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TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE

PROPOSAL FOR PRIVATE CORRECTIONAL SERVICES FOR COUNTIES

Presented by Stover K. Clark

Prison Specialist

Pennsylvania State Association of County Commissioners

Harrisburg, Pennsylvania

March 14, 1991

388



GOOD MORNING, I AM STOVER CLARK, JAIL OVERCROWDING PROJECT DIRECTOR FOR THE PENNSYLVANIA STATE ASSOCIATION OF COUNTY COMMISSIONERS. OUR ASSOCIATION IS A NONPROFIT, NONPARTISAN ORGANIZATION REPRESENTING ALL OF THE COMMONWEALTH'S 67 COUNTIES.

I AM PLEASED TO HAVE THIS OPPORTUNITY TO PRESENT THE ASSOCIATION'S COMMENTS ON THE PROPOSED LEGISLATION REGULATING PRIVATE PRISONS.

ON BEHALF OF THE ASSOCIATION MEMBERSHIP, I WANT TO TAKE THIS OPPORTUNITY TO THANK CHAIRMAN CALTAGIRONE AND MINORITY CHAIR PICCOLA FOR THEIR CONTINUING LEADERSHIP IN THE AREAS OF PRISON AND JAIL OVERCROWDING, AND THEIR VISION FOR REFORM IN THE PENNSYLVANIA CRIMINAL JUSTICE SYSTEM. IT IS TRULY AN EXCITING TIME TO BE WORKING ON CRIMINAL JUSTICE ISSUES.

PRISON AND JAIL OVERCROWDING IS A COMPLEX ISSUE. MANY FACTORS CONTRIBUTE TO THE OVERCROWDING - MANDATORY SENTENCING REQUIREMENTS, THE PUBLIC'S DEMAND FOR STIFFER PENALTIES, ETC. FOR AS MANY CONTRIBUTORS THERE ARE FOR OVERCROWDING, THERE ARE ALSO AS MANY POSSIBLE SOLUTIONS - INCLUDING THE \$200 MILLION BOND ISSUE FOR COUNTY JAIL CONSTRUCTION AND EXPANSION, THE NEWLY ENACTED INTERMEDIATE PUNISHMENT ACT, AND THE PROPOSED SENTENCING REFORM LEGISLATION.

IN 1986, WE PRESENTED TESTIMONY TO THE PENNSYLVANIA JOINT STATE GOVERNMENT'S TASK FORCE ON PRIVATE PRISONS. SINCE THAT TIME, THE ASSOCIATION'S POSITION HAS NOT SUBSTANTIALLY CHANGED. THE STATE ASSOCIATION OF COUNTY COMMISSIONERS VIEWS THIS PROPOSED LEGISLATION NOT AS THE ULTIMATE SOLUTION, BUT RATHER, AS ANOTHER TOOL FOR DEALING WITH THE COUNTY JAIL OVERCROWDING CRISIS.

WE ARE IN AGREEMENT WITH THE LANGUAGE IN THE LEGISLATION THAT STATES; "THE PRIVATE SECTOR CAN BEST SERVE THE CORRECTIONS SYSTEM BY OPERATING MINIMUM SECURITY PRIVATE PRISONS FOR THE INCARCERATION OF LOW-RISK OFFENDERS SENTENCED TO INCARCERATION IN COUNTY PRISONS". PRESENTLY, THERE ARE A NUMBER OF COUNTIES THROUGHOUT THE COMMONWEALTH WHO HAVE CONTRACTED FOR THE TYPES OF CORRECTIONAL SERVICES OUTLINED IN THIS LEGISLATION. THESE CONTRACT SITUATIONS, PRIMARILY WITH NOT-FOR-PROFIT ORGANIZATIONS, HAVE SATISFACTORILY PROVIDED OFFENDER TREATMENT AND ADDITIONAL CAPACITY NEEDS FOR COUNTY GOVERNMENTS.

IN OUR 1986 TESTIMONY, WE CALLED FOR THE INCLUSION OF COMPREHENSIVE STATE REGULATIONS AND GUIDELINES GOVERNING PRIVATE PRISONS. SPECIFICALLY WE ASKED THAT THE FOLLOWING ISSUES BE ADDRESSED BY REGULATION - LICENSING, REGULATION, PRISONER RIGHTS, PRISON LIABILITY, AND OUT-OF-STATE OFFENDERS. OUR ONLY CONCERN WITH THE PROPOSED LEGISLATION BEFORE US TODAY IS THAT THE LICENSING AND REGULATING REQUIREMENTS MAY NOT BE FLEXIBLE ENOUGH TO ENABLE COUNTY PARTICIPATION. WE URGE YOU TO STRIKE A BALANCE BETWEEN NEEDED REGULATORY OVERSIGHT AND UNNECESSARY AND CUMBERSOME REGULATORY REQUIREMENTS.

WE WOULD BE PLEASED TO FURNISH ANY ADDITIONAL INFORMATION YOU MAY REQUIRE, AND TO ASSIST THE COMMITTEE IN THE FURTHER DEVELOPMENT OF THIS LEGISLATION.

THANK YOU FOR GIVING US THIS OPPORTUNITY TO PRESENT OUR COMMENTS. WE AGAIN THANK YOU FOR CONSIDERING THIS LEGISLATION WHICH REPRESENTS, FOR COUNTIES, ONE MORE TOOL FOR DEALING WITH THE COUNTY JAIL OVERCROWDING CRISIS.