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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Oversight Hearing with the Department of
Corrections

* * * * *

Stenographic report of hearing held
in Room 8A East Wing, Main Capitol
Building, Harrisburg, Pennsylvania

Thursday,
April 4, 1991
10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN
Hon. Kevin Blaum, Subcommittee Chairman on Crime
and Corrections
Hon. Karen A. Ritter, Secretary

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Lois S. Hagarty Hon. Robert D. Reber
Hon. David J. Mayernik Hon. Chris Wogan
Hon. Christopher K. McNally

Also Present:

David Krantz, Executive Director
Galina Milahov, Research Analyst
Mary Woolley, Republican Counsel
Paul Dunkleberger, Republican Research Analyst
Mary Beth Marschik, Republican Research Analyst

Reported by:
Ann-Marie P. Sweeney, Reporter

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1 CHAIRMAN CALTAGIRONE: Commissioner
2 Lehman, I thank you for being here today, and if you
3 would like to start, sir.

4 COMMISSIONER LEHMAN: Certainly. Good
5 morning, Chairman Caltagirone and other committee
6 members.

7 We appreciate the opportunity to spend
8 this morning with you in an overview review of the
9 Department of Corrections and its activities. I want
10 to begin by introducing to you this morning members of
11 my staff, executive staff with the Department of
12 Corrections, who join me here today.

13 To my left is Larry Reed. Larry is the
14 Executive Deputy Commissioner of the Department of
15 Corrections. Behind and to my left in the corner there
16 is Lee Ann Lebecky. Lee Ann is the Director of
17 Planning and Research for the Department of
18 Corrections. To my right is Ben Livingwood. Ben, of
19 course, is the Press Secretary for the Department of
20 Corrections. And Scott Thornsley is right here.
21 Scott, of course, is the Legislative Liaison.

22 What we'd like to do is you have a
23 booklet in front of you that is a briefing document.
24 We are not going to read this to you. What we would
25 share with you, though, is the information in it and we

1 will use it as a format by which we will share or go
2 through the department today. So that what we're going
3 to do, frankly, is I am going to talk a little bit,
4 Larry Reed is going to, in fact, join in on subject
5 issues, and frankly, Larry and I will just trade off in
6 terms of going over the material. We will go briefly
7 over an historical review of the department, give some
8 basic data in terms of how we're structured, our
9 personnel complement, how many inmates, maybe some
10 population trends, without trying to in fact overwhelm
11 you with detail, just pull out the highlights in terms
12 of those activities.

13 We want to share with you today a little
14 bit about where we are on the capacity expansion. The
15 capacity expansion is a significant piece of business
16 that the Department of Corrections is going through in
17 terms of building cell space. We want to talk a little
18 bit about what are the current challenges in terms of
19 the most immediate future in terms of the Department of
20 Corrections on a day-to-day basis. We want to talk a
21 little bit about legislative initiatives, some of which
22 you are already familiar with, and I am not going to
23 belabor that at this point.

24 I would like to share with you a little
25 bit about what we're doing in terms of significant

1 policy initiatives, and that's basically changes in
2 terms of how we're going about business in the
3 Department of Corrections. And then, of course, simply
4 open it up for discussion on your part in terms of your
5 agenda, and it really ought to be to a great extent, I
6 would hope, this morning your agenda that would drive,
7 as I see it, the learning process in terms of what the
8 department's up to.

9 In terms of an historical overview, in
10 terms of the department, the Department of Corrections
11 was elevated to a cabinet level agency, I'm sure most
12 of you are aware, by Executive Order in 1984. Prior to
13 that it was a Bureau of Corrections. Between 1953, I
14 believe, and 1984, it was a Bureau of Corrections at
15 one time under the Attorney General, and another
16 portion of the time under the General Counsel. Before
17 1953, the Bureau of Corrections really was comprised of
18 seven institutions that were under the Department of
19 Public Welfare. They were really overseen by boards of
20 trustees for each of the institutions. And that's,
21 basically in terms of a structure in State government,
22 that's, as I understand it, the history of Corrections.

23 Over the years we've, in terms of the
24 institutions that have been part of the Department of
25 Corrections, certainly one of the most important

1 institutions in early years was the Eastern State
2 Penitentiary in Philadelphia. In fact, that's
3 significant because it is regarded as the first true
4 penitentiary in the United States, and in fact there is
5 discussion today about making that an historical site
6 in terms of retaining it for perpetuity. That
7 penitentiary was closed. We have gone from the days of
8 1953 with 7 institutions to today with 16 institutions,
9 the 16th institution being Cambridge Springs, the one
10 we are opening, which is a woman's facility. We have
11 15 community corrections centers that are spread all
12 over the Commonwealth that provide the critical and
13 important transition process for inmates as they go
14 from a prison environment in terms of total confinement
15 to the community. We've gone, as you all know, from
16 approximately 8,000 inmates in the '80's to over 22,600
17 today, crammed into facilities with a design capacity
18 at least as of today of 14,300. So we, in fact, have
19 some major initiatives ahead of us.

20 As an introduction to the department, a
21 good place may be to start with the organizational
22 structure. Now, my perspective on organizational
23 structures are they should, in fact, facilitate the
24 mission of the organization. They should, in fact,
25 facilitate getting the job done. They should also

1 influence, in a positive way, the lines of
2 communication and certainly the lines of authority and
3 responsibility. What you have here, of course, is the
4 Department of Corrections operates with myself as the
5 Secretary.

6 I have various staff functions that
7 report directly to me, and that would include certainly
8 a lot, if you were to look at this in terms of an
9 external-internal orientation, in terms of who reports
10 to the Secretary and who reports to the Executive
11 Deputy, there's an external-internal orientation,
12 basically. I have a lot of the staff roles that have
13 to do with the external environment, have a lot of the
14 people who report in terms of planning, in terms of
15 activities of the future. I have certainly the
16 administration in terms of the budget and planning and
17 data processing report directly to me, and also
18 personnel in terms of human resources.

19 There were -- there was a conscious
20 decision on my part when I reorganized the department
21 shortly after I got here to look at some critical
22 functions that needed to be addressed and to pull those
23 in to me at least temporarily. Some of those, for
24 example, are in the Bureau of Operations, which show as
25 a unit that reports to me. That would include -- the

1 bureau would have oversight responsibility for all the
2 capital construction activities. So as you can see,
3 that's a major activity and a concern to the department
4 in terms of that process. It would, frankly, also have
5 responsibility for the basic security oversight of the
6 institutions, including emergency response
7 preparedness. Those were pulled into that bureau
8 reporting to me so that we could focus on those as
9 critical activities and move forward.

10 Larry Reed is the Executive Deputy
11 Commissioner. As you can see, he basically has the
12 day-to-day operational responsibilities in terms of
13 overseeing the institutions which are divided into an
14 east and west region, which are headed up by a Deputy
15 Commissioner, overseeing the Community Corrections
16 Bureau, which encompasses the 15 community corrections
17 centers, overseeing the Bureau of Correctional
18 Industries, which is a work, as you know, activity that
19 takes place in basically all of our institutions, as
20 well as the Bureau of Inmate Services. Those are, in
21 fact, direct service areas - classification, there is a
22 staff oversight in terms of medical services, food
23 services, mental health, inmate activities, programs,
24 education - those staff roles in terms of the direct
25 inmate programs are located there.

1 We feel that the most significant issue
2 regarding this organizational structure is it frankly
3 signals a difference in how we do business. Prior to
4 the time that I came to Pennsylvania, the
5 organizational structure was that you had a
6 Commissioner and two Deputy Commissioners. One was a
7 Deputy Commissioner of Operations, and the other one
8 was a Deputy Commissioner of Programs. Those -- that
9 represented the traditional dichotomy within prison
10 systems between security and treatment. We're going to
11 talk a little bit later about one of our internal
12 policy initiatives is changing the structure of the
13 institutions to unit management. This is a forerunner
14 of this. We no longer have the distinction between
15 custody and security and treatment at the headquarters
16 level. You have Larry Reed is the Executive Deputy
17 Commissioner and two Regional Commissioners who are
18 responsible for total programming, so that you don't
19 get the bifurcation in a dichotomy in terms of a
20 structure between treatment and security.

21 At this point, I'd like to ask Larry to
22 share a little bit about the personnel complement and
23 some other information that's provided in your booklets
24 regarding the population and population trends.

25 MR. REED: Okay, Commissioner, thank you

1 very much.

