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To: Trieve Tanner, Chief, Space Human Factors Office
Marc Cohen, Space Station Concept Development Task Force

From: Sharon Matsumura, Law Clerk, Office of the Chief Counsel

Subject: Prison Space Standards for Space Station Design Study

The following are standards that have been adopted or used by states and the courts. The minimum square footage standards for inmates recommended by various professional organizations have increased from 50 square feet per inmate to 70 or 80 square feet depending on the amount of mobility allowed to the inmates.

STANDARDS

AMERICAN CORRECTIONAL ASSN: Manual of Standards for Adult Correctional Institutions (1981) (current for 1983). Standards required by the Federal Government for accreditation and authorized by the Justice Department. (Currently 600 agencies have been accredited, 300 are in the process.)

1. Long-term inmates, single occupancy: 60 square feet floor area if inmate is confined to cell for 10 hours or less per day. Eighty square feet if more than 10 hours.
2. Short-term inmates, single occupancy: 60 square feet up to 10 hours/day. Eighty square feet for more than 10 hours/day.
3. Minimum security inmates should receive 50 square feet per occupant in sleeping area and clear floor to ceiling height of not less than 8 feet.
4. Multiple occupancy rooms: minimum floor area of 50 square feet per occupant (3-50 persons).
5. Indoor space for exercise — 60 x 100 feet with 22 feet ceiling space.
6. Day room leisure space — 35 square feet per inmate.
7. County jails, single cell: 60 square feet for 10 hours or less; 70 square feet for more than 10 hours of confinement. Single holding rooms: 50 square feet.
Multiple occupancy rooms (4-50 persons): 50 square feet sleeping area.

AMERICAN PUBLIC HEALTH ASSN: Standards of Health Services in Correctional Institutions (1976).

Single cell occupancy: Minimum of 60 square feet.

NATIONAL INSTITUTE OF JUSTICE: American Prisons and Jails (1980).

Single occupancy detention rooms should average 70 to 80 square feet in area.

NATIONAL SHERIFF'S ASSOCIATION: A Handbook on Jail Architecture 63 (1975).

Seventy to eighty square feet.

CASES

1. Mobile County Jail Inmates v. Purvis, 551 F. Supp. 92 (1982) (Alabama, District Court). An average of 27 square feet per person or less amounted to cruel and unusual punishment of all inmates in violation of the Eighth Amendment of the U.S. Constitution and 42 U.S. Code 1983 (1976). In the 24-man dormitory style cells there was an average of only 23 square feet per person. Undisputed expert testimony indicated physiological effects of overcrowding which resulted in increased blood pressure after 14 days and, after a period of latency further increased blood pressure after one month. The court noted that the intrusion of an individual's "personal space" or "portable territory" occasioned by overcrowding may also elicit physical and social stress reactions, including violence, aggression, and defense of territory. The court also found that overcrowding and lack of adequate space in the Mobile county jail had serious health implications for the institution and the community in which it is located.
2. Campbell v. McGruder, 580 F.2d 521 (1978) (District of Columbia, District Court). Based on uncontested testimony overcrowding was found to have resulted in both physical and psychological damage to the inmates. Harm would not be alleviated unless each pretrial detainee was accorded at least 48 square feet of space. Various standards were compared including the Army requirement for 70 square feet for indefinite confinement or 55 square feet for confinement up to 14 days.
3. Fischer v. Winter, May 1, 1983, (California, District Court). Overcrowding increases health risks, stress, anxiety and racial tension among inmates. Inmates in 2-person cells averaged about 30.5 square feet per person. Minimum footage standards recommended by various professional organizations have increased from 50 square feet per inmate to 70 or 80 depending on the amount of mobility allowed to the inmates.
4. McMurray v. Phelps, 533 F. Supp. 742 (1982) (Louisiana, District Court). An average of 15 to 20 square feet per inmate results in gross overcrowding. These conditions increase homosexual activity and encourage aggressive and psychotic or suicidal behavior since there is no territorial space allotted an inmate. An expert in forensic psychiatry testified that confinement of inmates living in too close proximity with other inmates is psychologically debilitating and leads to an increase in tension and problems (not necessarily only in total lockdown situations). Suggested square footage per inmate was 50 feet per person when inmates are locked in for more than 10 hours per day.

5. Dawson v. Kendrick, 527 F. Supp. 1252 (1981) (West Virginia, District Court). The court held that the housing of up to eight convicted prisoners in cells containing 130 and 154 square feet was violative of the 8th Amendment. The court also held that for those inmates who are confined to their cells for more than 16 hours per day, the maximum number of inmates and bunks in each of the 130 to 154 square feet cells shall be four. For those inmates who are held under such conditions for more than one week, the maximum number shall be three.

6. Lareau v. Mansen, 507 F. Supp. 1177 (1980) (Connecticut, District Court). Pretrial detainees and convicted inmates were subjected to inadequate housing and overcrowded conditions at the Hartford Community Correctional Center (HCCC) the court found that "[m]any of the pretrial detainees...are forced to live in cells and dormitory accommodations which leave them with approximately one-half as much space as is prescribed, as minimally acceptable, by experts (including administrators of correctional facilities) concerned with the architecture of jails and prisons and the establishment of generally recognized correctional standards." A double bunked inmate at HCCC had approximately 30 to 32 1/2 square feet of space including space occupied by fixtures and furniture. An inmate assigned to the temporary makeshift dormitory had less than 23 square feet of space.

The overcrowding extended to the day rooms where pretrial detainees spent the bulk of their time watching television, reading, playing cards and eating. These day rooms were so crowded that the inmates had little room in which to move about. The court stated that the overcrowding to which the inmates were almost constantly subject, caused harm to the psychological and physical well-being of the inmates and posed a threat to the security of the institution.

The standards the court relied on included guidelines listed above and also the United Nations Minimum Rules for the Treatment of Prisoners. Connecticut and 13 other state correction departments have adopted these standards. The Standard Minimum Rules prohibit double bunking and require that each prisoner shall occupy a cell or room by himself.

The United Nations standards are expressions of the obligations to the international community of the member states of the United Nations. These obligations are a part of the internationally recognized human rights and therefore customary international law which is a part of the law of the United States. The court further noted that international norms such as the Standard Minimum Rules are used to determine "evolving standards of decency." In addition these rules are underscored by Article 7 of the International Covenant on Civil and Political Rights which prohibits "cruel, inhumane or degrading treatment or punishment" of individuals (This Covenant parallels the Eighth Amendment to the U.S. Constitution.).

7. Bell v. Wolfish, 441 U.S. 520 (1979) (U.S. Supreme Court) "[C]onfining a given number of people in a given amount of space in such a manner as to cause them to endure genuine privations and hardship over an extended period of time might raise serious questions under the Due Process Clause as to whether these conditions amounted to punishment...."