

Prisons Under Pressure

Director strives for control

Residents, criminals lose faith in system

Oregon's new corrections director is quick to admit that the state prison system has lost its credibility — with law-abiding residents and with criminals themselves.

"We don't have a deterrent to the guys on the street," Michael Francke says. "We've lost control of it."

In part, Francke says, the opportunity to rescue a crumbling system is what brought him here from New Mexico nine months ago — that and the fact that Gov. Neil Goldschmidt made corrections the top priority of his first year.

"That's exceptional, for a governor to take on corrections without a riot to spurn him on," Francke says.

Michael Francke

Born: Oct. 2, 1946, in Kansas City

Occupation: director, Oregon Corrections Department.

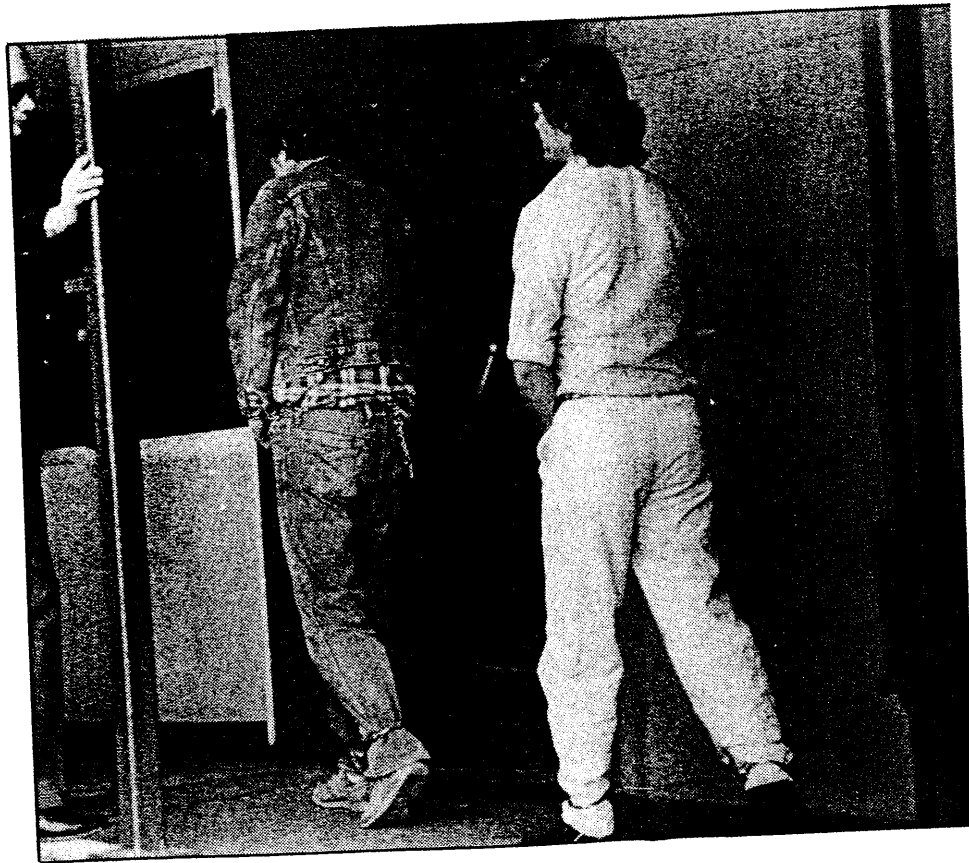
Family: wife, Bingta; sons, Joel and Trey; daughter, Marlo.

Hobbies: skiing, golfing, dirt bike riding.

Of interest: Deputies say he conducted his own weekend hunt after Diane Downs escaped from the women's prison in July. He predicted that she'd stay close by, while other administrators mistakenly thought she'd flee fast and far.

Quote: "People who come to prison have to be confronted with their bad behavior. Whatever I can do to make it unpleasant, that's good for guys who are really, really bad."





As a former New Mexico secretary of corrections, Francke met that standard.

Inmates at the penitentiary there rioted in 1980, three years before Francke took over the system. The revolt left 33 people dead and \$12 million in damage to the pen.

Francke helped rebuild the system, heading up a \$95 million, four-prison construction project.

Before taking that job, he investigated the riot while he was an assistant New Mexico attorney general.

Toney Anaya, the former New Mexico governor who hired Francke, says Francke had "an intimate knowledge of the penal system."

Francke is known by some for delegating extensively.

