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TESTIMONY TO HOUSE JUDICIARY COMMITTEE MAY 18, 1989
PRESENTED BY MERCER COUNTY COMMISSIONER WILLIAM REZNOR
CHAIRMAN, PENNSYLVANIA STATE ASSOCIATION OF COUNTY
COMMISSIONERS JAIL OVERCROWDING TASK FORCE

GOOD AFTERNOON - MY NAME IS BILL REZNOR. I AM A MERCER COUNTY COMMISSIONER, PRESIDENT OF THE MERCER COUNTY PRISON BOARD, AND SERVE AS THE CHAIRMAN OF THE PENNSYLVANIA STATE ASSOCIATION OF COUNTY COMMISSIONERS JAIL OVERCROWDING TASK FORCE.

ON BEHALF OF THE PENNSYLVANIA STATE ASSOCIATION OF COUNTY COMMISSIONERS, I WISH TO THANK REPRESENTATIVE CALTAGIRONE AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE FOR THIS OPPORTUNITY TO PRESENT TESTIMONY.

I WILL KEEP MY COMMENTS BRIEF TO ALLOW FOR QUESTIONS AT THE CONCLUSION.

AS AN ELECTED OFFICIAL, AND A PARENT OF TWO CHILDREN, I AM IN SUPPORT OF THE EFFORTS SET FORTH IN THIS ANTI-DRUG LEGISLATIVE PACKAGE. ONE OF THE MAJOR, IF NOT THE MAJOR, PROBLEM FACING US TODAY IS THE PROBLEM OF DRUG ABUSE. WHILE WE ARE IN AGREEMENT

THAT DRUGS ARE A SERIOUS PROBLEM, I MUST POINT OUT THAT MANY OF THESE PROPOSED PIECES OF LEGISLATION WILL HAVE A DRAMATIC, IF NOT CRIPPLING, EFFECT ON OUR COUNTY JAILS.

AS WE SPEAK, WE ARE FACING A CRISIS IN OUR COUNTY JAILS.

AS OF FEBRUARY 28, 1989 THERE WERE 15,647 INMATES HOUSED IN COUNTY JAILS. THIS COMPARES TO 13,732 INMATES IN FEBRUARY 1988. COUNTY JAILS ARE GROWING AT AN ANNUAL RATE OF 14% PER YEAR. IN CONTRAST, THE STATE PRISON POPULATION IS GROWING AT AN ANNUAL RATE OF 10%.

I MUST POINT OUT THAT DEALING WITH THIS EXPLOSION IN THE COUNTY INMATE POPULATION FALLS SOLELY ON COUNTY GOVERNMENTS. OVER THE PAST TEN YEARS, PENNSYLVANIA COUNTY GOVERNMENTS HAVE SPENT WELL OVER 200 MILLION DOLLARS TO BUILD NEW, AND RENOVATE EXISTING, JAILS.

EVEN AS THE COUNTIES CONTINUE TO BUILD, WE ARE FALLING BEHIND. WE CAN NOT KEEP PACE WITH THE INMATE EXPLOSION. IN 1987, THE PENNSYLVANIA COMMISSION ON CRIMES AND DELINQUENCY FOUND THAT THE 50 COUNTY JAILS THAT ACCOUNT FOR OVER 90% OF THE STATEWIDE INMATE POPULATION WERE OPERATING THEIR JAILS AT OVER 100% OF CAPACITY. THE MOST CROWDED JAILS ARE FOUND IN TEN COUNTIES THAT ACCOUNT FOR 46% OF THE STATEWIDE INMATE POPULATION; THESE JAILS WERE OPERATING AT AN AVERAGE OF 146% OF CAPACITY.

I OFFER THESE STATISTICS TO MAKE THE POINT THAT WE, THE COUNTIES, CAN NOT SOLVE THIS CRISIS BY BUILDING OUR WAY OUT. WE NEED OTHER INNOVATIVE SOLUTIONS.

WHY ARE WE FACING THIS CRISIS?

ONE REASON IS THE COUNTIES HAVE LESS AND LESS CONTROL OVER WHO IS PLACED IN OUR JAILS, AND FOR HOW LONG. DURING THE LAST DECADE, THE LEGISLATURE HAS PASSED MORE AND MORE MANDATORY SENTENCING REQUIREMENTS AS ONE MEANS OF GETTING TOUGH ON THOSE WHO BREAK THE LAW. I AM NOT HERE TO DEBATE THE MERITS OF MANDATORY SENTENCES; I AM HERE TO TELL YOU THAT THESE LAWS ARE RESPONSIBLE FOR FILLING OUR JAILS.

