

1
2
3
4
5
6
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8
9
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11
12
13
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22
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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: House Bills 2190 and 2199
Motivational Boot Camps

* * * * *

Stenographic report of hearing held
in Room 140, Majority Caucus Room,
Harrisburg, Pennsylvania

Thursday,
January 18, 1990
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Lois S. Hagarty Hon. Nicholas B. Moehlmann
Hon. David J. Mayernik Hon. Jeffrey E. Piccola
Hon. Christopher K. McNally Hon. Robert D. Reber

Also Present:

Hon. David G. Argall
Hon. Dwight Evans
William Andring, Majority Counsel
David Krantz, Executive Director
Mary Woolley, Minority Counsel
Paul Dunkelberger, Research Analyst
Mary Beth Marschik, Research Analyst
Katherine Manucci, staff

Reported by:
Ann-Marie P. Sweeney, Reporter

ANN-MARIE P. SWEENEY
536 Orrs Bridge Road
Camp Hill, PA 17011

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INDEX

	<u>PAGE</u>	
1		
2		
3	Hon. Lois Sherman Hagarty, Prime Sponsor of	4
4	HB 2190	
5	Hon. Dwight Evans, Prime Sponsor of HB 2199	8
6	Dr. Doris MacKenzie, Visiting Scientist,	28
7	National Institute of Justice; Associate	
8	Professor, Louisiana University	
9	Hon. John C. Dowling, Judge, Dauphin County	55
10	Court of Common Pleas	
11	John Kramer, Executive Director, Pennsylvania	71
12	Commission on Sentencing	
13	Allen M. Hornbloom, Board of Trustees,	85
14	Philadelphia Prisons	
15	Ann Schwartzman, Director of Advocacy,	94
16	Pennsylvania Prison Society	
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN CALTAGIRONE: I'd like to open the
2 House Judiciary Committee public hearing on the
3 motivational boot camp legislation, and we do have the
4 prime sponsors of both bills, but before we do that I'd
5 like to have the members and staff present introduce
6 themselves for the record. Start to my left.

7 REPRESENTATIVE PICCOLA: I go first again.
8 Representative Jeff Piccola, Dauphin County.

9 CHAIRMAN CALTAGIRONE: Mary?

10 MS. WOOLLEY: Mary Woolley, Counsel to the
11 committee.

12 CHAIRMAN CALTAGIRONE: Representative
13 Caltagirone, Berks County.

14 MR. ANDRING: Bill Andring, Majority Counsel
15 to the committee.

16 REPRESENTATIVE McNALLY: Representative
17 Chris McNally from Allegheny County.

18 MR. KRANTZ: Dave Krantz, Executive Director
19 of the committee.

20 MS. MARSCHIK: Mary Beth Marschik, Research
21 Analyst.

22 REPRESENTATIVE MOEHLMANN: Nick Moenlmann,
23 Lebanon County, Minority Chairman.

24 CHAIRMAN CALTAGIRONE: If each of the
25 Representatives would introduce themselves for the record,

1 please.

2 REPRESENTATIVE HAGARTY: Representative Lois
3 Hagarty, Montgomery County, and a member of the Judiciary
4 Committee.

5 REPRESENTATIVE EVANS: Representative Dwight
6 Evans from the city of Philadelphia.

7 CHAIRMAN CALTAGIRONE: Thank you.

8 Lois, would you like to start?

9 REPRESENTATIVE HAGARTY: Thank you, Mr.
10 Chairman.

11 Good morning, committee members, counsel.
12 Representative Dwight Evans and I are here today because
13 we share a belief in a concept and because we feel that
14 the time is right to consider an alternative to augment
15 and improve our present corrections system. Our
16 alternative and our concept is that of a prison boot camp.

17 In regard to timing, it is probably safe to
18 say that at no other time in recent memory have we
19 experienced such a time of crisis in our corrections
20 system. The recent incidents at Camp Hill, Huntingdon and
21 other State correctional facilities have made it
22 manifestly clear that changes are needed in the system.
23 It is our feeling, as well as that of Representative David
24 Argall, who first suggested this legislation to me, that
25 the boot camp prison alternative represents a positive

1 change.

2 On a more personal note, I also feel that it
3 is consistent with the package of innovative proposals
4 that Representative Jeff Piccola and I have introduced to
5 deal with the problem of prison overcrowding. It should
6 be made clear that the boot camp idea is not merely one of
7 expediency. If other States' experiences are any
8 indication, it is expedient in terms of lower cost and
9 reduction of overcrowding and it is also effective in
10 terms of rehabilitating criminals and reducing recidivism.

11 My proposal and Representative Evans' differ
12 in terms of mechanics and scope, but while the details may
13 be different, we share the belief in the concept.

14 It is appropriate here to offer a brief
15 synopsis of House Bill 2190. Under the proposal, the
16 Commissioner of Corrections would be permitted to
17 establish boot camp units within State correctional
18 facilities or at other sites in which the Commissioner
19 could provide for public safety. Those eligible for the
20 program would be non-violent offenders between the ages of
21 17 and 25, an age grouping which studies have shown is
22 most likely to be positively influenced by a boot camp
23 type of environment.

24 One area of difference between
25 Representative Evans' proposal and mine is when and for

1 how long an inmate would be in boot camp. House Bill 2190
2 envisions it as an alternative to be offered near the end
3 of the inmate's sentence, possibly followed by a period of
4 intensive parole. Experience from the 11 other States
5 employing boot camp programs show that enrollment is
6 usually of a fairly short but intensive period.

7 What exactly is the boot camp alternative?
8 As its name implies, it is similar to a military boot
9 camp. Participants would be subjected to an arduous
10 discipline of physical activity and tasks under strict
11 supervision and discipline, with heavy emphasis on
12 vocational and educational treatment programs and little
13 free time. It is not and should not be construed as being
14 easy time. It is intended to give prisoners the skill and
15 understanding needed to return to the outside world and be
16 prepared to cope with it. It is intended to instill
17 discipline and motivation and to teach respect for self
18 and for others.

19 We see a number of advantages to the boot
20 camp alternative. It would reduce time in traditional
21 prison settings for qualified inmates, freeing up cell
22 space. It would permit youthful, non-violent offenders to
23 be placed in a setting away from hardened, violent
24 criminals and the bad habits that such association can
25 promote. Studies in other States have shown a decrease in

1 repeat offenders. Similarly, experience has shown the
2 boot camp alternative to be less costly than traditional
3 corrections systems. It is a system that provides both
4 punishment and what we believe to be meaningful
5 rehabilitation. As evidenced by the diverse backgrounds
6 of Representative Evans, Representative Argall and myself,
7 it is our feeling it is equally appropriate for urban,
8 suburban and rural settings.

9 There are a number of policy questions to be
10 answered. One is, who would impose assignment to a boot
11 camp, the courts or the corrections system? Another, as I
12 stated earlier, is who would be eligible for boot camps
13 and at what point in their sentence? A third is whether
14 offenders who would not otherwise be incarcerated should
15 be included or whether boot camp should be only an
16 alternative to longer term incarceration. A fourth would
17 be what is the proper balance of rigorous disciplinary
18 components with educational and vocational components? A
19 final issue is what changes need to be made to make boot
20 camps consistent with our current sentencing law in
21 Pennsylvania?

22 We are hopeful that these proceedings will
23 help to provide answers to those questions. It is also
24 our hope that a pilot project could be instituted in the
25 not too distant future.

1 In conclusion, Representative Evans and I
2 feel strongly that the boot camp alternative is a
3 proactive concept that would enhance and improve our
4 present correctional system. It is our intention to work
5 together across party lines and across geographic lines to
6 fully investigate the concept and determine if and how it
7 can be a part of the solution to our correction crisis.

8 Thank you.

9 CHAIRMAN CALTAGIRONE: Thank you, Lois.

10 Representative Evans.

11 REPRESENTATIVE EVANS: Good morning, Mr.
12 Chairman and members of the committee. Thank you for
13 allowing me and Representative Hagarty to make a few
14 remarks before you begin this hearing on prison boot
15 camps.

16 I appreciated your willingness to open
17 debate on this issue because it is one in which the entire
18 public holds an interest, and my bills are simply one of
19 part of the larger prison reform issue. As you know, my
20 legislation would establish voluntary motivation boot camp
21 for non-violent offenders. It is designed to provide
22 vigorous physical training and discipline and various
23 counseling and educational programs.

24 Inmates selected to participate who
25 successfully complete the six-month boot camp would be

1 paroled, but under intensive supervision. I emphasize
2 now, as I did when I introduced this bill along with
3 Representative Hagarty, that this is not a bill to let
4 murderers and hard-core criminals walk free. This bill is
5 aimed at a very specific prison population that is
6 non-violent, young and represent our best bet for
7 rehabilitation. And even those who are paroled under this
8 program are not set scot-free. Intensive supervision
9 imposes conditions that are perhaps as tough as those
10 placed on inmates. Representative Hagarty also has a bill
11 in that direction, and we here in the Commonwealth of
12 Pennsylvania in a pilot program have some counties that
13 have intensified supervision.

14 It is important that intensive supervision
15 accompany this boot camp program. Without it, the boot
16 camp is ineffective. Taken together, I believe this
17 proposal would serve three ends. It will give a better
18 means of control to those running our prisons, it will
19 give those eligible first time offenders a broad array of
20 hope, and lastly, it will help to alleviate the
21 overcrowdedness that is wrecking our prison system.

22 But boot camp is not the solution in itself.
23 It will not solve the problems we have with our prisons.
24 It is simply one tool we have in solving our prison
25 problems and will take many tools. It is my hope that

1 through hearings such as this, Mr. Chairman, we can
2 combine the best of proposals and develop a comprehensive
3 reform of our State prison systems which you heard
4 Representative Hagarty speak of.

5 Thank you very much.

6 CHAIRMAN CALTAGIRONE: Thank you.

7 Are there questions from the members?

8 Yes, Chris.

9 REPRESENTATIVE McNALLY: Thank you, Mr.
10 Chairman.

11 Briefly reviewing the two pieces of
12 legislation, it's obvious that they're oriented towards
13 youthful offenders. One distinction that appears to be
14 made between these bills I think is that Representative
15 Evans' bill would accept 16-year-olds, those 16 years of
16 age or older.

17 REPRESENTATIVE EVANS: The bill that is in
18 this particular committee would only accept people who are
19 age 18 to 30. There is a bill that is in the Youth and
20 Aging Committee that would accept individuals who are
21 between the ages of 12 to 18. Representative Stuban has
22 that particular bill and at some time either he will have
23 hearings or he will probably rerefer it to this particular
24 committee. That hasn't been decided between this chairman
25 and that chairman. We're trying to work out those

1 details.

2 REPRESENTATIVE McNALLY: I see. Well, I
3 guess one question I would have is what is the relative
4 cost of this type of program as opposed to traditional
5 incarceration?

6 REPRESENTATIVE EVANS: We've been trying to
7 nail that down. We have the costs of New York, but we
8 have yet to be able to nail down here in Pennsylvania what
9 are the costs. In talking to Commissioner Owens, he has
10 expressed that his sense is that it would be a little
11 cheaper. If you take a maximum security here in the
12 Commonwealth of Pennsylvania for a thousand-room facility
13 it is \$20 million. Certainly if you use your math on that
14 basis that we're talking about maybe 250 people in a
15 facility which does not require the heavy walls, the heavy
16 fences, it's much more like in a camp type of setting,
17 that in itself would be somewhat cheaper. So I'm not
18 trying to evade the question, I can't give you specifics,
19 but there's just on basic things that you can see from the
20 surface that it will be a little more cheaper than a
21 maximum security facility.

22 REPRESENTATIVE McNALLY: Another question I
23 would have is would this be operated by the Department of
24 Corrections or would there with some sort of nonprofit
25 agency or perhaps a profit enterprise that would operate

1 the program under contract?

2 REPRESENTATIVE EVANS: It would be operated
3 by the prison system. No outside agency would be
4 operating so it would be under the jurisdiction of the
5 State.

6 REPRESENTATIVE McNALLY: Would that be the
7 same under your program, Lois?

8 REPRESENTATIVE HAGARTY: It would be. I
9 don't believe that we now have the jurisdiction for
10 inmates who are sentenced to prison for a private prison
11 concept to work. So certainly under current law. It is
12 possible that if we would pass private prison legislation
13 that this might be. I'm not suggesting that that's my
14 thought, but certainly, I mean, at some point we might
15 want to consider whether this is the type of thing that
16 Corrections might want to contract with a private group.
17 Certainly under current law, though, Corrections would
18 have to operate this facility.

19 REPRESENTATIVE McNALLY: The reason I ask is
20 that I'm aware of at least in Allegheny County juveniles
21 are referred to these types of boot camp programs already.
22 I think they're operated by private agencies rather than
23 by a State or a county agency.

24 REPRESENTATIVE EVANS: That may be something
25 certainly new to me. I know in the city of Philadelphia I

1 never knew we really actually had a boot camp in the
2 Commonwealth of Pennsylvania. My understanding, you have
3 YDCs, which are Youth Development Centers, the forestry
4 camps, but nothing of the nature of a boot camp in the
5 model of the concept that we have been describing to my
6 knowledge exists in the Commonwealth of Pennsylvania in
7 terms of rigorous training, in terms of what you would
8 think of if you have ever been in the military, what they
9 go through.

10 REPRESENTATIVE McNALLY: One--

11 REPRESENTATIVE HAGARTY: Chris, just on
12 that, Mary Woolley asked are you referring to Vision
13 Quest?

14 REPRESENTATIVE McNALLY: I think that's it.
15 It sounds familiar.

16 REPRESENTATIVE HAGARTY: Which is really not
17 -- they go out into the wild and live a kind of survival
18 existence. It really is not the same concept as a boot
19 camp.

20 REPRESENTATIVE McNALLY: I thought there was
21 sort of physical training and calisthenics and a lot of
22 stuff like that. It may not be a boot camp per se.

23 REPRESENTATIVE HAGARTY: I think some of the
24 goals are similar. The technique is different.

25 REPRESENTATIVE McNALLY: Um-hum. The other,

1 and really, the reason I was pursuing this line of
2 questioning is that in the summer we heard testimony in
3 Pittsburgh concerning drug legislation, and I specifically
4 recall that Judge Wettick, who is the administrative judge
5 for the Family Division and is in charge of juvenile
6 programs in Allegheny County, indicated that if we were
7 going to spend more money on drugs, that we ought to
8 focus, and he really specifically said focus on the Crack
9 problem, and specifically Crack use by juveniles, and I
10 know in Philadelphia, in the Philadelphia area, Crack use
11 and selling among juveniles is much more serious than it
12 is in other parts of the State. And his reasoning was
13 sound because he said that, first of all, Crack is very
14 addictive, it promotes violence and the -- if we can get
15 to juveniles and young people early with a variety of
16 programs, that will actually help to curb the growth in
17 prison population because we can take them out of the
18 criminal justice system, rehabilitate them, put them on
19 the straight and narrow before they, you know, before
20 they're lost. And so, you know, I guess what I'm
21 interested in is, you know, I like the idea, but I would
22 tend to agree with Judge Wettick. I think we have to
23 orient a lot of these types of programs towards younger
24 people, and, I mean, would you envision a priority being
25 given to 18-year-olds as opposed to 25-year-olds?