But Richard Peterson, an assistant state corrections director, says his boss has visited each of the state's institutions about three times since last summer and uses deputies for updates on the system's condition.

"I think probably he gets out as much as any of the other directors have," Peterson, a 26-year veteran of Oregon corrections, says. "He's likely to show up on weekends or late at night."

Francke says his exhaustive work schedule has kept him from the ski slopes, golf courses and dirt bike trails where he normally spends his spare time.

Instead, he's been relaxing at home with his wife, Bingta; his 4-month-old son, Trey; and occasionally a good Dick Francis murder mystery.

He has two older children: Marlo, a sophomore at

the University of Texas in Austin, and Joel, a freshman at St. Pius Academy in Albuquerque.

Francke grew up in the Kansas City area. As a youngster, he says, he used to grab a six-pack of beer and a group of buddies and head to the dump to shoot rats.

"It felt good," he says.

His career started 17 years ago in Los Angeles, where he joined the U. S. Navy and soon became a military judge. The insubordination cases he handled could be as petty as bed-wetting but as serious as murder.

As a children's court judge about 10 years later, he saw what he now calls the worst case of his career: the trial of a man who had abused his daughter so severely that he gave her throat gonorrhea several times.

And while investigating the New Mexico riot, he learned how a group of rampaging inmates had cut a prisoner out of his cell with a torch and then used the weapon's flame to slowly burn him to death.

Francke says he worked like a shark as a young state prosecutor in those days: "I was looking for any soft flesh to sink my teeth into."

Now he says he's going after Oregon's crime crisis with the same zeal.

Adding deliberate drama to his delivery, he announces that the state is fourth in the nation for indexed crime — major felonies per 100,000 people.

"Last year we were No. 5," he says. "If we don't start sinking some commitment . . . into the system, we could be No. 1."

As Goldschmidt's point man for corrections, Francke, 41, is heading a \$28.5 million prison construction plan, a long-range criminal population study and some immediate changes in prison management.

He's instituted tougher rules in the disciplinary segregation unit in the Oregon State Penitentiary. For example, he banned smoking after one prisoner shot another with a gun made of matchsticks, injuring the man in the chest.

Francke says he views prison as a place where hardened people should suffer punishment — but where reform should await anyone seeking it.

"People who come to prison have to be confronted with their bad behavior," he says. "Whatever I can do to make it unpleasant, that's good for guys who are really, really bad."

Treatment and training are for the others — and for the hard cons who eventually burn out on crime, he says.

"When they look up and say, 'This sucks. I'm sick of it. It's misery,' we can pull them out of it," Francke says.

But he laments the fact that Oregon has no clear division between maximum-security warehouses for the toughest cons and places for criminals who seek reform.

And he joins those who decry the emergency measures he's taking to deal with the state's escalating prison population. He says he simply has no choice.

One of the measures is a bed rotation plan that has allowed officials to assign more than 100 inmates to half as many bunks.

The prisoners are divided into two groups that are released on an alternating schedule of six days in prison, eight days out. Returns to prison are based merely on the honor system.

Another measure, now in the planning stages, would add second beds to each of 160 cells in the Oregon State Penitentiary.

To round up support for a larger prison budget, Francke often approaches the public with candid descriptions of the system's condition.

He tells members of the Salem City Club how two prison officers are in charge of 148 inmates in a penitentiary dorm — a type of emergency shelter with individual bunks but no separate cells.

He admits to frightened residents that rapists and robbers walk Salem's streets because there isn't room to lock them up.

He describes his own shock at discovering one day that prison officers rely on small whistles instead of communication radios in emergencies. And he outlines his plan to change that.

With ease, Francke nails down what he would do if he had all the money and authority he needed:

- He would build a maximum-security prison to ease crowding.

- Believing that tough laws are just as important as adequate prisons, he would scrap the citation for small amounts of marijuana and make the offense a crime once again.

- He would outlaw all drug paraphernalia.

- He would boost the budgets of law enforcement agencies and tell them to track escapers, parole violators and others who now get away without much of a fight.

- He would invest extensively in prevention — focusing on children, troubled parents, education, and drug and alcohol abuse.

"If we haven't done anything about the causes of criminality, then we're just going to have bigger and bigger prison systems," he says.

But Francke predicts that Oregonians will shovel a lot of money into prison construction.

"They may spend too much because there's a sentiment," he says. "They're pissed off."

Salem Mayor Sue Miller says Francke has the ability to play on that sentiment.

