

TESTIMONY OF JAMES THOMAS
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BEFORE THE HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING ON PRISON AND JAIL CROWDING
WEDNESDAY, MARCH 7, 1990

Mr. Chairman and Members of the House Judiciary Committee, thank you for the opportunity to testify before you on the serious implications of crowding in our correctional system. My name is James Thomas and I am the Executive Director of the Pennsylvania Commission on Crime and Delinquency (PCCD). On July 17, 1989, in testimony before this Committee, I stated that "A principal concern of the PCCD for at least the past six years has been the crowding of our prisons and jails and the overburdening of our probation and parole resources. We continue to be alarmed by the growth in the number of offenders supervised and the lack of support for increasing the resources available to deal with the burgeoning offender populations." Unfortunately, I am here today to give you the same message.

During the past decade our correctional population has grown dramatically. More alarming is that overcrowding will continue to be the future of corrections in the Commonwealth. Evidence the following:

- On December 31, 1980, the population of our state and local system was 83,576. As of December 31, 1989, this figure rose to 175,954 offenders--a 111% increase. Our projections indicate that by the year 1993, there will be close to one-quarter million offenders in our correctional system.
- From 1980 to 1987, the Department of Corrections' population grew by an average of 1,151 inmates per year. In 1988, it grew by 1,627 inmates;

at the time, the largest annual growth in state prison history.

However, even this record was short-lived, when in 1989 the population grew by 2,561 inmates. Our projections indicate that this growth will not slow and we can expect a minimum of between 25,000 and 27,000 inmates by 1993. The current population is 21,034.

- From 1980 to 1989, county jail populations have risen from 7,553 to 16,150 and at their present rate of growth, could be housing over 25,000 inmates by 1993.
- Offenders under probation and parole supervision have grown from 67,780 in 1980 to 139,314 in 1989, and at the present rate of growth, will approach 200,000 offenders by 1993.

As a number of the members of the Committee are aware, in February of 1985, the PCCD issued a report titled, "A Strategy to Alleviate Overcrowding in Pennsylvania's Prisons and Jails," that recommended a comprehensive strategy for addressing the problem of overcrowding in our prisons and jails. To date, very little has been done to implement the recommendations of that report.

In 1987, the Governor's Interdepartmental Task Force on Corrections, and in 1988 the Legislative Budget and Finance Committee, each released reports that emphasized the overcrowding problem and echoed many of the same recommendations on overcrowding presented in our 1985 report. Very little has been done to implement the recommendations of these reports.

On October 25-27, 1989, the inmates at the Camp Hill State Correctional Institution carried out a riot that destroyed about 1,000 cells in the prison, further exacerbating the crowding problem. A commission established by the Governor identified some of the specific incidents that let the

situation get out of hand, but also made some recommendations to reduce overcrowding. These recommendations are also addressed in PCCD's 1985 report.

What currently concerns us is that the results of the various investigations into the riot may not address the fundamental problem of crowding in our correctional system. For that reason, we are pleased to be invited to this final hearing. In order to alleviate crowding, it is vital that the populations of our prisons and jails be brought into compatibility with their capacity. The Commonwealth's clear and strong desire to punish and contain its offenders imposes an obligation to pay the costs of accomplishing this desire. Either state and local policymakers must pay the costs of confinement (which are staggering), or they must develop and implement a mixture of actions which, while adding some capacity to the system, also reduce the confined population by returning to the community those who can be responsibly returned. To do otherwise most certainly invites further disturbances and federal court intervention to control and reduce our prison population.

Following the Camp Hill riot, Governor Casey asked the PCCD to offer suggestions for dealing with prison crowding. Chairman Caltagirone and Representative Hagarty have also requested us to devise a plan to address the overcrowding crisis on both a short- and long-term basis. In response to these requests, we formed a small but very knowledgeable group of individuals whose perspectives cover the entire criminal justice system: Dr. Alfred Blumstein, PCCD Chairman; Mr. Fred Jacobs, Chairman, Board of Probation and Parole; Dr. John Kramer, Executive Director of the Pennsylvania Commission on Sentencing; Warden Arthur Wallenstein, Bucks County Prison; Mr. James MacElree, Chester County District Attorney; Mrs. Charlotte Arnold, Executive

Director of THE PROGRAM for Female Offenders; Mr. Allen Hornblum, Philadelphia Prison Board Trustee; and, before his resignation, Corrections Commissioner David Owens. The report of our Committee is in the final editing stage and is targeted for public release next Tuesday. However, I can preview for you today the direction our Committee has taken in their report.

While the Committee supports some new prison and jail construction, it more importantly calls for a re-examination and restructuring of the use of our limited prison and jail space. The objective of our correctional system should be to provide secure confinement for those offenders who continue to be violent and pose a risk to society, while also providing the opportunity for those who do not constitute a violent or high risk to be held in facilities and programs more commensurate with their security needs and reducing their criminality.

State and local corrections must be viewed as one system in developing strategies to resolve overcrowding. We need to restructure state and local responsibility for offenders by expanding the punishment options available between the traditional probation and incarceration extremes for low-risk non-violent offenders without compromising public safety and to accomplish the sought-after reduction in the incarcerated population. Public safety is the primary consideration in our recommendations and we believe public safety can be improved by reducing criminality through the development and expansion of intervention programs aimed at reducing recidivism among low-risk offenders. Also, the relationship between public safety, recidivism, and drug abuse is significant in addressing overcrowding.

