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Harrisburg, PA 17101

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TESTIMONY TO HOUSE JUDICIARY COMMITTEE, JULY 17 1989  
PRESENTED BY MERCER COUNTY COMMISSIONER WILLIAM REZNOR  
PENNSYLVANIA STATE ASSOCIATION OF COUNTY COMMISSIONERS  
CHAIRMAN, JAIL OVERCROWDING TASK FORCE

GOOD AFTERNOON - MY NAME IS BILL REZNOR. I AM A MERCER COUNTY COMMISSIONER, AND THE CHAIRMAN OF THE PENNSYLVANIA STATE ASSOCIATION OF COUNTY COMMISSIONERS JAIL OVERCROWDING TASK FORCE. ON BEHALF OF THE ASSOCIATION OF COUNTY COMMISSIONERS, I WISH TO THANK REPRESENTATIVE CALTAGIRONE AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE FOR THIS OPPORTUNITY TO PRESENT TESTIMONY.

I'M NOT GOING TO TAKE UP MUCH TIME TO TELL YOU WHAT YOU ALREADY KNOW - COUNTY JAILS ARE OVERCROWDED TO THE POINT OF CRISIS. THE COMMISSIONERS ASSOCIATION HAS TESTIFIED ON NUMEROUS OCCASIONS ABOUT THE CONDITIONS OF COUNTY JAILS, THE CAUSES OF OVERCROWDING, AND OFFERED OUR SOLUTIONS TO THE CRISIS.

WHAT I WOULD LIKE TO DO TODAY IS, ONE, ADDRESS SOME OF THE LEGISLATION IN FRONT OF US, AND TWO, PRESENT TO YOU SOME PROVOCATIVE PROPOSALS TO DEAL WITH THE CRIME PROBLEM WE ARE FACING

FOR BREVITY, I AM ONLY GOING TO DISCUSS FOUR OF THE MANY LEGISLATIVE PROPOSALS YOU ARE CONSIDERING.

THE FIRST BILL I WANT TO ADDRESS IS H.B. 1582, WHICH WOULD CHANGE THE SENTENCING PROCEDURES AS TO PLACE AND LENGTH OF CONFINEMENT. THE ASSOCIATION OF COUNTY COMMISSIONERS STRONGLY SUPPORTS THIS BILL. COUNTY JAILS ARE NOT INDENTED AS LONG-TERM CORRECTIONAL FACILITIES, BUT RATHER, THEY ARE FOR SHORT-TERM SENTENCED INMATES AND HOLDING FACILITIES FOR THOSE AWAITING TRAIL. THIS BILL WOULD CLEARLY DEFINE THE COUNTY JAIL PURPOSE AND FUNCTION. THERE ARE APPROXIMATELY 1800 INMATES WITH MAXIMUM SENTENCES OF MORE THAN TWO YEARS BUT LESS THAN FIVE YEARS, HOUSED IN COUNTY JAILS. THIS HIDDEN STATE PRISON POPULATION IS COSTING THE COUNTIES 30 MILLION DOLLARS PER YEAR. WE ARE ONE OF A FEW STATES THAT ALLOWS OFFENDERS TO BE HOUSED IN COUNTY JAILS FOR SENTENCES OVER ONE YEAR.

TWO OF OUR NEIGHBORING STATES, NEW JERSEY AND NEW YORK, LIMIT TO ONE YEAR THE TIME SENTENCED OFFENDERS CAN STAY IN COUNTY JAILS. IN ADDITION, OFFENDERS SENTENCED TO OVER ONE YEAR MUST BE MOVED WITHIN 10 DAYS, OR THE STATE PAYS THE COUNTY \$45.00 PER DAY.

I SUGGEST THAT WE WORK TOWARD LIMITING THE TIME SPENT IN COUNTY JAILS TO ONE YEAR. WHILE THIS PHASE-IN IS TAKING PLACE, THE STATE SHOULD REIMBURSE THE COUNTIES THE ACTUAL PER DAY COSTS FOR HOUSING INMATES HELD LONGER THAN ONE YEAR.

THE SECOND BILL I WOULD TO ADDRESS IS H.B. 1157, WHICH ESTABLISHES STANDARD EARNED TIME/GOOD TIME PROVISIONS FOR BOTH COUNTY AND

STATE SENTENCED INMATES. THE CONCEPT OF REWARDING INMATES FOR PROGRAM PARTICIPATION, AND ADHERENCE TO RULES, WORKS IN 46 STATES AND 17 PENNSYLVANIA COUNTIES TO REDUCE INMATE POPULATIONS AND AS A MANAGEMENT TOOL FOR CONTROLLING INMATES. THIS CONCEPT ALONE WILL NOT TOTALLY SOLVE OUR PROBLEMS, BUT, USED WITH OTHER MANAGEMENT TECHNIQUES AND POPULATION CONTROLS, IT WILL ASSIST IN REDUCING OVERCROWDING.