TO ILLUSTRATE, IN 1980 THERE WERE 635 DUI OFFENDERS SENTENCED TO COUNTY JAILS THROUGHOUT PENNSYLVANIA. IN 1988, THAT FIGURE HAD EXPLODED TO WELL OVER 9000 SENTENCED DUI OFFENDERS. AN INCREASE OF 1400%. IN THE COUNTY JAILS OF MY REGION, THE NORTHWEST CORNER OF THE STATE, 40% OF ALL THE COUNTY SENTENCED INMATES ARE DUI OFFENDERS. I MUST POINT OUT THAT THERE HAS NOT BEEN THE DESIRED SIGNIFICANT DECREASE IN ALCOHOL RELATED HIGHWAY FATALITIES ANTICIPATED WITH THE PASSAGE OF THE DUI LAW.

I MUST BE HONEST WITH YOU IN SAYING THAT ON THE ONE HAND, WE ALL SUPPORT THE INTENT OF THIS LEGISLATIVE PACKAGE; HOWEVER, I WOULD BE DERELICT IN MY DUTIES IF I DIDN'T SOUND THE ALARM; THE COUNTY CRIMINAL JUSTICE SYSTEMS, ALREADY OVERBURDENED, WILL BE PUSHED TO CRITICAL OVERLOAD.

I WOULD LIKE TO PROPOSE SEVERAL SOLUTIONS THAT WILL WORK TOWARD EASING THE JAIL OVERCROWDING CRISIS:

- 1) THE LEGISLATURE ADOPT A POLICY THAT ANY NEW LEGISLATION WHICH

HAS MANDATORY SENTENCING REQUIREMENTS INCLUDE A JAIL AND PRISON IMPACT STATEMENT. THIS IMPACT STATEMENT WILL INFORM US OF THE POTENTIAL INCREASE IN INMATE POPULATIONS. AND MOST IMPORTANTLY, THE LEGISLATURE MUST INCLUDE SUFFICIENT APPROPRIATIONS TO CREATE THE REQUIRED ADDITIONAL JAIL AND PRISON SPACE. THIS MUST BE DONE FOR ALL LEGISLATION THAT IS INTRODUCED AND ALL AMENDMENTS THAT ARE ADOPTED.

2) THE SECOND PROPOSAL I WOULD LIKE TO OFFER IS THAT THE STATE AND COUNTY GOVERNMENTS WORK IN PARTNERSHIP TO SOLVE THE PROBLEM OF JAIL OVERCROWDING. THE STATE ASSOCIATION OF COUNTY COMMISSIONERS IS PROPOSING A PARTNERSHIP APPROACH IN THE DEVELOPMENT OF REGIONAL JAILS AS ONE MEANS OF DEALING WITH THIS CRISIS. REGIONAL JAILS OFFER A COST EFFICIENT METHOD TO INCREASE JAIL SPACE. THE COMMONWEALTH WOULD ASSIST FINANCIALLY IN THE CONSTRUCTION AND OPERATION OF THESE FACILITIES. REGIONAL JAILS WOULD ONLY BE USED TO HOUSE COUNTY SENTENCED INMATES WITH TERMS NO LONGER THAN TWO YEARS. I MUST POINT OUT THAT THIS PROPOSAL DOES NOT RELIEVE COUNTIES OF THE RESPONSIBILITY OF OPERATING THEIR INDIVIDUAL COUNTY JAILS. COUNTY JAILS WOULD REVERT BACK TO THEIR INTENDED USE; SERVING AS SHORT TERM HOLDING FACILITIES FOR THOSE OFFENDERS AWAITING ADJUDICATION AND FOR SPECIAL POPULATIONS, SUCH AS WORK RELEASE.

3). AS I STATED EARLIER, BUILDING ALONE WILL NOT SOLVE OUR PROBLEMS. WE MUST TREAT JAIL SPACE AS A LIMITED RESOURCE AND INCARCERATE ONLY THOSE THAT ARE TRULY A THREAT TO SOCIETY. THE COUNTIES NEED STATE APPROPRIATIONS AND LEGISLATION THAT WILL

ALLOW THOSE COUNTIES, WHO SO CHOSE, TO DEVELOP SOLUTIONS TO THE JAIL CRISIS.

THE ASSOCIATION REQUESTS THE LEGISLATURE APPROPRIATE FUNDS THAT WILL ASSIST THE COUNTIES IN THE FOLLOWING AREAS:

- ESTABLISHING MINIMUM SECURITY FACILITIES FOR LOW RISK OFFENDERS, SUCH AS DUI.
- CREATING MORE WORK RELEASE FACILITIES THAT WILL ENABLE COUNTY SENTENCED INMATES, WHO ARE ELIGIBLE, TO PAY FOR THEIR HOUSING, PAY OFF COURT COSTS AND FINES, AND MAINTAIN AN INCOME TO SUPPORT THEIR FAMILIES.
- ADOPTING OTHER LEGISLATION THAT CAN ASSIST IN INMATE REDUCTION AND CONTROL: SUCH AS THE EARNED TIME BILL INTRODUCED BY REPRESENTATIVE KOSINSKI, INTENSIVE FORMS OF PROBATION, AND ELECTRONIC MONITORING.