1 REPRESENTATIVE HAGARTY: Can I just --
2 first, Chris, I want to say that I do support Dwight's
3 proposal for youthful offenders. Secondly, in terms of
4 priority, it is my thought, I am a novice to the boot camp
5 concept. The reason I introduced the legislation is I
6 believe that the time is now to explore alternatives, and
7 the purpose for this hearing and for our suggestion that
8 there be a pilot program really is to hear from people who
9 have experience as to what would be most effective and the
10 best way to operate this. I think that some of those
11 decisions will be best left to the sentencing judge and/or
12 the Corrections Department itself. But I certainly concur
13 with the idea that this hopefully would be most successful
14 with the youthful offender. What that exact age would be
15 I think we, you know, need to yet determine.

16 REPRESENTATIVE EVANS: My understanding with
17 the last two days this particular committee has been
18 holding hearings around the Camp Hill situation, and it's
19 probably more the reason why I compliment the chairman as
20 well as this committee for beginning to look at the
21 questions of alternatives because I think we here in the
22 General Assembly have just as much responsibility to work
23 with the Governor to try to figure out some ways of how we
24 deal with the questions of alternatives and what are
25 available.

1 I agree with you with your initial
2 statement, Chris, is yes, if we did live in the ideal
3 world it would always be great to get individuals before
4 they get in the system. May it be boot camp, may it be
5 Camp Hill, may it be Graterford, may it be anywhere you
6 can think of, if we lived in kind of an ideal world. But
7 the reality of it is that what we hope to offer by the
8 boot camp concept is that it is an in-between before
9 someone winds up in Graterford or someone winds up into a
10 much more maximum security type of prison that it is an
11 alternative, it is voluntary, you can volunteer in, you
12 can opt out. It is a privilege to participate. It is not
13 something where we're looking at it to be some kind of
14 social club, but it is something where we're saying to
15 people that if you're going to participate in this
16 program, it is incentive driven on correcting your
17 behavior, which is the whole idea of what corrections
18 should be about in terms of rehabilitation because at some
19 point individuals do come out of jail.

20 It's interesting in terms of getting a
21 statistical breakdown that the majority of individuals who
22 are in jail are not individuals who have killed people.
23 So if you look at that, that group, and we don't want that
24 group. The group we want is the group that maybe is
25 non-violent offenses. I know the chairman talked about

1 individuals who were drunk drivers at the press conference
2 that we had. You know, how can we re-focus those
3 individuals? How can we correct their behavior? How can
4 we get a result that we initially start out with? So Lois
5 and I are both, with other members who have joined us,
6 because it's been bipartisan and it's crossed the entire
7 State, that we're trying to get a message that we need to
8 come up with some alternatives to the problems that we're
9 having, and this committee and the chairman has been
10 leading that effort.

11 CHAIRMAN CALTAGIRONE: Okay.

12 Nick.

13 REPRESENTATIVE MOEHLMANN: I notice in
14 comparing the two bills, Representative Evans' bill
15 contains an appropriation of \$5 million and Representative
16 Hagarty's bill does not contain an appropriation but
17 contains the suggest that a boot camp might be located
18 within a State correctional facility or another location,
19 and I'm wondering whether you know, is there within the
20 Department of Corrections now a facility that would lend
21 itself to this type of a pilot program?

22 REPRESENTATIVE HAGARTY: I don't know. I
23 recalled Commissioner Owens at our, I believe it was a
24 subcommittee hearing, indicating his desire, willingness,
25 to set up a boot camp alternative and I honestly don't

1 know whether he has in mind a particular location or not.
2 He felt that he needed the authorizing legislation to
3 proceed. I understand we're going to be hearing from him
4 and I think he would better know that answer.

5 REPRESENTATIVE MOEHLMANN: Do you have any
6 feel at all, either of you, for -- of course, we can
7 pursue this with Commissioner Owens, but is it your
8 feeling that an appropriation would be required in order
9 to institute a pilot program or that that could be carried
10 through under present budget?

11 REPRESENTATIVE EVANS: I would imagine it
12 would require some sort of an appropriations because, I
13 mean, if you take existing budget, most of that money
14 already is designed for certain purposes and unless he has
15 the ability to have some discretionary dollars available
16 within his budget to set up a camp that we may not be
17 aware of, he would be the best one to answer that. But my
18 sense is that there would be some kind of requirement or
19 some type of probation. While we only have 5 million in
20 there because to the best of our knowledge, you know,
21 again, we're looking at a pilot program, we're not looking
22 at starting up a full-blown program, and basically we
23 wanted to review and we figured that that particular
24 amount of money would be appropriate to just look at
25 start-up. But again, it really depends a great deal upon

1 what Commissioner Owens has to say. Lois and I wanted to
2 be very flexible in working with the department to set it
3 up because we think that's very important. Neither of us,
4 though she says she's a novice, I have never run a boot
5 camp either.

6 REPRESENTATIVE MOEHLMANN: You've probably
7 been through one, though.

8 REPRESENTATIVE HAGARTY: Not me.

9 REPRESENTATIVE EVANS: So since I've never
10 operated or run one, but we are just trying to work with
11 people and the chairman by having this committee meeting,
12 allowing us to have input to a lot of people, to those
13 experts who maybe can help us right there. I saw my buddy
14 Dave Mayernik, who I saw him in here earlier, I wonder if
15 he knew anything about it.

16 REPRESENTATIVE MOEHLMANN: Your request for
17 an appropriation, do you pretty much assume that we would
18 have to go outside of the present physical grounds of
19 correctional institutions and establish some location?

20 REPRESENTATIVE EVANS: Possibly. I mean,
21 State land, somewhere around State land.

22 REPRESENTATIVE MOEHLMANN: Yeah, probably.

23 REPRESENTATIVE EVANS: Certainly we own a
24 lot of land and I would imagine somewhere in the State we
25 could find a facility. One time someone made a joke and

1 said we could always use the Lieutenant Governor's
2 residence as the location.

3 REPRESENTATIVE MOEHLMANN: That's in Lebanon
4 County, I believe.

5 REPRESENTATIVE HAGARTY: He didn't say that
6 when he was running for Lieutenant Governor, keep in mind.

7 REPRESENTATIVE MAYERNIK: You mentioned my
8 name before, Mr. Chairman. What did I do?

9 REPRESENTATIVE EVANS: I just commented that
10 you may have a little experience about these boot camps.

11 REPRESENTATIVE MAYERNIK: Not that I know or
12 and I really don't want to.

13 REPRESENTATIVE MOEHLMANN: Thank you, Mr.
14 Chairman.

15 CHAIRMAN CALTAGIRONE: Jeff.

16 REPRESENTATIVE PICCOLA: Thank you, Mr.
17 Chairman.

18 Lois, I noticed in your bill you have, oh,
19 about a half a dozen or more exceptions, individuals who
20 are convicted of certain crimes cannot be eligible for the
21 program. I wonder if you might indicate, it looks like
22 that covers a multitude of sins, too, the ones you
23 mentioned, but could you tell us your rationale as to why
24 those were put in the bill?

25 REPRESENTATIVE HAGARTY: Our rationale is

1 that punishment for serious crimes should remain, at least
2 for the most serious crimes, should remain traditional
3 incarceration. I don't think this General Assembly or the
4 public is willing to forego that traditional punishment
5 for people who have harmed other people seriously and
6 where there are victims. While I do not mean to suggest
7 by that that boot camp would be envisioned as easy, it
8 still is not the traditional being locked up in a cell in
9 a prison, which I think is appropriate when there is a
10 victim of a serious crime in particular. Although, Jeff,
11 let me say that as I've said since I first introduced this
12 bill, the reason I'm appreciative of this hearing is we
13 need to learn more about it, and I do not expect this
14 legislation to stay in the form it was introduced. It was
15 introduced as an exploratory piece of legislation so that
16 we could learn more about the concept, and I have no
17 particular reason to think I have all the answers at this
18 point and am, you know, very willing to have input as to
19 which crimes should be excluded.

20 REPRESENTATIVE PICCOLA: That does not
21 envision, or those exclusions in this bill do not
22 envision, as I understand it, maybe both of you can
23 correct me on this, that neither one of you are
24 envisioning shorter sentences, are you? Or shorter terms
25 of custody by the Department of Corrections.

1 REPRESENTATIVE HAGARTY: Let me say this,
2 and it's a matter we really have to resolve because it is
3 a serious policy issue under this. My legislation
4 envisioned, and I thought that that was consistent,
5 although he can better explain it to us, I thought that it
6 was consistent with what the Commissioner suggested, and
7 that is that the sentence would be the same, the judge
8 would still sentence the individual and at the end of the
9 term he would be eligible for this shorter period. So the
10 sentence would be the same. I think, and I'll let Dwight
11 explain it, and I don't necessarily think that mine is the
12 best answer, it is just one suggestion. The alternative
13 is clearly if we proceed, as Dwight suggests, for a short
14 sentencing with the sentencing judge essentially
15 authorizing the individual to do a short-term sentence, I
16 believe that that does encompass a shorter sentence and
17 we're going to have to change our Sentencing Code to
18 provide for that allowance of the shorter, more intensive
19 sentence.

20 REPRESENTATIVE EVANS: Jeff, you will recall
21 in the testimony that I gave that I said that boot camp in
22 itself would certainly not be a cure to this problem, that
23 I said that intensified supervision, which I know Lois is
24 prime sponsor of the bill and I had a discussion with Fred
25 Jacobs about this subject, that intensified supervision,

1 looking at something that occurred in Georgia or that is
2 occurring in Georgia today meant that an individual was
3 under -- had to have a number of contacts every single
4 day, they had drug testing, they had to have mandatory
5 employment, they had to have a number of items that was to
6 take place, and that my view was that maybe if we put this
7 on the front end that it would be an incentive as a
8 tradeoff that an individual would go about trying to
9 correct their behavior.

10 It is a philosophical question that I think
11 that we ourselves here in the General Assembly have to ask
12 ourselves at this point about do we want to move in that
13 particular direction, with looking at us spending almost
14 \$300 million in prisons at this particular point and not
15 getting a return. We get no return from that. \$15
16 million dollars in renovation of Camp Hill, we get no
17 return in that. It does great in terms of hiring people,
18 it does great in terms of building buildings, but we, as
19 the Commonwealth of Pennsylvania, do not get any return.
20 It's not like investing in education where we get a return
21 in that. We do not get any return from that \$300 million.
22 We hope that the return that we get is that those
23 individuals will not go out there and be repeat offenders.

24 So my attempt was one to reach out and ask
25 ourselves the question as a General Assembly, are we at

1 that point where we're saying that we're willing to
2 evaluate that because there's a couple things, check-off
3 points. My view would be, if the concept was to go into
4 law, was that it would be an alternative where it would be
5 a privilege. A person would have to be reviewed,
6 evaluated, to determine if they could go into the program.
7 Secondly, if they would complete the program, then they
8 would be under this intensive supervision for, say, a
9 solid year, 18 months. Then it would have to be a
10 determination between the judge, the Parole Board, and the
11 prison officials in terms of the check-off to decide if
12 this is acceptable for this person to be released. So it
13 would not be something where we would just arbitrarily be
14 able to say after you have served your time at boot camp,
15 after you have done your intensified supervision that
16 immediately that means you can go scot-free. No. It will
17 still have to be an evaluation period to make some kind of
18 determination, and my sense was that the chairman wanted
19 to hold this hearing around the issue of seeing, are we at
20 that point that we're willing to explore moving in that
21 particular direction? Again, on a pilot basis, looking at
22 the category of people that we go after and not just
23 randomly taking anyone in.

24 So what I've carefully tried to do, and Lois
25 has worked with me very closely with, is go slow and not

1 be something that we would just jump in and say we're
2 going to do this because it was under the President's
3 national drug strategy, the boot camp concept is in that
4 national strategy, and there were 11 to 14 States
5 presently that has it. Oklahoma and Georgia are the older
6 States. So presently it is still relatively new. So our
7 sense is that Pennsylvania right now is kind of right in
8 the mix of it, so it's something for us to consider.

9 REPRESENTATIVE PICCOLA: I would assume that
10 if you accept the theory behind the concept of a boot camp
11 that it doesn't make a whole lot of sense to have the
12 person go through this six-month program or whatever it is
13 and then go back into the prison system.

14 REPRESENTATIVE EVANS: Correct.

15 REPRESENTATIVE HAGARTY: That's right.

16 REPRESENTATIVE PICCOLA: So as I understand
17 your proposal, Lois, you're looking at it as something
18 that they are put into within six months of their release
19 date?

20 REPRESENTATIVE HAGARTY: That's right, as
21 it's presently drafted, although as I've said, I see the
22 downside to that also and that is in terms of what we want
23 to avoid with all of the negatives of a full
24 incarceration, that doesn't solve that problem. The
25 positive side of it is obviously we're not reducing

1 anyone's sentence.

2 REPRESENTATIVE PICCOLA: And Dwight's
3 proposal, as I understand it, is like a front-end loaded
4 type thing?

5 REPRESENTATIVE EVANS: Correct.

6 REPRESENTATIVE PICCOLA: Okay. That is,
7 they would have to -- you would have to make provisions
8 for shorter sentences?

9 REPRESENTATIVE EVANS: Correct.

10 REPRESENTATIVE PICCOLA: Okay. I think if
11 -- I read the bills real quick just a few moments ago
12 and maybe I missed something here but there seems to be
13 another major difference in that under your proposal,
14 Lois, the program -- the inmate doesn't have any choice,
15 he's put into the program or he's not put into the program
16 by some higher authority.

17 REPRESENTATIVE HAGARTY: That's right.

18 REPRESENTATIVE PICCOLA: And in yours,
19 Dwight, as I see it, the inmate must first volunteer,
20 that's the threshold qualification is he's got to want to
21 the get into the program?

22 REPRESENTATIVE EVANS: It could be
23 either/or. That decisionmaking would be in the hands of
24 the corrections officials. He or she could still not be
25 eligible because maybe they won't meet the standards of

1 the program.

2 REPRESENTATIVE PICCOLA: Well, my question
3 then is what if you have somebody who doesn't want to get
4 into the program?

5 REPRESENTATIVE EVANS: Then they'll go into
6 Camp Hill or Graterford.

7 REPRESENTATIVE PICCOLA: Well, then it is a
8 voluntary, it has to be a voluntary system from your point
9 of view?

10 REPRESENTATIVE EVANS: Correct.

11 REPRESENTATIVE PICCOLA: Lois, for you it's
12 a mandatory part of the sentencing process or some
13 process.

14 REPRESENTATIVE HAGARTY: Well, it would be
15 up to the Department of Corrections.

16 REPRESENTATIVE PICCOLA: Yeah.

17 REPRESENTATIVE HAGARTY: One would assume
18 that they would, in making that decision, consider the
19 inmate's attitude toward that as a factor in deciding if
20 he or she were appropriate.

