The Management of Death-Sentenced Inmates: Issues, Realities, and Innovative Strategies*

by

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Abstract

The number of death-sentenced inmates in prisons has continued to increase steadily in recent years. Although a substantial body of literature has emerged on a variety of capital punishment issues, little has been written about the challenges faced by corrections administrators in managing death-sentenced inmates in the prison environment. This paper explores the issues and realities of managing "death row" populations. It then sketches one state's experiences in integrating death-sentenced inmates into the mainstream inmate general population.

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Introduction

More than a decade ago Cheatwood (1985) raised compelling question about the criminal justice system's ability to cope with a burgeoning number of inmates confined in our nation's prisons awaiting execution of their death sentences. At the time, there were more than 1,400 death-sentenced inmates in the country. Noting that dramatic increases in this offender population were probably imminent, Cheatwood identified and discussed three possible response options: (1) to begin executing as many as 200-300 prisoners each year--numbers never before witnessed in the recorded history of the country; (2) to commute the sentences of death row inmates to life imprisonment, segregating these offenders in special housing units; or (3) to commute the sentence of death row inmates to life imprisonment, dispersing these offenders in the general inmate population.(*1)

In this paper, we revisit the as yet unanswered question intimated by Cheatwood; namely, how corrections administrators might manage a growing number of inmates sentenced to death. We begin by assessing capital punishment trends. Second, we briefly discuss practices traditionally employed to manage death-sentenced inmates, including legal issues surrounding many of these practices. Third, we discuss one state's strategy for managing death-sentenced inmates in prisons: mainstreaming these offenders into the general inmate population--an approach not without precedent.

Capital Punishment Trends

Projecting whether death row populations will increase, decrease, or remain constant in coming years is a threshold issue in the discussion of how corrections officials are to manage death sentenced inmates. An examination of three indicators suggests what the future holds in store insofar as the death penalty is concerned.

The Legal Landscape of Capital Punishment

In 1972, the Supreme Court's decision in Furman v. Georgia invalidated death penalty statutes in 37 states. At the time, there were 558 condemned prisoners housed in the nation's prisons (Marquart and Sorenson, 1989). The Furman decision was embraced with a "sense of euphoria" by opponents of capital punishment, who were convinced that complete abolition of the penalty was imminent (Haas, 1996: 129). Yet in 1976, the hopes of opponents were dashed when the Court affirmed the constitutionality of a bifurcated process for imposition of the penalty (Gregg v. Georgis; Profitt v. Florida; Jurek v. Texas).

Space does not permit an exhaustive review of Supreme Court decisions that followed these cases. White (1991) has suggested that from 1976 to 1983, the Court worked diligently to carve out the constitutional boundaries surrounding the imposition of the penalty. White suggests that since 1983, (*2) the Court's decisions in capital cases signify, if anything, a desire to enable states to expeditiously carry out executions of those sentenced to death. Haas' (1996: 131) assessment of the line of post-1983 decisions is even stronger, writing, "I would argue...that the Court has increasingly become an activist, pro-death-penalty tribunal." There are few reasons to suspect that there are major shifts looming on the horizon in legal options regarding the constitutionality of the penalty itself (Blumberg, 1994). In fact, indications suggest the Court's current orientation is directed more toward facilitating rather than impeding imposition of the penalty.

Public Opinion and the Death Penalty

Public attitudes about the death penalty have clearly varied over the past few decades. In 1965 and 1966, for example, less than one-half of the public was in favor of the death penalty for persons convicted of murder. Since then, however, support for the penalty has generally increased annually, with no less than 60 percent of the public expressing support for the penalty since 1976. In 1994, 80 percent of those surveyed were in favor of the penalty; in 1995, 77 percent expressed support for the (Maguire and Pastore, 1995).(*3) While support varies by factors including gender, race, age and political affiliation, the vast majority of the public favors the penalty as an abstract proposition, where no alternative are provided.

What seems less clear is whether the public will continue to endorse capital punishment as a viable sanction. On one side of he issue, some have inferred that even if the rate of executions increases substantially, public acceptance of the penalty will probably be little affected (Wallace 1989; Ellsworth and Ross, 1983). Others, however, have proposed that public attitudes toward the penalty will shift if the number of executions rises to new levels in the next decade. By about 2010, the anticipated results include a pattern of reluctance to perform executions, a growing number of Americans are expected to turn against the penalty, and a number of jurisdictions may subsequently abolish capital punishment (Haas, 1996). Even if the latter prediction is true, corrections administrators

will be confronted with problems for at least the next decade in managing substantial numbers of inmates sentenced to death.