2 You can follow along too, if you will, on
3 I believe it's page 8 of the handbook, and basically
4 you will see the same things that you will see up there
5 on the screen. On the lefthand side column you will
6 basically find all the SCI's known facilities. It
7 comes to a total of 16 in all. The top area you will
8 find that we have -- there are eight categories, I
9 believe, of job classifications. We have a total staff
10 complement of 7,104 - 5,200 of which are the CO's. I'm
11 not going to add a lot to that. If there's anybody
12 that wants to find out anything more about it, I'd be
13 happy to, just state so.

14 REPRESENTATIVE HAGARTY: Well, I guess I
15 have a question on the staff complements.

16 What are the -- as we're hearing about
17 the cutback in staff now as a result of the Governor's
18 budget directives--

19 MR. REED: I knew you'd ask that.

20 REPRESENTATIVE HAGARTY: Maybe you're
21 planning to get to that, or do you want to share that
22 with us? One of my, I guess, concerns or one of the
23 things I thought we ought to learn more about is that
24 when we were visiting Camp Hill, I guess one of the
25 concerns that was expressed was the cutback in terms of

1 the teachers and programs, and so I wondered where we
2 were in terms of staff cuts?

3 COMMISSIONER LEHMAN: Representative, in
4 terms of the Department of Corrections' complement, the
5 department furloughed or did away with 23 positions.
6 The 23 comprised a majority of all but 4 management
7 positions.

8 REPRESENTATIVE HAGARTY: Out of 7,000
9 you're saying in the whole system--

10 COMMISSIONER LEHMAN: Only 23.

11 REPRESENTATIVE HAGARTY: You only
12 furloughed 23?

13 COMMISSIONER LEHMAN: Right. Most
14 importantly, the only positions that were furloughed
15 from the institutions in the fields, where really
16 that's where the business goes on, were in the smaller
17 institutions. The Security Lieutenant position was
18 abolished, and we felt we could do that, frankly,
19 because we had a Security Captain. We had just created
20 a specialized position full-time at lieutenant level to
21 deal with emergency preparedness. Those are the only
22 positions that were taken from the field.

23 REPRESENTATIVE HAGARTY: What did I hear
24 then, and I don't know whether it was in the nature of
25 a rumor or a remark, about education positions being

1 furloughed?

2 COMMISSIONER LEHMAN: Oh, I'm saying in
3 terms of our complement.

4 REPRESENTATIVE HAGARTY: Oh, okay.

5 COMMISSIONER LEHMAN: The Department of
6 Education provides educational services to the
7 Department of Corrections, and there in fact were a
8 number of teachers that were furloughed. And the
9 impact of that, frankly, I think was a reduced
10 enrollment availability that impacted about 600
11 inmates. We are working with the Department of
12 Education in fact to do the best that we can to
13 increase the programming particularly after the first
14 of the year, but in fact a number of teachers were
15 furloughed from the Department of Education's
16 complement.

17 REPRESENTATIVE HAGARTY: I was
18 particularly concerned about that in light of our
19 efforts to pass, as part of the parole bill, an earned
20 time package, because I think this committee or most of
21 us have always felt that there should be an earned
22 component to good time, and therefore it's particularly
23 important that programs exist that inmates can
24 participate in. I think the programming was already,
25 at least it was my impression, was short, availability

1 was short as a result of the overcrowding, so I
2 wondered, could you comment on what you think the
3 impact is of this teacher cutback in the prisons?

4 COMMISSIONER LEHMAN: I think basically
5 what we ought -- maybe what we ought to do, we do have
6 some information on inmate programming that might shed
7 some light on that, so if you could hold that.

8 REPRESENTATIVE HAGARTY: Okay. Thank
9 you. Sure.

10 MR. REED: Would you turn to page 28,
11 please? You can follow along there, too.

12 I guess I'd like to start by saying that
13 20 years ago we had 8,000 inmates in the system, and we
14 were talking then about what we were going to do with
15 so many inmates. Little did we know that that number
16 was going to almost triple. As you can see in the
17 bottom column there, the total is we have -- of 14,344
18 cells, now, those are single cells, we have a current
19 population of 22,600-plus. We predict that by 1994,
20 even projections show that by 1994 we will probably be
21 close to 30,000 inmates. I believe it's 29,900. You
22 will probably be hearing about the new cells that are
23 going to be coming on line between now and 1994, and
24 you will also be hearing that they will add up to about
25 10,000 cells. In the meantime, between now and 1994,

1 we will be adding about 10,000 inmates.

2 The population trends, we don't have a
3 handout for that, but I wanted to give you an idea of
4 we picked out seven issues that we would like to speak
5 about to you, or tell you about anyway. That there has
6 been an increase in the number of inmates that go out
7 on the street and violate. That has gone from 20
8 percent in 1980 to 31 percent in 1989. More than half
9 of the inmates in our system come from two counties -
10 Allegheny County and Philadelphia County - and they
11 account for approximately 38 percent. Since 1980, the
12 female population has grown at a rate of 247 percent,
13 where the male population has grown at a rate of 168
14 percent. Also since 1980, the number of the elderly
15 inmates, and I hope I don't hurt anybody's feelings,
16 that's age 50 and older, went up by 142 percent. Since
17 1980, the average length of time spent has grown from
18 26.8 months to 65.8 months. So they are spending a lot
19 longer time in our prisons. Since 1980, the number of
20 people that are serving time for drug busts has
21 actually tripled from 202 to 610. The population
22 between 1980 and 1989 has grown by 149 percent.

23 Those are some of the population trends
24 that we are currently having to deal with now.

25 The next one I'd like to talk about is

1 the inmate programs. The chart suggests that we do
2 have a number of programs available in every
3 institution. In fact, we have approximately 300
4 programs available in the institutions. There seems to
5 be something in excess of 17,000 inmates now involved,
6 which on the surface does not seem too bad, but I think
7 what you have to look at is the fact that there are
8 many of the same inmates involved in many of the same
9 programs. The other aspect of it is that you're
10 talking about a relatively small amount of time that
11 the inmate spends in these programs, you know, on a
12 weekly basis. It might be one or two hours. So that
13 we do have a very, very serious problem of a lot of
14 inmates that don't have a lot of things to do in
15 prisons.

16 Basically, that's it. Thank you.

17 COMMISSIONER LEHMAN: In your overview on
18 page 9 we talk a little bit about the Department of
19 Corrections' budget. I think it's fair to say that the
20 costs of Corrections has increased significantly over
21 the past several years and will, in the future,
22 continue to increase. The department's proposed
23 General Fund budget for the '91-'92 fiscal year is \$455
24 million - \$451 million of which would come from State
25 revenues; \$3.7 million would come from Federal

1 revenues; and \$700,000 from other sources.

2 The proposed budget represents an
3 8.9-percent increase from the current level of spending
4 if you include the supplemental budget that is being
5 considered by the General Assembly of \$44 million. So
6 it's 8.9 over the existing budget with the
7 supplemental.

8 The proposed budget would provide
9 approximately \$318.9 million to fund a complement
10 during '91-'92 of over 7,588 employees. The personnel
11 costs within Corrections represents really 70 percent
12 of the budget within a prison system. The remaining
13 \$136.5 million would be used for operating expenses
14 such as food, clothing, medical care, utilities,
15 equipment, maintenance, and all other services.

16 The increased funding in terms of the
17 difference between the current level budget, the
18 supplemental, and the budget requests will allow the
19 department to open the institution at Cambridge Springs
20 in Crawford County, it's the women's prison that is
21 being opened. It will allow us to expand our community
22 corrections beds by 50. It will allow us to in fact
23 increase our total complement of halfway back beds for
24 parole violators to 250. It will add 42 positions that
25 will in fact allow us to hopefully impact and reduce

1 the costs of overtime associated with shift coverage in
2 the institutions.

3 That, basically, is a very brief
4 thumbnail sketch of the budget, but I'm sure most of
5 you are already familiar with it because it has been
6 discussed in the Appropriations Committee.

7 The next portion that we'd like to talk
8 about is really a major activity within the department,
9 and that is capacity expansion, and we've divided that
10 into a couple of things, one of course the major issue
11 of capacity expansion within the Department of
12 Corrections in terms of the Commonwealth activity, and
13 then another issue of capacity expansion at the county
14 level which we'll address which has to do with the \$200
15 million in the referendum for building county prisons.