21 REPRESENTATIVE PICCOLA: Okay, thank you.

22 CHAIRMAN CALTAGIRONE: Any other questions?

23 (No response.)

24 CHAIRMAN CALTAGIRONE: Thank you.

25 REPRESENTATIVE HAGARTY: Thank you.

1 REPRESENTATIVE EVANS: Thank you.

2 REPRESENTATIVE HAGARTY: Mr. Chairman, I see
3 Representative Argall, who cosponsored the legislation
4 with me, is here. I wonder, since we have space, if he
5 might join the committee today?

6 CHAIRMAN CALTAGIRONE: Certainly. He's more
7 than welcome. And of course Dwight could.

8 We will next hear from Dr. Doris MacKenzie.
9 Was there a report that you wanted us to submit for the
10 record?

11 DR. MacKENZIE: Yes. I actually brought in
12 three things. One is the "Shock Incarceration," the one
13 you're holding up, another is a reprint of an NIJ Research
14 In Action on "Shock Incarceration Programs in State
15 Jurisdictions," and the third is testimony that I gave in
16 the U.S. House of Representatives on the topic of boot
17 camps.

18 CHAIRMAN CALTAGIRONE: Okay

19 DR. MacKENZIE: Thank you for the invitation
20 to address the committee. It's nice to be back in
21 Pennsylvania. This is my home State. I went and got all
22 my degrees from Penn State. Currently, I'm a faculty
23 member at the Louisiana State University, but I've been
24 working in Washington, D.C. at the National Institute of
25 Justice on a visiting scientist position.

1 For the last few years I've been examining
2 boot camp prisons. I've been Director of Projects. One
3 project was an intensive evaluation of the Louisiana boot
4 camp program, and the next project which we're now working
5 on is an examination of seven State programs. We have
6 coordinated the evaluation from seven different States
7 that have boot camp programs.

8 All right. The manuscripts that I gave you,
9 first of all, the "Shock Incarceration: An Overview of
10 Existing Programs," gives an overview of the early
11 programs. It's a descriptive analysis of what do the
12 programs look like, what are the things we should think
13 about in operating these programs, what are some of the
14 concerns people have about the programs?

15 The next one is a short overview, this
16 article, is a short overview of a survey that we did of
17 State programs at the beginning of 1989, so that that
18 research was current in 1989. It's changing so fast that
19 there are already many more States that have programs.
20 All right. And the numbers in the programs are larger.

21 The third, the testimony that I gave you
22 from the House of Representatives is also a description.
23 I tried to talk about some of the things that we know
24 about, the results of research to date, some of the things
25 that we know about boot camps and what we don't know, and

1 what we don't know is much larger than what we do know.

2 All right, examining the bills that are
3 before you today, I saw that there were three goals that
4 you have that are mentioned in these bills for reasons for
5 initiating boot camps in the State. One, reduce crowding;
6 two, an alternative for substance abusers; and three,
7 reduce criminal behavior upon release. And I'd just
8 quickly likely like to go over those three and then have
9 questions. I think they might be more useful because I
10 heard some questions coming up that relate to this.

11 First of all, crowding. Listening to the
12 discussion before I'd say that this was something that you
13 should work very carefully on setting up the boot camp if
14 you are going to have any kind of impact on crowding.
15 Almost all boot camps that I'm aware of are set up as an
16 alternative to a longer term in prison. So that -- I know
17 of only in Orleans Parish, or their county level, prison
18 who has a back-in program where they actually serve their
19 term and then serve -- serve most of their term and then
20 go into the boot camp. Most of the State jurisdictions
21 have used it to try to reduce prison crowding, and in this
22 way they put them in. It's a trade. If you get into the
23 program and if you are willing to go through the program
24 and complete it, you then are rewarded with early release.
25 Sometimes followed by an intensive period of supervision

1 and sometimes not.

2 So one of the things that has happened is
3 that sometimes States have found that their eligibility
4 criteria actually rule out many offenders that they have
5 in prison and so if you'll look at, when you have time,
6 we've got the numbers in programs. You can see at this
7 point in many States the numbers are very small.
8 Louisiana had the problem, they essentially had
9 eligibility requirements that there was not a population
10 of people coming into the prisons who were eligible for
11 the program. They have since changed that. It ended up a
12 very small program that didn't have any impact on
13 overcrowding. So I was glad to see John Kramer here
14 because I know he does some work with eligibility. That's
15 one of the problems.

16 Another thing that I found in the majority
17 of programs are that 30 or 40 percent or more either do
18 not volunteer for the programs or drop out or wash out
19 during the programs. So that it is seen as something --
20 someone that completes the program is seen as doing
21 something outstanding, and that their attitude, that's the
22 offender's attitude and that's the staff attitude at
23 graduation, so that it is built as you have earned your
24 way out, this was hard, this was tough. But that also
25 means if you're going to have an impact on overcrowding,

1 you have to build that into the whole formula to say we're
2 going to lose that many.

3 Another problem is "netwidening" that we've
4 been concerned about. This is who places people into the
5 program? If the judges are making the decision, they have
6 a tendency to see a lot of probationers who they might
7 want to put into the program, and that might be
8 appropriate and that might be what you want to do, but
9 that's not going to have an impact on overcrowding because
10 it's not going to pull them out of the prisons. If the
11 Department of Corrections makes the decision, like in New
12 York, they're pulling them out of people that would
13 already been in prison. So that will have an effect.
14 And, of course, this is an effect on cost and the major
15 savings that I've heard the States talk about as far as
16 costs is the shorter period of time that these people
17 serve in prison. All right? It's not per diem, it's the
18 shorter period of time. You're saving on time.

19 All right. A little bit then about as far
20 as drug offenders, and I was going to mention also it was
21 mentioned before that in the National Drug Control
22 Strategy the boot camp prisons have been mentioned. I
23 think that's a lot with hope that they'll be an answer,
24 that it is a way to address this problem. We don't know
25 much yet about how adequate these are for the drug

1 offenders. We have now -- Bureau of Justice Assistance
2 has now funded two innovative programs in Texas and in New
3 York to develop a program specifically focussing on the
4 drug offender, and Texas will be starting that program.
5 They have a boot camp program, but they have not
6 incorporated a drug component yet. They'll be developing
7 that, I think this month they're planning to start it.
8 And New York has the drug component in place. All right,
9 so it's very early to identify what types of drug
10 offenders do we want to go into the program, what do we
11 expect it to do for them?

12 The next, I just wanted to say a few seconds
13 about recidivism and criminal behavior upon release. To
14 date, and these are very small numbers, very small
15 studies, I have to warn you, but there hasn't been, we
16 cannot say it's reducing recidivism when they get out.
17 There's some positive indicators. If you look at positive
18 behavior, the offenders that are released from these
19 programs are doing more positive behaviors. They are more
20 apt to hold down jobs or when they are employed they get
21 along with their employer better, they show up on time,
22 they have developed some habits that we may see later. I
23 mean, none -- they haven't been following the offenders
24 long enough to say will we see this later? But when we
25 examine arrest rates for shock parolees, regular parolees,

1 and also probationers who are out on the street the whole
2 time, we saw no differences. Not enough to be, you know,
3 to talk about. So that's disappointing at this point.

4 One of the things we do see in these
5 programs is that the boot camp atmosphere alone, that that
6 pressured atmosphere alone does not seem to be creating a
7 change in the offenders. They also, most all programs
8 have counseling or another rehabilitative activities so
9 that, and this is quite a bit. In other words, Georgia
10 focuses on work. That's one program. They focus on work
11 and hard labor in the boot camp atmosphere. Most of the
12 others have some kind of rehabilitation. They even
13 include some but it's limited. Florida, which is one that
14 also spends, they spend some of the least amount of time
15 in rehabilitation activities, meaning counseling,
16 vocational and educational, that kind of activity, spends
17 an hour and a half a day with a counselor in group
18 sessions, the offenders. Which is a large amount of their
19 daily time with a counselor. If you look at this then the
20 information I've received is that there may be per diem,
21 the per diem costs for these programs, if they're done
22 with a goal of trying to change the offenders may be
23 slightly higher, not a lot, but slightly higher than the
24 per diem in a regular prison where they don't have as many
25 programs or they don't have that counseling. Overall,

1 it's still saving money because they're in there for a
2 shorter period of time.

3 All right. So people have interpreted this
4 recidivism, this failure to see a recidivism rate
5 difference as one, no effect of the program; two, they
6 have to add more counseling, which many of the States have
7 done, more attention to rehabilitation activities; or
8 three, they have decided that it may be after care. New
9 York has focused now with its drug program on after care.
10 They've interviewed inmates, looked at the data, they
11 believe that that's a problem and that the short period,
12 they've done what they can during the short period of time
13 in prison but that what these offenders face on the street
14 is the problem and so they've developed some work programs
15 which are also open to homeless and others, so they're not
16 limiting it to these offenders, but they are trying to
17 develop more opportunities on the street. Times when the
18 offenders who spent time in the boot camp together can get
19 together and share their experiences.

20 So those were just a few comments that I
21 heard coming up that I thought might be helpful. And if
22 you have questions, I'd be happy to answer them,

23 CHAIRMAN CALTAGIRONE: Thank you, Doctor.

24 BY CHAIRMAN CALTAGIRONE: (Of Dr. MacKenzie)

25 Q. You had mentioned when you started out that

1 there were a couple of States that have had this program
2 for a while. One of them was Oklahoma?

3 A. Oklahoma and Georgia.

4 Q. And Georgia. What type of statistics have
5 you been able to compile on what their experience has
6 been?

7 A. On--

8 Q. On recidivism, costs.

9 A. Oh, okay. I have not -- we have been
10 waiting to get the report from both of those States, so
11 there's more information actually from Florida, Louisiana
12 and New York at this point. They've done more evaluation.

13 Q. Um-hum.

14 A. Georgia has, their early data has not shown
15 an effect of the programs as successful as far as the
16 recidivism rate. Oklahoma, I haven't seen any data from
17 the Oklahoma program on recidivism, and they're in that
18 multi-site study that we're doing, so I don't think that
19 they had any data.

20 Q. Well, I think you mentioned also about the
21 differences in the programs itself, whether or not there
22 is after care, whether or not there is intensified
23 probation, there's going to be variances in each of the
24 States I guess depending on the programs that they have.
25 I think what you're saying basically is the boot camp

1 concept itself will not in and of itself address some of
2 the problems such as overcrowding, cost savings, and
3 recidivism rate and what not, is that correct?

4 A. Yes.

5 Q. That it really should be tied into other
6 types of programs that would have more of an impact, a
7 longer lasting type of program down the line rather than
8 just shock incarceration, shock boot camp, and that
9 behavioral changes will take place. That's not
10 necessarily true is it?

11 A. No. I don't think that we've seen any
12 evidence that the boot camp itself is creating that change
13 without a lot of work in the boot camp trying to make them
14 change in a constructive manner. In other words, where
15 staff think of themselves as helping to bring about
16 constructive change. So it's a really intensive
17 rehabilitation along with the marching and drill and
18 physical exercise.

19 Q. So the programs have to be dovetailed into
20 the total programming concept in order to make it
21 effective and the jury is still out as far as whether or
22 not it will or will not have long lasting impact on
23 behavioral changes?

24 A. Yes.

25 Q. What's your own personal analysis from what

1 you've been able to gauge from the States that you've seen
2 this work in? What do you think the possibilities are?

3 A. I think it's a possibility that at this
4 point could reasonably be tried, if these cautions are
5 followed, and there are a lot of cautions. I believe that
6 it could be dangerous. I think that there's the
7 possibility of abuse, and people that examine the programs
8 do say they're worried about that. The punishments, how
9 they're given out during the program, have to be carefully
10 controlled. But I do think that talking to the staffs,
11 seeing the staffs, talking with offenders, I think that
12 those who earn their way through the program may be able
13 to make positive changes in their lives, and I think
14 that's hopeful, and I think that rather than staying in
15 prison for three years and vegetating, that those who go
16 through the program have had a more constructive
17 experience and they'll tell you that. They'll say that
18 time I spent in the program was good. I learned
19 something. And people don't say that in prison very
20 frequently. I mean, they do not say it was tough, it was
21 difficult, but it was constructive. So, I mean, from that
22 perspective I think there are some aspects of this that
23 are worth looking into and examining.

24 CHAIRMAN CALTAGIRONE: Okay.

25 Lois.

1 REPRESENTATIVE HAGARTY: Thank you.

2 BY REPRESENTATIVE HAGARTY: (Of Dr. MacKenzie)

3 Q. I'm curious, in the States in which the
4 judge does not sentence, the Corrections Department
5 designates them, because I think that that is the goal, I
6 appreciate your comments and suspected myself that if the
7 judge was doing it we would end up with more people, not
8 less, in the system, and my question is then what do those
9 States do with regard to sentencing law, because you then
10 I assume are giving -- it sounds like you'd almost have to
11 give discretion to the Department of Corrections to reduce
12 sentences in those cases in which this alternative is
13 used?

14 A. Yeah, that's a legal question that I don't
15 have the background to answer. I do know in Louisiana the
16 Corrections Department makes the decision to place people
17 in, but it was tied to a recommendation by the judge. So
18 the judge has to recommend the person for the program.
19 The Corrections Department makes the final decision.
20 That's caused some problems. They've had the build a good
21 network of feedback to the judges. Release is up to the
22 parole board in that State. That created another problem
23 because the parole board -- sometimes people would finish
24 the program with the understanding they would be released
25 and the parole board didn't want to consider it so they

1 had to work closely with all these groups. They've spent
2 a lot of time, which is probably a financial cost that
3 people don't put into the formula, they've spent a lot of
4 time trying to make sure that these three groups
5 understand how far the decisions are being made. They
6 felt that if the person could not earn their way out of
7 prison with these programs they wouldn't get into the
8 programs and they wouldn't take part in them to the
9 degree. I mean, they wouldn't go through the difficulty
10 of the program if they didn't think they were shortening
11 their term. So they thought the program would be ruined
12 if the parole board didn't let people out.

13 Q. You don't see, I guess in the one you
14 mentioned in the which this is an alternative at the end
15 of the sentence, any great advantage to that then?

16 A. That, I've been working with States and
17 that's a parish or county in Louisiana, Orleans Parish,
18 and they've been using it for sometimes near the end of
19 the sentence to give the person I believe a chance to get
20 into a vocational, education program or to move into a
21 halfway house, so I'm not sure what they have. They've
22 given them some reward at the end of the program, and I'm
23 just not sure how that's set up.

24 Q. Okay, but clearly under your analysis that
25 would not reduce costs? You're indicating that your

1 analysis is the costs are really only reduced because it's
2 a shorter program not because boot camp costs less than
3 maximum security facilities?