Projecting Future Death Row Populations

Attempts to project future death row populations are laden with uncertainties. Criminal justice policies and practices--including those relating to capital punishment--are continuously molded and shaped by broader social and political forces. Table 1 shows the number of inmates confined in state correctional facilities under sentence of death from 1973 to 1995. An examination of these data show dramatic increases in death row populations between 1973 and 1995. As of April 30, 1995, there were 3,009 inmates under sentence of death--a 27 percent increase since 1990.

Assuming that the rate of growth in death row populations will remain constant in the coming years, Table 1 also shows projected death row populations through the year 2016, in three year increments. As the projections indicates if increases in death row populations continue as they have in previous years, there will be approximately 5,889 inmates under sentence of death in the year 2016. These projections should be viewed with caution, however, since they do not take into account possible increases in the number of annual executions. If states begin to execute inmates at higher rates than in the past, as some authors (Haas, 1996) have suggested, then the projections provided here are obviously inflated. Conversely, however, the projections contained in Table 1 do not take into account other shifts that could increase the number of inmates confined under sentences of death. Increased could conceivably occur, for example, if states without capital punishment enact statutory provision for the penalty, if legislation is enacted increasing the number of crimes punishable by death, or if the penalty is more frequently sought by prosecutors than is now the case.

In any event, the projections, considered along with legal decisions and strong public support for the penalty, suggest steady growth in death row populations over the next several years. At a minimum, the projections point to the need for corrections administrators to begin to consider strategies that might be employed to address this expanding and, for prison officials, unique offender population.

Traditional Strategies for Managing Death-Sentenced Inmates

With few exceptions, much of the attention surrounding capital punishment has focused on the imposition and execution of death sentences. As Sorenson and Marquart (1989) have noted, outside of occasional news stories about appeals, stays or actual executions, little attention is paid to death row prisoners. Yet the capital punishment process also involves confinement--commonly for years--as inmates' cases wind their way through the appellate system. How these inmates are to be managed is an unavoidable reality, not only for prison administrators, but also for legislators, the legal community, and the public.

Since the turn of the twentieth century, death sentenced inmates have largely been confined in separate areas of prisons, commonly referred to as "death rows." From early times, death row conditions were characterized by a pervasive emphasis on rigid security, isolation, limited movement, and austere conditions. Treated as "dangerous and unstable" (Johnson, 1989:37), condemned prisoners were housed in individual cells, permitted to have few personal possessions, and prohibited from having any item that might be converted for use as a weapon. When removed from their cells for limited recreation, infrequent visits, showers, or to be seen by medical personnel, these inmates were typically escorted in full restraints. Denied opportunities to work or participate in organized recreation, education, and other types of programs available to general population prisoners, many condemned prisoners were confined to their cells for 20-22 hours each day (Johnson, 1990).

From the late 1970s, death row inmates in several states brought legal actions in the federal courts alleging conditions that violated constitutional standards (Amnesty International, 1987). It is generally accepted that the Eighth Amendment protects inmates who have been sentenced to death and awaiting execution from cruel and unusual punishment. Courts have viewed that the prohibitions in the Eighth Amendment evolved primarily from the concern for the manner in which individuals would be put to death (Groseclose v. Dutton, 1985; Louisiana ex rel. Francis v. Resweber, 1947).

From 1979 to 1985 court settlements in death row litigation were obtained in Alabama, Florida, California, Georgia, Virginia, Mississippi, and Texas. The terms of the settlements varied considerable in each state and were largely individually framed for the specific circumstances of the institution. Minimum recreation periods for death row inmates were the general feature of these consent orders. The most far-reaching settlement was agreed in 1985 in Texas, which at the time was probably the only state to offer a full work program to death row inmates. (Amnesty International, 1987).

Apart from consent decrees federal courts have made decisions on the merits in death row litigation with varying results. In Smith v. Coughlin (1983, 1984) the prisoner challenged the death row-restrictions and sought contact visits with relatives and friends, access to paralegals, interaction with fellow inmates, participation in congregate religious services, and the right to keep legal papers in his cell. He also alleged that as a result of the totality of the conditions he had suffered psychological damage, resulting in the loss of will to fight his conviction through appeals. No constitutional violations were found other than the ban on visits by paralegal personnel. The Court of Appeals noted that he was confined in a sixty square foot cell containing adequate lighting and ventilation, with access to radio and television 24 hours a day, and permitted to exercise daily from 8:30 a.m. until 3:30 p.m.