16 The summary sheet that is up on the
17 screen now is on page 15, and it's important to know
18 that this reflects the most ambitious prison
19 construction program in the history of the
20 Commonwealth. It represents a significant commitment
21 that the General Assembly, the administration, and
22 frankly the taxpayers are going to be making over the
23 future years in terms of dealing with needed capacity.
24 We're going to be adding, as that summary sheet shows,
25 by year a total of 10,275. Now, that includes some

1 expansion in 1990 which has already occurred.

2 If you look in your book, we also have
3 provided in the pages before the summary, which is
4 pages 11 through 14, it gives you a year-by-year
5 breakout of the capacity expansion initiatives by month
6 and it shows that against the -- ultimately, if you
7 look at, for example, page 14, as Larry alluded to
8 before, in December of 1994 when we will have completed
9 all of our authorized construction activities, we will
10 have 24,126 cells, that will be our capacity, and we
11 will have a population of 29,948. The projection in
12 '95 is that we will have 31,570 inmates. So this gives
13 you a very detailed explanation of a very busy schedule
14 that we have within the Department of Corrections in
15 terms of capacity expansion.

16 The program has a number of components in
17 terms of it. It has construction of six new 1,000-cell
18 institutions - one maximum security and five medium
19 security; three of which are lease-purchase facilities
20 and two of which are straight lease projects with the
21 counties, and one is a Public Works project.

22 In terms of where we are right now in
23 terms of our straight lease process, all of you are
24 undoubtedly aware that we have a short list. There
25 were originally 13 proposals. We have a short list of

1 four counties that we are entering into a process of
2 negotiation. Out of that process of negotiation, on
3 May 2nd we would intend to award a contract for two
4 1,000-cell facilities. The county entity, at that
5 point, in terms of the contract, would have 600 days to
6 complete the construction of that facility and provide
7 it for occupancy to the Department of Corrections.

8 In terms of the lease-purchase process,
9 the lease-purchase solicitation for proposal will be
10 out on the streets on April 17th. We will go through a
11 bidding process, the developers who are interested in
12 that particular process will submit their bids. We
13 would hope to, in fact, be in the business of
14 constructing those facilities in August of this year.
15 They would be trailing the straight lease in terms of
16 coming on line. They are anticipated as coming on line
17 about August of 1993.

18 We are also in a design phase of
19 designing the Chester facility, which is a facility
20 that is going to have a special purpose, and that's
21 going to be a combination of substance abuse and some
22 work with mentally ill offenders, and that will be in
23 the city of Chester in Delaware County, and we're in
24 the process of designing that at this point.

25 In addition to the major new institutions

1 we're constructing, we're expanding -- we're building
2 cell blocks at three other institutions that will
3 expand our capacity. Those are at SCI Retreat,
4 Rockview, and Smithfield. The first two, one cellblock
5 each, and Smithfield has two cell blocks that are going
6 to come on line.

7 We're also adding an additional 1,780
8 cells through modular units that are going to be
9 constructed, and some of which are in the process of
10 construction in eight institutions. The modular units
11 range from a Security Level 5, max custody, to a
12 Security Level 2, minimum custody, so it's a
13 combination of different kinds of housing.

14 At this point, what I'd like to do is
15 maybe describe to you a little bit about the
16 prototypical prison design capacity and what's going on
17 in that.

18 In terms of Act 71, the department was,
19 in fact, provided \$12 million to, in fact, design a
20 prototypical institution, a prototypical what was
21 referred to as a maximum custody and a prototypical
22 medium custody. The notion here is that we would, in
23 fact, enter into a contract with an architect and
24 engineering firm as well as a construction management
25 firm to design a facility that we would own in

1 perpetuity. The Commonwealth would own the design and
2 it would be, in essence, a design that in future years
3 you would not have to go out and hire an architect to
4 do. It would be owned by the Commonwealth. And we
5 could use it and replicate it in terms of process. In
6 fact, we are doing that, both in a real sense and
7 certainly in the lease-purchase process as well as the
8 straight lease.

9 To give you an idea of the importance, we
10 have gone through a process of developing a system of
11 policies for what prisons are going to look like in the
12 future, and those policies are expressed in the
13 definition of security level. And security level is
14 used to describe the physical features of a facility,
15 of the prison, which are intended to prohibit, impede,
16 control inmate movement or to enhance the availability
17 of staff to observe and manage inmates. The security
18 level designation as a policy is applied separately to
19 the perimeter, to the zone, and to each housing unit.
20 That enables us to then take the custody level of an
21 inmate, and the custody level is a term we use to
22 describe the amount of supervision an individual or
23 group of inmates requires. The custody level is an
24 expression of the management risk that the inmate
25 represents while housed within a DOC facility. It is

1 based on inmate behavior, performance, it's performance
2 based, and to the extent possible it is objectively
3 derived. In fact, we are going through a process we'll
4 describe briefly later of revising our custody level
5 classification system to develop a behavior-driven
6 objective system.

7 Once you have a custody level system and
8 you have a prison system that is designed in terms of
9 security levels, then the intent, of course, is to take
10 and match the custody level of the inmate with the
11 security level of the prison or the housing unit within
12 a prison. If you look at that concept, what we have in
13 terms of a prototypical design in a Level 3 facility is
14 different zoned areas of the institution are designed
15 to contain, house, and program different levels of
16 inmates. So here is the, in fact, prototypical design
17 of what we call the Level 3 medium custody facility.
18 It is, in fact, comprised of different zones, and if
19 you look at here, zoning means that we have a capacity
20 to separate and prohibit the interaction of different
21 inmate populations or to impede their movement or to
22 control that process of interaction.

23 Here you have a Level 5 housing unit.
24 That Level 5 in terms of security level is Restricted
25 Housing Unit. It's maximum custody. Those are inmates

1 who are there for disciplinary custody purposes or are
2 there for administrative custody purposes because they
3 have been adjudged to be a threat to the ongoing
4 orderly operation of the institution and security of
5 the institution. That is a self-contained unit.
6 Programming is decentralized. All programming is
7 brought to that unit, all activities occur on that
8 unit.

9 If you look at the rest of the zones,
10 they are all decentralized programming. They are
11 general population housing. This is a Level 3 housing
12 unit, these are Level 3 housing units, medium custody.
13 They are inmates who are programming, they have a
14 greater degree of freedom in terms of movement within
15 the institution to centralized programming.

16 However, we are designing it so that we
17 have a capacity, if needed, to zone even those two
18 areas that we can program this side of the population
19 differently from this side of the population if we need
20 to. So we've created a zone. This actual program
21 building on this design is being moved here because
22 that will then provide a vision barrier in terms of the
23 two zones. So that's one of the modifications being
24 made.

25 The gray building here is the Program

1 Services. That will be the chapel, education,
2 vocation, arts and crafts, and gymnasium. That's for
3 inmate programs, and they will be accessed from either
4 side.

5 You have a main building with support
6 services which will range from visitation, medical,
7 custody, administration, kitchen, dining, commissary,
8 laundry, maintenance, and correctional industries.
9 That's all in this building here.

10 This building out here is outside, what
11 we call outside administration. That's where the
12 superintendent and business office and records would
13 be. It's outside the secure perimeter. You basically
14 have your warehouse, outside warehouse, and facility
15 maintenance on the outside.

16 The additional level housing in this area
17 is a different zone. That's what we call a Level 2.
18 That's minimum custody. Those inmates are separate
19 from these other zones because they will have
20 responsibility for doing outside work. They will be
21 the inmates who are, in terms of custody level, will be
22 minimum custody, and they will in fact go to work on
23 the outside of the perimeter of the institution.
24 Basically, that is the Level 3.

25 The Level 5 facility, while Scott is

1 bringing that over here, if you look at the numbers
2 here on the Level 3, you can look at the zones that I
3 talked about, and that is in your booklet, of course.
4 It talks about Level 5, Level 3, and the Level 2, and
5 it gives you the cell count. It also gives you a
6 non-rated cell space. In other words, we account for
7 all rooms or cells within the prototypical design. The
8 disciplinary custody, 48 cells of your L-5 are regarded
9 as temporary use. That says Ben engages in a
10 misconduct, we lock Ben in the inside jail and he goes
11 before a hearing, he's found guilty of the misconduct,
12 and he's given 10, 15 days in jail, the inside jail,
13 which is actually your Level 5. That's counted
14 non-rated because Ben's going to come back to, as the
15 inmates would say, his house in the general population
16 area. So that's not counted as part of your rated
17 capacity. Likewise, medical and mental health are not
18 counted.