She has lobbied corrections officials and state legislators to build more prison space outside Salem, saying local citizens already suffer more than their share of the neighborhood crime element that follows a prison population.

"Just because of his personality and his presence, he'll probably make a significant difference in the public's perception of the problem," she says of Francke.

But Gov. Neil Goldschmidt says he sees more in Francke than style alone.

"I liked the fact that he'd been a judge," he says. "I liked the fact that he focused on the prevention side of this — with kids."

"I just thought he was excellent."

Goldschmidt also says he was looking for someone who had dealt with a failing prison system.

Prisons Under Pressure

Inmates find holes in release

system

Inmates on a new rotating release plan sometimes leave the phone numbers of pizza parlors or phone booths when officers ask for contacts, according to inmates on the plan.

Others never show up at the homes they list as temporary housing, or they plan escapes before they're ever released, inmate James Nelson said.

"You hear it all the time," he said. "Guys say, 'This is it, man. I'm outta here.' And they don't come back."

Nelson should know: The 32-year-old convicted felon is participating in the program after serving seven years in prison on robbery and assault charges.

The rotation plan, also called overflow release, is the newest result of crowded prisons. It places inmates on a schedule of eight consecutive days out of prison and six days in. The plan allows officials to assign two sets of prisoners to one set of beds at the Department of Corrections Release Center on Aumsville Highway.

Officials are supposed to verify phone numbers and residences listed by inmates, according to their own rules. But Nelson said prisoners often get away with leaving false information.

Kent Ward, the supervisor of counselors at the release center, said officers phone each inmate's contact on his first eight-day leave. But he conceded that inmates could cheat by not returning to that residence during later leaves or by get-

"Dealing with 400 people a month, it's hard to catch all the game-players," Ward said.

Since Oct. 31, 350 burglars, drug dealers, robbers, rapists and other criminals have been placed on the plan. Of the 70 to 100 who go out each week, four or five don't come back.

Returns are based on the honor system. The only supervision of released inmates is a requirement that they sign in at local parole offices within five days of each release.

Mike McGee, the field program manager at the release center, said officials don't track prisoners who disappear because they can't afford the staff time.

But the plan is working reasonably well, he said. No one has been arrested for serious new crimes, although 20 have been picked up for minor offenses.

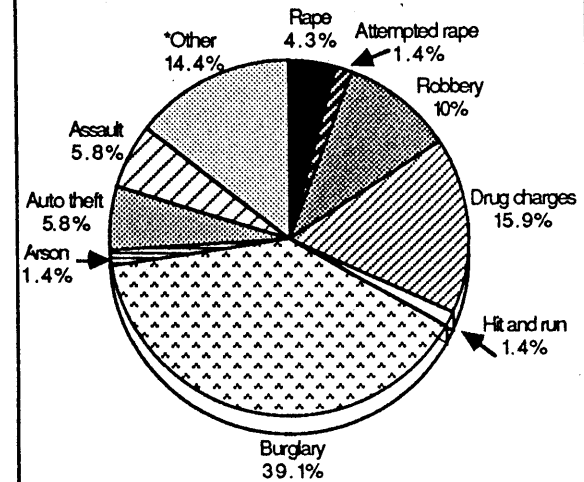
"In better times, we'd say it's not a good idea," McGee said. "Overassigning beds in an institution is pretty serious."

The overflow plan was added to an existing release program called terminal leave. Inmates on that plan basically are set free as long as eight months before their parole date.

Overflow release

Original convictions

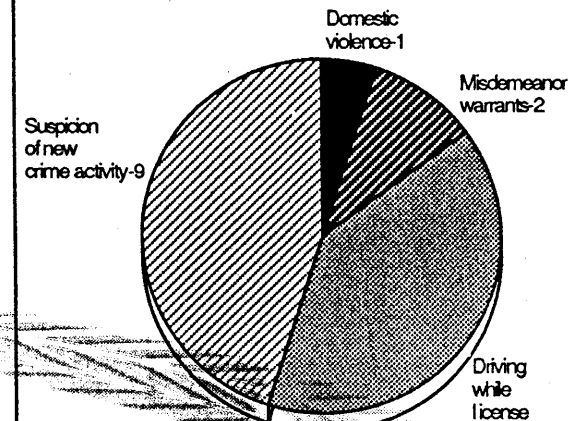
Crime profile of 69 inmates released Feb. 12-20, 1988.



*Other: Theft, forgery, attempted burglary, attempted assault and mischief.

