

Commonwealth of Pennsylvania



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EXECUTIVE DIRECTOR OF THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

BEFORE THE

HOUSE JUDICIARY COMMITTEE

Public Hearing on Prison and Jail Overcrowding

Monday, July 17, 1989

Mr. Chairman and members of the House Judiciary Committee, thank you for the opportunity to testify before you on the subject of prison and jail overcrowding. I wish to commend you for holding this public hearing and I hope this hearing may be the start of a process of formulating a comprehensive response to the dramatically worsening correctional crowding problem.

My name is James Thomas and I am the Executive Director of the Pennsylvania Commission on Crime and Delinquency (PCCD). The Commission is a statutorially created, executive branch agency which is charged with providing support for the criminal justice system through research, planning, coordinating, training and technical assistance. The Commission also administers several federal and state funding streams to provide financial incentives to state and local government and private organizations to improve the functioning of the Commonwealth's system of criminal and juvenile justice.

A principal concern of the PCCD for at least the past six years has been the crowding of our prisons and jails and the overburdening of our probation and parole resources. We continue to be alarmed by the growth in the numbers of offenders supervised and the lack of support for increasing the resources available to deal with burgeoning offender populations. Evidence the following:

- As of May 31, 1989, the offender population within the state system was 36,171 (18,946 in prison; 17,225 on parole). This compares with "just" 27,638 (12,370 in prison; 15,268 on parole) in the state system five years ago.
- In June of this year, the Department of Corrections experienced the largest ever one-month population increase of 423 inmates, putting prison population at 19,369 on June 30.
- By the year 2000, we expect the state population to grow to 44,657 (23,601 in prison; 26,046 on parole).
- State prisons are already at 144% of capacity and county jails are over 140% of capacity.

- Parole agent caseloads have risen from 73 clients per agent in April 1984 to 81 clients per agent in April 1989.
- County jail populations rose from 10,521 as of May 31, 1984 to 16,078 as of May 31, 1989. Since 1980, sentenced admissions to county jails have grown 124%, with DUI offenders accounting for two-thirds (66%) of the growth. DUI admissions themselves have risen over 1400% from 629 in 1981 to 9,621 in 1988.
- The total number of cases under supervision by county probation and parole officers increased from 90,893 as of December 31, 1984 to 114,412 as of December 31, 1988.

In 1985, the PCCD's Prison and Jail Overcrowding Task Force issued a series of recommendations. The nature of the recommendations recognizes that no one approach can be employed to deal with the problem but that the use of sentencing alternatives, a system of earned time credits for state inmates, additional capacity expansions, and the development of significant post-release community supervision resources are all needed. This is to say that a continuum of resources needs to be developed that can save our limited prison space for those that require maximum supervision and to allow judges and corrections officials to have options that provide differing levels of supervision. Not only has the PCCD taken this broader system perspective in suggesting ways to deal with crowding problems, but the Commission's recommendations were echoed by the reports of the Governor's Interdepartmental Task Force on Corrections issued 21 months ago in October of 1987 and, again, reiterated in the Legislative Budget and Finance Committee Performance Audit of the Department of Corrections issued in April of 1988.

Very simply put, the county jail crowding impacts on the state prison system by causing more sentences to the state. It is also true that as the state system is impacted, counties are keeping prisoners that otherwise would be sent to the state. As the state correctional institutions are overwhelmed by the recent flood of tougher mandatory sentencing laws that have significantly lengthened prison terms for many offenders, they are not capable of treating and preparing inmates for return to the community and with overwhelmed parole resources, fewer paroles are granted than otherwise would be.

Prison space is a finite resource which must be utilized to house dangerous and violent offenders. To ensure that these resources are available, PCCD is supportive of legislation which would provide for a program of state support for local community corrections for non-violent offenders. Using prison and jail admission data and data from the Pennsylvania Sentencing Commission, we have attempted to estimate the number of offenders who were sentenced to incarceration in 1987 who would have been eligible for community corrections, i.e., non-violent current offenses, no prior violent offense convictions, no weapons enhancement on current offense. There were 17,861 admissions in 1987 that fit the above definition and had a maximum sentence length of less than two years. Of these admissions, 9,287 were DUI offenders. We believe the impact of such legislation could be to reduce the average daily jail population by 4,277 by supervising these offenders in community programs.

The PCCD's County Jail Technical Assistance Program provides a process to facilitate criminal justice planning in order to set policy and implement changes as needed and we believe any legislation in this area should be careful to strengthen this process. The experience we have gained over the past eight years gives us useful insight in this area. PCCD's County Jail Technical Assistance Program is offered to counties to help curb the growth of their county jail populations. The program involves the following.

Each county organizes a team of key county officials (commissioners, judges, district justices, district attorneys, public defenders, wardens, chief probation officers, etc.) with the authority to set policy and implement change. This team reviews how the county's criminal justice system is operating, with emphasis on data collected at the county jail. Appropriate strategies to reduce crowding are discussed and a plan is agreed upon, implemented and monitored. Technical assistance helps facilitate these steps, especially emphasizing the importance of all officials being informed and working together since these persons know the impact jail crowding has on their particular departments but may or may not appreciate the ripple effect each operation has on the system and on other departments.

Criteria for selecting counties for technical assistance emphasizes county officials' willingness to participate in the policy team process. One of the main objectives is to critically review detention/incarceration patterns and to consider how the county wishes to use the county jail. Also, alternatives to incarceration are reviewed for appropriate pre-trial and sentenced persons so that valuable space is available for those persons for whom the county has determined incarceration is necessary.

