

STATEMENT

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PENNSYLVANIA GENERAL ASSEMBLY

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Good morning Mr. Chairman and members of the Committee. I appreciate the opportunity to appear before you to discuss the perplexing and seemingly intractable problem of prison overcrowding which is seriously affecting both the state and county correctional systems. As a member of the Board of Trustees of the Philadelphia Prison System and the Pennsylvania Commission on Crime and Delinquency, I spend a considerable amount of time inspecting overcrowded penal facilities. Unfortunately, although we are incarcerating people in unprecedented numbers, that does not translate into a decrease in the crime rate or a more secure citizenry. It does mean, however, an additional strain on governmental budgets as more and more money is allocated to the correctional arena.

As you are probably aware, the state Department of Corrections recently reported that its original forecast of slightly less than 20,000 inmates by the end of this year would have to be revised due to an extra-ordinary jump in new admissions. The predicted 148 per month growth rate has virtually doubled, resulting in an increasing burden for administrators, greater infrastructure demands and an added financial burden for taxpayers. By 1990, the state prison system may very well have tripled in size since a decade ago.

Our situation in Philadelphia is no less daunting. The City's prison system is currently being micro-managed by the Federal Court in an effort to alleviate the acute overcrowding dilemma and reach a mutually agreed upon population cap of 3,750. Regrettably, the daily census exceeds the target figure by at least a thousand and on at least one occasion rose beyond the 5,000 mark.

Our system's four prisons run the gamut from decaying 19th century structures to modern, state of the art facilities. What they have in common, though, is an overabundance of humanity; institutions like Holmesburg that

were designed for 850 inmates, are presently housing over 1,250 inmates. The extra stress and tension this has on inmate-staff relations, not to mention its impact on the physical plant is considerable and quite visible. Add a few other ingredients such as a summer heat wave and strident inmate leaders, and you have a recipe for disaster.

Since the City's prison system is technically a jail, holding primarily pre-trial detainees and those individuals serving sentences under 23 months, there is a rapid turnover rate. In fact, during 1988, 28% of our inmate population turned over every 48 hours, and 41% came and went every seven days. In all, nearly 31,000 people were incarcerated during fiscal 1988. Interestingly, during the course of the last year our population has become more stable as turnover has witnessed a sharp decline and a growing percentage of our inmates are in the sentenced category. For example, during 1989, there was only 15% turnover every 48 hours and 24% every seven days. Our sentenced population is now approximately 1,500, considerably higher, I suspect, than any other county's in the Commonwealth. Also higher would be the population growth rate, which would probably exceed all except the state's. For instance, at this time last year Philadelphia's daily average was 3,877 inmates. Today we are a thousand above that, and in March of this year our population averaged 4,940.

Clearly, something must be done to stem, or at least ameliorate, the rising tide of prisoners. Philadelphia has been aggressively pursuing several fronts including programmatic, as well as construction, to alleviate inmate overcrowding. The City is currently under a federal court order to build a new prison by December, 1990. A series of innovative bail programs have been operationalized, along with a controversial court mandate that assures only serious violent offenders are incarcerated while those accused of lesser

crimes (non-violent) are placed on bail.

Additionally, several programs serving our sentenced population, allow inmates to leave before their sentences are completed. The Pennsylvania Prison Society, for example, conducts a program that allows sentenced individuals to leave two months early to work in an assortment of community oriented programs.

Another innovative program that only a few counties have opted for at this time is house arrest and the utilization of electronic monitoring. Begun in August, 1988, approximately 160 inmates have taken part in the program. Regrettably, the house arrest alternative is underutilized due to consistent opposition by the local district attorney's office and reluctance by members of the Philadelphia judiciary. Presently, only 51 individuals participate in the electronic monitoring program, of which 15 are sentenced and 3 are weekenders. Considering our crowded conditions and the success the program has achieved here and around the country, our efforts should be re-doubled to assure greater utilization of this concept.

Proscriptively, I and my colleagues on the Philadelphia Prison Board have endorsed and strongly encourage the General Assembly to promptly pass substantive earned time legislation. It is inconsistent with evolutionary penal management and our supposed collective concern about prison overcrowding to continue to reject a concept that is successfully practiced in almost every state in the union. We are not talking about an experimental, high risk program on the frontier of corrections. We are talking about a policy (time off for good behavior) and program that is almost a century and a half old in America and has repeatedly been proven a sound management tool and positive behavior stimulant for inmates. Pennsylvania, in fact, was one of the first states to adopt such a program and utilized it for 100 years.