New arrests

Of the 350 prisoners released since Oct. 31, 1987, 20 have been arrested while out. A breakdown of the new charges:



Of 2,519 terminal leaves that were completed last year, 35 percent were recorded as unsuccessful because the inmates escaped, violated rules or were charged with new crimes. That failure rate increased from 23.7 percent in 1986.

Officials said they screen prisoners on both programs to eliminate those who are most dangerous.

But Nelson and another inmate, Jeff Meyers, said the program frees some prisoners who, in their view, shouldn't be out on the streets.

Nelson has been rotating in and out of the release center for two months. Meyers has been on the plan for four months.

Although they both hold part-time jobs on the outside — thanks to connections that they and their families had — they said many prisoners are left with little to do for the eight days they're out.

"They have nowhere to go — no money," Meyers said.

Meyers, 27, who has served 20 months on

a robbery charge, now has a part-time job at a logging company in LaGrande. But it takes him 27 hours and \$65 a week to get there and back. His brother, who lives in Albany, picks him up in Salem every other Friday and delivers him to a bus station.

Nelson catches rides to Portland, where he works part time as a mechanic and stays with his mother, who he said is dying of cancer.

Both have clean records on the release program, officials said.

But Nelson said some of the inmates — especially those who haven't served much time — aren't afraid to commit new burglaries or other crimes because they know that their punishment will be light.

"I can do six months standing on my head. That's what they say," he said.

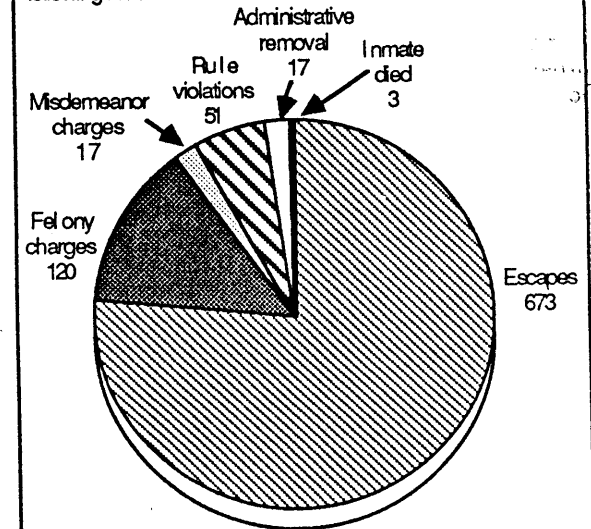
Most of the inmates, though, have served longer sentences and are determined to stay out of trouble, he said.

"I've got seven years down. It's totally kicked it out of me. I won't so much as jay-walk," he said.

Terminal leave

Success ratio

In 1987, 1,638 inmates successfully completed terminal leaves. Officials removed 881 from the program for the following reasons:



Source: Department of Corrections Release Center

Statesman-Journal chart by Liz Kelly-Koepfler

More men, more tension at penitentiary

Prison officials labeled it a disturbance, a protest, an uprising. Gov. Neil Goldschmidt just called it a riot.

Thirty inmates in the Oregon State Penitentiary disciplinary segregation unit spent more than five hours on a Sunday night last November burning paper, backing up toilets, bombarding officers with feces and urine, and fighting with anyone who tried to restrain them.

The row was a response to tougher new rules in the unit, including a smoking ban and more restrictive visiting privileges, according to Michael Francke, Corrections Department director.

No serious injuries resulted, although some officers suffered sprains and strains. But the incident prompted questions about the stability of the penitentiary.

How long, for example, can things stay quiet in a prison that's holding 1,750 prisoners — and counting — in space designed for 1,265?

"I'm sure there will be trouble if they keep jamming people in here," Roy "Bud" Ward Jr. said. He's been in the penitentiary off and on for 40 years.

Lines get longer

The penitentiary's population has climbed steadily in recent

years, from an estimated 1,311 in 1975 to 1,678 last year and 1,750 this month.

There are long lines for meals, long lines for doctor's visits, long lines for everything. Inmates sometimes sleep on folding cots in exercise areas if there is no room in regular cells or special cells such as those on Death Row.

The 60-year-old Ward, who is serving a life sentence on a 1983 murder conviction in Clackamas County, said he didn't want to predict whether inmates might become disturbed enough to launch a full-scale riot.