In Groseclose v. Dutton (1985) the conditions of death were viewed as vastly different. Serious inadequacies in ventilation, heating, cooling, and lighting were found in the small cells. Access to exercise was limited to one hour per day of exercise. An absence of attention to psychological needs of death inmates was also noted. Yet, similar conditions were found not to be unconstitutional in Peterkin v. Jeffes (1988).

There are no U.S. Supreme Court cases dealing specifically with death row conditions. Thus, lower courts must draw instruction from U.S. Supreme Court decisions on general prison conditions cases. Chief among these cases are Wilson v. Seiter (1991) and Rhodes v. Chapman (1981). Together these cases provide the objective and subjective standards that must be met for showing that prison conditions constitute a violation of the Eighth Amendment. The objective component consists of a showing of a deprivation of an identifiable human need such a food, warmth or exercise. The subjective component requires proof that the defendant acted with deliberate indifference in failing to remedy the lack of these needs. (Branham & Krantz, 1994).

The Eighth Circuit Court of Appeals in Wishon v. Gammon (1992), a case involving the protective custody unit at the Moberly Training Center for Men in Missouri, applied these two standards in this analogous case for death row conditions. The Court found that in light of the two U.S. Supreme Court decisions, prison officials were not responsible for the unsanitary conditions in Wishon's cell and that there was no evidence that his health suffered as a result of the food. Further, the Court held that 45 minutes per week of out-of-cell recreation time was not unconstitutional considering the needs of protective segregation and where there was no evidence of a decline in health resulting from this limited time. In light of the access of self-study materials, college correspondence courses and library materials, the Court found that Wishon was not treated differently from similarly situated inmates, thus there was no unconstitutional denial of access to educational and vocational opportunities.

Thus, Wishon indicates the difficulties of meeting the objective component for determining that prison conditions violate the Eighth Amendment. Even if that is met the prisoner will also have to show that the officials were deliberately indifferent to the conditions. More recent death row conditions cases have indicated the difficulties of showing Eighth amendment violations. For example the District Court's opinion in Groseclose (1985) was reversed by the Sixth Circuit (Groseclose v.Dutton, 1987) stating that the district court applied an inappropriate totality-of-the-circumstances standard in determining that conditions constituted cruel and unusual punishment.

There are consequences apart from lessened likelihood of finding the conditions to violate the Eighth Amendment that may impact the management of death row inmates. Overly restricted access to attorneys or their employees may implicate the inmate's constitutionally protected access to the court (Bounds v. Smith, 1977). Overly oppressive physical conditions of death row may be detrimental to the inmate's mental health and subsequently affect his mental competency for execution (Ford v. Wainwright, 1986). The psychological impact of onerous death row conditions in combined with the impending execution can be quite severe (Quigley & Shank, 1989). Although the consequences are only remotely likely, it may be of interest that death row conditions, while acceptable under the Eighth Amendment, may be found to be unacceptable to the European Court of Human Rights. The State of Virginia was frustrated by this finding in its attempts to have an individual extradited for prosecution. Here the European Court held (Case of Soering, 1989) that the conditions on this state's death row were inhuman

or degrading and therefore would violate the individual's human rights as protected by the European Convention for Protection of Human Rights and Fundamental Freedoms (Quigley & Shank, 1989).

Death Row Reform Efforts

Over the past few decades death rows in many states have witnessed reforms--albeit minor in many cases. From the historical perspective, perhaps the most notable reforms occurred on death row at the Tucker Prison Farm in Tucker, Arkansas in 1968. Under the leadership of Tom Murton, restrictions on death row inmates were slowly, but steadily, lifted. Inmates were provided with work opportunities, recreation and visitation privileges were implemented, and condemned prisoners were allowed to attend program activities. Death row inmates were permitted to eat with other prisoners and, eventually, with the exception of separate housing, were fully integrated into the regular prisoner population (Murton, 1969). These dramatic reforms, occurring over a ten month period of time, were characterized by outsiders as a "renaissance in correction" in the handling of condemned inmates (Murton, 1969: 110). Despite the success of Murton's reforms, the program was ultimately dismantled by the state's Board of Correction, returning capital punishment inmates to conditions indistinguishable from most other death rows in the country.