4 A. Yes. And one of the reasons for that is
5 these offenders are probably not going to be -- the
6 offenders that you draw out of the system are probably not
7 maximum security in your system. They may be in work
8 camps or they may be in minimum security facility. I
9 mean, that would be something you could look at, but I
10 don't think you're going to put them in a boot camp and
11 lower the security overall in the system. I wouldn't --
12 my experience is these are offenders who would usually
13 move very quickly through levels and spend most of their
14 time in minimum, medium/minimum or work camps.

15 Q. In the programs you've observed, what type
16 of crimes have they committed? What are these parameters
17 and who is this typical offender?

18 A. A lot of drug offenders but sometimes
19 burglary, theft, the non-violent offenders. Some programs
20 will let others in, but most of them are burglary, theft,
21 drug offenses.

22 Q. Is escape a problem?

23 A. No. Not -- no, not to my knowledge.
24 They're watched very closely all day.

25 Q. Let me ask you, I'm curious why, and I agree

1 that my own legislation adopted this philosophy, but I'm
2 curious, is the rationale the same in the other States for
3 not allowing in more violent, maybe a violent offense but
4 he's a first offender and he's youthful? I was thinking
5 maybe escape was a problem. Do you know what -- I guess
6 my question is, what is the rationale overall have you
7 found for the type of inmate?

8 A. Oh, okay. I guess one would be that they
9 don't feel that it would be fair to let the violent
10 offender who has a longer period of time in prison or is
11 in danger out in that shorter period because it's -- most
12 all of these, in fact, all of these programs I'm aware of
13 reduce the sentences. So they're spending less time in
14 prison and people did not want to make the decision to let
15 violent offenders out.

16 Q. Sooner?

17 A. Sooner, yes. And they've also targeted
18 young offenders.

19 Q. And I assume that's because there is a
20 thought of the greatest chance for rehabilitation?

21 A. And change, yes.

22 Q. And change. Okay, thank you.

23 CHAIRMAN CALTAGIRONE: Jeff.

24 REPRESENTATIVE PICCOLA: Thank you, Mr.
25 Chairman.

1 BY REPRESENTATIVE PICCOLA: (Of Dr. MacKenzie)

2 Q. Dr. MacKenzie, if I'm philosophically
3 opposed to shorter sentences, is a boot camp concept going
4 to work if we do not shorten the sentences?

5 A. I'm trying to think. I cannot think of a
6 case where I would say that I would say it was out of the
7 question then from my knowledge. I'm trying to think of a
8 case where you might -- what would you want to gain other
9 than control of offenders during the time that they're in
10 prison.

11 Q. Okay.

12 A. That's a satisfactory answer.

13 A. Okay.

14 Q. Are you familiar with our sentencing scheme
15 in Pennsylvania where we have two year or less sentences
16 being served in county prisons for the most part and
17 longer sentences being served in the State correctional
18 institutions?

19 A. Um--

20 Q. You're not familiar?

21 A. No, I mean, I'm not familiar with
22 Pennsylvania's system.

23 Q. Okay, well generally speaking, the sentence
24 imposed by the trial judge, the length of that is the
25 factor that determines where this sentence is served,

1 whether it's in a State correctional institution or at the
2 county level.

3 A. Um-hum.

4 Q. And generally speaking, obviously the
5 shorter sentences are served in the county facilities
6 while the longer ones are served at the State institution,
7 although with overcrowding we've had a little bit of
8 blurring along the edges there. And I think you mentioned
9 that Louisiana has a parish program in effect. What would
10 be wrong with, if such a program were instituted and run
11 by the Commonwealth but only used for those serving county
12 sentences, those serving the shorter sentences?

13 A. Um-hum.

14 Q. Also, under our county scheme I might add
15 that there's a fixed date for parole eligibility in the
16 State sentence. That is it's one-half -- it's no longer
17 than one-half the maximum sentence. It can be shorter but
18 the minimum sentence is the date eligible for parole if
19 you're in the State system. In the counties, that's still
20 the eligibility date but the judge has the opportunity,
21 has control over the parole process and can parole at any
22 time.

23 A. Um-hum.

24 Q. And I guess in many cases does.

25 A. Oh.

1 Q. It seems to me that this concept, if we're
2 not interested in shortening sentences--

3 A. Um-hum.

4 Q. --and I have a real problem with that, would
5 fit better with our county prisoners than with our State
6 prisoners. Now, knowing what I've just told you and
7 anything else, would you tend to agree with that?

8 A. One of the things you have to weigh is how
9 long they would normally spend in prison and is that
10 enough time to complete the program, because if they're
11 volunteering and if it's hard and they're going to get
12 kicked out, they wouldn't stay in. We've found the
13 difference, those that stay in the program to reduce their
14 sentence do indeed drop out if they have like it was a
15 year.

16 Q. Well, a typical county sentence is 11 1/2 to
17 23 months?

18 A. That they would actually be in during that
19 time. Because you won't reduce overcrowding if they
20 wouldn't be sentenced.

21 Q. Well, this would be what I see as a positive
22 aspect of the program from the overcrowding aspect in that
23 it would, it might take some people out of the county
24 facilities and put them in a State facility yet but not in
25 a correctional institution.

1 A. Um-hum. No, and that would be a possible,
2 if you have a large enough number, and the transportation
3 problem and training is another thing that concerns me
4 with the counties. I think many of the counties aren't
5 large enough that they have don't have this as well
6 developed.

7 Q. Obviously, I don't think any of our
8 counties, except maybe the very largest, could operate one
9 independently. It would have to be operated by the
10 Commonwealth, as I see it.

11 A. Right, and this would sound like a
12 possibility.

13 Q. And also under our -- I don't know how
14 familiar you are with our juvenile system, but it almost
15 is a natural -- if we are limiting this program to
16 youthful offenders or youthful individuals under the age
17 of 25, it almost sounds if you do it at this level as a
18 natural extension of our juvenile program, which is to
19 send juveniles to programs such as this. Would you tend
20 to agree with that? Maybe you don't know about our
21 juvenile program that much.

22 A. Well, I guess bringing up juveniles, I'll
23 just state my concern about developing these programs for
24 juveniles and what we hope to accomplish. There is some
25 research out of England on their youth centers that where

1 they actually reduced the rehabilitation activities and
2 increased the discipline, marching, drill, and they did
3 not see any positive effect there at all and I thought
4 that was -- should be carefully evaluated whether you want
5 to reduce other activities with juveniles. So developing
6 these programs, how they will develop for juveniles
7 concerns me, I think.

8 Q. Well, I don't think this -- the boot camp is
9 for juveniles.

10 A. Oh, okay.

11 Q. I think it's for adult offenders--

12 A. Yes.

13 Q. --but under the age of 25.

14 A. Right. Young adults.

15 Q. Representative Hagarty, I saw one of the
16 criteria was you had to be under the age of 25 in one of
17 the bills.

18 A. Yes. New York started out there and then
19 rose, decided to go up to 30 in a kind of some tentative
20 fashion or some other regulations they'll go up to age 30.
21 Louisiana goes up to 40 on the age.

22 Q. Thank you.

23 REPRESENTATIVE PICCOLA: Thank you, Mr.
24 Chairman.

25 CHAIRMAN CALTAGIRONE: Yes, Dwight.

1 BY REPRESENTATIVE EVANS: (Of Dr. MacKenzie)

2 Q. I just want to kind of follow up on one
3 comment. You said one of the criticisms or concern was
4 over the issue of abuse. Is there any more abuse that
5 takes place in boot camp versus what takes place in
6 traditional prisons?

7 A. One of my arguments is prisons are dangerous
8 places and that this may be -- you may be safer from the
9 other inmates in these programs, in the boot camp
10 programs, but there is the potential for abuse from the
11 staff if the punishments and how they're given out aren't
12 carefully controlled. That has concerned some people. I
13 talked with the people in Oklahoma, the administration
14 they felt that they had to watch very carefully. They
15 have theirs located in a larger prison. They felt they
16 had to watch very carefully in that some staff could not
17 adjust to their role as the drill instructor. The
18 Commissioner now in Connecticut was in Oklahoma when the
19 program developed and I've heard that he is now very much
20 against the boot camp concept because of the potential for
21 abuse.

22 Q. But I guess I still ask my same question,
23 boot camp versus existing traditional incarceration, does
24 anybody raise the issue about abuse that occurs there? I
25 was just trying to figure out, you know, abuse is abuse.

1 I'm just trying to figure out--

2 A. Right, and some people do not like the boot
3 camp concept and they say there will be more. I'm not one
4 of them. I think that it should be carefully regulated
5 and that we do have to have trained people and there's a
6 potential for more problems than in a regular prison, yes.
7 As far as the punishments, the drill instructors in some
8 States feel that they can give summary punishment.
9 Immediately they can make somebody drop and do push-ups.
10 Where you go from there to you make somebody stick a pen
11 in their mouth and you hit it, you know, so you've gone
12 over the line of reasonableness. I believe New York has a
13 very good training program for their staff where I think
14 they need it because their programs are very large now and
15 they're in separate prisons.

16 Q. I guess, you know, I hear you're saying that
17 and I've had these type of discussions with people that
18 have raised the question about the issue of abuse, in my
19 understanding, like with individuals who participate in
20 boot camp, they certainly have to be trained. I think in
21 New York they have to go through a four-week training
22 period to train them.

23 A. Yes. Yes.

24 Q. You have to monitor them, you have to have
25 an evaluation period. But I guess what I have not heard

1 is although someone may tell somebody you have to do
2 calisthenics, you have to do push-ups in regular prisons,
3 I mean, I can imagine there are all kinds of abuses taking
4 place that, I mean, we don't talk about as much, and I'm
5 not saying there's one abuse over another form of abuse,
6 abuse is abuse, but I guess I just raise that question
7 because my sense is that when we talked to the people in
8 New York, they said a great deal went into training of the
9 staff, working with the staff, supervision, and that
10 everyone was not made for this type of system because it
11 changes the role of the correction officer.

12 A. Um-hum.

13 Q. It's a different type of role that he or she
14 had when they were maintaining a prison. We're talking
15 about a change in philosophy in their thinking, so I guess
16 whenever I hear that issue of abuse I would just say that
17 I think we've got to weigh it with all the other things.

18 A. Yes, and I'm agreeing with that and I think
19 like your point of the other prisons have the potential
20 for abuse also, and I agree with that.

21 Q. They do have some serious abuse there.

22 A. Yes. Yes.

23 REPRESENTATIVE EVANS: Thank you, Mr.
24 Chairman.

25 CHAIRMAN CALTAGIRONE: Chris.

1 BY REPRESENTATIVE McNALLY: (Of Dr. MacKenzie)

2 Q. Doctor, you know, I haven't ever had any
3 experience in boot camps myself but, you know, from what I
4 have read and heard about military boot camps, the idea is
5 to -- at least one purpose is to remove any sense of
6 individuality, everyone has the same clothing, same
7 haircut, same routine, et cetera, and that having removed
8 that sense of individuality, then the drill instructor and
9 the purpose of the boot camp is to sort of rebuild a
10 character or personality so that everyone is uniform and
11 everyone has the same code of behavior, and I guess
12 ultimately that creates a routine and a habit and some
13 sense of self-discipline. And since that is, you know, at
14 least, you know, would seem to me to be the purpose of a
15 boot camp, and it's structured in a way to achieve that
16 purpose, would you agree that then there are only, if
17 that's going to be used as a correctional method, there
18 are only going to be some people who need that type of
19 assistance or for whom that kind of camp is appropriate?

20 A. Yes, I agree, and I wish we could identify
21 who they are. One of the things we're trying to look at
22 of course as we get data is who makes it through the
23 program and then who does well on the outside so we can
24 say, all right, this type of person seems to do better.

25 Q. Um-hum.

1 A. But at this point, we just don't know.

2 Q. I see. And that was really going to be my
3 next question. I mean, how do you pick the right people
4 to be in the program because, you know, my own sense, and
5 I'm not a psychologist or sociologist so I don't really
6 know how to describe it in technical terms, is that there
7 are some people whose, I guess, deviant behavior might be
8 caused by some emotional disturbance or some psychological
9 problem, but there are other people whose behavior may be
10 caused just by a lack of self-discipline. They don't have
11 any kind of inhibitions and, you know, I guess, you know,
12 they would be the kind of people I would say are not
13 really bad people, they're not malicious or you know
14 criminals, I guess, in that sense but, you know, maybe
15 they just hang out with the wrong kind of people and they
16 have don't have the self-esteem or self-discipline to say
17 no when the opportunity presents itself, you know, to
18 steal a car or something like that. And, you know,
19 apparently you're saying that there's no way to identify,
20 to distinguish that type of person from these other types
21 of people?

22 A. Oh, I should say that they are, most all
23 programs that I'm aware of do a full review of the person
24 both medically and psychologically, and so if there's any
25 evidence of serious psychological problems, they're not

1 permitted to enter the program, and they do have to be
2 careful with that.

3 Q. I see.

4 A. And I think that's some of the reason for
5 people dropping out in some of the programs is that they
6 begin to show problems.

7 Q. I see.

8 A. So there are definitely those that have --
9 whose problems are in the psychological area and they need
10 psychological counseling. Another group that they have
11 excluded are frequently the sex offenders because they
12 feel that that's not the problem with sex offenders and
13 the type of work that they need is not appropriate for the
14 program. So they'll come up with a series of regulations.
15 But I was thinking more in this group that you said, the
16 non-violent offenders who are involved with drugs or petty
17 theft or, you know, whatever, then it's hard to get into
18 details.

19 Q. I see.

20 A. They've actually included drug dealers in
21 the program in New York along with drug users and they
22 have the same counseling because they say the drug dealers
23 are addicts with money which they can benefit from the
24 same guidance and counseling.

25 Q. I see. Well, you know, sort of following up

1 on what Representative Piccola said, you know, for me, you
2 know, I think that the idea of having a boot camp is a
3 good idea, it's a good alternative, but if the only
4 savings is going to result from having shorter sentences,
5 and it seemed that you indicated that the per diem cost of
6 a boot camp may actually be slightly higher than the more
7 traditional incarceration, you know, I think it would be
8 important from a policy standpoint and a legislative
9 standpoint in order to defend the program several years
10 down the road, you know, that we actually get some -- a
11 better recidivism rate, for example, than we would under
12 traditional incarceration because as I said, if the only
13 cost savings is that we're giving people shorter
14 sentences, then why don't we just give people shorter
15 sentences and why pay extra money for a boot camp?

16 And so I guess, you know, the one thing that
17 I think ought to be in the bills and I don't see it really
18 is, you know, some idea of how to identify the people who
19 can benefit from a boot camp as opposed to those who, you
20 know, are not going to benefit.

21 A. Um.

22 Q. And, you know, I don't have the expertise,
23 and if there's some way for you to describe in greater
24 detail what type of person that is.

25 A. Right. Where we would have an impact on

1 recidivism, you mean?

2 Q. Right.

3 A. And at this point we just don't have enough
4 data and the results don't show that difference. So, I
5 mean, we don't know yet.

6 CHAIRMAN CALTAGIRONE: Any other questions?

7 (No response.)

