	3,088
1972	334	1986	1,781	2000	3,593	2014	3,070
1973	134	1987	1,984	2001	3,581		
1974	244	1988	2,124	2002	3,557		
1975	488	1989	2,250	2003	3,374		
1976	420	1990	2,356	2004	3,315		
1977	423	1991	2,482	2005	3,254		
1978	482	1992	2,575	2006	3,228		
1979	539	1993	2,716	2007	3,215		
1980	691	1994	2,890	2008	3,207		
1981	856	1995	3,054	2009	3,173		

Sources: Bureau of Justice Statistics: [Capital Punishment](#) for the years 1968-2012;
 NAACP Legal Defense and Educational Fund, Inc. [Death Row USA](#) for years 2013 and 2014.

Number of Persons Executed in the United States, 1930-2014

<u>Year</u>	<u>Executions</u>	<u>Year</u>	<u>Executions</u>	<u>Year</u>	<u>Executions</u>
1930	155	1968	0	2008	37
1931	153	1969	0	2009	52
1932	140	1970	0	2010	46
1933	160	1971	0	2011	43
1934	168	1972	0	2012	43
1935	199	1973	0	2013	39
1936	195	1974	0	2014	35
1937	147	1975	0		
1938	190	1976	0		
1939	160	1977	1		
1940	124	1978	0		
1941	123	1979	2		
1942	147	1980	0		
1943	131	1983	5		
1944	120	1984	21		
1945	117	1985	18		
1946	131	1986	18		
1947	153	1987	25		
1948	119	1988	11		
1949	119	1989	16		
1950	82	1990	23		
1951	105	1991	14		
1952	83	1992	31		
1953	62	1993	38		
1954	81	1994	31		
1955	76	1995	56		
1956	65	1996	45		
1957	65	1997	74		
1958	49	1998	68		
1959	49	1999	98		
1960	56	2000	85		
1961	42	2001	66		
1962	47	2002	71		
1963	21	2003	65		
1964	15	2004	59		
1965	7	2005	60		
1966	1	2006	53		
1967	2	2007	42		

Table 3. Method of Execution, by State, 2001

	<u>Lethal Injection</u>	<u>Electrocution</u>	<u>Lethal Gas</u>	<u>Hanging</u>	<u>Firing Squad</u>
Arizona	Nevada	Alabama	Arizona	Delaware	Idaho
Arkansas	New Hampshire	Arkansas	California	New	Oklahoma
California	New Jersey	Florida	Missouri	Hampshire	Utah
Colorado	New Mexico	Kentucky	Wyoming	Washington	
Connecticut	New York	Nebraska			
Delaware	North Carolina	Oklahoma			
Florida	Ohio	South Carolina			
Georgia	Oklahoma	Tennessee			
Idaho	Oregon	Virginia			
Illinois	Pennsylvania				
Indiana	South Carolina				
Kansas	South Dakota				
Kentucky	Tennessee				
Louisiana	Texas				
Maryland	Utah				
Mississippi	Virginia				
Missouri	Washington				
Montana	Wyoming				

Note: The method of execution of Federal prisoners is lethal injection, pursuant to 28 CFR, Part 26. For offenses under the Violent Crime Control and Law Endorsement Act of 1994, the method is that of the State in which the conviction took place, pursuant to 18 U.S.C. 3596.

^a Authorizes 2 methods of execution.

^b Arizona authorizes lethal injection for persons whose capital sentence was received after 11/15/92; for those sentenced before that date, the condemned may select lethal injection or lethal gas.

^c Delaware authorizes lethal injection for those whose capital offense occurred after 6/13/86; for those whose offense occurred before that date, the condemned may select lethal injection or hanging.

^d Arkansas authorizes lethal injection for those whose capital offense occurred on or after 7/4/83; for those whose offense occurred before that date, the condemned may select lethal injection or electrocution.

^e New Hampshire authorizes hanging only if lethal injection cannot be given.

^f Oklahoma authorizes electrocution if lethal injection is ever held to be unconstitutional, and firing squad if both lethal injection and electrocution are held unconstitutional.

^g Kentucky authorizes lethal injection for persons whose capital sentence was received on or after 3/31/98; for those sentenced before that date, the condemned may select lethal injection or electrocution.