19 In your Level 5 you have, once again, you
20 have three different zones, but the zones are different
21 from here. And the Level 5 is in the Act 71, you as
22 the General Assembly said that we will construct a
23 maximum security facility in Greene County. This is,
24 in fact, site specific. That's why you can see the
25 thing. This is the Greene County site. This is the

1 max prototypical. It is zoned in terms of an L-5 zone
2 here, much larger, as you can see. This is going to be
3 the special management unit for the Department of
4 Corrections system. It's going to be, if you are an
5 inmate who in fact has demonstrated through behavior an
6 ongoing threat to the orderly operation of the
7 institution or the security of an institution, that
8 you've been in disciplinary custody in a different
9 institution, you've actually been in administrative
10 custody but you are not manageable, you will come to
11 this housing unit in Greene County.

12 All programming is decentralized. In
13 other words, all programming will occur in this unit.
14 The inmate will not leave that unit except under
15 emergency conditions. The inmate, in fact, will go
16 through a phase program and have to earn their way out
17 of that special management unit. And there will be
18 incentives to do that in terms of that unit, but it
19 will be a special management unit. That is the L-5
20 zone. It's 384 cells.

21 The L-4 zone is these close custody.
22 Close custody is a new concept in Pennsylvania. Close
23 custody, in terms of the custody level of the inmate in
24 terms of defined level of supervision, means that these
25 inmates are a general population, but either because of

1 behavioral issues or policy issues require a higher
2 level of actual staff supervision while they are in
3 here. So this group of people here can go to
4 programming, but program supervision in the education
5 building, in the shops, wherever they are, the
6 vocational shops, will be direct custodial supervision.
7 There will always be a custody officer with direct line
8 sight of supervision on a close custody inmate.
9 Inmates moving from in close custody from housing to
10 program will be escorted. It will not be a pass
11 movement, so this is a higher level of staff
12 supervision on that custody level of inmate.

13 You have a Level 3 zone, it's actually a
14 zone. That is your general population, what you would
15 equate to medium custody. They will, in fact, provide
16 the basic work crews in areas that you would not want
17 close custody inmates doing. They may have access to
18 tools that are potential weapons that close custody
19 inmates would not have access to. This would be the
20 Level 5 facilities for the department.

21 The outside crew for the Level 5 is
22 actually going to be provided, at this point in terms
23 of our planning, by minimum custody inmates who will be
24 housed in a regional jail in Greene County, which at
25 this point Greene County is planning on co-locating

1 next to the maximum security facility.

2 Very briefly, just to show you a
3 different effort, Chester, 650, Chester City, Delaware
4 County design, it's a highrise. Highrises are
5 constructed because you have insufficient land space to
6 do otherwise, because highrise actually is more
7 expensive. This is the design of the Chester facility,
8 which will be at least 650 cells. It will provide
9 unique services, intense services to substance abuse
10 and a combination of mentally ill, and the combination
11 of mentally ill is because you have, in fact, dual
12 diagnosis. You have a great deal of mentally ill today
13 offender population who are diagnosed as not only
14 substance abuse but mentally ill. In many of them
15 mental illness is an issue of organic dysfunctioning as
16 a result of the drug abuse. This will be a specialized
17 facility intended to deal with that unique population.

18 One additional point of capacity
19 expansion we thought you might be wanted to be updated
20 and interested in is the motivational boot camps, so
21 I'd ask Larry to just briefly describe what's happening
22 with that.

23 MR. REED: You have, I'm sure, probably
24 heard over and over again, ad nauseum actually, that
25 you can't build your way out, okay, of the problem, and

1 that's true, you can't. And that you've got to find
2 other ways of dealing with people who have done crimes.
3 And I think that what we're talking about now is a
4 major first step. The boot camp concept actually is
5 about 10 years old, and we've had the opportunity in
6 the past 10 months or so to look at, to research a lot
7 of the boot camps in a lot of other States, and
8 basically we think we have probably put together one of
9 the best.

10 The boot camp concept here is going to
11 consist primarily of three components. One of them,
12 you know, is the drills, the usual drills, you know,
13 and the physical work and the exercise. The other is a
14 very strong drug and alcohol piece. And thirdly, we're
15 putting in a forestry piece in there where they will
16 actually be working on bridges and roads and paths and
17 doing a lot of other work, you know, in the forests.

18 We hope to have this on line in Quehanna
19 by July of this year, and we're going to start
20 primarily with I believe it's 100 inmates, with the
21 idea of going up to 200 inmates. The program itself is
22 to last for six months. Now, at the end of that time,
23 the inmates are supposed to be released, you know, on
24 parole regardless of the sentence.

25 I guess that's about all I am going to

1 say on that at this point, unless somebody wants to ask
2 us some questions on that.

3 REPRESENTATIVE HAGARTY: I have a couple
4 questions on that.

5 Are you in the process now of choosing
6 the inmates for that?

7 MR. REED: No, we're not. Not yet.

8 REPRESENTATIVE HAGARTY: And I'm
9 wondering when that will begin and how -- I guess I
10 forget now entirely the implementing legislation, but
11 obviously the judges have a role in this. He's
12 laughing. How will the judges be notified to start to
13 begin identifying potential candidates for the further
14 cut for boot camp?

15 COMMISSIONER LEHMAN: Representative
16 Hagarty, I find it impossible to believe that you can't
17 remember those issues.

18 REPRESENTATIVE HAGARTY: You'd be
19 surprised. I'm getting older.

20 COMMISSIONER LEHMAN: At this point in
21 time, the Sentencing Guidelines Commission is in fact
22 going through a process per the legislation to identify
23 within the sentencing guidelines which offenders would
24 be eligible for the boot camp. Once they go through
25 that process, and in fact there's a hearing tomorrow in

1 Philadelphia at the Sentencing Commission, and they
2 will be dealing with recommendations for that. Once
3 that is done and the decision is made relative to the
4 act requirements of the Sentencing Commission, then
5 there will be a training program to all the judges in
6 terms of not only this piece in terms of the
7 motivational boot camp, but intermediate punishments,
8 and that training process will go throughout the
9 Commonwealth.

10 The selection criteria, as you know, is
11 tiered. The statute says 18 to 35 non-violent drug
12 abusers. It says the Sentencing Commission shall,
13 within those parameters, define within the guidelines
14 eligible offenders. The judge will, in fact, make a
15 decision at the time of sentencing whether or not the
16 offender ought to or not ought to go to the boot camp.

17 REPRESENTATIVE HAGARTY: That I remember.

18 COMMISSIONER LEHMAN: You remember that
19 one, don't you?

20 REPRESENTATIVE HAGARTY: That issue I
21 remember.

22 COMMISSIONER LEHMAN: Yes. Right.

23 And then ultimately the decision in terms
24 of who actually goes is the Department of Corrections'.
25 We're in the process in terms of program development of

1 defining some, in fact, additional screening criteria.

2 REPRESENTATIVE HAGARTY: Okay. Are you
3 also in the process of looking at which staff, and is
4 it going to be current staff that's transferred there?
5 I wonder where you are on that and what those criteria
6 are going to be?

7 COMMISSIONER LEHMAN: We have a
8 combination. We have designed a unique training
9 program for boot camp staff. We are operating on the
10 principle that the motivational boot camp is just not
11 another prison, it's a unique program. So we have
12 developed a training program for staff who will be
13 working at the boot camp. We have, in fact,
14 established or are in the process of establishing the
15 positions in recruiting. That recruitment will provide
16 some unique kinds of activities both with respect to
17 the physical capacity of staff, because it's a little
18 different environment when you are operating inmates in
19 drills and formations and exercises. It will also
20 provide some critical concerns about what we have in
21 terms of when you exercise that authority over an
22 inmate, that authority is exercised in the sense of a
23 drill and regimentation in a disciplinary process in a
24 professional manner so that we'll be doing some unique
25 training. We will, in fact, be screening staff in

1 terms of their ability to provide that unique role.

2 We feel that we need, in certain
3 classifications, people who are experienced in dealing
4 with inmate populations, so a majority of the positions
5 we will in fact look to people who have some
6 experience. If you look at, and particularly that
7 would be Correctional Officer and Uniform Officer
8 staff, and the reason being is we have a training
9 requirement in the Commonwealth where if an
10 individual's hired as a Correctional Officer, they go
11 through an academy and a year's training program. So
12 we have to look at experienced staff if we're going to
13 get this operational and up on line. So we'll be
14 looking at a combination of experienced staff. We will
15 be looking at non, you know, custodial positions in
16 terms of the local community. We will be advertising
17 per the rules of the Civil Service and otherwise.