During the past year I have had the opportunity to visit prisons in New York, Michigan, Texas and Florida, as well as Europe. In each of the state and county prisons I have toured, earned time is an integral and valuable part of the prison's operations. In addition, prison managers have expressed surprise that Pennsylvania has the luxury to discard a program that helps to alleviate overcrowding and helps create an improved prison atmosphere.

The Administrator of the Tarrant (Fort Worth) County Jail, for example, recently told me that inmates there receive one day off their sentence for every three served. He went on to inform me that the state system is even more lenient, offering 20 and 30 days off per month served. In Florida it is much the same. The jail in Naples, Florida offers inmates eleven days off per month if good behavior is demonstrated. The state system provides inmates with several methods to accumulate time off their sentence which can total 30 days per month and on some occasions as much as 40 days. One method is straight earned time (or gained time as they refer to it) for good behavior; a second category is based on programmatic or rehabilitative efforts; and finally meritorious service, which would be for exemplary actions or conduct, such as coming to the aid of a distressed correctional officer. It must be remembered that Florida and Texas are rarely labeled liberal, soft on crime political jurisdictions. They are both quite robust in their efforts to combat crime, encourage stiff penalties for lawbreakers and have established a clear leadership role in the execution of convicted murderers. Both states, however, are strong proponents of earned time.

Just two weeks ago I toured the Wayne County Jail in Detroit, Michigan. Earned time there is also a valued and accepted procedure that helps keep their prison population near the 1,800 mark. Throughout Michigan, inmates

uniformly receive five days per month for good behavior. Once again, staff and administrators expressed surprise that Pennsylvania did not take advantage of such a useful and widely accepted program.

An earned time legislative package should include both flat rate and meritorious or programmatic earned time credit. Using Rep. Kosinski's HB 1152 as a reasonable proto-type, we have projected a few numbers to illuminate how such a program would impact the Philadelphia prison population. Using the average of 58 individuals sentenced each week and a 25% exclusion factor for drug and sex crimes, 43 individuals would qualify for the program. That would translate into 2,530 inmate days saved and a yearly total of 131,500 inmate days saved. What this means in prison population management terms is that through the implementation of HB 1152, our daily sentenced population of 1,500 would be reduced by 350 inmates.

Although that figure in itself would not unilaterally curtail the overcrowding dilemma, it would be a considerable factor in any mix of alternative sentencing programs. At the very least, it would relieve the untenable situation of as many as 120 inmates sleeping on the gymnasium floor at the Philadelphia Detention Center. In short, elected officials and correctional administrators can no longer blind themselves to recent, innovative developments in the field or those that were first operationalized 150 years ago and have become standard procedure across the country.

That does not mean, however, that all conceptual suggestions to remedy a beleaguered criminal justice system are equally sound, meaningful and progressive. Privatized corrections, for example, has won a number of supporters, but too many philosophical and practical landmines exist for it to be seriously considered a step forward. Pennsylvania's unfortunate experience with the 236 Center in Armstrong County several years ago is a more

graphic and eloquent statement about the inherent drawbacks of prisons for profit than any of the comments you will hear today. The snatching of one's liberty combined with the profit motive is a dangerous mix that warrants the skepticism it has received. It would be all too easy for a private entrepreneur or corporation to cut back on a guard post, a social worker's position, a physician or two, to insure an enhanced profit margin. The issue of private prisons is intertwined with an array of thorny moral, legal, administrative and financial questions. To embark on such a course could well result in adding new problems as opposed to correcting an old one.

In conclusion, I would like to admit that the field of punishment (imprisonment) or corrections as we call it today, has rarely been known for its creativity or innovative approach in reforming unsanctioned behavior. While other fields have witnessed dramatic advancements, our approach to combatting crime today is as similar to the cells we construct today compared to a century and a half ago. If anything, they are smaller and less hospitable.

As long as we continue to attack the problem of crime at the back end rather than the front, we will have assigned ourselves a task very much similar to a plumber mopping up a wet floor while the tub faucet continues to run. Electronic monitoring, community service, restitution, and intensive parole and probation supervision are all sound alternatives to incarceration, however, earned time should be the centerpiece of such programmatic alternatives. If we can gravitate towards 21st century high-tech gadgetry such as electronic monitoring, we should certainly be able to finally adopt 19th century programs such as time off for good behavior. We can no longer afford not to.