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CITIZENS' ADVISORY COMMITTEE
Pennsylvania Board of Probation & Parole
Erie District
652 West 17th. Street
Erie, Pa. 16502
February 21, 1991

WRITTEN TESTIMONY OFFERED TO THE HOUSE JUDICIARY COMMITTEE ON HOUSE BILL
#239 FOR FEBRUARY 26, 1991.

Distinguished Legislators:

Thank you for the opportunity to submit this written testimony on behalf of the Citizens' Advisory Committee, the Pennsylvania Board of Probation and Parole, Erie District Office.

As a Citizens' Advisory Committee, we are extremely concerned about the legislative reform which is currently being considered as House Bill 239 and the companion piece of legislation, Senate Bill 341. The major rationale for moving from the indeterminate sentencing to the determinate sentencing model is a substantial cost benefit by reducing inmate population. Such projections, however, have not been realized in any of the jurisdictions that have gone from the indeterminate to the determinate sentencing model.

California has the longest experience with the determinate sentencing model, and according to the Blue Ribbon Commission on Inmate Population Management Final Report of January, 1990, went from 22,500 inmates in the state prison system in 1979 to 86,000 by 1989. In addition, parole violators went from 1,011 recommitted in 1979 to 34,000 parole violators in 1988. The Blue Ribbon Commission Report projects an increase in parole violators to 83,000 by 1994! It is suggested that Pennsylvania today is at the same place California was in 1979. In addition, for all the increase in the inmate population in California, the F.B.I. Uniform Crime Reports for the year 1989 indicate that the crime rate in California is double that of Pennsylvania per 100,000 inhabitants. Despite the fact that California's system has grown by unprecedented proportions, making it one of the largest growth industries in the Nation, the citizens are no safer.

It is our understanding that three states which have previously gone to determinate sentencing are now reinstituting indeterminate sentencing. Those states are Connecticut, North Carolina, and Colorado. Perhaps the best indicators of what would happen in Pennsylvania were to go to determinate sentencing are the results obtained in the states that went to determinate sentencing in the past.

The State of Washington is also on interest, particularly because the chief proponent of this legislation, our Commissioner of Corrections, came from the State of Washington last year. The Seattle Post-Intelligencer, in a story on October 20, 1989, credits then Deputy Correctins Secretary Joseph Lehman with projecting a 50% increase in their state prison population over the next few years. It also indicates that the Corrections Department budget for the current biennium is 400.75 million, up by about 35 million from the previous budget cycle. The State of Washington Sentencing Reform

Act of 1981 took effect in 1984. Between 1983 and 1988, the F.B.I. reported a significant increase in crime in the State of Washington. During the same time period, the crime rate in Pennsylvania increased by a rate less than one-fifth as great.

We believe the current way we sentence, incarcerate, parole and supervise paroled people in the community is at least partially responsible for Pennsylvania being one of the safest places in the nation to live. Only North Dakota, South Dakota, Kentucky and West Virginia can boast a lower crime rate, according to the Uniform Crime Report published by the F.B.I.

An additional concern about this legislation is that victims will lose input into the parole decision process, which they now enjoy in Pennsylvania.

In summary, we believe the proposed legislation would result in the substitution of mandatory and arbitrary releases, with little or no consideration for either the victim of the crime or the defendant's rehabilitative progress, for the present system of thoughtful and comprehensive review of each parole decision. In that sense, it is an overly simplistic approach to a complex problem which has had a demonstrated lack of success in other jurisdictions, as noted earlier.

Further, it is believed that passage of this legislation with the specific intent of reducing prisoner populations, as has been projected by proponents, not only discounts public safety but flies in the face of the realities experienced in other jurisdictions. Of particular note are the approximate thirty-four fold increase in parole revocations experienced in California and the expanding prison population in the State of Washington, as acknowledged by Mr. Lehman while serving in his former capacity in that state.

It is respectfully suggested that passage of this legislation would sacrifice public safety in a futile attempt to control increases in prisoner population and attendant costs. While the necessity of controlling costs is unquestioned, this legislation is not the vehicle to achieve that goal.

For the Committee,

Sincerely,



Peter Benekos, Chair
Citizens' Advisory Committee
PA Board of Probation & Parole
Erie District