COUNTY JAILS ARE THE GATE-KEEPERS OF THE CRIMINAL JUSTICE SYSTEM. ALL OFFENDERS, REGARDLESS OF THE OFFENSE, WHO CANNOT MAKE BAIL ARE HOUSED IN THE COUNTY JAIL. ANY INCREASE IN ENFORCEMENT AND PROSECUTION, SUCH AS THOSE OUTLINED IN THE PROPOSED LEGISLATIVE PACKAGE, WILL DIRECTLY IMPACT THE COUNTY JAILS.

ANOTHER AREA OF CONCERN IS THE GROWING NUMBER OF INMATES SENTENCED TO COUNTY JAILS WHO SHOULD BE SENTENCED TO A STATE CORRECTIONAL FACILITY. MANY JUDGES HESITATE IN SENDING A FIRST OFFENDER INTO THE STATE SYSTEM, EVEN THOUGH THE MANDATORY SENTENCE HAS A MAXIMUM TERM OF MORE THAN TWO YEARS. IN 1987, WELL OVER 1000 SENTENCED

INMATES WHO SHOULD HAVE BEEN HOUSED IN A STATE CORRECTIONAL FACILITY, WERE INSTEAD, SERVING THEIR TERMS IN COUNTY JAILS IF WE ARE TO WORK IN PARTNERSHIP TO SOLVE THE PROBLEM OF DRUG ABUSE IN THE COMMONWEALTH, WE MUST ALSO WORK IN PARTNERSHIP IN DEALING WITH THE JAIL AND PRISON OVERCROWDING CRISIS. THE LONGER WE DELAY, THE CLOSER WE COME TO CATASTROPHE.

- MORE AND MORE COUNTIES ARE COMING UNDER FEDERAL COURT ORDER TO REDUCE JAIL POPULATIONS.
- AS OUR INMATE POPULATIONS CONTINUE TO EXPLODE, OUR JAIL AND PRISON ADMINISTRATORS FIND IT MORE AND MORE DIFFICULT TO MANAGE CORRECTIONAL FACILITIES.

I AM GOING TO CHANGE HATS FOR A MOMENT, TAKING OFF MY PRISON BOARD HAT AND REPLACING IT WITH MY DRUG AND ALCOHOL ADMINISTRATOR'S HAT. I STATED EARLIER THAT THE COUNTY CRIMINAL JUSTICE SYSTEM IS OVERLOADED, THIS STATEMENT ALSO HOLDS TRUE FOR THE COUNTY DRUG AND ALCOHOL SYSTEMS.

THIS YEAR, THE GOVERNOR'S WAR ON DRUGS INCLUDES ONLY A 2.2% INCREASE IN THE FUNDS AVAILABLE FOR COUNTY DRUG AND ALCOHOL TREATMENT. ADDICTS UNTREATED COMMIT CRIME. THE JAIL AND PRISON INMATES WHO DO NOT RECEIVE TREATMENT ARE MORE LIKELY TO COMMIT NEW CRIMES UPON RELEASE.

COUNTY DRUG AND ALCOHOL PROGRAMS MUST RECEIVE ADDITIONAL FUNDS TO TREAT THE DISEASE OF DRUG AND ALCOHOL ADDICTION. TO ERADICATE DRUG AND ALCOHOL ABUSE A BETTER BALANCE BETWEEN LAW ENFORCE-

MENT, AND DRUG AND ALCOHOL TREATMENT AND PREVENTION MUST BE ESTABLISHED. BOTH THE SUPPLY AND DEMAND SIDE OF THE EQUATION MUST BE ADDRESSED. TO QUOTE THE PENNSYLVANIA CRIME COMMISSION'S 1989 REPORT, "OTHER COMMUNITIES THROUGHOUT THE STATE ARE CONFRONTED WITH A SIMILAR DRUG PROBLEM, THE LIKES OF WHICH WILL NOT BE SOLVED THROUGH LAW ENFORCEMENT ALONE. DEMAND REDUCTION, IN THE LONG TERM, IS THE ONLY ANSWER TO SUPPLY REDUCTION".

SEVERAL MEMBERS OF THE COUNTY COMMISSIONERS JAIL OVERCROWDING TASK ARE HERE AND AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MIGHT HAVE.

IN CLOSING, I WISH TO THANK REPRESENTATIVE CALTAGIRONE AND THE MEMBERS OF THE HOUSE JUDICIARY COMMITTEE FOR THIS OPPORTUNITY TO PRESENTS OUR COMMENTS ON THIS PROPOSED LEGISLATIVE PACKAGE, AND TO GIVE YOU A STATUS REPORT ON THE JAIL OVERCROWDING CRISIS.