THE COUNTY COMMISSIONERS ASSOCIATION HAS REQUESTED STATE REIMBURSEMENT FOR DUI OFFENDERS SINCE THE PASSAGE OF THE DUI LAW IN 1983. WE MAINTAIN THE POSITION THAT THE DUI MANDATORY SENTENCES ARE STATE SENTENCES, REGARDLESS OF THE LENGTH OF SENTENCE. THE COUNTY HAS NO CONTROL, OR OPTIONS, IN THIS MATTER. WE THEREFORE BELIEVE THAT THE STATE SHOULD REIMBURSE THE COUNTIES FOR THE TOTAL INCARCERATION COSTS OF ALL DUI OFFENDERS H.B. 1706 OUTLINES A PARTIAL REIMBURSEMENT FORMULA OF \$7,500 PER DUI JAIL YEAR. THE AVERAGE COST OF ONE YEAR OF INCARCERATION IS OVER \$16,000. THE COUNTY COMMISSIONERS ASSOCIATION REQUESTS THAT H.B. 1706 BE AMENDED TO REFLECT THE ACTUAL COUNTY COSTS OF DUI INCARCERATION. IN 1988, THERE WERE 9,621 DUI OFFENDERS SENTENCED TO COUNTY JAILS, COSTING COUNTY GOVERNMENTS OVER 13.5 MILLION DOLLARS.

THE LAST BILL I WOULD LIKE TO ADDRESS IS H.B. 1710, WHICH WOULD AUTHORIZE AND REGULATE PRIVATE PRISONS AND JAILS. THE ASSOCIATION, WHILE NOT ENDORSING PRIVATE PRISONS, WOULD LIKE TO SEE ITS MEMBERSHIP HAVE THE OPTION AVAILABLE FOR THOSE COUNTIES WHO SO CHOSE, TO PURSUE CONTRACTING OUT TO THE

PRIVATE SECTOR FOR CORRECTIONAL SERVICES. THIS BILL APPEARS TO HAVE THE NECESSARY STANDARDS AND REGULATIONS.

IN MY OPENING REMARKS, I STATED THAT WE ALL ARE AWARE OF THE CRISIS WE ARE FACING. I THINK WE CAN ALL AGREE THAT MANDATORY SENTENCES HAVE A DRAMATIC EFFECT ON INMATE POPULATIONS.

THEY HAVE NOT HOWEVER, BEEN THE DETERRENT TO COMMITTING CRIME THAT WE ALL ANTICIPATED. THE CRIME RATE CONTINUES TO GROW; THE RE-COMMITMENT RATE CONTINUES TO GROW EVEN FASTER. WE KNOW THAT 63% OF PRISONERS RELEASED FROM JAIL WILL BE REARRESTED WITHIN THREE YEARS. EITHER THE CONCEPT OF REHABILITATION IS NOT WORKING, OR NOT REALLY BEEN TRIED, OR THE THREAT JAIL IS NOT SERVING AS A DETERRENT TO CRIME. WITHOUT DEVELOPING NEW SOLUTIONS TO THIS CRISIS, WE WILL BE FORCED TO SPEND MORE AND MORE TAX DOLLARS FOR JAILS AND PRISONS, AT THE EXPENSE OF OTHER CRITICAL SERVICES SUCH AS EDUCATION AND HEALTH. I WOULD LIKE TO OFFER SOME LEGISLATIVE CONSIDERATIONS AND OTHER SOLUTIONS TO THIS PROBLEM.

LET'S TRULY MAKE THE THREAT OF JAIL REAL AND MEANINGFUL.

IF SOMEONE IS CONVICTED FOR THE THIRD TIME OF A SERIOUS FELONY, THAT PERSON WILL RECEIVE A LIFE SENTENCE IN PRISON. NO PAROLE, NO EARLY RELEASE - LIFE IN PRISON, THAT'S IT.

NOW I KNOW YOU ARE GOING TO SAY WE CANNOT AFFORD TO BUILD ENOUGH PRISON CELLS. I SAY YOU CAN, AND YOU MUST, IF YOU WANT TO BE SERIOUS ABOUT DETERRING CRIME.

LET'S LOOK AT WHAT THIS MIGHT MEAN TO A DRUG DEALER. TODAY WE HAVE, OR ARE ABOUT TO HAVE, MANDATORY SENTENCES RANGING FROM ONE

TO FIVE YEARS OR MORE, FOR CERTAIN OFFENSES. IF I'M A DRUG DEALER WHO IS MAKING 1 TO 2 THOUSAND DOLLARS A WEEK, IT'S WORTH THE RISK - SPENDING A FEW YEARS IN JAIL FOR MAKING \$50,000 TO 100,000 PER YEAR. IF I KNOW THAT MY THIRD CONVICTION MEANS A LIFE SENTENCE, THERE'S A CHANCE I'LL CHANGE MY BEHAVIOR.