18 REPRESENTATIVE HAGARTY: One other
19 question, and this is further down the road, but my
20 recollection is that we called for intensive parole
21 when the inmate is released from boot camp, and I
22 wonder if you have initiated any discussions yet with
23 the Parole Department as to how that's going to occur
24 so we're assured that intensive parole will, in fact,
25 occur?

1 COMMISSIONER LEHMAN: We, in fact, when
2 we formed our transition committee to deal with
3 motivation had invited the Board of Probation and
4 Parole to participate, and they are participating.

5 REPRESENTATIVE HAGARTY: Okay, thank you.

6 CHAIRMAN CALTAGIRONE: Chris.

7 REPRESENTATIVE McNALLY: Yes.

8 Given the fact that the department's
9 policy is that programs have virtually no predictive
10 value in determining recidivism, and given the fact
11 that one of the key witnesses who testified in support
12 of the motivational boot camp legislation here before
13 this committee said that the boot camps would not have
14 -- that there was no evidence that boot camps would
15 have any effect on recidivism and that the only effect
16 on prison population would be that boot camps provide
17 shorter sentences, how would you say that the
18 motivational boot camp is something other than building
19 our way out of the prison overpopulation problem?

20 COMMISSIONER LEHMAN: If you look at
21 least, Representative, at the data that we have on a
22 national level in terms of the experience of boot
23 camps, at this point in time in terms of the studies
24 that I've seen, in terms of the National Institute of
25 Justice work in the area or National Institution of

1 Corrections work in evaluating, there is not any
2 indication that the recidivism rate of those who go
3 through the boot camp is much different from people who
4 experience other forms of incarceration. I wish that
5 were different, but that's at least what we know now.

6 The benefit from the boot camp, and I
7 think it's inherent in the legislation, at least as I
8 read the legislation is, is it in fact a benefit
9 because it will reduce to the Commonwealth the costs of
10 incarceration? And that assumption comes from if these
11 inmates are inmates who are low-risk inmates, you are
12 in fact opting for a combination of intense punishment
13 and treatment in lieu of a longer sentence. I mean,
14 you logically look at the legislation that you passed.
15 What you've said is we'll take inmates for six months
16 and if they go through this intense process of
17 discipline, regimentation, and treatment and succeed,
18 we're going to let you out early. That's what your
19 legislation said.

20 The benefit of that is that if those are
21 people who are in fact low-risk, and if those are
22 people who would otherwise, under the sentencing system
23 of the Commonwealth, spend longer periods of time
24 incarcerated, then the benefit is it will be
25 cost-effective. To say that it's a panacea or that it

1 will somehow guarantee that people who go through boot
2 camp are going to be changed and no longer criminals is
3 just not realistic.

4 REPRESENTATIVE McNALLY: It sounds,
5 though, that you're essentially agreeing that what a
6 motivational boot camp really does is just give people
7 shorter sentences, that it's not -- you know, I think
8 that this program has been sold not as a shorter
9 sentence program, it's been sold as a way to
10 rehabilitate, you know, it's a more effective means of
11 rehabilitating people who have been convicted of
12 crimes, and that doesn't seem to be what you're saying
13 right now.

14 COMMISSIONER LEHMAN: That may, in fact,
15 have been some discussion early on. All I can tell
16 you, Representative, is what I'm aware of in terms of
17 the studies that have been done and the experience in
18 the rest of the country. And that's all I can say. I
19 mean, I think it would be wrong for me to say that
20 somehow this is a panacea and that somehow it was going
21 to solve our problems. I wish it would, but it's not
22 going to.

23 REPRESENTATIVE McNALLY: Well, I
24 understand you were not here when we enacted this
25 legislation, at least I don't think so, and, you know,

1 at the time the proponents, as I say, of the
2 legislation were billing it as, you know, as a way to
3 rehabilitate prisoners, and you know, as I said, to
4 repeat, I think what you're telling us today is that
5 it's not more effective in rehabilitating prisoners,
6 that it simply is a more intense punishment with
7 shorter sentences and thus more cost-effective and it
8 has the effect of reducing the prison populations by
9 virtue of shorter periods of incarceration?

10 COMMISSIONER LEHMAN: I would hope that
11 we would be able to come back to the General Assembly
12 in future time and evaluate the program. And I hope
13 part of that evaluation would lead to some notion of
14 maybe how the motivational boot camp works on different
15 offenders.

16 The problem we have really is that, very
17 honestly, in terms of this notion of rehabilitation or
18 treatment, is that it's not that we don't, that
19 treatment doesn't work. The problem is we have to
20 become much more sophisticated in two areas: One,
21 defining what treatment works best with what offender
22 group and at what point in their career. And that's a
23 very complex issue. It's a very difficult issue. It's
24 not that anybody in Corrections is going to say that
25 treatment doesn't work.

1 The second problem with the treatment
2 model is that we can't, unfortunately, and particularly
3 in the institutional environment, based on treatment,
4 define what effect that's going to have in the future
5 on an individual case basis. That's not to demean or
6 to devalue the treatment activity itself, it's just to
7 say, I'm sorry, we can't predict based on that.
8 Hopefully it does have, but within that group of 10
9 people that statistically says that 5 will fail and 5
10 will succeed, we can't tell within that group of 10
11 which will or which won't. That doesn't devalue the
12 purpose of the treatment. It just says that we need to
13 be realistic about what we can learn from that, you
14 know.

15 It just means that I can't say that John
16 Doe, as an offender, based on going through this
17 treatment in an institution is not going to re-offend.
18 I happen to think you can make those predictions much
19 better in treatment that occurs in a community, because
20 that treatment is occurring in the environment in terms
21 of where you're trying to deal with the behavior, and
22 there's measures in terms of how that environment
23 interacts with the offender so that you can probably
24 make, not with any kind of certainty or absolute
25 certainty, you can make better judgments at least in

1 terms of the efficacy of treatment.

2 The last area in terms of capacity
3 expansion, very briefly, I want to share with you is
4 the county initiative. We, in fact, at the Department
5 of Corrections have the responsibility for
6 administering a grant program of over \$200 million to
7 counties who, in fact, are building or planning to
8 build or have built prisons. We have had a committee
9 that has been working for several weeks on draft
10 regulations for the administration of that grant
11 program. That committee comprised staff representation
12 from the House Judiciary Committee, representation from
13 Senate Judiciary, it included representation from the
14 Association of County Commissioners, it included a
15 whole bunch of people that just wanted to be involved,
16 and in fact has resulted in some drafting regulations
17 that we hope that we will be able to give to the
18 legislature and to the appropriate committees very
19 shortly.

20 Our desire, and we've been trying to fast
21 track this, our desire would be to have that regulation
22 process completed by the General Assembly by June of
23 this year, and that's fairly ambitious. I mean, I've
24 learned in the Commonwealth that doing regulations in
25 the Commonwealth is tantamount to doing legislation.

1 So that's fairly ambitious, but that, in fact, is our
2 goal. We would hope to go through an application
3 process with the counties considering those counties in
4 a tiered process, those counties who have already
5 constructed jails would be the first applicants, and we
6 would hopefully be in a process of awarding some grants
7 by January of next year. So we've got a fairly
8 ambitious program to administer those funds.

9 The next section in your booklet begins
10 on page 20. It's a very brief section, but the way we
11 try to divide this and how conceptually was maybe touch
12 base on what we thought were the day-to-day most
13 pressing challenges, significant challenges that face
14 the department, and very briefly, I'd like Larry to
15 share that with you.

16 MR. REED: Okay. We kind of, at least
17 for now we have listed three challenges, really. We
18 have many, many more than that, actually. But one of
19 the challenges that we currently face, and I think I
20 probably need to say that we are looking to get 10,000
21 cells on line by 1994. The problem is that what do we
22 do with the inmates that are continually coming into
23 the door now? And we have had to develop, create, make
24 bed space. One of the ways we have had to do that is
25 we have had to go into space that has been used

1 primarily for program space for CI Industries, for
2 counseling, and we've had to develop approximately 900
3 beds. We've had to take gym space, which at this point
4 raises the level of inmate idleness because we have
5 more inmates that do less things. We have less jobs
6 available for them.

7 The other issue, of course, is the recent
8 lawsuit, you know, the ACLU lawsuit, which is going to
9 impact on every area of every jail, you know, in the
10 Commonwealth. And basically, it's going to require
11 tons of interrogatories. Already we have gotten two
12 truckloads of interrogatories. It is going to require
13 an inordinate amount of staff time, and we have had to
14 hire people that are going to work exclusively with
15 that.

