

William Babcock

TESTIMONY OF THE PENNSYLVANIA PRISON SOCIETY  
ON PROPOSED LEGISLATION BEFORE THE HOUSE JUDICIARY COMMITTEE  
CONCERNING CONTROLLED SUBSTANCES  
MAY 19, 1989

I. INTRODUCTION

Thank you for inviting the Prison Society to testify on the pending legislation dealing with sanctions for drug offenses. The Prison Society is a statewide agency that monitors conditions in state and county prisons and jails throughout Pennsylvania and advocates for the humane treatment of offenders. We are interested in the proposed legislation both because of its potential impact on conditions in our prisons and jails and because of what we see as a very expensive approach to reducing drug trafficking that has virtually no chance of succeeding.

II. OVERCROWDING

Our first concern is with the impact this legislation will have on our already overcrowded prisons and jails. Since 1980, the state prison population has grown from 8,240 to over 18,500 today. That is an increase of 125% in just nine years. Amazingly, this occurred at a time when the general population of the Commonwealth of Pennsylvania grew by less than 1%. In 1980, our prisons were operating at 97% of capacity. By 1988, despite construction of four new prisons at a cost of \$300 million, the Department of Correction was operating at 140% of capacity. At the current rate of growth (about 150 inmates per month), with no further construction planned, by 1994 the Department of Correction projects that our institutions will be operating at more than 160% of capacity.

The County institutions have seen a similar pattern of growth. From 1978 to 1987, the county inmate population increased by over 105%. At least four counties, Philadelphia, Allegheny, Luzerne and Erie, are under court

orders to reduce their populations.

I attended the Pennsylvania Wardens Association conference in Reading last week, and, without exception, what every prison administrator wanted to talk about was overcrowding. They talked about the difficulties of finding sufficient bed space; of trying to maintain security when the growth of the inmate population has far exceeded the growth of the security staff; of trying to maintain physical plants, some of which were built before the turn of the century, that are holding as much as twice the population they were built to house; of operating brand new prisons, such as York and Montgomery Counties, that already are filled far beyond capacity; of struggling to provide basic services, such as food, and health care; of the impossibility of providing adequate treatment and training programs, as well as jobs.

The wardens wanted to know when the legislature would quit passing mandatory sentencing laws and begin passing meaningful legislation such as earned time. You know that the situation has become critical when natural adversaries such as the Prison Society and prison administrators agree on what the problem is and begin asking for the same remedy.

### III. CRIME RATE

It would be impossible for me to testify here today against mandatory prison terms for drug offenders if, in fact, such measures helped to reduce the crime rate. We agree that drugs are a serious societal problem in America, and that crime in general is unacceptably high. What we are arguing is that mandatory sentencing is just a quick fix, feel good approach that does not solve the drug problem, and instead exacerbates the problem of prison overcrowding.

As an example, a few years ago, the legislature attempted to reduce drunk driving in Pennsylvania by passing a mandatory sentencing law. The impact on overcrowding in county prisons and jails has been staggering, especially in view of the fact that no money was appropriated to deal with the increased population. Unfortunately, according to a report issued by the Pennsylvania Commission on Crime and Delinquency last fall, the impact on drunk driving has been negligible. Yes, there was a decline immediately after the bill was passed, but the deterrent effect quickly eroded and the incidence of drunk driving has steadily increased to the level it was at prior to the passage of the legislation.

The use of mandatory sentences to reduce drug trafficking promises to be even less effective. Such measures will not serve as a deterrent because to most dealers the possibility of imprisonment is a risk worth taking in order to make huge sums of money, and because, for those in our ghettos, there is no other way available to make such money and to be able to live the so-called American Dream. For those who are dealing to support an addiction, like alcoholics who drink and drive, deterrence is meaningless.

Nor will the incapacitation of some dealers in prison reduce the traffic. Nationally, we incarcerate approximately 1% of those who commit crimes. So even if we double the incarceration rate, we will have little real impact on crime. The fact is that we have doubled the incarceration rate in the last decade, and the crime rate in Pennsylvania has increased the last two years.

The ineffectiveness of incapacitation in reducing the crime rate is especially true with drug trafficking. For every dealer incarcerated,

there are several other young men willing to step forward and take his place.

The fact is that the crime rate and the incarceration rate bear little relationship to each other. If you have any question about the futility of using tough sentencing measures to reduce the use of drugs, you should read The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930-1962, by Penn State Professor John C. McWilliams. As the book illustrates, we have a history in America of trying to solve the problem of drugs through tough criminal justice legislation, and it simply has not worked.