Other states' efforts to reform death rows, while notable, have been less comprehensive. In 1985, the Texas Department of Corrections implemented changes in the management of death row inmates as a part of a consent decree. Inmates were classified as either "death row work-capable", or "death row segregation" (Sorenson and Marquat, 189: 172). Work-capable prisoners were provided with employment opportunities in a garment factory, or assigned work as orderlies or janitors. In addition to work reforms, capital punishment inmates were afforded greater liberties for recreation, out-of-cell time, and access to programs provided within their assigned cellblocks. Although the program was initially met with skepticism by staff, no serious incidents were reported following implementation of the reforms (Marquart, Eckland-Olson & Sorenson, 1994; Sorenson and Marquart, 1989).

On a lesser scale, other states have also instituted death row reforms. As noted in the previous section, most of these reforms have revolved around increasing access to recreation opportunities. Some states have also provided condemned prisoners with reduced cell time, and expanded opportunities for visitation (Johnson, 1990). Despite improvements, the overall conditions of confinement for the vast majority of death row prisoners today remains little changed from those that existed at the turn of the century. Writing on the Texas experience, for example, Marquart and Sorenson (1989: 174) note Despite the court ruling, the quality of life for these prisoners has not substantially improved. Although the administration ordered in 1988 that all inmates be allowed "piddling" privileges (arts and crafts work in their cells) absent a showing of abuse by individual inmates, the overall atmosphere of death row segregation remains relatively unchanged. Johnson (1990: 40) has also argued that although some death row reforms have been successful, "they have typically been piecemeal rather than comprehensive efforts", having only nominally improved the quality of daily life for the condemned. The

conditions on death rows in the majority of states--whether having large or small populations--are "virtually indistinguishable" (Johnson 1990: 29).

Conditions of confinement for most capital punishment prisoners have been changed little over the past several decades. Today, however, the temporal nature of the capital punishment process is much different than was the case even three decades ago. Johnson (1990: 41) notes Solitary confinement may have been defensible as an across-the-board policy when prisoners faced a few weeks or months or even a year or two on death row. But when the stay on death row stretches, as it does today, to five, ten, or even fifteen years, such confinement becomes at best an oppressive, last-ditch option for unmanageable prisoners.

Mainstreaming Capital Punishment Prisoners: The Missouri Experience

Prior to April 1989, condemned prisoners in Missouri were housed on "death row" at the Jefferson City Correctional Center (JCCC) in Jefferson City, Missouri.(*4) JCCC, the state's primary maximum security prison at the time, is the oldest operating penal institution West of the Mississippi River. As with other states using prison facilities constructed before the turn of the century, conditions at JCCC were less than favorable for both death row inmates and staff.

Capital punishment inmates were housed at a below-ground unit at JCCC completely segregated from the general inmate population. With restrictions on movement and limited access to programs, conditions of confinement for death row inmates mirrored those found in other states. Death row inmates did not leave their housing unit. All services, including medical, recreation, food and legal materials, were brought to condemned prisoners. Inmates were permitted one hour of outside exercise each day in a small, fenced area by the unit.

In January of 1986, capital punishments filed a class action suit alleging several constitutional deprivations surrounding their conditions of confinement. On January 7, 1987, the Department of Corrections entered into a consent decree without an admission or a finding by the court that the conditions on death row were unconstitutional (McDonald v. Armontrout, 1990). The decree resulted in several changes in the management of death row. Included in the decree were stipulations regarding the handling of inmate legal mail, provisions to allow two inmates at a time attend religious services in a designated "privacy room" in the unit, increased telephone access, changes in the delivery of medical services, expanded recreation opportunities, and the assignment of additional staff to the unit with specialized training. The decree also provided for the creation of a death row classification scheme with three levels: regular custody, close custody, and no-contact custody. The extent of privileges received by death row inmates was contingent upon classification level, thus providing behavioral incentives.

In 1989 the Potosi Correctional Center (PCC) located in Mineral Point, Missouri was opened. Designed as a maximum security institution, PCC is a 500 bed facility that, at the

time, had an inmate population of about 200 inmates. In April of 1989 all 70 of the state's death sentenced inmates were transferred from JCCC to the new Potosi facility. Prior to the move, the U. S. District Court for the Western District of Missouri approved several modifications to consent decree governing the management of death sentenced inmates.