16 So that they are basically three of the
17 many, many challenges, you know, we have right now.

18 COMMISSIONER LEHMAN: Thank you, Larry.
19 The next section of your--

20 REPRESENTATIVE McNALLY: If I may, I'd
21 like to--

22 CHAIRMAN CALTAGIRONE: Sure.

23 REPRESENTATIVE McNALLY: In terms of the
24 area of the issue of overcrowding, what criteria is
25 used to determine the amount of space that is required

1 for a single inmate? I mean, is there, you know, some
2 guideline, is there a standard that's been promulgated
3 by a national group that says you need X number of
4 square feet?

5 COMMISSIONER LEHMAN: Right. There is.
6 The American Correctional Association does, in fact,
7 have some standards for defining capacity. Generally,
8 what that requires is it's a single cell principle for
9 inmates primarily who are either medium custody or
10 above. It does allow for some dormitory space in terms
11 of minimum custody, which of course we operate.

12 If you look at the square footage
13 standard, it basically says that if you're going to
14 have an inmate who is in a segregated status, that is
15 who in our nomenclature would be in restricted housing
16 in either administrative custody or disciplinary
17 custody, the space standard is 80 square feet per cell.
18 That would, according to ACA, mean anybody who is in
19 not out of their cell -- or excuse me, the other way.
20 Anybody who is in their cell more than 10 hours a day
21 would require that. If you look at inmates who are --
22 have access to programming, in other words they are not
23 locked down for longer periods of time, they are not in
24 their cell more than 10 hours a day, then the square
25 footage standard is, I believe, 60 square feet per

1 cell.

2 If you look at a dormitory situation,
3 they say that every inmate ought to have 50 square feet
4 per inmate within that dormitory space. So there are
5 standards.

6 REPRESENTATIVE McNALLY: And in terms of,
7 for example, I visited Frackville with the committee
8 several weeks ago. Could you give me an idea of the
9 dimensions of the typical cell in Frackville?

10 COMMISSIONER LEHMAN: I don't know if I
11 can just remember that off the top of my head, but I
12 believe Frackville, if I'm not mistaken, Frackville, of
13 course, would be in violation of the standards to the
14 extent they were double celling.

15 REPRESENTATIVE McNALLY: I see.

16 COMMISSIONER LEHMAN: They would be
17 automatically in violation.

18 REPRESENTATIVE McNALLY: So you're saying
19 that double celling is, per se, a violation of the
20 standard?

21 COMMISSIONER LEHMAN: That's correct.

22 REPRESENTATIVE McNALLY: Okay.

23 COMMISSIONER LEHMAN: Except for minimum
24 custody, and Frackville is not in that situation,
25 except for minimum custody it would be allowed within

1 dormitory space.

2 REPRESENTATIVE McNALLY: I see.

3 COMMISSIONER LEHMAN: Okay.

4 REPRESENTATIVE McNALLY: So that even if,
5 say, we had a cell that was 12 feet by 10 feet and
6 therefore was 120 square feet and you had two people in
7 that cell, that's a violation and that would fail to
8 meet the correctional standards you're talking about?

9 COMMISSIONER LEHMAN: That would fail to
10 meet the correctional standards of ACA, although I've
11 got to admit that is a hotly debated issue within the
12 Director's Association. There's a lot of disagreement
13 with that standard because as you know and everybody
14 knows, I can't point to a system in the country that
15 can comply with that standard. I can't point to
16 anywhere in the country that isn't so crowded that they
17 aren't, in fact, having to double-cell at some level or
18 not. Now, we are significantly over that. We in fact,
19 the normal crowding, overrated capacity in the country
20 ranges around 109 percent to at the most around 115
21 percent. We are 157 percent. So Pennsylvania and the
22 Commonwealth is one of the most crowded systems in the
23 country.

24 If you look at Frackville, Frackville
25 has, in terms of security level designation, is

1 Security Level 3. It has its cells that are square
2 foot capacity, square footage is 67 feet per cell. It
3 has restricted housing unit space that would comply
4 with, in fact, ACA standards because it is single
5 celled and each cell has 108. Now, people on
6 restricted housing are generally spending 22 to 23
7 hours a day in that cell.

8 The next section in terms of your
9 briefing document is legislative initiatives, and I
10 think when I came in the hearing room this morning one
11 of the Representatives this morning said, oh, not you
12 again. So most of the issues in fact you are very
13 familiar with, but I would just like to touch briefly
14 on it.

15 Legislative initiatives are important, as
16 I've said repeatedly, because you can't simply build
17 your way out of the problem. Larry said that,
18 everybody, I think, in this room recognizes that you
19 can't. Mortar and bricks are simply not going to solve
20 the problem. It's not, by the way, going to solve the
21 problem from a crime control perspective, it's not
22 going to solve the problem from certainly a
23 governmental, management, or fiscal perspective.

24 If you look at the overhead, that gives
25 you a sense of where we are in terms of capacity

1 expansion. And it goes out to 1995. The straight line
2 without anything on it, of course, represents the
3 building initiatives that we've been talking about this
4 morning. If you get out to 1995, the gray area in
5 terms of that chart would indicate the gap between
6 capacity and population. So, I mean, it's a
7 never-ending process. For that reason I've indicated
8 to this committee and anybody else that would listen to
9 me that you've got to deal with the problem not only
10 from a bricks and mortar but from a policy perspective.
11 I think that this legislature, including the House
12 Judiciary Committee here and its counterpart in the
13 Senate Judiciary, took some significant steps in doing
14 that in terms of the intermediate punishments, and I
15 think that's a recognition that we need to not only
16 build the prisons, insure that have sufficient
17 capacity, but we have to think differently about what
18 can we do in terms of controlling offender behavior
19 consistent with public safety? In treating offenders
20 we minimize the need to control that behavior, and
21 where can we do that and do it in a more cost-effective
22 way? Intermediate punishments, I think, was an
23 extremely important first step.

24 I think, of course, the other step that
25 we need to take is a continuing discussion of

1 sentencing reform in terms of how it impacts the State
2 system, and I know this committee has had two day-long
3 hearings and hopefully is going to have a third. We
4 certainly are generating ample discussion of the
5 issues, and I would encourage this committee to
6 continue that process, because we need to think the
7 policy perspectives in terms of are you, as a General
8 Assembly, as literally the board of directors for the
9 Department of Corrections, going to define how we
10 allocate our resources? How our expensive resources in
11 terms of prisons are going to be used? Who are they
12 going to be used for? That needs to be policy that you
13 deal with, and I think that the discussions that have
14 been occurring in terms of sentencing reform and
15 hopefully the continuing discussions will help us get
16 through that process.

17 There's a couple other legislative
18 initiatives that I just want to briefly talk about, and
19 they have not been -- there has not been a hearing on
20 them. We are in the process of formulating them. One
21 of them is, in fact, deals specifically with an
22 operational issue within the Department of Corrections.
23 We will be proposing legislation to, in fact, allow the
24 department to do electronic monitoring of telephone
25 calls by inmates. And that is, in fact, an activity

1 that occurs across the country, including the Federal
2 Bureau. In many States it's constitutional. You have
3 to build in guidelines to insure attorney-client
4 privacy and you have a whole lot of things to do, but
5 very honestly, as you probably are already aware, the
6 telephone as an access to the community becomes a
7 vehicle by which you can communicate plans for criminal
8 activities or engage in criminal activities. Certainly
9 we've had that unfortunate experience in terms of
10 credit card scams that have occurred. Electronic
11 monitoring is a capacity that will allow us to, in
12 fact, control that interaction without stopping it, and
13 I think that interaction to the outside world is
14 important, so there's a double message there. Give me
15 a tool to manage it, to protect the system in terms of
16 any kind of criminal activity, but let's let the
17 communication with the outside world continue because
18 it needs to.

19 Another piece of legislation that I
20 understand that Chairman Caltagirone is going to be
21 prime sponsor, and that is an effort that we've been
22 working with the Association of County Commissioners,
23 and that is the joint venture effort, and part of the
24 problem with prisons I think you all recognize is that
25 we create these control mechanisms that have 30-foot

1 walls and we put people in them to control them and we
2 isolate them and we put them in this very artificial
3 environment that frankly is not necessarily conducive
4 to changing behavior. It's a very artificial
5 environment.