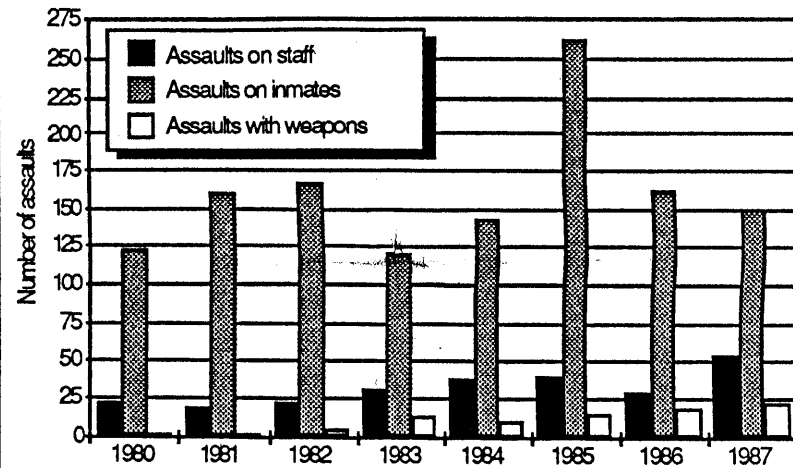
But he said plans to add second beds in 160 one-man cells have the inmates upset.

"This is one of the worst decisions they've made since I've been here," he said. "You might already have a guy who has a sex beef. And here comes a guy with a murder beef."

"You're just asking for trouble." Thirty cells in disciplinary segregation and 111 larger cells in an honor ward already contain two bunks.

Francke said the temperature of the pen — the tension that produces a riot — is rising. The only way to avoid a breakdown, he said, is to assure the inmates that they're treated fairly and kept clean and safe.

Prison assaults 1980-1987



Source: Oregon Corrections Department

Statesman-Journal chart by Liz Kelly-Koepfler

"The men in the system are treated well, and they know it," he said. "That's why they don't riot."

Idleness causes trouble

But Francke denies that he's running a luxury system — a claim some in the public make when they hear that prisoners have amenities such as televisions.

"Why do the citizens of Oregon begrudge me that safety factor?" Francke asked. "Believe me: If we

don't do things like that, we could spend a lot more money repairing the unit.

"Idleness is your enemy."

Ward said inmate clubs for different ethnic groups, religious groups and other interests are holding the prison together. He is president of the Lifers' Club, the group of inmates serving life sentences.

"It gives the guys something to do," he said. "It gives them re-

sponsibility."

Manfred Maass, Oregon State Penitentiary superintendent, said 1,000 to 1,100 of his inmates are involved in work programs, class or other activities. But the rest the 1,750 don't have much to — partly because officials haven't had money to expand job-training programs for new prisoners, said.

"You do have quite a bit of idleness," he said.

Staffing is a problem, too.

Officers stressed, too

A security staff of 281 provides 24-hour-a-day, seven-day-a-week coverage.

Graveyard shifts sometimes drop to 20 employees, with one or two officers watching the pen's tower perimeter.

Maass said many employees work 12- or 16-hour shifts and come in on their days off — a necessity that leads to errors caused by exhaustion.

One kitchen worker almost cut his finger off while slicing sausage and another employee lost control of a cart he was pushing up a ramp, Maass said.

"If you have more stress, security may suffer because they're sleepy," he said.

Inmates have gotten rougher, too.

Total prison assaults increased from 190 to 202 between 1986 and last year. Assaults on staff took an even larger jump — from 29 to 53.

"In 1964, when I started working here, the majority of prisoners were alcoholic check-writers," Maass said. "Now, 75 percent are person-to-person criminals."

Prison employees have criticized management for not matching the population boom with staff increases.

Staffers seek safety

"You cannot just load up the beds and not add to your staff," Cecil Tibbetts said. He is the executive director of the Oregon chapter of the American Federation of State, County and Municipal Employees, which represents 1,035 Corrections Department employees.

"What we're hearing is a call from the leadership for beds," Tibbetts said. "What we don't hear is an equal call for safe institutions."

Ward said he sympathizes with the officers. In some ways, they have the same worries as the lifers.

"This concerns us. This is going to be our home forever," he said. "We just want to do our time and stay out of trouble."

Prison runs out of room

New inmates wait for beds

When officials at the Oregon State Penitentiary receive a busload of new prisoners, they often assign them to beds in the disciplinary segregation unit, the infirmary and Death Row.

On especially crowded nights, they're forced to open up some of the 30 cots they just bought and set the cots up in the cafeteria and other open areas.

Prison superintendent Manfred Maass said inmates have filed suit to prohibit being assigned even overnight to the segregation unit.

