

TESTIMONY

Submitted to: House Judiciary Committee

Submitted by: Charlotte S. Arnold, Executive Director
THE PROGRAM for Female Offenders, Inc.

Date: July 17, 1989

Distinguished Members of the House Judiciary Committee,

Good morning. I am Charlotte Arnold, Executive Director of THE PROGRAM for Female Offenders, Inc. I am appreciative of this opportunity to speak with you concerning what I feel to be the most significant governmental problem today---jail crowding.

THE PROGRAM for Female Offenders began to serve the women of the Pittsburgh community in 1974. At that time, the incarcerated female was usually found in a corner of a county jail neglected and ignored. The numbers were so small that they were considered to be insignificant. Recognizing that these women had been abused and neglected children whose reaction to that treatment turned them into dependent and depressed persons, THE PROGRAM designed a project to help them find jobs, develop job skills and in essence to break the cycle of crime and welfare dependency and to become independent and productive. This program has been so successful, the recidivism rate among the participants has been so low that it has received recognition nationally and internationally. In Pennsylvania 3 communities have replicated the model and projects exist in Dauphin/Cumberland Counties, the Lehigh Valley and in Philadelphia as well as in Allegheny County.



In addition to providing direct services to female offenders, THE PROGRAM felt that it had a mission to call the plight of this population to the community's attention---so misunderstood, so invisible was this woman.

The misunderstanding certainly continues to exist but the female offender is no longer invisible. On my first visit to the Allegheny County Jail in 1971, there were 12 women to whom I offered assistance. By 1983, there were more than 70. Today there are more than 100 women in the Allegheny County Jail---a 1000% increase. And although these persons are fewer in total numbers than the male population, the percentage of increase is more significant.

Why are there growing numbers of women in the county jail? There are a myriad of causes. Firstly, the baby boomers are still heavily in the crime age categories. Secondly, there are a significant number of women who after experiencing a teenage pregnancy are thrust into the role of single head of household. The result is the increasing feminization of poverty and since most female crime is property crime, we can draw conclusions. The most frightening cause of increasing numbers of women in jails and prisons is the increased use of cocaine and crack. These women who in the '70s may have stolen to feed their children are now stealing to feed their habits. What is needed? Motivational welfare policies which encourage women to leave the welfare system; residential work release/drug abuse centers in lieu of incarceration; parenting programs; affordable child care.

This is an overview of the female aspect of the problem, but the jail crowding problem is of even greater significance than that issue alone.

I recently prepared for Allegheny County a criminal justice plan to meet a federal court order on jail crowding. In preparation for developing that plan, we looked at the national scope of the problem. Three-fourths of the jails in the United States are at 108% of capacity or greater and 23% of them are under court orders similar to that in effect in Allegheny County. In the 1960s crime rates skyrocketed while prison populations declined. In the 1970s the climate surrounding criminal justice changed and there was a public opinion shift to a tougher attitude toward criminal offenders. New laws were passed requiring mandatory sentences for most crimes while removing judicial discretion in the sentencing area. These guidelines increased the length of time that most offenders would now serve. In 1983, with the passage of Act 289, mandatory sentences for DUI offenders added additional persons to jail systems. Unfortunately, the legislature has not addressed the issue of appropriations to meet the resultant need for additional cells.

Nationwide, the total growth for prison populations from 1980-87 was 76%. Pennsylvania's prisons are at an average of 136% of capacity. But it is at the county level that the increase is most dramatic. In 1976 in Allegheny County, there were 388 persons incarcerated in the jail. On February 17, 1989 there were 1,120 persons----a growth of 300%.

Since the prison population nearly doubled in this decade and state prisons became crowded, local authorities have been forced to assume what had been the state's responsibility for housing offenders. Prior to the state's crowding problem, county jails were typically places where persons were detained prior to sentencing; persons sentenced from 6 to 23-1/2 months were most often housed by the state in regional facilities. The state no longer accepts these prisoners and they are now housed in local jails. In Allegheny County, on February 7, 1989, 27% of the prisoners were sentenced. This sentenced population is likely to grow in the county jails.

Nationwide the impact of jail crowding has resulted in most local governments' inability to house prisoners in accordance with standards which have been set by the federal government for inmate services. The courts have thus become more active in ruling on the constitutionality of conditions of confinement and are requiring jail administrators to meet the standards. Those court orders are in effect in many communities from Marin County, California to Dade County, Florida and in Pennsylvania from Philadelphia County to Allegheny County.

Solving the problem must be a joint effort of municipalities working together and of the state providing help to those municipalities. It can't all be solved by building bigger and better jails but there will have to be some of that and the state should help to "foot the bill." There must be creative solutions to overpopulation as well:

- . Work release facilities where DUI and other non-violent persons can serve productive time.
- . House arrest projects.
- . Mental health and public inebriate diversion projects.
- . Multi-county DUI facilities.
- . Establishment of more drug programs for offenders.
- . The use of earned time or good time which is not only a good jail management tool but allows in essence for early parole as a reward for good behavior---the release of prisoners at the end of their sentencing rather than release before guilt or innocence has been determined as necessitated by court ordered population caps makes sense.

There is a role that the state legislature can play in all of the above.

More specifically I would like to address the legislation which is currently in committee and which you will be considering during the next session:

House Bills 129 and 1710 deal with private prisons and since not-for-profit agencies such as THE PROGRAM for Female Offenders have been operating both juvenile and adult correctional facilities for many years, this act then refers to for-profit operations. Private prisons have helped many communities outside of Pennsylvania to solve their crowding problems---an article in the Palm Beach Post entitled 'Contracting Out' Corrections to Meet Crisis tells us the story of Hamilton County, Tennessee which contracted the operation of an expanded

facility to private enterprise and were thus able to comply with a federal court order; Bay County, Florida went the same route and is no longer under threat of a federal suit. On the other hand, a lengthy study published last year by the American Bar Association concludes that "prisons for profit . . . may be both unconstitutional and unwise!" It should also be noted that AFSCME which represents 50,000 corrections employees opposes the privatization of prisons and jails.

Your own 1986 Private Prison Task Force found no evidence that private operation of correctional facilities would save money and concluded that "contracting out does not relieve the state or local government from liability for civil rights or tort actions brought by inmates."

All of this to say that privatization is not an answer to be entered into lightly and if you consider the cost for the Department of Corrections to license, train and monitor it may be a costly venture. However, it is certainly an avenue to consider.

House Bills 1712, 1157 and 1709 deal with Earned Time. As I noted before this is a motivational concept that ought to be part of the Pennsylvania prison system as well as the counties' jail systems. A bill which would establish this system in both jails and prisons would be preferable.

House Bills 1094 and 1582 seem to be at opposite ends of the spectrum. House Bill 1094 will add to the counties' jail crowding problem and indicates no recognition that the counties are in dire need of solutions not more stringent restrictions regarding prisoners remanded to the state system. On the other hand 1582 seems to present a more thoughtful solution for the county jail problem.

Intensive parole programs, pre-release centers, drug treatment programs within the prison system are creative solutions to the problem which are components of the bills before you. House Bill 1707 is a building solution for the state system. I would request that you add one more component to any of the above bills and that involves help to the counties to build, to create alternatives, to comply with the myriad of court orders that are being handed down.

Thank you for the opportunity to speak with you today about my biggest concerns---the female population statewide and the plight of the counties and the county jail system. I thank you for your attention.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charlotte S. Arnold". The signature is written in dark ink and is positioned above the printed name.

Charlotte S. Arnold