6 Joint ventures is an opportunity that has
7 existed in 34 other jurisdictions very successfully in
8 terms of a private sector/public sector partnership in
9 terms of involving outside businesses and work
10 opportunities. It is a model that says, let's
11 replicate the real world of work, let's in fact require
12 inmates to compete for those jobs as if they were on
13 the street, let's hold them accountable as if they were
14 on the street, let's give them some remuneration for
15 their activities. Let's hold them accountable for
16 board and room, victim compensation, family support,
17 those kinds of activities. So it's an important piece
18 that we're working jointly with the Association of
19 County Commissioners on legislation, and the Chairman.

20 That, basically, is the big pieces.
21 There's a lot of little legislation that we have in
22 terms of cleaning up some things, but those are the
23 major initiatives in legislation.

24 The last major section of your book, and
25 I applaud you for your patience, the last major piece

1 of your briefing document has to do with a number of
2 internal policy initiatives, and we've developed that
3 to just give you very briefly a sense of some of the
4 major things we're doing to change how we do business
5 in Corrections in the Commonwealth from an internal
6 operating perspective, and once again, Larry and I are
7 just going to trade off. We're going to cover
8 emergency preparedness, our revised classification
9 system, unit management, residential training
10 facilities, and what we call our SCAN system. And
11 after that we will shut up and then let you have your
12 own agenda.

13 So, Larry, do you want to start?

14 MR. REED: Okay. One of the major things
15 that we learned from Camp Hill was that we had neither
16 the capability nor the capacity to respond to a problem
17 in our institutions. We thought we did, but we found
18 out later that we, in fact, did not. So that one of
19 the major goals that we got from Joe is that we've got
20 to develop the capacity and the capability to respond
21 and to solve the issues in the institutions. With that
22 in mind, what we did was we received a grant from I
23 believe it was NIC. We hired the services of a
24 California firm called Letra. They came here and they
25 helped us to develop a plan to respond to just about

1 any problem, you know, in the system. This plan is
2 going to be uniform to all of the institutions.

3 With that, too, we are in the process of
4 developing what is known as Correctional Emergency
5 Response Teams. They are called CERT teams. These
6 teams are going to be equipped with what they need to
7 respond to a riotous problem. And we also have plans
8 with the State Police, and we also have plans with
9 PEMA. And I don't know whether you know it or not, but
10 we've recently had a statewide drill in which the plan
11 or parts of the plan were tested, and this involved a
12 nuclear accident at Limerick, I believe, and it went
13 very well.

14 Thank you.

15 COMMISSIONER LEHMAN: I might add that
16 the exercise that Larry talked about, we had to, as
17 part of the simulated exercise, evacuate Graterford.
18 So 4,100 inmates, and move them in a secure fashion to
19 other parts of the Commonwealth and other facilities.
20 That was a table top exercise though.

21 Another major initiative that we're
22 dealing with is revising our classification system, and
23 I alluded to that a little earlier. The classification
24 system in terms of the inmates really is the central
25 policy of how a correctional system defines its service

1 population in terms of inmates, how they respond to
2 them and how they manage them. It really drives all of
3 the operation of the prison system, it drives also,
4 importantly, the allocation of resources to that
5 system.

6 What we have basically in the
7 Commonwealth is a fairly sophisticated classification
8 system that existed, but it was also a fairly complex
9 one. What we have decided to do is to, and are
10 actually in the middle of doing, is establishing a
11 revised classification system that breaks out custody
12 level designation from inmate programming
13 classification. And the custody level classification
14 system is being developed on some very simple criteria.
15 One, it needs to be objectively driven. It needs to,
16 in fact, be based on the risk assessment of inmates
17 based on actual behavior demonstrated. It needs to be
18 objective in a sense that you need be able to quantify
19 that scaling system so that you can communicate to an
20 inmate population that it is a fair, equitable system.
21 It needs to, in fact, communicate a simple message of
22 expectations both to inmates and to staff so that they
23 have a clear understanding of what kinds of behaviors
24 are prohibited and what the consequences to misconduct
25 are.

1 So we are in the process and actually
2 will have a custody level inmate classification system
3 that will start being put in process by October. So we
4 are well along the way of developing that
5 classification system.

6 We are also simplifying -- we actually
7 have a very sophisticated and I want to say very
8 excellent program classification. That's where you
9 assess the needs, you do the mental health screening,
10 you do the educational screening, you do substance
11 abuse screening, you do all that testing and
12 classifications. We have a very sophisticated process
13 here in the Commonwealth and one that the Commonwealth
14 ought to be very proud of by comparison in terms of the
15 rest of the country. We, in fact, are simplifying that
16 a little bit and hopefully will make that, in terms of
17 a process, more manageable and less complex than it is
18 now, but we in fact are strengthening on an already
19 very good system.

20 That, once again, will be done in this
21 year, and hopefully we're looking at the system being
22 fully implemented by January of '92. That, by the way,
23 then matches the security level because the notion is
24 you match your population with the security level
25 designation in terms of your physical plant and you

1 also have a capacity to look at what staff resources
2 you need to bring to bear on those different custody
3 levels. So we're looking forward to that being
4 implemented.

5 A third major initiative that is very
6 significant is a movement towards unit management. And
7 I alluded to, when I talked about the organizational
8 structure of the department headquarters, to a
9 dichotomy between treatment and custody. Basically,
10 what that creates is really some disincentives in terms
11 of organizational structure to providing services to
12 inmate populations, to insuring adequate communication
13 between all staff, and in fact creates more problems,
14 in my belief, than we need. We are moving to a unit
15 management system which will decentralize
16 decisionmaking and decentralize responsibility within
17 the institutions.

18 So let me, as an example, right now you
19 have, if you went to Camp Hill, a Deputy of Operations,
20 which is your security chief. All the custody staff
21 report to that Deputy of Operations. You have a Deputy
22 of Treatment, and you have, in fact, treatment staff
23 reporting to the treatment people. Vertical --
24 communication is essentially vertical up those two
25 chains. Unit management will take and create within

1 those zones that I was showing you, in those housing
2 units, a housing unit would have a unit manager, and
3 that unit manager would, in fact, be responsible for
4 supervising both custody staff and treatment staff, and
5 in fact, those staff would be housed on the living
6 unit. Treatment staff would be on the living unit and
7 the custody staff would be on the unit. Custody and
8 treatment staff would have dual responsibilities and
9 they, in fact, would interact in the decisionmaking
10 process in terms of unit teams. It is a decentralized.
11 It will facilitate communication, it will increase the
12 capacity to provide, I think, a greater degree of
13 service delivery to the inmate population, and it will
14 ensure a more consistent response to inmate issues,
15 including the management of the inmate.

16 The next area in terms of internal
17 initiative -- by the way, on unit management, let me go
18 back. We've had a committee involved working on that
19 and that committee has had representation from rank and
20 file all the way up the organization. It's had
21 representation from all the bargaining units that would
22 have been involved in that issue, and it's had
23 representation from the Office of Administration. That
24 report, preliminary report, was in fact submitted to my
25 office on March 31st, and so we are well on the way to,

1 in fact, completing that process.

2 The next area has to do with our training
3 initiative. Larry?

4 MR. REED: Thank you, Joe.

5 We have the responsibility, as you know,
6 to train all people that work in prisons, whether they
7 work in the State system or the county system. We also
8 have the responsibility, or we had taken it on anyway,
9 to provide lodging and room and board. What this has
10 meant is that we have had to develop contracts with the
11 local hotels, you know, in the area, which has cost us
12 a lot of money. We have recently purchased, I believe
13 it's called the Children's Hospital in Elizabethtown.
14 This is going to give us the capability to house the
15 cadets, the trainees, right there on-site, which we
16 feel is going to save several hundred thousand dollars
17 a year to the Commonwealth. Hopefully, we are going to
18 be starting the transition there probably in July or
19 August of this year.

20 COMMISSIONER LEHMAN: The last major
21 initiative that I want to share with you today is a
22 fairly complex issue but it has to do with what we
23 refer to as SCAN. SCAN is an acronym that stands for
24 the State Correctional Analysis Network. Basically,
25 part of the problem of managing a correctional system

1 is how do you know what is happening within those
2 prison environments? How do you know things are
3 cooking up, heating up, that there are problems in
4 terms of inmate dissension or staff problems? How do
5 you manage that really centrally when you have such a
6 complex system as the Commonwealth does?

