

TELEPHONE; STATISTICAL INFORMATION; PRISONS AND PRISONERS;
LITIGATION; CORRECTIONS;

PRISONS AND PRISONERS;



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DEPARTMENT OF CORRECTION ISSUES

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You asked for a comparison of the number of inmates per correctional counselor in Connecticut, Massachusetts, New York, and Rhode Island. You also asked (1) whether other states make a profit from inmate telephone calls, as Connecticut does; (2) how Connecticut's cost for incarceration compares to that for other states; and (3) what other states have done to reduce the incidence of frivolous lawsuits by inmates.

SUMMARY

The Connecticut Department of Correction (DOC) currently has 20,834 inmates and employs 513 counselors (40.6 inmates per counselor). Massachusetts has 10,020 inmates and 357 counselors (28.1 inmates per counselor), New York has 65,907 inmates and 649 counselors (36 of whom are employed by the Office of Mental Health and who work in DOC's intermediate care facilities) or 101.6 inmates per counselor. Rhode Island has 3,546 inmates and 33 counselors, or 107.4 inmates per counselor.

It appears that most states use inmate telephone calls as a source of revenue as Connecticut does, by imposing a significant state surcharge on top of the actual cost of the calls. Connecticut's cost of incarceration for adult inmates is higher than the national average, but well below several other Northeastern states. Among the ways that other states have tried to limit frivolous lawsuits by inmates are penalizing inmates that file such suits through such means as reducing their good time and by increasing the costs of filing civil suits. While we have found no studies on the

effectiveness of such measures at the state level, one study of similar policies in the federal prison system found that they substantially reduced the number of inmate lawsuits.

INMATE TELEPHONE CALLS

Most other states have policies that impose surcharges on inmate telephone calls, generally in the 40% to 50% range according to the Equitable Telephone Charges Campaign, an advocacy group that has been involved with inmate telephone policies. It appears that Nebraska is the only state that does not impose a surcharge.

Most states, including Connecticut, limit the types of calls that inmates can place or receive, often requiring inmates to make collect calls. OLR memo [2000-R-0708](#) describes Connecticut's policy in more detail. Several states, including Colorado, Indiana, Pennsylvania, South Dakota, and Wisconsin, have begun allowing inmates to use debit accounts to make phone calls, which can substantially reduce the cost of the calls. By law Connecticut DOC must establish, by June 3, 2004, a pilot program allowing the use of debit accounts at a correctional facility selected by DOC.

COST OF INCARCERATION

Table 1 presents the average daily costs of adult incarceration for the 44 states for which data readily available (data is not available from California, Hawaii, Kentucky, New Mexico, Vermont, and Wisconsin). Connecticut's cost of \$ 72. 91 is above the \$ 64. 64 average for these states. On the other hand, the cost of housing a prisoner in Connecticut is substantially below the costs in Massachusetts, New York, Pennsylvania, and Rhode Island. On a national level, incarceration costs in the Northeast and Midwest are generally higher than in the South and West, which is consistent with trends for labor and other costs.

Table 1: Average Daily 2002 Cost of Incarceration

Per Adult State Inmate

State	Average Daily Cost (\$)
Alabama	26. 07
Alaska	114. 37
Arizona	53. 44

Arkansas	42. 59
Colorado	77. 31

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State	Average Daily Cost (\$)
Connecticut	72. 91
Delaware	60. 39
Florida	48. 13
Georgia	48. 44
Idaho	55. 33
Illinois	63. 65
Indiana	57. 44
Iowa	61. 74
Kansas	54. 14
Louisiana	33. 68
Maine	92. 84
Maryland	61. 48
Massachusetts	116. 87
Michigan	79. 83
Minnesota	70. 23
Mississippi	38. 10
Missouri	35. 78
Nebraska	62. 33
Nevada	50. 54
N. Hampshire	68. 12
New Jersey	76. 13
New York	96. 73
North Carolina	65. 29
North Dakota	52. 83
Ohio	59. 93
Oklahoma	46. 14
Oregon	62. 42
Pennsylvania	80. 83

Rhode Island	100. 13
South Carolina	34. 54
South Dakota	31. 63
Tennessee	47. 62
Texas	43. 63
Utah	68. 32
Virginia	57. 34
Washington	71. 13
West Virginia	47. 47
Wyoming	86. 58

Source: 2003 Directory, The American Correctional Association

FRIVOLOUS INMATE LAWSUITS

Inmates in California, Delaware, Florida, Illinois, Indiana, Iowa, Nevada, New Jersey, South Carolina, Tennessee and Texas can lose good time credits for frivolous and malicious suits. Texas requires that an inmate be docked six months of good-time credit if he files four or more lawsuits within a year that a court declares to be without merit.

Another approach states have taken is to increase the costs imposed on inmates for filing suits. Under recent laws in at least 10 states, fees are now being imposed on some civil actions filed by prisoner. Kentucky, for example, requires partial filing fees and court costs for suits filed, and provides that an inmate's status is not a presumption of impoverishment. Mississippi makes inmates pay all costs of suits dismissed as frivolous; and California requires prison and jail inmates to pay full court costs for *forma pauperis* civil actions. New York requires non-indigent inmates to pay the full filing fee, approximately \$ 250, for suits in state courts and requires indigent inmates to pay a fee of \$ 15 to \$ 50. An inmate must also exhaust all administrative remedies before filing in the Court of Claims to seek recovery of damages for injury to or loss of personal property. The fee for filing in the Court of Claims is \$ 50, or between \$ 15 and \$ 50 for indigent inmates.

Some of the information in this report is derived from a National Conference of State Legislatures' (NCSL) report on the topic, which is available on NCSL's Website, <http://www.ncsl.org/programs/cj/cjl3297.htm>.

We have found one study of the effectiveness of related federal law. The Prison Litigation Reform Act (PLRA) was aimed at reducing frivolous or malicious prisoner petitions, filed by federal inmates, primarily those concerning civil rights and prison conditions. It established mandatory filing fees, restrictions on filing successive petitions, and requirements for exhausting administrative remedies before filing petitions. It also increased the ability of courts to dismiss immediately any petition that is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. According to a 1999 Department of Justice study, filings of civil rights prisoner petitions dropped 20% from 1996 (when the act went into effect) to 1997, then fell 12% from 1997 to 1998. The number of filings spiked intermittently after 1996, but levels continue to be below pre-PLRA enactment levels.

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