8 CHAIRMAN CALTAGIRONE: Okay, thank you very
9 much, doctor. Appreciate your testimony.

10 We'll next hear from the Honorable John C.
11 Dowling, Judge, Dauphin County Court of Common Pleas.

12 JUDGE DOWLING: Good morning, ladies and
13 gentlemen. Thank you for the invitation to appear before
14 this committee. As a trial judge who is responsible for
15 sentencing defendants, I am concerned about the tremendous
16 increase in our prison population caused to a large extent
17 by drug trafficking and drug related crimes. Our present
18 system of incarceration was designed for a more stable
19 period, when our criminal population was but a fraction of
20 what it is today. With the actual and potential number of
21 inmates, we cannot continue in its present lines. To
22 simply build more units with estimates up to \$100,000 per
23 cell is not acceptable. The taxpaying public cannot
24 support such costly confinement. We cannot afford to
25 construct sufficient cells to house the number of people

1 who should be confined. The safety of the community must
2 always take precedence, but within that perimeter changes
3 can and must be made.

4 Society demands, and properly so, that
5 criminals be punished so that they and others can be
6 deterred from engaging in crime. While there's no single
7 answer to this Catch-22 dilemma, one way is to provide for
8 alternative means of providing for the punishment,
9 deterrence and rehabilitation of offenders, for these are
10 the three components of a just and proper sentence.

11 I have long been of the opinion that a
12 significant number of our jailed offenders do not need to
13 be housed in cells and surrounded by high walls, not being
14 security risks. Several years ago I spoke to the Wardens
15 Association and I asked how many of their inmates would
16 remain if the doors were thrown open. The estimates
17 ranged from 40 to 60 percent. As you know, the Federal
18 system employs a number of so-called minimum security
19 facilities. I think the time is fast approaching and we
20 will have to give serious consideration to putting a
21 significant percentage of our offenders in camps, which
22 obviously can be constructed at a fraction of the cost of
23 bars and bricks.

24 The bills before this committee, House Bill
25 2190 and House Bill 2199, constitute a major step in

1 furtherance of a modern, enlightened method toward dealing
2 with the problem while at the same time maintaining the
3 necessary sentencing factors of imprisonment, punishment,
4 deterrence and rehabilitation and still protecting the
5 community. My perusal of the two bills, I must say that I
6 would much prefer Bill 2199. It's more comprehensive and
7 I think its criteria are a lot better. For example, the
8 maximum age in 2199 is 30. The other bill I think is 25,
9 and I just heard the witness before me mention that in
10 some State, I'm not sure, maybe it was Louisiana, it's up
11 to 40. I think it could at least go to 35, maybe 40,
12 because as is noted, you have to have a significant number
13 of people in the program if it's going to do anything.

14 The main thing I like about 2199 as compared
15 to 2190 is that the option to participate is in the inmate
16 rather than the Department of Corrections, and I think
17 that's very important. I don't think you can tell
18 somebody, you're in the program. They have to want to be
19 in the program. I think that's very fundamental. Also,
20 2199 appears in some categories to allow recidivists to
21 participate, and I would have no objection to that.

22 There is one problem with 2199. I like it,
23 but it's a problem, I think. In Section 6, as I read it,
24 after a person has successfully completed the program, the
25 sentencing court may issue an order modifying their

1 sentence and putting them on probation. Now, the problem
2 is that today, of course, when I sentence or when someone
3 is sentenced, when I sentence them to the State
4 correctional institution, I have nothing to do with
5 releasing them. That's entirely up to the Department of
6 Corrections, except of course they would have to serve the
7 minimum or the sentence be adjusted. So I think that
8 there is a conflict there with the present law. I just
9 point that out.

10 However, both bills emphasize
11 rehabilitation, and I think that most of your participants
12 will probably come from the drug field, and in that area
13 of crime I think there is a chance for rehabilitation more
14 than there is in many other crimes.

15 I'd be happy to answer any questions.

16 CHAIRMAN CALTAGIRONE: Thank you, Judge.

17 I was particularly happy to hear that you
18 support the idea of alternatives because--

19 JUDGE DOWLING: Yes.

20 CHAIRMAN CALTAGIRONE: --one of the things
21 that I had done early last year when I first became
22 Chairman of this committee was to invite the president
23 judges from all the counties to come up to Harrisburg for
24 a sit-down and discuss and let's listen to the judges to
25 find out what their problems are. I plan to do that again

1 this year. And one of the things that I think we have to
2 be looking for if we're going to ease the current crisis
3 that we have, and I think you hit right on it, is to allow
4 the sentencing judges those alternatives so that they can
5 utilize them. They're the best person that's sitting
6 there at the time to determine whether or not some type of
7 rehabilitation or some other alternative could best be
8 utilized for that person that he or she is sentencing.

9 JUDGE DOWLING: Well, they have the
10 opportunity. Of course, they can focus on what I like to
11 call the reality of the deed. They know what they've done
12 and they may see the victims and they realize the
13 consequences of the crime.

14 CHAIRMAN CALTAGIRONE: Um-hum.

15 JUDGE DOWLING: And I think they are, to
16 some extent, at a better position. Of course, as I see
17 this concept, it's not in there, but I wouldn't think that
18 we would sentence somebody to a boot camp. We would
19 sentence them to a State correctional institution and
20 then after they were there for a time and met the criteria
21 they would be put in a camp, after they were evaluated. I
22 don't believe, I don't know, but I would doubt that we
23 would sentence them to a boot camp. I think that's a
24 matter which would be within the discretion of the
25 Department of Corrections. But I like the idea. It's

1 made some damn good Marines, and some good soldiers. I
2 went through boot camp myself and it's interesting.

3 I think a lot of these people -- I saw
4 something here that just crystallized it in the comment
5 from the previous speaker, I was given her statement.
6 She's quoting some study that, "it brings a sense of order
7 and discipline to the lives of youthful offenders." I
8 think that's very important. Most of these druggies, they
9 don't do anything but just hang out, so to speak, and I
10 think it would be a good thing for a lot of them. A few
11 of them may fall by the wayside, but that happens.

12 CHAIRMAN CALTAGIRONE: You had mentioned
13 that that particular group of offenders would probably
14 best be suited for the program as opposed to the others.
15 When you mentioned the other types, which types were you
16 referring to, Judge?

17 JUDGE DOWLING: Well, the bills would
18 exclude felons. Well, I think first and second. That
19 takes care of -- well, of course, it wouldn't include
20 murderers. I certainly would agree I wouldn't put sex
21 offenders in it. I'm not sure that I would exclude all
22 felonies. Most of the robberies, burglaries and the
23 thefts are drug related. I'd say 80 percent are drug
24 related. That's why they commit the crimes. So I don't
25 know that I'd necessarily exclude some of those people.

1 In other words, a person may not be in for selling drugs.
2 I don't know what, probably less than half, but the crime
3 they committed was to get the money to buy drugs. That's
4 the big situation there. And I think a lot of those
5 people might fit into the program.

6 CHAIRMAN CALTAGIRONE: Questions?

7 Representative Hagarty.

8 REPRESENTATIVE HAGARTY: Thanks.

9 BY REPRESENTATIVE HAGARTY: (Of Judge Dowling)

10 Q. Judge, do you envision, and I am aware of
11 the conflict with our present law with regard to the
12 sentencing judge.

13 A. Yes.

14 Q. Do you think that if we change the law we
15 should do so to allow that discretion to be with the
16 sentencing judge or should we simply allow Corrections,
17 upon successful completion -- I don't even know how we
18 would do it. I mean, someone has to be able to reduce
19 this sentence. How do you see us changing our Sentencing
20 Code?

21 A. You mean reduce it after they've--

22 Q. After they've successfully completed it, it
23 seems to me, you would need, and I recognize we have to
24 change the law to do that, but you would need someone, and
25 I don't know how it could be anyone other than the judge,

1 I guess.

2 A. Well, I think that -- first, if he's
3 successfully been evaluated, he's done the program, you
4 have to have some incentive to go into this program.

5 Q. Oh, I'm not disagreeing with that.

6 A. You have to give them a break somewhere
7 along the line.

8 Q. Do you envision Corrections, the parole
9 department, or the judge being the one who then basically
10 mitigates the sentence at that point?

11 A. The judge passed the sentence, I think he
12 should change it.

13 Q. Okay, so it would go back to the judge?

14 A. Yes.

15 Q. And in other words Corrections would say to
16 the judge, this defendant has successfully completed it,
17 are you satisfied to reduce his sentence now?

18 A. I think what you might do is like you do
19 with pre-release. The judge now can deny pre-release.

20 Q. For a county sentence.

21 A. Or any sentence.

22 Q. A State sentence?

23 A. Oh, yes. Well, we don't have pre-release in
24 the county. At least not in our county. I mean, this
25 furlough and all that sort of thing that we inherited some

1 years ago. He can stop that. But if he does, and he must
2 give reasons, and then the Board of Probation or Parole,
3 I'm not certain we can hold a hearing and overrule him, so
4 maybe it would be initially up to the judge if they say,
5 look, this fellow has done the program and I say, well, I
6 don't care, I don't like the crime he committed, I'm not
7 going to let him out. I think there ought to be some
8 recourse to that.

9 Q. Okay, because we're going to be reducing
10 minimums under this, clearly.

11 A. Yes.

12 Q. My other question was do you think this is
13 more appropriate for county sentences than for State
14 sentences?

15 A. No, I think it's more appropriate for State,
16 but I wouldn't exclude the counties because if the
17 sentence is over two years, you're going to the State
18 correctional institution, and most of the drug offenses at
19 least that I'm familiar with get over two years.

20 Q. Thank you, Judge.

21 CHAIRMAN CALTAGIRONE: Jeff.

22 REPRESENTATIVE PICCOLA: Thank you, Mr.
23 Chairman.

24 BY REPRESENTATIVE PICCOLA: (Of Judge Dowling)

25 Q. Judge.

1 A. Representative Piccola.

2 Q. Judge, it's a pleasure to welcome not only a
3 home county judge but a constituent and a neighbor.

4 A. One block away. He jogs by my house every
5 day.

6 Q. I was just going to say we could raise it to
7 40 if they all jog like you and I do, but I don't know if
8 some of them would agree with it.

9 A. I'm a little over 40. I'm not sure I could
10 handle it.

11 Q. Yeah, but you're still jogging. I know
12 that.

13 I just have one question, and this generates
14 from your familiarity with this concept and with the fact
15 that you are a Dauphin County judge. I would just be
16 curious as to the number and percentage, the number of
17 people that you sentence in the course of a year that you
18 think might be eligible to successfully participate and
19 complete such a program. I don't even know how many you
20 sentence in a year.

21 A. A lot.

22 Q. I know it's a lot.

23 A. Well, you know, at the time I sentenced them
24 I didn't have this idea in mind, but I'd take a ballpark
25 figure and say 50 percent, certainly. And that's a

1 significant number. I think half -- this is really a big
2 guess. My guess would be 50 percent of the people in
3 institutions could be eligible for this program.

4 Q. And you think benefit from it?

5 A. And probably half of those would benefit
6 from it.

7 Q. Okay.

8 A. Now these are kind of wild things,
9 obviously. I understand that we have -- I didn't realize,
10 I know they have it in Georgia. They have it in, what,
11 Oklahoma? And they haven't had it enough, as I
12 understand, to really develop the statistics, and I don't
13 know why it wouldn't work to some extent. As I say, I
14 think the day's coming that we've just got to get away
15 from the penitentiary idea. As I recall, that was started
16 I think by the Quakers a couple hundred years ago and the
17 name comes from "penitent." Their idea was to isolate you
18 in a cell and you meditated on the evils of your past
19 life, and that was the way people thought in the early
20 19th century, and maybe it was fine and it may have worked
21 then. It isn't going to work today.

22 And I just don't see the idea of building
23 these cells. I don't know why we don't have more minimum
24 security facilities and more camps. A lot of people are
25 not going to run away and are not dangerous to the

1 community, and I think they could be housed in facilities
2 that would cost a fraction of what we're paying today when
3 we're building new penitentiaries. We can't do it.
4 Ideally maybe we should lock everybody up. You have that
5 and you have the costs, and the people are going to go so
6 far but they're not going to stand for it. Like in our
7 county I saw today in the paper we hit a new high, 578. A
8 new record. The jail was enlarged 10 years ago to
9 accommodate 338, so we have an overpopulation. But talk
10 about increasing the taxes in the county, they won't do
11 it. They try to keep the prisoners but they don't want to
12 increase the taxes.

13 Q. Thank you, Judge.

14 REPRESENTATIVE PICCOLA: Thank you, Mr.
15 Chairman.

16 CHAIRMAN CALTAGIRONE: Chief Counsel, Bill
17 Andring.

18 BY MR. ANDRING: (Of Judge Dowling)

19 Q. My question just goes to the impact
20 something like this would have on sentencing. If, for
21 example, somebody had a 2- to 4-year sentence, completed a
22 program say in 6 months and had another year of intensive
23 probation so that you have in effect nullified your
24 minimum sentence. Do you feel the maximum sentence should
25 still remain in the effect that the person should be

1 subjected to the probation period for the entire original
2 maximum sentence?

3 A. Oh, I think if you're going to modify the
4 minimum you would modify the maximum. I mean, I don't
5 believe in light sentences, as I think Representative
6 Piccola would inform you, but my idea is that six months
7 of boot camp might be equal to one or two years of sitting
8 around doing nothing. I mean, maybe they've only done six
9 months, but they've been a hard six months, and that's
10 sort of the idea behind it. We put these people away for
11 five years and they don't do anything. Now, we'll give
12 them, in a sense, a rough time. That's what it is. It's
13 a rough time. I certainly don't mean abuse them in any
14 way, but a rough time, and I think that that's equal to
15 maybe half of their minimum, and if you're going to reduce
16 the minimum, if you have enough confidence in them to
17 reduce the minimum, why not reduce the maximum?

18 MR. ANDRING: Thank you.

19 CHAIRMAN CALTAGIRONE: Representative
20 McNally.

21 BY REPRESENTATIVE McNALLY: (Of Judge Dowling)

22 Q. Your Honor, I think you were here during Dr.
23 MacKenzie's testimony?

24 A. Just the latter part. Maybe half of it.

25 Q. Okay. I had asked Dr. MacKenzie, what type

1 of criteria or if it was possible to determine what type
2 of offender would be most likely to benefit from a boot
3 camp type of program, you know, beyond simply saying
4 non-violent offenders and, you know, within a certain age
5 group, and I was wondering if you might be able to, you
6 know, through your experience describe in somewhat greater
7 detail the type of person who is most likely to benefit
8 from the boot camp program?