But "the other choice is to put them on the floor somewhere," he said. That practice already has been banned by federal judges.

On Dec. 17, when 43 convicts were shipped to the penitentiary from different counties, officials couldn't accommodate the new group of prisoners with their emergency bed space.

They had to ship them to the medium-security Eastern Oregon Correctional Institution.

"We had two van loads of prisoners going to Pendleton at midnight," Maass said.

Other symptoms of the prison population explosion:

- Men sleep on the couch in the infirmary when beds run out.

- Officials are considering putting bunks in a screened-off exercise area in the disciplinary segregation unit.

- Meal shifts are so large that the cafeteria is busy from 5:15 a.m. to late at night. "For some meals, we barely have time to get the trays washed," Maass said.

- New language — "Stand-ups" are a new prison phenomenon: the incoming convicts who must wait, sometimes hours, to find out if they have a bed at the penitentiary or if they'll be transported to another prison.



population explosion in Oregon's corrections system leads

Prisons under pressure

Stories about the crisis in Oregon's corrections system are prepared by writer [Name] Matassa of the States-

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■ Inmates find holes in release system

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Prisons under

These stories about the crisis in the Oregon corrections system were prepared by writer Michele Matassa of the Statesman-Journal.

On the evening of Dec. 27, the sixth anniversary of his wife's death, 92-year-old Clifton Harold Dickerson was beaten, robbed and stabbed to death by a 22-year-old neighbor.

The intruder was a man known to state prison managers, one who had been confined once for nearly two years.

He should have been behind bars that day, in fact. But crowded prison conditions forced his release last July — seven months before his parole date.

The man, Tony Trent Harrington, was set free on a program called terminal leave — a pressure valve attached to a prison system that can't contain its population.

The program frees prisoners as long as seven months before their parole date to make room for incoming inmates.

"It's not a common thing to have terminal-leave inmates commit major felonies," Michael Francke, the director of Oregon's Corrections Department, said. "But to the extent that it happens, it's an indication of overcrowding."

Harrington, who was convicted in 1984 for sexually abusing a young boy, pleaded guilty Feb. 12 to the aggravated murder of Dickerson. He was sentenced to life in prison with a 30-year minimum.

Harrington's punishment means that some other prisoner — one who is supposedly less dangerous — will be set free to make room for him.

Prison overcrowding is not new

The scenario of criminals being sentenced to prisons where there are no vacancies is not a new one in Oregon. As early as 1974, officials arranged emergency housing because inmates outnumbered beds in some prisons.

What is new — and it surprises even the prison managers — is that a population explosion in the past year has forced officials to expand early release programs and resort to even more drastic measures.

"No question about it: When some people cycle through the state penitentiary in 41 days, there's not much sanction in the system," Mike McGee of the Department of Corrections Release Center said.

Vades Crockett of Silverton, the daughter of murder victim Dickerson, called for the elimination of terminal leave.

"If there was no such thing, Dad would be alive today," she said.

Harrington's release came despite warnings from his doctors and family that he remained dangerous.

In September 1984, Harrington was convicted of sexually abusing a young boy. He was given five years of probation and ordered to enroll in a sex offenders' treatment program at Oregon State Hospital.

But a year later, he was dropped from the program for lack of cooperation. His parole was revoked, and he was sent to the Oregon State Correctional Institution for five years.

Doctors at Oregon State Hospital noted at the time that Harrington was not trying to change.

Among their observations were: He "remains at risk to act out sexually against female and male children. . . . Also remains in need of alcohol treatment. . . . Remains dangerous."

Harrington's family members, writing a joint letter to a court investigator in 1985, warned that he "most definitely should not be out on the street at all."

Harrington was released 22 months after entering prison.

Legislature acted a year ago

About a year ago, extreme prison crowding prompted Gov. Neil Goldschmidt to draft a \$28.5 million construction plan and push it through the 1987 Oregon Legislature.

As a result, workers are adding 761 beds at the medium-security Eastern Oregon Correctional Institution in Pendleton. Plans also are under way to build regional minimum-security prisons for 1,000 criminals throughout the state.

But prison population has escalated beyond the projections that launched near-panic legislative action a year ago, according to Dave Caulley, an assistant director of corrections.

Budget experts in early 1987 predicted that Oregon prisons would hold 4,197 inmates through mid-1989 — what they thought would be realistic growth above the 4,001 they had at the time.

But the projection — intended to last for two years — was surpassed within nine months.