Capital punishment inmates were initially housed in a two-winged, 92-bed unit at PCC. Housing assignments for death sentenced inmates were based on a revised classification system consisting of four levels: minimum custody, medium custody, close custody, and administration segregation. Minimum custody inmates were housed in one wing of the unit, with the remainder of the capital prisoners assigned to the other. Each level of classification afforded inmates varying degrees of privileges with the intent to reward those exhibiting appropriate behavior. Minimum custody inmates for example, were afforded the same opportunity for outdoor and indoor recreation as were general population inmates at the facility. Conversely, close custody and administrative segregation capital offenders were given the opportunity for one hour of recreation every other day. Similar gradations of privileges, contingent on classification level, were provided for inmate visitation. Importantly, however, capital offenders continued to be segregated from general population inmates.

Within a few months of the transfer to PCC, death sentenced inmates filed a motion for contempt, challenging several conditions of their confinement at the institution. Once again, the Department found itself in the position of justifying various practices regarding the management of capital offenders.

At the time, administrators began to consider alternatives for managing capital offenders that would alleviate the continuing stream of concerns raised by these inmates. In particular, staff noted the difficulties inherent in providing capital offenders with similar levels of access to services (e.g., law library, recreation, visitation, commissary, medical, etc.) enjoyed by general population prisoners housed at the facility. During this discussion process, several employees noted the irony of have similarly situated inmates, in terms of offense characteristics, segregated from one another at PCC. With the exception of a handful of prisoners at the institution, the majority of non-capital inmates at PCC were serving long term sentences (e.g., life sentences without the possibility of parole, or inmates sentenced to serve a minimum of 50 years before becoming eligible for parole). In essence, although capital and non-capital inmates had been convicted for the same offense, the only difference between the two groups was their sentences.

Based on this dialogue, administrators began studying the feasibility of integrating capital offenders with general population inmates at PCC. During this process, advantages and disadvantages of mainstreaming capital offenders were identified and discussed. Although no definite decision point can be identified, officials made plans to begin the complex process of liberalizing restrictions for capital punishment inmates that had been in place for decades.

One of the first steps in the process was to discard the commonly used negative term "death row" when referring to either death sentenced inmates or their housing status.

Instead, prison officials began referring to these offenders as "capital punishment" (CP) inmates. Several innovative actions were taken to not only gradually prepare inmates and staff for the eventual integration of CP inmates, but also to test the viability of the idea. For the first time in the history of the Missouri Department of Corrections, capital offenders left their housing unit for meals. Three times a day, minimum custody CP inmates were escorted to and from the PCC dining room by staff members. Having experienced no serious incidents, officials also began to escort capital offenders to the gym at the facility. Shortly thereafter, CP inmates were permitted to visit the law library. CP inmates were given work assignments in the prison laundry.

Based on the successes of these and other changes, preparations were made to fully integrate CP inmates with general population inmates. Since capital inmates had historically been isolated from other prisoners, no formal "enemy" information existed about conflicts between CP and general population inmates. In addition, although all general population prisoners were assessed with the Adult Internal Management System (AIMS) for classification purposes, corrections officials had not used the instrument for classifying CP inmates. Both pieces of information were crucial, since the criteria used for housing assignments would be the same of CP and general population inmates. Officials also noted that use of these criteria would most likely disperse CP inmates among the entire PCC population. Not only would cliques that had developed over the course of years among CP inmates be broken up, AIMS information would be beneficial to those inmates who were then living on death row and had never served time in any other capacity.

On January 8, 1991 after months of planning by employees at all levels, CP inmates were mainstreamed into the general population at PCC. Five years after having begun this "experiment", the program continues to enjoy success.

Benefits of Mainstreaming Capital Offenders

The mainstreaming program has produced benefits not only for CP inmates, but also for general population prisoners, staff, inmates' families, corrections personnel, attorneys for both the state and inmates, and Missouri citizens. Benefits of the integration program are briefly summarized below.