9 A. To be honest, I haven't given it a lot of
10 thought, but I would think that you would want a person
11 who -- the youthful person who has no goals, no future, no
12 drive, no real ambition in life, is drifting around, and I
13 think that covers a great many people. What I do, I'd
14 take out the violent criminals, the people who I think are
15 dangerous to the community, and I would consider all the
16 others. But I think what you really would have to do
17 would be they'd have to be in an institution for a period
18 of time, maybe six months or so, and be evaluated there.
19 It would be pretty hard -- I can't really answer. I mean,
20 if we have this law and I know that I can have some input
21 to it, then I would start thinking about it when I have a
22 man up before me. Like in the pre-sentence I'd say, I
23 want you to evaluate the potential of this man for a boot
24 camp type of training. And I really haven't done that.
25 But I think it's -- I think it should be available to a

1 large number of people.

2 Q. I think it's important because I was looking
3 at Dr. MacKenzie's, I guess her article from the National
4 Institute of Justice, and New York has the most
5 participants. They have 445. But, you know, it varies
6 widely--

7 A. That's not very many. Is that all?

8 Q. Only 445.

9 A. Of course, I forgot one thing. They have to
10 want in the program. There will be some of these people
11 just won't want to do it.

12 Q. Right.

13 A. And there will be a lot of people, like we
14 have in our drug programs, Gaudenzia, for example, Concept
15 90, which is pretty tough. They just can't handle it.
16 They drop out. So it takes a certain type of person that
17 could handle this.

18 Q. Sure. But still, I mean--

19 A. I'd give more the chance.

20 Q. And in a State of, you know, 12 million
21 people and 67 counties and we have maybe not enough judges
22 but we have a lot--

23 A. I think we have enough.

24 Q. --you know, I could see how we could very
25 easily reach 445 statewide.

1 A. Oh, sure.

2 Q. And, you know, so my concern is, number one,
3 you know, how to screen out, you know, people so that, you
4 know, you have a manageable number to work with, and
5 number two, as I indicated to Dr. MacKenzie, I think the
6 only way that this type of a program is going to be
7 defensible from a budgetary and a legislative standpoint
8 is that we achieve a significant improvement in recidivist
9 rates for the people who are in this type of program. You
10 know, otherwise, you know, all we're doing is giving
11 people shorter sentences, you know, in a different type of
12 program.

13 A. I'm sorry, I lost the question. What was
14 the question?

15 Q. You know, I think that we really need some
16 help in determining what type of people are going to be
17 eligible.

18 A. Oh, I do, too, but first I think we need the
19 legislation and then the Bureau of Corrections would form
20 some committee and I would hope that they might include
21 some judges on the committee and take their input and work
22 out some criteria.

23 Q. Okay, thank you.

24 CHAIRMAN CALTAGIRONE: No other questions?

25 (No response.)

1 CHAIRMAN CALTAGIRONE: Thank you, Your
2 Honor. I appreciate your appearance.

3 JUDGE DOWLING: Thank you.

4 CHAIRMAN CALTAGIRONE: John Kramer,
5 Executive Director of the Pennsylvania Commission on
6 Sentencing.

7 MR. KRAMER: Mr. Chairman, members and staff
8 of the House Judiciary Committee, thank you for the
9 opportunity to comment on the boot camp bills that you
10 have before you.

11 Boot camps have become a popular way for
12 States to introduce discipline and treatment for younger
13 offenders. In general, the purpose is to reduce
14 recidivism and to reduce prison populations, and I think
15 Dr. MacKenzie has gone through that very well.

16 If the main reason for the legislation that
17 you have before you is something to do with deterrence or
18 treatment or rehabilitation, let me note that I think one
19 of the first things that needs to be incorporated, it is
20 in 2199, and that is that there be a careful and
21 thoughtful evaluation done. We don't have information
22 from other jurisdictions, we don't know much information
23 regarding types of offenders and relationship with types
24 of programs and types of treatment. I think it important
25 that even if we had some of that information from other

1 jurisdictions, I think it's an important aspect of any
2 piece of legislation that a careful, thoughtful evaluation
3 be done in order that down the road in 5 or 10 years we
4 have more information than we have today regarding
5 Pennsylvania inmates in the Pennsylvania program. So one
6 of the things, one of the general comments that I would
7 make is that I would hope that any legislation would
8 incorporate that form of an evaluation within it.

9 A second major issue that I think any piece
10 of legislation should address is what the purpose of the
11 boot camps are to be, and again, assuming there is some
12 notion of rehabilitation, deterrence or incapacitation as
13 part of it, that requires some assessment or raises
14 questions regarding effectiveness. It is important that
15 we establish what those purposes are and we make sure that
16 the legislation comes as closely as possible to allowing
17 for the fulfillment of those expectations.

18 I hear also amongst members of the committee
19 questions about whether we're trying to reduce prison
20 populations or not reduce populations. Dr. MacKenzie has
21 already indicated that any boot camps that have been
22 created in other jurisdictions find their basic savings
23 from the fact that they have reduced sentences, they get
24 people out of prison and put them into a boot camp for a
25 shorter period of time. Absent that, it's unlikely you're

1 going to reduce costs. And one of issues there is a very
2 intensive modality of treatment. You have a large number
3 of staff. Even if you have a less secure facility, you
4 have a large number of staff that are required to manage
5 people in a boot camp, so you have a more intensive
6 environment, and that's why if you look at Dale Parent's
7 review of programs, the expectation of cost savings, and
8 probably shouldn't guide your decisions anyway, unless
9 they get people out of prison, are not likely to be very
10 fruitful.

11 Finally, in terms of general comments, I
12 just want to mention that in terms of sentencing, to
13 follow up with some of the issues that Judge Dowling was
14 raising, the purpose of the Sentencing Commission is to
15 write guidelines, the purpose of guidelines is to
16 establish fairness in sentencing, and it's important that
17 any piece of legislation, particularly legislation that's
18 going to establish alternatives to sentencing or different
19 types of sentencing or different lengths of incarceration,
20 it is important that that legislation incorporate or
21 understand the role of the guidelines in the sentencing
22 process and that it not be used as a way to undermine the
23 guidelines or that the guidelines would undermine the
24 utilization of the programs that are being created.

25 Now, a couple of comments, and before I

1 proceed to comment specifically about House Bill 2190 and
2 2199, let me just note that some of my remarks may have a
3 certain tone to them which particularly comes out of
4 having been a parole officer and having used the boot camp
5 modality back in the '60's. Boot camps are not new,
6 obviously. We used to use them attached to the military,
7 so as a parole officer if we had a young, youthful
8 offender we oftentimes would evaluate that individual,
9 whether or not an alternative to incarceration might be
10 some form of military service. We did that though not
11 just merely with the idea that the boot camp was going to
12 be there and the boot camp is going to change the
13 individual. The military provided long-term after care
14 beyond just the boot camp. It did do, as the
15 Representative raised earlier, it did do some things in
16 terms of stripping identity, it did do some things in
17 terms of trying to create a group loyalty and attachment
18 to the military. The military followed that with
19 long-term care and allowing for employment and the
20 opportunities for a career afterwards. And we looked at
21 that as an option, we looked at it with a broader sense
22 than just talking about, this is going to be great, we're
23 going to have somebody go through boot camp for the next
24 90 days or 180 days and they're going to be better people
25 as a consequence. That may or may not happen. But that

1 was not the reason we used it back in the '60's.

2 One of the things that if you look at House
3 Bill 2190, which established boot camp treatment for
4 eligible inmates about to complete their incarceration,
5 the legislation would not affect sentencing, as I read it,
6 and therefore it would not affect the sentencing
7 guidelines. I do have a couple of concerns, however, with
8 House Bill 2190 and this issue needs to be clarified in
9 the legislation. First, the issue is of coercive
10 involvement, and that relates, the legislation is unclear
11 when it states, and I quote, "the department may require
12 that an inmate satisfactorily complete a program of
13 incarceration in a boot camp." Questions that need to be
14 raised and answered, I think, are what may the department
15 do if an inmate does not satisfactorily complete the
16 program? What's the implications of that for the inmate
17 and for the Department of Corrections? Is this suggesting
18 that the parole board will not release on parole if the
19 person does not satisfactorily complete? Is there some
20 implicit guarantee in terms of reward that if a person
21 does complete the program the parole board will follow
22 through?

23 I think the interaction of these agencies
24 and the determination of who's going to go in the boot
25 camp is important to establish prior to involvement in the

1 program rather than afterwards, and that's going to be
2 true of my comments about the eligibility under House Bill
3 2199 as well. So I think that in providing those rewards,
4 some rewards have to be provided, and Judge Dowling, I
5 think, indicated something has to be offered - this carrot
6 in the process for participation and completion of the
7 program.

8 For example, you could provide a special
9 earned time credit as part of an issue -- I use "earned
10 time," not "good time." I want you to note that,
11 Representative Piccola.

12 REPRESENTATIVE PICCOLA: It's "meritorious."

13 REPRESENTATIVE HAGARTY: New name.

14 MR. KRAMER: Very politic. Very politic.

15 But the earned time could be granted as a
16 consequence of completion of some program, and that would
17 be one option, and there are many others.

18 A second concern is whether the bill would
19 reduce overcrowding and/or cost. The bill provides
20 authority to the department to establish boot camps either
21 within and current correctional facilities or in other
22 locations. While the department may be able to establish
23 additional correctional capacity, the cost to maintain
24 boot camps is relatively expensive. The cost savings in
25 other jurisdictions result from their ability to divert

1 offenders from longer periods of confinement, and that
2 point has been made before this morning. Therefore, it is
3 important that the purpose of this bill be clearly
4 specified for completion of it.

5 Finally, I would suggest that the bill limit
6 the restriction in participation of the program if it's
7 going to do so with regard to particular crimes to felony
8 I robberies and felony I aggravated assault rather than
9 all forms of aggravated assault and battery. Basically,
10 currently all convictions of these crimes, regardless of
11 statutory grade, are eliminated from participation.
12 Lesser degrees of these offenses often involve offenders
13 who may benefit from the treatment and programing involved
14 in the program, and Judge Dowling made note of that
15 before. I wouldn't say more about that.

16 Regarding House Bill 2199, it specifies that
17 its purpose is to reduce overcrowding and to provide drug
18 and alcohol treatment. This bill avoids the problem of
19 coerced participation by having eligible inmates apply for
20 participation. If accepted into the program and if the
21 inmate successfully completes the program, the department
22 will notify the sentencing court. The court may then
23 issue, and I'm using the legislation as my guide here now,
24 the court may then issue an order modifying the
25 disposition of the sentence and place the participant on

1 probation. As the bill stands now, the department
2 controls program participation and the judge controls
3 modifying the sentence. The inmate, however, will be
4 uncertain whether the judge will modify the sentence and
5 grant probation upon completion of the program.

6 How might we avoid this problem? One way
7 would be for the judge to identify the offender as a
8 viable candidate for boot camp. In other words, at
9 sentencing the judge could identify a person as being a
10 possible candidate, make that recommendation. That would
11 mean the department would have some assurance that if the
12 person went through the camp that the judge may release.
13 This increases the department's and the offender's
14 confidence that completion of the program will result in a
15 probation sentence.

16 Another approach would have the department
17 identify possible candidates and inform the sentencing
18 judge that the inmate is a candidate for the program. The
19 judge could then inform the department whether the inmate
20 is a viable candidate for probation at completion of that
21 program. In other words, communication. I think it's
22 important that having worked in prisons, I think, and I
23 worked with Ohio's shock incarceration, shock probation
24 program, I think it's important that the uncertainties
25 about what's going to happen be reduced to a minimum.

1 Some may argue that uncertainty increases treatment and
2 all of those things. My experience of watching inmates
3 and as an intake officer at the Ohio penitentiary and
4 watching inmates come in who thought the judge was going
5 to let them out after 90 days, 100, and then 130 days, and
6 that was the last they could do it, and when that date
7 came and the inmate was not released, that presented a
8 problem. As a counselor in that prison we had to in a
9 sense cool that inmate out as a consequence of that, and
10 as an officer taking in inmates, many would come in,
11 particularly youthful offenders, and say, well, don't
12 worry, you don't have to do all this work. The judge is
13 going to get me out in 100 days or 90 days or 120 days,
14 and as that inmate finally realized that wasn't going to
15 happen, it created, I think, some uncertainty and
16 hostility amongst inmates. And I think that's necessary
17 particularly in an overcrowded situation as we have in
18 Pennsylvania.

19 So I was just trying to recommend some ways
20 in which some of that uncertainty could be reduced.
21 Current statute limits the authority of the judge to
22 change the sentence to 30 days, and this 30-day limit on
23 modification of an order is mentioned in Rule 1701 of the
24 Rules of Appellate Procedure; 1410 of the Rules of
25 Criminal Procedure.

1 Rule 1701 of the Rules of Appellate

2 Procedure disallows changing of lower court order once the
3 case is appealed to a higher court, even if it is within
4 the 30-day time limit. It is important that we resolve
5 all foreseeable legal problems that may occur as a
6 consequence of this perhaps conflict of law. For example,
7 the Supreme Court could suspend the act because it
8 conflicts with court rules. This problem could be
9 resolved by authorizing the court to impose a boot camp
10 sentence as a specific sentence authorized under statute
11 under 9271. Georgia, for example, uses this approach, and
12 in Georgia the offender receives a probation sentence with
13 participation in a boot camp as a condition of probation,
14 and that's one way in which that issue can be resolved.

15 There was a bill several years ago, I
16 remember speaking to Gene Kramer about it from the Board
17 of Probation and Parole, which would have allowed
18 incarceration as a condition of probation to allow for not
19 only boot camp types of sentences but other types of
20 periods of incarceration, as well as shock incarceration.
21 That bill did not pass. Some counties have used that
22 condition, by the way. I think there was three counties
23 in the early '80s that used to use incarceration as a
24 condition of probation, a split sentence, and a lot of
25 States do that currently. Eligibility requirements are

1 also a concern with House Bill 2199. First, the current
2 eligibility requirements in the bill are ambiguous. For
3 example, and I want to say when I asked to get some gross
4 numbers about how many inmates would be eligible for this
5 we had some debate about to whom did it apply and we had
6 some conflict with about that, so I think we resolved, by
7 the way, that roughly 1,871 individuals sentenced in 1989
8 would have been eligible for the program within the
9 statistics as we could identify eligibility requirements.

10 For example, there is no restriction on
11 parole eligibility date nor any requirement that a drug
12 violator be under 30 years of age. A drug violation we
13 declined as making them eligible. Some of the others
14 would have not reduced that if they happened to be a drug
15 offender. That's our reading of the bill. The
16 eligibility requirements also stipulate no prior
17 imprisonment for a felony, and one of the questions we had
18 is does that mean county prison as well as State prison or
19 is that meant to reference merely State incarceration?
20 Imprisonment in Pennsylvania, as we refer to county
21 prisons, it's important I think to clarify what's meant
22 there. And it may mean both or may not. I'm not sure.