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Prisons

Continued from Page 1G.

There are now 4,470 inmates in the system.

"It's called population explosion," Cauley said.

'One-time-only' plans now routine

Since last fall, officials repeatedly have invented "one-time-only" means to deal with the extra prisoners. But the methods often shed their extraordinary status and become part of the routine.

"Every time we add one of these measures, we begin to rely on it," McGee said. "There's no turning back."

A sampling:

■ **Terminal leave, or early release** — This program frees inmates seven months before their parole when a separate 30-day leave is attached. That compares with a maximum six months 1½ years ago and three months in 1980. About 900 men are out on terminal leave today, compared with 550 in late 1985.

■ **Overflow release** — This was started Oct. 31. It places prisoners who are within 14 months of their parole on a six-days-in-prison, eight-days-out schedule.

The extent of supervision while out: Sign in once at a local parole office.

■ **Fast-tracking** — Officials watch for inmates coming through the courts and set parole hearings in advance. It reduces one-

to two-year sentences to as few as 41 days.

■ **Crisis nights at Oregon State Penitentiary** — Incoming prisoners are assigned to Death Row beds, disciplinary segregation cells and even folding cots set up in exercise areas.

■ **More beds** — Officials plan to create bunk beds out of single cots in 160 cells at the penitentiary. Each cell, measuring 8 feet by 10 feet, will hold two men.

Corrections director Francke is taking the bunk-bed proposal, along with other contingency plans, to the Legislative Emergency Board next month in a frantic effort to boost the amount of space he has for new prisoners.

Task force looks at long term

Longer-term efforts include the work of a nine-member corrections task force that was appointed last year by Goldschmidt.

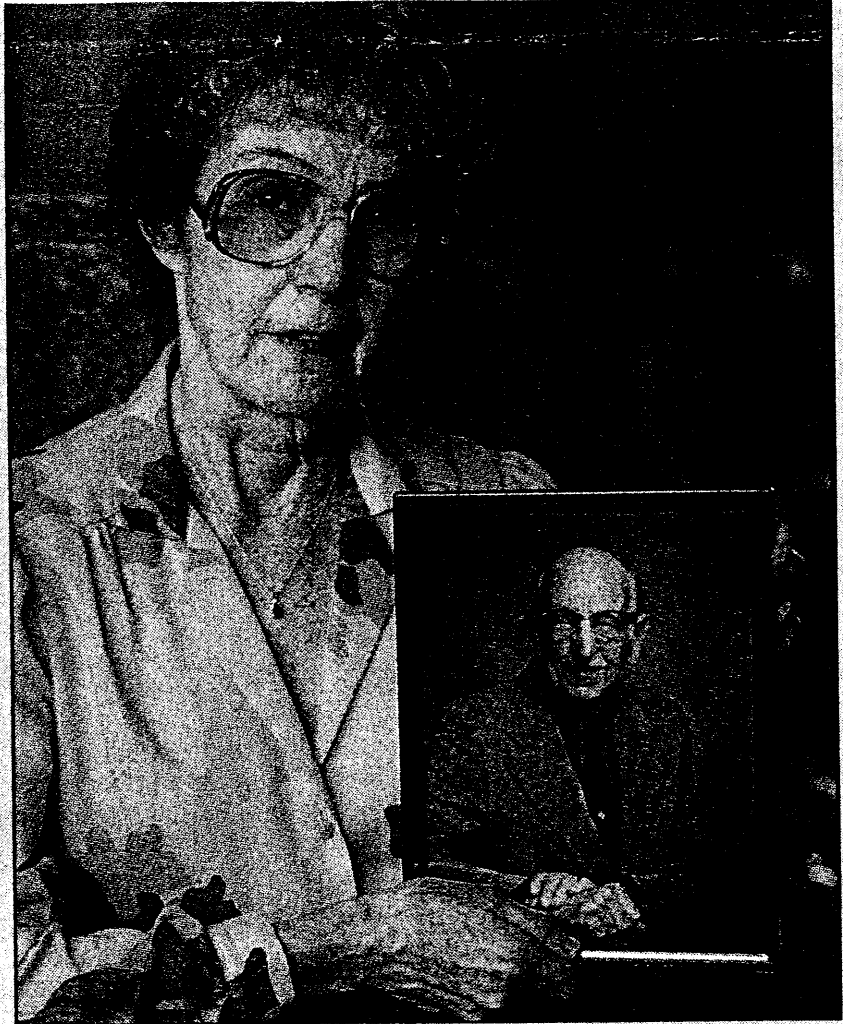
The task force is examining the future demographics of Oregon's prison population, as well as alternatives to imprisonment such as intense community supervision and house arrest.