Our Committee found that:

(1) The extent of overcrowding at our county jails is a significant contributing factor to overcrowding at state prisons.

(2) When all currently authorized new state construction is completed, our prison system will still be woefully short of the capacity to hold the projected number of inmates.

(3) Substance abuse is a major contributing factor to the increase in both new court commitments and parole violators returned to correctional facilities.

(4) Recidivists, and in particular returned parole violators, are a significant contributing factor to overcrowding in correctional facilities.

(5) There is a significant need to expand the punishment options available for low-risk offenders without unduly compromising public safety.

The Committee found that the following factors are driving the recent dramatic growth we have witnessed in the correctional system:

- More offenders are being sentenced to correctional institutions. In 1980, 42% of offenders convicted of crimes were sentenced to jail or prison. In 1989, this figure rose to 69%. In 1989, the DOC received a record 5,979 new court commitments. This compares to 4,193 in 1988 and 3,158 in 1980.
- For those offenders sentenced to incarceration, more are remaining under correctional supervision for a longer period of time. For example, the average minimum sentence of offenders received in the DOC has risen from 30.4 months in 1980 to 41.8 months in 1988. Also, inmates are serving more time beyond the expiration of their minimum sentences. Prior to 1985, inmates were generally released on the average at their minimum,

whereas currently the average inmate serves six months beyond the minimum release date.

- More offenders have substance problem. Drug arrests increased 87% from 1984 to 1988. From 1987 to 1989, drug commitments to the DOC grew by over 200% (from 436 in 1987 to 1,520 in 1989). DUI sentences to county jails have risen over 800% from 1,055 in 1980 to 9,621 in 1988. In 1989, the Pennsylvania Board of Probation and Parole reports that over 70% of the offenders released on parole had a prior history of drug or alcohol problems.
- More of the same offenders are "recirculating" in the correctional system. The number of parole violators recommitted to prison and jail has grown dramatically. In 1980, 931 were returned, compared to 2,392 in 1989 (a 157% increase). Much of this growth is attributable to technical parole violators.

Our Committee's recommendations might conveniently fit into five broad areas.

The first is to limit the number of low-risk offenders in the Department of Corrections' medium- and maximum-security institutions. Included here would be the establishment of new minimum-security DOC facilities and "boot camps" for selected low-risk offenders. Placing these offenders in minimum-security facilities would free space in the higher-security institutions for higher-risk inmates.

Second is to affect some reduction in the length of incarceration. Included here is the implementation of earned time and releasing more inmates at the expiration of their minimum sentence.

The third area is to reduce overcrowding in county jails. Included here is establishing alternative housing for DUI offenders, revision of the

sentencing guidelines, and providing assistance to counties to significantly expand local sanctions for offenders. A Community Corrections Act, such as S.B. 718 proposes, would provide local punishment options, resulting in fewer offenders being sent to prison and jail without reducing public safety or increasing crime.

Fourth is to reduce the impact of recidivists on overcrowding. Included here is expanding programs for technical parole violators.

The final area is to improve correctional system planning.

Aside from the construction program already announced by Governor Casey (and supported by our Committee), implementation of our recommendations would require capital expenditures of approximately \$19,500,000 and operating costs of approximately \$83,500,000. However, if we were to attempt to provide the requisite cell space for the inmate population we expect to have by 1993, it could cost us approximately \$1,000,000,000 to build and approximately \$225,000,000 to run the facilities necessary to house these offenders.

Our correctional system has grown dramatically as a result of efforts to improve public safety by incarcerating more offenders for a longer period of time. And it is now well past the time that we begin to improve our public safety by putting the resources in place to manage the burgeoning correctional population at the state and local levels.

Though the PCCD's last published report on prison and jail overcrowding was issued in 1985, the Commission has never waivered in their interest and sensitivity to the issue. When the former PCCD task force issued its report, there was much hope that bi-partisan political will would be found in the General Assembly to deal with the problem in conjunction with the Governor's Office. Senator Michael Fisher chaired that task force, which had active participation by Senator Michael O'Pake and Representative David Sweet. As

we all know, the 1985 recommendations went nowhere, though the report still provides a good framework for action. Over the intervening years, the Commission has been been eager to expend the time and energy necessary to generate simply one more report on the subject, though they were well aware that crowding has become dramatically worse. However, as the Governor and this Committee made requests to the Commission to revisit the issues and provide recommendations, the Commission was pleased to do so and will publicly issue its report next Tuesday. The Commission hopes that the energy and political will is now present to set a course to deal with this problem.

I can tell you now, however, there are no easy solutions to the issue. We can't afford to build enough cells and even if we could afford them, we can't build them fast enough. We must realize that the county correctional system greatly influences the state system and vice versa. We must understand that public safety can be improved most directly through the placement of significant resources in the community to monitor offenders once they are released and to help them stay drug-free and crime-free. Public safety is poorly served by cramming offenders in prisons for longer periods of time with less treatment and education resources and then releasing these same offenders back into society with limited resources for either helping the offender or even for keeping tabs on them. More disturbances and federal court intervention are our future, if we fail to act.