23 In a book I think was circulated to you
24 entitled, "Shock Incarceration: An Overview of Existing
25 Programs," Mr. Dale Parent suggests that in States with

1 sentencing guidelines that specify which offender should
2 be imprisoned, eligibility criteria could be keyed to
3 those particular guidelines, and that's really the basis
4 of one of my recommendations. I would recommend that
5 rather than specifying in statute current convictions and
6 previous sentence qualification for participation in boot
7 camps that those criteria be set by the Pennsylvania
8 Commission on Sentencing. This commission could identify
9 offenders based on severity of the current offense and
10 prior convictions and define who would be eligible for
11 boot camp participation. This would make this boot camp
12 sentence congruent with the guideline recommendations and
13 allow for consideration of the severity of the offense and
14 severity of the prior record as they relate to the
15 guidelines.

16 For example, burglary is a felony I, which
17 would make all burglars ineligible for participation in
18 the boot camp program under the current eligibility
19 requirements. The guidelines classify a burglary in terms
20 of the severity of the behavior involved. We make
21 distinctions between whether it's a home or not a home,
22 whether it was occupied or not occupied, et cetera, as
23 part of our classification scheme. It may be that certain
24 types of burglars could benefit from a boot camp program,
25 and therefore I would suggest that the commission be

1 mandated to make proposed changes in the guidelines which
2 would identify those appropriate for participation in boot
3 camps and submit those proposals to the General Assembly
4 for its approval.

5 If the commission is used to identify
6 eligible inmates for boot camp programs, I would further
7 suggest that the Commission on Sentencing be mandated to
8 work jointly with the Department of Corrections in
9 evaluating the effectiveness of the program. Based on the
10 evaluation, we may need to reassess our criteria for
11 participation and should, therefore, participate in the
12 evaluation.

13 Finally, if inmates, particularly under the
14 2199, if inmates have an opportunity to reduce the length
15 of incarceration, it is important, for reasons of equal
16 protection, to provide boot camps for both male and female
17 inmates, and if you look at Dale Parent's review of boot
18 camps, that's one of the points and some States have gone
19 in that direction because of equal protection issues that
20 they provide that option to females as well as to males.

21 Thank you. I appreciate the opportunity to
22 make that presentation. If you have any comments or
23 questions, I'd be glad to entertain them.

24 CHAIRMAN CALTAGIRONE: Yes, go ahead.

25 REPRESENTATIVE ARGALL: Just one.

1 BY REPRESENTATIVE ARGALL: (Of Mr. Kramer)

2 Q. In reviewing some of the information from
3 other States that really motivated me to begin to look at
4 this whole idea, it was pointed out several times I
5 thought that the costs were less. Now you're saying just
6 the opposite, that the costs of maintaining boot camps
7 would be higher. Could you go into a little bit more
8 detail? I mean, I've seen Army bases and I've seen
9 prisons, and it looked to me like the prison would be the
10 more expensive of the two to construct.

11 A. It is. It is more expensive to construct,
12 but you have a maintenance issue.

13 Q. Okay.

14 A. Where the cost comes from boot camps is you
15 have the drill sergeants, you have the supervision staff.
16 You have in general more staff per inmate than you will in
17 a State prison system. One of the reasons that prison can
18 get by, and we have a very efficient system now because we
19 have a large number of inmates in small quarters and you
20 can run and be fairly efficient and cheap in that kind of
21 system, it may not be effective but you can at least be
22 cheap. You have surveillance built into the system.
23 Within a boot camp circumstance it may require more staff,
24 and in general, Dale's review of that comes out very
25 close, and I think as Dr. MacKenzie indicated, the cost of

1 that per diem is fairly close. But if you're looking at
2 it on a day-to-day basis, one day here, one day there,
3 you're not basically going to find a cost savings as a
4 consequence of it. You have to identify inmates. You're
5 going to have to have staff spending time identifying who
6 is going to go in and then once they get there you've got
7 treatment involved and surveillance involved and it's a
8 more open setting that provides more difficult and more
9 intense supervision contact between inmates and staff.

10 Q. Okay, thank you.

11 CHAIRMAN CALTAGIRONE: Thank you, Mr.
12 Kramer.

13 MR. KRAMER: Sure.

14 CHAIRMAN CALTAGIRONE: If we could have
15 Allen Hornbloom and Ann come up together. And Allen, you
16 can start.

17 MR. HORNBLOOM: Mr. Chairman, members of the
18 committee, my name is Allen Hornbloom. I am on the Board
19 of Trustees of the Philadelphia prison system, a member of
20 the Pennsylvania Commission for Crime and Delinquency, and
21 a member of the Advisory Council of the Pennsylvania
22 Prison Society. In fact, none of those three groups have
23 taken a position on boot camps. There are many advocates
24 of this initiative, there are many opponents of it. Many
25 of us are studying the issue and shaking out as to where

1 we finally come down on the subject. I only found out
2 yesterday afternoon that I was definitely going to be here
3 today, so I don't have a prepared statement. What I have
4 given you in lieu of that is an article that I did as an
5 op-ed piece for the Philadelphia Inquirer that generated
6 some interest in the concept in Philadelphia. What I will
7 do, since I believe that brevity hates comprehension, is
8 to shoot through a number of points that have been
9 discussed, some questions that you have had, and give you
10 my thoughts on the subject and then I'd be happy to field
11 any questions you have.

12 With regard to costs that keeps on coming
13 up, from my discussions and what I have read, the cost per
14 day is basically the same in a boot camp as it is in a
15 prison. The savings comes, and the reasons why prison
16 administrators are in favor of this sort of program, is
17 instead of having somebody for two years or five years or
18 longer they're going to have them for maybe a maximum of
19 180 days. So even though the per day cost is the same
20 because they will have an inmate for so much less time,
21 that is why prison officials are in favor of the program
22 generally, although you will find some who are opposed to
23 it philosophically.

24 With regard to the administration of the
25 program, I believe it should be in the hands of the

1 Department of Corrections. I believe they should run it,
2 they should determine after monitoring their inmates who
3 would be a best candidate for that program and then also
4 have it voluntary so that the candidate can either do his
5 18 months or 5 years or decide to go into the program for
6 180 days or however the program is set up.

7 With regard to Representative Hagarty's
8 comment earlier with regard to maybe this would be a good
9 function for a private prison operator, I would be
10 extremely nervous about that. Philosophically, I'm
11 generally nervous about a private entrepreneur initiating
12 prisons, and I think this takes it one step further
13 because there is such greater likelihood for summary
14 punishment to be given out in boot camps, as it has been
15 discussed already, it is far more likely if not a major
16 part of the program for an officer to tell an inmate if he
17 has misbehaved to go down and give me 20 reps, or to stand
18 out in the hot sun on a 90 degree day for an hour or
19 something like that. So that sort of problem presents a
20 key concern for me.

21 With regard to sentence length, it's as I
22 said earlier, the programs are basically three to six
23 months, sometimes shorter, sometimes longer, but if
24 Representative Piccola is concerned about long sentences
25 or longer sentences, I don't think he would be too in tune

1 with such a program unless it is geared where the program
2 boot camp comes at the end of someone's sentence. And at
3 that point I don't think it does any good to work a person
4 physically. I think the person should be in some sort of
5 program whether it's a community service or just an
6 intensive treatment program so the person knows how to
7 take a bus, the person knows how to look for the want ad
8 section of a newspaper and how to read that want ad
9 section, a person knows some job skills. So I think after
10 a person has done his three years or six years or what
11 have you, he should go into a program that gets him
12 acclimated for the street rather than acclimated for doing
13 push-ups and, you know 440 yard dashes and things like
14 that.

15 With regard to the point that came up
16 earlier on reducing crowding, considering the day and age
17 and the problems we have not just in Pennsylvania but
18 around the country, I don't know how much of a reduction
19 in crowding it will be. To some extent there will be, but
20 for example in the Philadelphia prison system we have
21 5,000 inmates pushed into four institutions that according
22 to a Federal court should have 3,700. And if you move 100
23 out into a program on the prison campus or wherever at in
24 Philadelphia, you are definitely going to have more people
25 coming in to take their place, and it's just the nature of

1 the beast right now that there's more people than we can
2 handle coming in. But we will be moving some people out
3 of the prison. Unfortunately, there's always somebody to
4 take their place.

5 I think that this program would definitely
6 do a great deal of good for substance abusers, which was
7 brought up earlier. And the reason I say that is not so
8 much for the physical intensity that they will be put
9 through but for the programs, and I hope if you definitely
10 consider this there will be educational programs and
11 substance abuse programs, because that's what we need.
12 The people need to be trained as to what the problem is
13 with their addiction, how they can function in society
14 better, how they can get along with their spouse, raise
15 their children, hold on to a job. Those are things that
16 we are not doing very well.

17 In Philadelphia, we have a therapeutic
18 community for drug and alcohol addicts and it is an
19 excellent program. The key problem is out of 5,000
20 inmates, we're only servicing 50 individuals. I invite
21 you to come down to the county and take a look at that.
22 Whenever we have Senator Specter come in or Senator Heinz
23 who want to see something in the prison system or a
24 Federal judge comes in we show them that unit because we
25 know they will be pleased, but it's atypical of the entire

1 system.

2 But the reason that these men in that
3 particular unit are models is because they are worked with
4 every hour of the day into the evening. They are not
5 worked physically but they are worked intellectually with
6 regard to school programs, educational programs, as well
7 as with regard to whatever psychological difficulties they
8 may be having, whether it's with themselves, with their
9 spouse, with regard to holding onto a job, whether it's
10 liquor, that is what we work with them, and their demeanor
11 is as good if not better than anything you will see in the
12 halls of the Capitol here, not to be denigrating in any
13 way.

14 REPRESENTATIVE PICCOLA: That's a failure.

15 MR. HORNBLUM: But it is clearly better
16 than what you will see out of the rest of the 4,950
17 inmates that we have up there, and if you have any doubt
18 about that, I encourage you to come down and take a look
19 at it. But the problem is we don't have staff to expand
20 it and we don't have money to expand it. And I think with
21 programs such as boot camps, if you are concerned about
22 getting somebody who's young, will be intimidated by such
23 a boot camp or prison situation, you have to do something
24 for them to deal with the problems that they will be
25 facing once they're back out on the street. So I

1 encourage you to really inject some alcohol/drug abuse
2 training as well as some educational programs if you
3 hadn't considered that.

4 The recidivism rate for these programs
5 generally tends to be neither worse nor better, although I
6 talked to Mike Cavanaugh, who is the Executive Director of
7 the Department of Parole and Probation in South Carolina,
8 just two days ago and he was very pleased that their
9 recidivism rate was 7 or 8 percent, where it's normally 13
10 percent in the State of South Carolina, over a year or two
11 after they come out of prison or come out of these
12 programs. So he felt that there was a substantial
13 improvement in South Carolina, at any rate.

14 I mentioned the per diem costs. The abuse
15 factor of these programs is something that I think you
16 should concentrate on. There have been examples where
17 poorly trained staff or a not too well adjusted sergeant
18 or officer at one of these camps could put somebody
19 through the paces, and, you know, if you're a DI at Paris
20 Island or in Georgia or Oklahoma, there was a tendency to
21 give out summary punishment for somebody who misbehaves.
22 Getting back to Representative Evans' question, yes, there
23 is abuse in Camp Hill and Graterford and Holmesburg
24 prison, but you don't generally have the officers telling
25 inmates to do physical labor such as push-ups or run, give

1 me a half mile or a mile out in hot weather. Those things
2 don't take place generally in prisons, but they do
3 generally take place in these boot camps, and that's
4 something whereby you have to be having watchers to watch
5 the watchers, and I think as one of the former panelists
6 mentioned that Larry Meecham, who was the Commissioner of
7 Corrections in Connecticut, was once a strong proponent of
8 these programs and now he is vigorously against them
9 because of what he has seen particularly in regard to this
10 area. So it's something where you have to build in
11 basically a concept of a watchman in the night to make
12 sure that there is as little abuse as possible. The staff
13 training obviously is going to be critical in that area.

14 I think they are some of the key points that
15 I did want to bring out here. If you have any questions,
16 I'd be happy to field them. And just talking the last
17 couple days with program operators in Michigan and South
18 Carolina, they are very pleased with the program and they
19 are expanding them. They are going from situations in
20 South Carolina, for example, of 96 beds to a second
21 building that will have double that complement, and in
22 Michigan they're moving from 120 beds to 720. So they are
23 pleased with their programs and they are moving forward
24 with them.

25 CHAIRMAN CALTAGIRONE: Allen, you had

1 mentioned that in the Philadelphia, those 50 that are
2 receiving an intensified rehabilitation and counseling and
3 what not, what records are being kept on the recidivism
4 rate with those individuals?

5 MR. HORNBLUM: A very good question and one
6 that I have asked several times and unfortunately I get
7 the sad answer that no records are kept. We don't have
8 the staff or the money to do that. And I cannot help but
9 believe that because of what I have seen on the block is
10 so much different than the rest of the blocks in our four
11 institutions that it could not be better than what the
12 rest of the institution has.

13 With regard to the recidivism, I don't have
14 any specific numbers. What I have found in talking to
15 parole officers and operators of these programs around the
16 country is that the demeanor of the inmates is definitely
17 better upon leaving and stays that way for some time.
18 Maybe not over 5 or 10 years, but certainly over 1 or 2
19 years they are more disciplined, they are more concerned
20 about their health, about their appearance, about how they
21 come off in public, and it makes it a much easier job for
22 parole officers to deal with them. So that is one
23 semi-lasting aspect of these programs. How long it lasts
24 we don't really know because the programs are basically
25 too new.

1 CHAIRMAN CALTAGIRONE: Okay. Rather than
2 get into questions, and I just wanted to follow up on
3 that, would you give your testimony please, Ann, and then
4 we'll go to questions.

5 MS. SCHWARTZMAN: Okay. Thank you for the
6 opportunity of giving the Prison Society a chance to talk
7 about the issue of boot camps, and thank you also for
8 holding the hearings yesterday to look at specific
9 problems dealing with criminal justice. Boot camps are
10 clearly one idea that's being popularized throughout the
11 nation as far as looking at alternatives to incarceration,
12 and at this point it's being adopted by at least 14
13 different States. I know that the Federal system is also
14 looking at it and Senator Bentsen from Texas has now a
15 proposal before the Senate looking at four different pilot
16 programs that they would use within the country.

17 Most of what I was going to talk about today
18 has been discussed already and for one of the first times
19 we're finding that the Prison Society is actually in
20 accord with most of the other groups delivering testimony,
21 which I feel like this is a privilege for a change.

22 REPRESENTATIVE HAGARTY: It's because of the
23 excellent sponsors.

24 MS. SCHWARTZMAN: Right, that's true.

25 Basically, what we've uncovered though is

1 that there's very, very little literature at this point
2 that's available on the issue because it is so new. What
3 we are finding though is that recidivism rates and
4 studies, all the indications are very, very mixed. Some
5 States say that it's wonderful, it's working great, and
6 others have major questions. Georgia and Oklahoma have
7 the oldest boot camps that have been established in the
8 United States from back in 1983. Those preliminary
9 studies suggest that the results are close to the same or
10 worse than offenders released from traditional prisons.