Francke said the task force recommendations, due Sept. 1, will be a key to solving Oregon's crime problem.

He also joins Goldschmidt in calling for child abuse prevention and other programs aimed at helping troubled children.

"I'm only one piece of the puzzle," Francke said.

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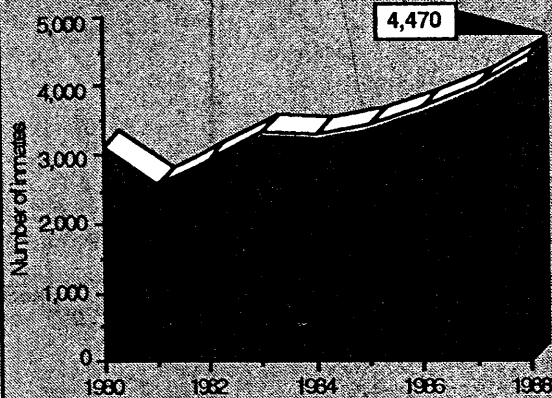


Statesman-Journal photo by Gerry Lewin

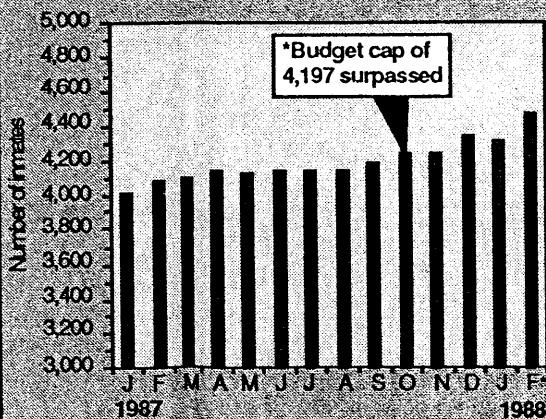
Vades Crockett of Silverton holds a portrait of her father, Clifton Harold Dickerson, who was beaten, robbed and stabbed to death in December by an inmate on leave. The inmate, Tony Trent Harrington, pleaded guilty Feb. 12 to aggravated murder.

Prison population

Statewide as of Jan. 1, 1980-88



Statewide monthly 1987-88



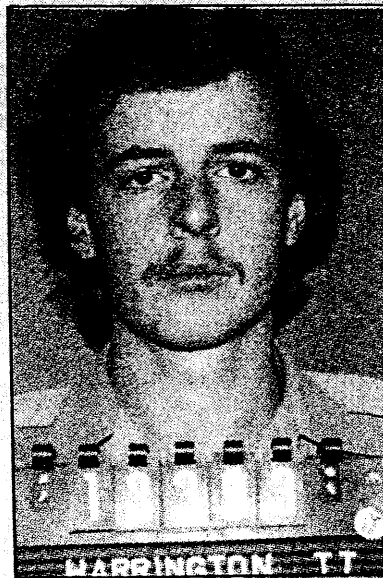
*Population intended to remain under cap through mid-1989.
*Figure as of Feb. 17, 1988.

By institution

Institution	Capacity	1988
Oregon State Penitentiary	1,666	1,758
Oregon State Correctional Institution	1,023	1,008
Eastern Oregon Correctional Institution	426	597
Dept. of Corrections Release Center	499	479
Oregon Women's Correctional Center	130	134
Women's Release Unit	58	38
Farm Annex	200	226
Forest Camp	100	112
Correctional Treatment Program	115	104
Total	4,217	4,470

Source: Oregon Corrections Department

Statesman-Journal chart by Liz Kelly-Koepfler



Tony Trent Harrington

- Born May 20, 1965.
- Sept. 24, 1984 — Convicted of sexual abuse in Marion County Circuit Court.
- Dec. 4, 1984 — Sentenced to five years probation; ordered to enroll in sex offenders' treatment program.
- Sept. 18, 1985 — Probation revoked after refusing treatment; sentenced to five years in prison.
- July 30, 1987 — Released.
- Dec. 27, 1987 — Clifton Harold Dickerson, 92, of Silverton beaten, robbed and stabbed to death in his home.
- Dec. 30, 1987 — Harrington arrested and charged with aggravated murder.
- Feb. 12, 1988 — Pleads guilty; sentenced to life in prison.