^h Wyoming authorizes lethal gas if lethal injection is ever held to be constitutional.

ⁱ Tennessee authorizes lethal injection for those whose capital offense occurred after 12/3/98; those whose offense occurred before that date may select electrocution.

COUNTY JAILS

The Constitution of the State of Utah requires that each county within the state must provide a jail or confinement facility that will be operated by the elected sheriff of that county. Several of the counties within the state, due to population and monetary restrictions, do not actually operate a county jail, but have a working agreement with an adjacent county to provide the required custodial facilities.

The original purpose of a jail was to hold in individual awaiting court proceeding. Today that has changed.

In the past two decades, many Utah counties have built new jails, including rural counties such as Sanpete, Carbon, Emery, and Grand. The need for additional jail space has resulted from growing populations and antiquated buildings that no longer pass inspection. Many counties have built new jails that are larger than the county actually needs to accommodate state inmates under contract from the Utah Department of Corrections. The current contract cost for housing a state inmate in a county jail is approximately \$48 per day, while the daily cost to house an inmate at the state prison is about \$78. Presently 21 county jails have contracts with the prison, with all but one actually housing inmates.

County jails typically do not have the programs or services that the prison would; this is mainly due to inadequate county budgets and that fact that inmates in county jails spend shorter times incarcerated.

The population of a county jail is composed of two basic types of inmates. The first type of inmate has been booked into the jail temporarily and is awaiting trial or some type of pre-trial release. This person is only in jail for a short period of time. The second type of inmate has been convicted in a court of law and has been sentenced to jail for a specific period of time. Such a person will not be released until he/she has served the specified amount of time given him/her by the judge.

Salt Lake County has recently completed the building of a new Adult Detention Center. Phase I of the project, which opened in the latter half of 1999, consists of four pods able to house 2,080 inmates. There are 1,068 cells in Phase I, each measuring 10' x 7' feet and designed for double bunking. The facility carries a maximum security classification, and was built at the cost of approximately \$132,379,674. Other counties, including Davis, Weber, and Utah Counties, have built or are in the process of building upgraded facilities to match the growing needs of their communities.

As we are seeing in Utah, the process to move or build a new prison is a slow and tedious one. Sites are selected and points assigned based on the following criteria:

- Proximity: 35 points
- Land and Environment: 15 points
- Infrastructure: 15 points
- Community Services: 10 points
- Development Costs: 10 points
- Community Acceptance: 15 points

Some communities see a new prison as an increase in their tax revenue base and more employment for their community, while others do not want a facility of this type constructed in their community. Corrections can no longer simply find a site and build a new facility; the public has a great deal of input into the process.

The Utah Department of Probation, Adult Probation and Parole handles all the community supervision aspects often known as community-based corrections. Such programs are not the same across the nation. Some states have the probation function handled by individual counties, while parole is a state function. Utah is divided into five regions, with each region tied to specific court jurisdictions. There has been a strong emphasis on improving the services and programs available to assist offenders in rehabilitation. The goal is first to protect the public from new crimes committed by those under supervision, and then to provide the tools necessary for the offenders to return to being a contributing part of the community. Some of those advancements have included specific drug offender caseloads for probation and parolees who receive more treatment and less incarceration. A women-only caseload has been created, where probation/parole agents have a better understanding of gender differences when it comes to supervision. Also, corrections has set up parole stabilization centers to assist inmates' transition from prison back to communities. These are called as community correctional centers, but have been known as "halfway houses" in the past. Presently, there are four centers on the Wasatch Front; three are in Salt Lake County and one is in Weber County. Others are being considered in rural parts of the state to assist in providing more options than incarceration for offenders.

In an effort to reduce recidivism, Corrections has created a parole violation center where inmates have a chance to reestablish themselves in the community before being returned to the prison. The Fortitude Treatment Center enables struggling parolees to remain in the community under parole supervision rather than returning to prison. When a parolee violates the technical conditions of his or her parole agreement (e.g., something that is not a new crime, but still violates certain restrictions such as curfew, possessing alcohol, dirty urinalysis tests, associating with other known parolees, etc.), Adult Probation & Parole agents can offer an "alternative event" by placing a parolee in this halfway house.