11 In a Business Week article from May 8, 1989
12 called "The Search for Ways to Break Out of the Prison
13 Crisis," 34 percent of Georgia's boot camp graduates were
14 rearrested while the return rate for ex-offenders from
15 regular State prisons was 38 percent. You have to keep in
16 mind, though, that States define recidivism in different
17 ways, and before we actually look at those rates we really
18 need to examine what they mean by that. We also need to
19 look at how the studies were conducted, and a number of
20 States who did studies did not use control groups, which
21 really skews the results.

22 On the other hand, though, Mississippi boot
23 camps suggest recidivism rates of one-third their regular
24 rate, and in Travis County, Texas it's about one-half when
25 you compare it to their whole State system. The makeup

1 and the goals, though, of the Georgia and Oklahoma
2 departments are completely different. Georgia really
3 emphasizes a punishment aspect whereas Oklahoma looks at
4 more of a rehabilitation aspect, and that's very, very
5 important when you look at the goals of this system and
6 really what you want to establish.

7 Louisiana established a system in 1987
8 called the intensive motivational program of alternative
9 correctional treatment, and that basically consisted of 90
10 to 108 days of the boot camp drilling as well as intensive
11 parole supervision, a very important aspect that they've
12 included in their program. A recent study that Dr.
13 MacKenzie had done actually shows that there were some
14 positive changes for those inmates who went into the
15 program voluntarily, and I underscore voluntarily.
16 Further research though is needed to determine what these
17 changes actually are, what their long- or short-term side
18 effects are, and of course their impact on recidivism.

19 The New York shock incarceration program is
20 a combination of the boot training, drug treatment, and a
21 new follow-up after shock care that they have. Inmates
22 who successfully complete the program can reduce their
23 sentences by up to six months, and therefore the impact on
24 overcrowding is felt immediately, and if that is one of
25 the goals we need to look at that and decide if whether or

1 not Pennsylvania is really ready for it.

2 Initial reports coming from an article in
3 the summer of '89 show that out of 300 shocked veterans
4 now under the New York Division of Parole, they're doing
5 better than some of the other parolees from the State, but
6 it may only be for short periods of time, according to
7 Edward Elwin, of the Parole Division, who stated, and
8 quote, "we have people who seem to be doing very well and
9 then suddenly, they'll fall apart, to the extent that this
10 is experimental, we still don't have the data to explain
11 why."

12 Sean McConville, an Associate Professor of
13 Criminal Justice at the University of Illinois, cited
14 problems associated with Britain's boot camp detention.
15 They had facilities going back since 1948 for juveniles
16 with basically no programs. It was basically the drilling
17 aspect alone, and they have cited no benefits as far as
18 reducing recidivism.

19 In short, there's mixed reaction. It's all
20 across the board. As more intensive studies are
21 completed, more reliable data will be revealed. The
22 Prison Society strongly urges continued monitoring of the
23 other States who are employing shock programs before we
24 jump ahead and start our own program. But if there is
25 strong feeling that we should go ahead, we would urge very

1 strongly that a pilot program be instituted that would be
2 closely monitored and evaluated. Senator Bentsen's
3 proposal calls for four pilot programs on the Federal
4 level using military camps that are empty right now. We
5 might want to consider something like that. In addition,
6 we would urge adequate funding for the pilot program and
7 very, very critical, thorough, ongoing evaluations.

8 One of the major concerns the Prison Society
9 has which is shared by a number of criminal justice
10 advocates and professors is that we want to make sure that
11 we don't expand the net, we don't want to include more
12 people who are incarcerated than are already incarcerated
13 right now, and what I mean by that is people who come up
14 and are sentenced, if those individuals were going to be
15 going on to probation, that they should continue to be
16 probated, that we shouldn't include those people within
17 the county or the State prison system. We don't want to
18 increase the numbers, we want to look at a real
19 diversionary tactic if that's in fact one of our goals.

20 The goals of the program do have to be
21 crystal clear. If it's in fact a program designed to
22 reduce recidivism, therefore helping overcrowding and
23 insuring public safety, we must look at the literature
24 generated thus far. Elements that we absolutely must
25 include in a program that Pennsylvania adopts would

1 include educational/vocational, treatment and counseling
2 components. I think Louisiana does show that this is a
3 very, very important element. We also need to have
4 follow-up care such as intensive supervision for what New
5 York is doing with their after shock program. We need a
6 voluntary nature of the program to encourage commitment
7 and motivation by the offender. Forcing that person to go
8 into the program does not mean that person's really ready
9 to change. We need to have a targeted population that
10 will not widen the net of social control. We need to have
11 regulations as well as selections determined by the
12 Department of Corrections as being those people who are
13 actually working with those inmates. And we need constant
14 evaluation and assessment of the program and its goals.

15 To this extent, the Prison Society feels
16 that the language and provisions of House Bill 2199 would
17 be preferable, especially with the inclusion of ongoing
18 evaluations and training of the staff. We do have some
19 questions regarding whether or not probation would be a
20 part of it or if it would be parole. We suggest, however,
21 that Pennsylvania begin with a pilot program so that we
22 can determine the most effective program that we can
23 establish in the State and then either revise it or expand
24 it.

25 And I would just like to add that the Prison

1 Society was established in 1787, and as Judge Dowling had
2 mentioned, we are one of the groups that are actually
3 looked at as contributing to the start of the
4 penitentiary, and we've been taking the blame ever since.

5 So thank you very much.

6 CHAIRMAN CALTAGIRONE: Thank you.

7 Questions?

8 Jeff.

9 REPRESENTATIVE PICCOLA: Thank you, Mr.
10 Chairman.

11 BY REPRESENTATIVE PICCOLA: (Of Ms. Schwartzman)

12 Q. Ann, you and your society or organization
13 work on a daily basis with the Pennsylvania Department of
14 Corrections, do you not?

15 A. Um-hum.

16 Q. And you have clearly outlined, I think, a
17 lot of the uncertainties and questions and definitions and
18 all sorts of other logistical and strategic things that
19 have to be sorted out before such a program could be
20 implemented, and obviously the General Assembly does not
21 have the capability for such an oversight function, the
22 details have to be in administration. And we have a
23 prison system now in the State that is overcrowded,
24 dealing on a daily basis with those problems. We have
25 just experienced a traumatic situation in one of our major

1 institutions which has turned that institution into almost
2 a non-functioning entity. We are in the process of
3 reacting to that and to the other problems of overcrowding
4 with a major rebuilding program and building new
5 institutions and new cells and just coping with the
6 day-to-day problems in corrections. Given all that, do
7 you think, and given your knowledge of the department and
8 its current resources, do you think we are capable of
9 embarking on a program such as this and administering it,
10 given all those problems?

11 A. Well, I think for one we definitely need
12 additional resources and it would have to be added to the
13 budget. The department couldn't do it right now. But I
14 do think if we did a pilot program and did maybe one, one
15 small facility throughout the State and really worked at
16 it, really put the elements in that we see from other
17 States that work, yes, it could be done.

18 Q. Do you think we have the intellectual and
19 managerial capability within the department right now to
20 begin and start such a program, given all the other
21 problems that we have?

22 A. Overall, yes. I think there are a number of
23 people within the department, with the help of some other
24 organizations, and I would think that we as well as some
25 other groups would want to take part in it, would be able

1 to put together a program that makes sense. But I do
2 think it has to be a pilot program because I don't think
3 there's enough evidence to show that this, in fact, is
4 that effective a program.

5 Q. Well, I only ask that question because
6 number one, we've seen the problems we have; and number
7 two, I haven't seen a great deal of, in recent years, a
8 great deal of innovation or imagination coming out of
9 either the administration generally or the Department of
10 Corrections specifically to deal with the problems that we
11 have. And this is a brand new field and I just question
12 whether there's the capability to handle it, and I was
13 wondering if you might have that same question.

14 MR. HORNBLOOM: Could I respond, if you
15 don't mind?

16 REPRESENTATIVE PICCOLA: Sure. Open
17 question.

18 MR. HORNBLOOM: I think it's incumbent upon
19 the legislature and the Department of Corrections to
20 respond. I mean, Pennsylvania is not unique with regard
21 to overcrowding. I mean, 50 States are confronting it.
22 All of your counties and your major cities, and they are
23 all searching for alternatives that probably 15, 20, 25
24 years ago they would have rejected out of hand probably
25 philosophically because it's being perceived as being soft

1 on crime, but alternative sentencing is now in vogue not
2 so much because people have been won over philosophically
3 but because it's a necessity, and many other States,
4 unfortunately, are far more aggressive in pursuing those
5 alternatives than Pennsylvania has been.

6 I remember fielding some of your questions
7 last summer with regard to earned time. There are 46
8 States that are operationalizing earned time, very pleased
9 with it, can't understand why Pennsylvania is not. I have
10 just been doing some research on community service and
11 have found out the numbers from surrounding States are
12 clearly superior to what Pennsylvania is doing as well as
13 what Philadelphia is doing compared to other cities in the
14 region. And electronic monitoring. Many States have been
15 involved in that and we just seem to be getting involved
16 with it in counties and States. And I think to really
17 grapple with the 40 percent overcrowding that we have,
18 that it's incumbent upon us to explore these areas to
19 bring in the people who have worked with them, bring in
20 the critics as well as the proponents, listen to what they
21 have to say, and if we decide we're going to move with it,
22 try to refine it as best we can, as Ann said, but I think
23 it's incumbent upon the Commonwealth to really move
24 forward as we, you know, come into the last decade of this
25 century and not hold back and be fearful because the

1 problems are going to be there and get worse if we don't
2 do anything.

3 REPRESENTATIVE PICCOLA: Well, not to take
4 you back to Civics 101, but--

5 MR. HORNBLOOM: That was a good course, by
6 the way.

7 REPRESENTATIVE PICCOLA: It was an excellent
8 course. I had to take it twice.

9 REPRESENTATIVE EVANS: You loved it that
10 much.

11 REPRESENTATIVE PICCOLA: We have a three
12 branch system of government and I don't think, and I think
13 this hearing today is an example of it, the hearing we had
14 last summer is an example of it, we don't have a scarcity
15 of ideas and talent in the General Assembly that are
16 putting forth the kind of innovations that I had suggested
17 to attack these problems. Some of them may not be good
18 ideas, some of them may be good ideas, but I don't think
19 you can fault the General Assembly for not putting forth
20 the ideas because they have been put forth.

21 MR. HORNBLOOM: I--

22 REPRESENTATIVE PICCOLA: Let me finish.

23 This program, probably more than a lot of
24 the other programs because it's so new and so untested and
25 so much in need of oversight, is one that is going to

1 require the involvement heavily of the administration
2 generally and the Department of Corrections specifically.
3 And on all of those ideas that we have been percolating
4 here in the General Assembly in the last few years, we
5 don't hear a word out of the administration on what they
6 think might be good or whether they support or not support
7 that. All we hear is earned time, earned time, and we
8 don't even know what that means when they say that.

9 Now, that's why I asked the question of Ann,
10 because I don't think this administration and this
11 department, number one, either has the capability or the
12 inclination to administer a program like this.

13 MR. HORNBLOOM: I don't think the
14 administration or the department lacks the talent. What I
15 think there generally is, unfortunately, is this pervasive
16 fear of getting involved in criminal justice issues,
17 particularly prison issues, that is going to be possibly
18 perceived as being soft on crime. I think we learned from
19 the last presidential election how you can focus on, you
20 know, one individual from Massachusetts who goes down to
21 Maryland and commits a crime and spends so much more time
22 on that issue than the national economy or, you know,
23 foreign policy, but I think it is that fear,
24 unfortunately, that keeps many legislators and keeps many
25 chief executives from moving more vigorously in this area.

1 But the problems are there. They're only, you know, only
2 a few miles from where we sit right now, and I think that
3 if you do feel the administration has to be prodded, then
4 they should be prodded. And if you do feel there's a lack
5 of ideas or a lack of will, then that should happen. But
6 we should all be working collectively to solve these
7 problems because, you know, in many ways they're
8 intransigent and, you know, it's going to take all of us
9 rather than just certain segments. I mean, the
10 Pennsylvania Prison Society can't do it.

11 REPRESENTATIVE PICCOLA: Well, I don't know
12 what motivates the administration, but if it is Willie
13 Horton and they're afraid of a partisan attack based on
14 that, Representative Hagarty is one of the sponsors of
15 this measure, she and I and Senator Fisher, all
16 Republicans, put together a package on overcrowding which
17 we run the risk, I guess, if that's the fear, that we
18 could be accused of being soft on crime, I suppose. I
19 mean, I could develop campaign pieces on that. The Willie
20 Horton situation is a bogus issue. That was stupid, what
21 they did in Massachusetts. Just plain and outright stupid
22 I think on just about everybody's way of thinking. And
23 what you're saying is that the administration now lacks
24 courage, I guess.

25 MR. HORNBLUM: What I'm saying is that

1 there is not a large constituency for prison reform. The
2 constituents are inside the walls and tend to be
3 unsophisticated politically. They don't have a great
4 academic background. They don't have connections in the
5 community the way other, you know, special interest groups
6 would have. The families of those people tend to be not
7 too well organized. But it is a growing problem in
8 society and various jurisdictions are grappling with it
9 more and more of their time, as obviously you are
10 yourselves. And I don't think there is any great panacea.
11 This may turn out to help boot camps. Obviously there are
12 more conservatives who would buy into this than earned
13 time because they like the idea of getting tough with
14 criminals, getting tough with inmates. But you don't tend
15 to see that many philosophical conservatives moving
16 behind, let's say, home detention, electronic monitoring
17 or earned time.

18 REPRESENTATIVE HAGARTY: We introduced that
19 legislation.

20 REPRESENTATIVE PICCOLA: Here's the two rock
21 conservatives who just introduced those, and the chairman
22 I think cosponsored them, and he's a rock group
23 conservative.

24 MR. HORNBLUM: Well, you are all here. I
25 don't know if that represents a quorum.

1 REPRESENTATIVE PICCOLA: I reject -- I mean,
2 I accept that there's no large constituency out there. I
3 realize there aren't a whole lot of people out there
4 advocating for it, but there are people in the General
5 Assembly interested in problem solving in the prison
6 system, and I am tired of you folks coming here and saying
7 it's the responsibility of the General Assembly. The
8 General Assembly has not spoken but has at least given its
9 indication of a willingness to work on the problems, and
10 coming from a whole diverse spectrum of thinking. And
11 this administration has done not one thing with respect to
12 helping to develop that and exercising leadership. So if
13 you folks who are the advocates want this to happen, then
14 you go upstairs.

15 Thank you, Mr. Chairman.

16 MR. HORNBLUM: We do do that on occasion.

17 CHAIRMAN CALTAGIRONE: Thank you, and we
18 will conclude today's hearing.

19 (Whereupon, the proceedings were concluded
20 at 12: 35 p.m.)

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me during the hearing of the within cause, and
4 that this is a true and correct transcript of the same.

5
6 

7 ANN-MARIE P. SWEENEY
8
9

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16 Ann-Marie P. Sweeney
17 536 Orrs Bridge Road
18 Camp Hill, PA 17011
19
20
21
22
23
24
25