Twenty-six projects specifically aimed at helping alleviate jail overcrowding have been implemented across the Commonwealth over the past eight years with state or federal grant funds from the PCCD. The grant funds, although small and with use limitations (e.g., no construction), act as a good catalyst for encouraging county officials to become involved in the Jail Technical Assistance Program. Since the passage of the federal Justice Assistance Act (JAA) in 1984, approximately \$1,000,000 in federal funds has been used for incentive grants to develop 18 projects.

Examples of projects that have been developed and implemented through the Jail Technical Assistance Program are:

1. Pre-trial Release Projects in Berks, Beaver, Northumberland and Centre Counties. These projects generally assist district justices in assessing risk and providing good screening procedures to help district justices make release/detain decisions. Releasing detained persons at preliminary arraignments/hearings impacts the number of admissions to the jail or the admissions' length of stay in the jail and subsequently helps reduce the pre-trial jail population. The projects may also monitor court appearance of bailed persons and, when needed, provide direct pre-trial release supervision. Often, the use of 10% bail and ROR (release on own recognizance) are important aspects of these programs.
2. Central Court in Lackawanna County. This project coordinates and schedules all preliminary hearings at a central site. This helps reduce the backlog of detentioners who are in the jail awaiting hearings.

3. Jail Release Manager/Jail Population Management Program. These programs have been developed in Lycoming, Lehigh, Philadelphia, Venango and York Counties. Generally, these projects have staff assigned to the jail who are responsible for reviewing all jail admissions to determine case processing status. The manager works in the jail under the auspices of the Court of Common Pleas or some other administrative body that has the power to oversee case processing in order to expedite the timely releases of detained and sentenced inmates.
4. Intensive Probation Programs. Cases involving the intensive supervision of probationers are selected based on criteria agreed upon by the Court of Common Pleas, the probation department and the county jail. Projects have been developed in York County and in Philadelphia and Allegheny Counties where the programs offer an option to the courts for sentencing and/or early jail release by providing increased supervision in the communities and the use of community resources. Allegheny and Philadelphia Counties will pilot electronic monitoring supervision as part of their projects.
5. Institutional Probation Officer in Bradford and Erie Counties. The Bradford project involves the routine review of the jail population for possible work release clients, pre-parole planning for sentencing inmates, and the screening of new detentioners for pre-trial release. The Erie project focuses exclusively on convicted inmates awaiting sentencing who require a presentencing investigation (PSI) prior to sentencing. Speeding this process allows the county to more quickly transfer inmates given state sentences to the Department of Corrections, thus saving jail days.
6. Alternative Housing Program for Work Release and Driving Under the Influence (DUI) inmates in Lawrence, Erie, Crawford, Allegheny, Philadelphia (female), Westmoreland, Columbia, York, Berks and Mercer Counties. These projects generally offer separate facilities for inmates considered to be good risks for minimum-minimum security housing. Projects may be implemented by changing the unused sheriff's quarters in the jail into a work release/DUI center, renting a dwelling that may be used as a residential center for inmates, or leasing/purchasing modular units to be used for a pre-release program. These programs immediately remove all qualified persons from the jails and place them in alternative housing areas. Well-structured programs that offer social services and services to help reintegrate the offender are necessary, otherwise the alternative housing programs may simply become "more jail space."

Current technical assistance efforts include Lawrence County (expanding services and developing administration of work release), York County (reviewing sentencing options), Berks County (planning and implementation of several possible projects), Dauphin County (data collection and project planning), and Beaver County (data collection and project planning).

A major recommendation in the 1985 Prison and Jail Overcrowding Task Force Report is that every legislative action which might directly affect the prison and jail system should have an impact assessment included before final action. The assessment would include both the expected impact of the inmate population and management of the system and expected costs. The focus of this recommendation is to make available to the General Assembly information regarding the impact of proposed policies on the criminal justice system.

Historically, several state agencies have been independently involved in producing projections and analyses of legislative proposals. Each of the products produced by these agencies was for specific purposes and they often resulted in apparently conflicting results. Most of the differences were actually definitional but the differences led to confusion and skepticism.

In recognition of the need for one set of projections easily understood by policymakers, PCCD formed a Consensus Review Committee which first met in April 1988. It includes representatives of the Department of Corrections, the Board of Probation and Parole, the Commission on Sentencing, the Office of the Budget, and PCCD. The Committee's immediate goals are to produce the best possible projection of the combined offender population of the Department of Corrections and the Board of Probation and Parole, and to produce the impact analyses necessary for good correctional planning. In fact, the Committee has been considering the impact of the pending drug bills and earned time proposals. We expect that a report will be issued within the next week.

In support of the 1985 Task Force recommendation and consistent with the activities of the Consensus Review Committee, several bills and resolutions have been recently introduced in both the House and Senate which would require a prison population impact study prior to final consideration of a bill. PCCD supports this concept and stands ready to assist in any way possible.

In conclusion, I would like to stress the need for a comprehensive response to prison crowding. Additional resources at the front end of the system (e.g., alternative sentencing) can be a very important piece of a strategy to deal with crowding but we must simultaneously deal with the back end of the system, with the expansion of community service centers and greatly increased parole resources to provide a continuance of supervision options. Jail crowding at the county level needs to be seen in the context of an overall system that is dysfunctional. Attempting to provide relief at the local level without simultaneously working for relief at the state level will frustrate any improvements. There must be an overall plan to reduce prison and jail overcrowding.