1. Significant Cost Savings

The mainstreaming of CP inmates was accomplished with minimal initial capital outlays (*5) and substantial long-term savings. Death rows have traditionally been labor intensive. With mainstreaming, several special posts and functions necessary to provide CP inmates with services and access to programs were eliminated. Before mainstreaming, the process of escorting inmates to various points around the facility consumed the time of a substantial number of staff. With the integration program, however, CP inmates were afforded the same ability as general population prisoners to move about the facility. Staff positions were reallocated throughout PCC, ultimately enhancing instead of detracting from security. Second, the state benefits from substantial reductions in legal expenses that

under the previous death row plan, were a seeming inevitability. On September 18, 1995, the U. S. District Court terminated it jurisdiction in the original and modified consent decrees, writing, "The conditions of confinement applicable to CP inmates at PCC, as shown in this record, meet or exceed the terms of the Modified Consent Decree" (McDonald v. Delo, 1995: 84). It is expected the Department will be well positioned to respond to any potential future litigation initiated by CP inmates on conditions of confinement, given that capital offenders are afforded the benefits available to general population inmates. Third, mainstreaming has provided corrections officials with greater flexibility to use bed space at PCC. Although PCC had about 300 inmates at the time that CP inmates were integrated in 1991, officials began double celling general population inmates in 1995 because of increased population pressures. The Department recently double celled CP inmates at PCC without incident; today, there are about 750 inmates housed at the facility.

2. Benefits for Capital Punishment Inmates

Johnson (1981, 1990) has noted the debilitating and disabling effects of long-term death row confinement for many capital offenders. With the integration program, CP inmates have benefited in many ways--some effects have been quite obvious, others have been more subtle. In general, it may be said that CP inmates have been placed in a more "normalized" environment with substantial access to programs and services. Some of these services and programs include:

CP inmates have been afforded increased access to recreation. With mainstreaming, CP inmates are provided the opportunity for eight hours of recreation time each day. In addition, hobbycraft is available to CP inmates six hours each day.

Greater health care access has been increased for CP inmates. Prior to mainstreaming, physicians traveled to death row for sick call. Before integration, when CP inmates needed to be seen in the medical unit for x-rays, the eye clinic, lab work, or dental needs, security staff needed to not only provide escort services, the entire medical unit had to be shut down because of the segregation of CP and general population prisoners. With integration, CP inmates are seen at medical in the same fashion as general population prisoners. In addition, the complexities of distributing medication to CP inmates have been eliminated.

The difficulties of providing psychological services have been minimized. Integration has provided counseling staff with more flexibility to see CP inmates, and to work on a more informal basis with them.

Because mainstreamed CP inmates are managed in the same fashion as general population prisoners, they are provided with equal work opportunities. CP inmates compete for, and work at, jobs available to prisoners throughout the institution. Capital inmates currently have work assignments in laundry services, the tailor shop, food service, law library, and education program.

Capital offenders have additional access to commissary/canteen, along with the ability to purchase a broader variety of items. Because segregation of CP and non-CP offenders is no longer necessary, commissary hours have also been expanded.

Prior to mainstreaming, visitation for capital offenders was problematic, primarily because CP inmates were kept separate from others, and due to the need to escort capital offenders to and from the visiting room. Thus, visitation was labor and time intensive for staff. With integration, CP inmates enjoy equal access to visitation. Since escort and separation requirements no longer exist, the number visitation days has been expanded for all PCC inmates.

The integration program has provided CP inmates greater access to the law library, and attorney visitation is now easier. In addition, capital offenders now have improved access to telephones for both legal and personal calls.

Beyond these advantages, the mainstream program has benefited CP inmates in other, more subtle ways. Short of abolition of the death penalty, there is probably little than can be done to ameliorate the stigmatization of a capital sentence and all that surrounds it for CP inmates. If the routinized prisonization process can be smoothed for CP inmates, it is probably best accomplished in an integrated environment where capital offenders have at least the same opportunities provided to other maximum security prisoners. The mainstreaming program has provided CP inmates with web of incentives to conform with regulations. In the process, the environment has been "humanized" for capital offenders--probably as much as possible given prevailing public and political sentiments.

3. Benefits for Non-Capital Inmates

Prior to integration, general population prisoners at PCC also experienced difficulties because of the problems arising for maintaining essentially two prison operations--one for general population inmates, the other for CP offenders. With integration, several programs have been expanded, including more extensive visitation, commissary access has increased, medical services are more accessible, and movement around the facility is not impeded as was frequently the case prior to the program when CP prisoner movement virtually halted facility operations. Interestingly, the integration program has also benefited inmates in Administrative Segregation. Because integration has opened a variety of work positions for capital offenders, Administrative Segregation inmates are now afforded limited work opportunities in the facility's laundry operation, which was the only work previously available to CP inmates.