#### IV. ALTERNATIVES

What are the alternatives?

First, if you are going to pass more mandatory prison provisions, it is critical that you have an impact statement prepared that includes both population and cost projections for this legislation. It is absolutely irresponsible to do otherwise.

Second, rather than spending all of our money on incarceration, the most expensive form of sanction available, let us spend more money on treatment. If we are going to incarcerate unprecedented numbers of offenders, as we already are, let us try to address their addiction while they are under our control. Approximately 90% of those whom we send to prison eventually are released, and current statistics show a 63% recidivism rate within three years.

To break that cycle, it is imperative that we give prisoners the opportunity to receive treatment for their addiction. The Report of the Governor's Interdepartmental Task Force on Corrections, in 1987, recommended

that "the Department of Correction should develop comprehensive drug and alcohol treatment programs at every institution," and that "greater emphasis should be placed on drug and alcohol treatment programs during pre-release and parole."

In 1988, the Legislative Budget and Finance Committee audit of the Department of Correction recommended that "the Department of Correction undertake a systematic effort to upgrade and expand the total rehabilitation program which is available to inmates in state correctional facilities," and that "the General Assembly provide funding for implementation of the recommendations made by the Governor's Interdepartmental Task Force on Corrections which relate to rehabilitation/treatment programming.... Priority attention should be given to expanding the provision of intensive drug and alcohol treatment programs throughout the system."

Third, and most important, we need to begin addressing the causes of drug use in our neighborhoods.

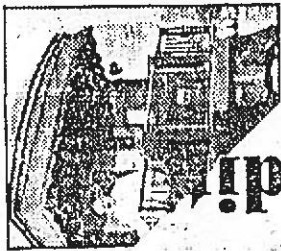
The criminal justice system was never designed to solve deeply rooted societal problems like alcoholism and drug addiction. So, rather than being ineffectively reactive to the problem, let us try being proactive and take a preventative approach. Let us try to replace the escapist and financial attractions of drugs by improving the quality of life in our neighborhoods. The gap between the "haves" and the "have nots" is becoming ever wider. Our young people, especially in the inner city neighborhoods, need hope. They need better education. They need better homes. And they need job opportunities.

More emphasis needs to be placed on educating our children about the

dangers of drugs; not just punishing them after they have already gone down the wrong path. More emphasis needs to be placed on treating those who have become addicted, and there are facilities better suited to treatment than are prisons. Thus, the Prison Society supports the use of forfeiture funds for neighborhood organizations as a first step in that direction.

There are no simple answers. Incarceration will not solve the drug problem. We already have sufficiently tough laws to deal with law breakers. The doubling of our incarceration rate attests to that. What is needed are education, homes and jobs so that people have a choice. We need to give them a reason not to turn to drugs, and the mean spirited approach of more and more punishment has not and will not work.

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**Final**

**Editorial**

## Election '89

Voters Guide looks at issues, candidates in state Primary — **Insert**



## New team

Ex-CV coach Dooley hired by Gettysburg High — **DI**

# Patriot

**Wednesday**

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Harrisburg, Pa. 25¢ \$1.20 a week suggested home delivered by carrier

# r if prisons crowded further

nd Corrections, Rep. Michael E. D-York, said Owens may be out with Pennsylvania residents. public has made it clear they [tough] response in a lot of these . drug offenders, even drunk said Bortner. is agreed with Bortner, but said he for legislators to tell their nts the cost of building bigger as become too great. man in the street clearly wants tough on crime and lock people t Owens. "We're going to have ve can't afford it, but we can something else."

Gov. Robert P. Casey supports the idea of allowing inmates who obey prison rules and take part in job-training and education programs to get out of jail early, said Owens. At best, the "earned time" concept would cut the prison population by 6 percent, he said. Rep. Lois Hagarty, R-Montgomery, said the benefits of passing an earned-time bill would be wiped out in less than a year if the state prison population continues to grow at its present rate. Owens also backed the idea of sending young male and female inmates to military-style "boot camps" instead of prisons. By giving inmates a sense of

discipline and allowing them to do public work, they may respond better than in regular prisons, he said. Even if "boot camp" inmates return to prison at the same rate as other convicts the concept is a good one because a boot camp is much cheaper to run than a prison, said Owens. The commissioner said he would oppose efforts to have private firms build and run prisons. A bill that would have moved the state toward approving private prisons has been pulled from the calendar of the House Judiciary Committee, according to Hagarty.