ALONG THOSE SAME LINES, LET'S LOOK AT WHAT BEING IN JAIL IS LIKE. WHILE JAIL RESTRICTS OFFENDERS ACCESS TO FREEDOM, MOST JAILS ARE RELATIVELY CLEAN, OFFER THREE SQUARE MEALS A DAY, HAVE TELEVISION, CABLE T.V., AND IN SOME CASES ARE AIR CONDITIONED. TO US, THE THREAT OF JAIL SOMETIMES SERVES AS A DETERRENT, BUT TO SOME CRIMINALS, ESPECIALLY DRUG DEALERS WHO ARE EXPOSED TO DEATH EVERY BUSINESS DAY, JAIL CAN BE SOMEWHAT OF A HOLIDAY. MAYBE WE SHOULD MAKE TIME IN JAIL AS UNPLEASANT AND UNCOMFORTABLE AS POSSIBLE.

ONE OF MY FAVORITE PIECES OF LEGISLATION THAT YOU ARE CONSIDERING IS THE TAKING OF DRIVING PRIVILEGES FOR ANYONE CONVICTED OF DRUG DEALING. IF I'M A DRUG DEALER; DRIVING WITHOUT A LICENSE IS NO BIG DEAL, AND IF IT WERE, I'D HIRE SOMEONE TO DRIVE MY CAR. I THINK WE MUST START DEVELOPING LEGISLATION THAT WILL TRULY MAKE POTENTIAL OFFENDERS THINK, "IS WHAT I AM ABOUT TO DO WORTH THE CONSEQUENCES?" WE MUST STOP PASSING LEGISLATION THAT IS ONLY INTENDED TO GIVE THE IMPRESSION THAT WE ARE SERIOUS ABOUT CRIME.

ANOTHER IDEA, ADVANCED BY SOME, IS THE TAKING OF LIMBS, FINGERS, AND OTHER EXTREMITIES, OF THOSE CONVICTED OF SERIOUS CRIME. THIS IS ADVANCED AS A DETERRENT TO COMMITTING NEW CRIMES. IF YOU

ARE CONCERNED THAT THIS IS INHUMANE, GIVE THEM PAIN KILLERS BEFORE TAKING THE EXTREMITIES.

PUBLIC WHIPPINGS MIGHT WORK!

I MAY HAVE MY TONGUE IN CHEEK; MY POINT IS - IF WE ARE TO GET TOUGH WITH CRIMINALS, WELL THEN, LET'S GET REAL TOUGH.

THE REAL MESSAGE IS THAT WE HAVE TO ASK OURSELVES THE QUESTION - IS SENDING EVERYONE TO JAIL FOR EVERY SOCIAL BEHAVIOR WE DECIDE IS WRONG, THE ANSWER? I SUBMIT TO YOU THAT WE HAVE TO EXPLORE OTHER METHODS OF PLACING SANCTIONS AGAINST THOSE WHO BREAK OUR LAWS. JAIL AND PRISON SPACE IS A LIMITED RESOURCES, WE MUST USE THIS RESOURCE ONLY TO INCARCERATE THOSE THAT ARE A DANGER TO SOCIETY. FOR OTHER OFFENDERS, WE CAN USE WORK CAMPS, WORK DETAILS, COMMUNITY SERVICE OBLIGATIONS, AND VICTIM RESTITUTION. THESE SANCTION ARE COST EFFICIENT AND, IN SOME CASES, ARE MORE MEANINGFUL THAN TIME SPENT IN JAIL.

I OFFER THESE SUGGESTIONS TO STIMULATE DISCUSSION, AND TO MAKE THE POINT THAT WHAT WE ARE DOING NOW IS NOT WORKING. WE CANNOT AFFORD TO SIT ON OUR HANDS WHILE THE PRISON AND JAIL POPULATIONS CONTINUE TO EXPLODE. THE STATE ASSOCIATION OF COUNTY COMMISSIONERS IS CALLING FOR THE LEGISLATURE TO TAKE LEADERSHIP IN THE DEVELOPMENT OF A LONG TERM PLAN THAT WILL SOLVE THIS PROBLEM. WE STAND READY TO WORK WITH YOU, AND THE ADMINISTRATION, IN THE DEVELOPMENT OF SUCH A PLAN.

AGAIN , THANK YOU FOR THIS OPPORTUNITY TO PRESENT THIS

TESTIMONY. I WOULD BE HAPPY TO RESPOND TO ANY QUESTIONS YOU  
MIGHT HAVE.