4. Benefits for Corrections Personnel

The majority of capital offenders are more easily managed with integration. Before the integration program, CP inmates had little to lose--outside of limited program activities--for noncompliance with facility regulations. With the full range of privileges available to

them, CP inmates have incentives to conform with institutional policies and procedures. Program scheduling has been simplified under the program. Disciplinary actions, grievances, and inmate-on-inmate violence has decreased, thus minimizing the difficulties commonly experienced by corrections staff under the old structure. The general climate and environment of the institution has improved for the better as well, with many of the strains accompanying the management of a traditional death row having been eliminated.

Discussion and Conclusion

During 1994, 13 states executed 31 prisoners. Prisoners executed during this time had been under sentence of death an average of 10.2 years, approximately 9 months longer than the average for inmates executed the previous year (Stephan and Snell, 1996). Although housing capital offenders on death rows completely isolated for other prisoners may have been warranted decades ago when there was a relatively short period of time between sentencing and imposition of the penalty, the Missouri mainstreaming experience suggests that correctional administrators may wish to reconsider whether the practice continues to be appropriate today.

Whether CP inmates should be integrated with general population prisoners is a question that can only be decided ultimately by officials in states with inmates under sentence of death. Facility design, historical background and prevailing political ideology are all factors that vary between states. But the outcomes in Missouri, considered with experiences in Texas, Arkansas (in the late 1960s) and other states having liberalized schemes for managing CP inmates, suggest that integration is a viable, effective approach.

The integration of Missouri CP inmates has not occurred without challenges. From the outset, concerns existed about public support for the program, legislative approval, and acceptance by staff. Corrections officials were quietly apprehensive whether the program would work at all. After having made extensive plans and progressively implementing the integration program, many have expressed surprise at the ease with which the transition occurred. Mainstreaming was accepted not only by staff, but also the entire Potosi Correctional Center inmate population.

Integration has not been the complete answer to all of the complex problems inherent in managing capital punishment inmates. Adjustments have been made as the program has matured and its viability continues to be assessed. Litigation regarding conditions of confinement continues to be filed by capital offenders. However, the comprehensive reforms that have occurred under the program have enhanced the ability of officials to justify current capital punishment inmate management practices.

Table 1

Inmates Under Sentence of Death in the United States: 1973-1995

Year	# of Persons Under Sentence of Death
1973*	134
1974	244
1975	488
1976	420
1977	423
1978	482
1979	593
1980	691
1981	856
1982	1,050
1983	1,209
1984	1,405
1985	1,591
1986	1,781
1987	1,984
1988	2,124
1989	2,250
1990	2,356
1991	2,482
1992	2,575
1993	2,716
1994	2,848
1995	3,009

1998** 3,401

2001 3,816

2004 4,231

2007 4,645

2010 5,060

2013 5,474

2016 5,889

Data Source: Maguire and Pastore (1994, 1995)

*Data for years 1973-1993 reflect persons under sentence of death on December 31; data for 1994 reflect persons under sentence of death on April 20, 1994; data for 1995 reflect persons under sentence of death on April 30, 1995.

**Projections for years 1998-2016 based on simple linear equation (Death Row Population =Year* 138.201 - 272724.281. Adjusted R-Squared = .981. F-Ratio = 1,122.5, df = 1, 21.

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Endnotes

(*1) Admittedly, the thrust of Cheatwood's article was to point out potential systemic effects that would follow either massive execution, or death sentence communications. His work, nonetheless signified the importance of addressing how to deal with an increasing number of death sentenced inmates.

(*2) Haas (1996) points out that the court, in Zant v. Stephens (1983), commented that states had a legitimate interest in expediting death penalty appeals. Haas (see, e.g., pp. 135-143) also provides a review of the Court's decisions in capital cases supporting the idea that the High Tribunal has shifted its criteria used for review of these cases.

(*3) The margin of error in opinion polling of this type is at least plus or minus three percentage points, suggesting that there has not been a significant shift in attitudes in 1995 as compared to 1994.

(*4) At the time, the facility was called the Missouri State Prison.

(*5) Prior to the integration, officials projected the need for $41,000.00 for capital improvements that included the construction of a concrete walkway to the housing unit, the erection of an additional security fence, and the addition of security cameras.