7 Most human service agencies have
8 difficulty dealing with management from that
9 perspective because we're so focussed on the individual
10 inmate or the individual client that everything is
11 oriented around the case record. So one of the
12 problems of the human service agencies is that you have
13 a tendency to become focussed only on the individual,
14 and you fail to learn how to measure what's happening
15 in your agency from an aggregate, from a cumulative
16 sense in terms of what the trends are.

17 Very frankly, the SCAN process was
18 developed and has been recently put in place. It is a
19 process where we can collect information from the
20 institution in terms of the five major kinds of areas
21 which would include institutional programs, treatment
22 areas, it would include security areas and the
23 operational areas, demographics, what's happening in
24 terms of inmate grievances, what's happening in inmate
25 correspondence, what issues are being raised, what's

1 changing. We very much right now are in the process of
2 developing base line data because in order to measure
3 change you have to establish a norm. So we are in the
4 process of in fact establishing that.

5 If you, just to give you a sense, we've
6 included in your booklet on pages 24 and 25 of how
7 detailed this is. This, by the way, is the SCAN report
8 for one month. This is the February report for
9 institutions. That is comprised of the SCAN summary
10 analysis which rolls up all these areas on a
11 departmental level. In areas, for example, in
12 population, what was the population in January of '91,
13 what was it in February of '91, what was the percent of
14 change? In issues of operations - contraband, drug
15 finds, for example, what was the drug find activity on
16 a departmental level in January, what was it in
17 February, and what was the per capita rate? Because
18 that also gives us capacity to look and measure what
19 the experience difference is.

20 If you look at that, the next pages, they
21 in fact have -- every institution fills out, on a
22 monthly basis, this report. We look at the report in
23 central office. In areas that look like there's a
24 percent change that might have some issue or in the
25 gray, that information then creates a process of

1 dialogue between our office and the field, and we'll
2 say to the field, you had an increase in drug finds of
3 30 percent between January and February. What's going
4 on? They will, in fact, do a barometer analysis, it's
5 another part of the process, and they will get back to
6 us and they will say, actually what happened is we had
7 a change in search procedures that were implemented in
8 February, and in fact we increased the productivity of
9 that activity and searched three more cell blocks than
10 we normally do. But there at least is a process where
11 you're looking at a base norm of experience in terms of
12 activities and then creating a dialogue within the
13 institutions in terms of what's that mean in terms of
14 overall management? That carries over to areas such as
15 the personnel and overtime costs in terms of treatment
16 activities.

17 In terms of grievances, what are the
18 inmates grieving about? You know, is there a
19 significant change? The second page, on page 25 in the
20 grievance you see that the grievances are listed by
21 issue, so that we can look at what are the issues that
22 are being raised?

23 Correspondence is included correspondence
24 in terms of what are inmates writing about and
25 complaining about, what are their issues? All of that

1 is collected at an institutional level, it's in fact
2 compiled into a departmental level. We do an
3 analysis of it, we in fact then get back to the
4 institutions and create a dialogue process in terms of
5 what's going on. That is a major change in terms of
6 management information, giving the department the
7 capacity to look at what's occurring in the environment
8 and to in fact manage the process.

9 That, believe it or not, is the end of
10 the material that we have provided for you, and once
11 again, I want to extend my appreciation for the fact
12 that you've sat here for as long as you have and
13 basically had to listen to us. I hope the information
14 is helpful. We certainly would welcome any questions
15 that you might have in terms of the department.

16 CHAIRMAN CALTAGIRONE: Commissioner, I'd
17 like to direct a couple questions to Larry.

18 The time spent in State facilities has
19 gone from a 1980 average of 26.8 months to the 1989 of
20 65.8 months. Why, in your opinion?

21 MR. REED: One of the major reasons I'm
22 sure is probably the mandatory sentencing.

23 CHAIRMAN CALTAGIRONE: Okay. I just want
24 to get some of these on the record.

25 MR. REED: You wanted to hear that for

1 the record.

2 COMMISSIONER LEHMAN: I think the actual
3 was from 20-some months to 37-some months, so I think
4 the 65 was a little high.

5 MR. REED: I still give the same response
6 though.

7 MR. LIVINGWOOD: 26.8 months to 37.5
8 months. It was a computer glitch that gave us the 65.
9 That's inaccurate. It's now 37.5 months.

10 COMMISSIONER LEHMAN: But the explanation
11 is the same.

12 CHAIRMAN CALTAGIRONE: The same question
13 applied to the problem with parole and the numbers that
14 are coming back into the system violating parole. How
15 is it impacting on the system and do you have a handle
16 on those numbers?

17 MR. REED: We do have a handle on them.
18 Unfortunately, I don't have those here now with me.
19 It's very much like a spigot, a water spigot on a hose
20 - you've got more volume coming in than you have going
21 out.

22 CHAIRMAN CALTAGIRONE: If you could
23 provide those figures to us, we'd appreciate that. We
24 have legislation, as you know, that we're presently
25 working on with the committee. These are some of the

1 issues that I think have a great deal to do with that
2 legislation, and it would be helpful.

3 MR. REED: Okay.

4 COMMISSIONER LEHMAN: We'll work with
5 staff in getting that.

6 CHAIRMAN CALTAGIRONE: Okay. Are the
7 penalties stiffer since the Sentencing Commission
8 guidelines were put into place, or are the crimes more
9 serious that we're experiencing some sort of a crime
10 wave and increasing recidivism? Would you want to take
11 a stab at it?

12 COMMISSIONER LEHMAN: I would love to.
13 I don't think it's any doubt that the
14 increase in population is primarily attributable to
15 substance abuse, but I think you have to look at two
16 issues. I think the increase in terms of incarceration
17 is the result of a range of activities within the
18 criminal justice system. One, as the public became
19 more concerned with the advent of the Crack phenomena,
20 there was a funding stream increase in terms of law
21 enforcement, in terms of prosecution. What we did is
22 we increased the productivity of that part of the
23 criminal justice system literally. We infused it both
24 by the way not from simply a dollar perspective but
25 from a policy perspective. I mean, the public concern

1 regarding substance abuse resulted both with an
2 infusion of new dollars into that activity and a change
3 of emphasis in terms of priorities. That led, in fact,
4 to pressure to legislative change to changing policy in
5 response to substance abuse, mandatory sentencing as a
6 response to the public concern, as a response to the
7 quote, unquote, "war on drugs." So that's a policy
8 initiative.

9 It's very difficult, I would find it
10 difficult to say that anybody could definitively say
11 that there is -- the increase in incarceration is a
12 direct correlation, one-to-one correlation with an
13 increase in criminal activity. I don't think that's
14 true. It's a combination of, unfortunately, the advent
15 of the Crack phenomena in terms of drugs, but also with
16 increased productivity on the part of the criminal
17 justice system and policy changes.

18 CHAIRMAN CALTAGIRONE: Well, as an add-on
19 to that question, do we need more programs or community
20 correction type facilities that would start to deal
21 with some of those problems relative to the drug use
22 and also dealing with the numbers that are coming back
23 for technical parole violations?

24 COMMISSIONER LEHMAN: Absolutely. I
25 think what we need to do from a policy perspective in

1 the Commonwealth is we need to get away from looking
2 at, very honestly, the only response in terms of crime
3 control as a response of incarceration. We need to
4 start looking at the offender population that we deal
5 with as an offender population that represents
6 different ranges of risk in terms of public safety and
7 different problems in terms of needs in terms of
8 treatment, and in fact we will be more successful in
9 influencing offender behavior, in my perspective, if
10 you have a combination of surveillance, behavioral
11 control activity, and treatment at the community than
12 treatment which is institution based.

13 CHAIRMAN CALTAGIRONE: David.

14 MR. KRANTZ: Commissioner, on Farview, or
15 you call it Waymart. Since I'm from the area, we call
16 it Farview. It's right now around 500 inmates, I
17 believe, from the chart. Do they plan to move that up
18 to a thousand or more than that?

19 COMMISSIONER LEHMAN: Yes.

20 MR. KRANTZ: Do you plan to have the
21 elimination totally of the mentally ill facilities?

22 COMMISSIONER LEHMAN: No. Farview --
23 Waymart will be actually a correctional facility
24 co-located with Farview State Hospital, and Farview
25 State Hospital, under the Department of Public

1 Welfare's Forensic Task Force recommendations and
2 policy, will be dedicated primarily to mentally ill
3 offenders who are committed to the Department of
4 Corrections.

5 MR. KRANTZ: I see. Now, then that means
6 are you going to add more buildings to Waymart?

7 COMMISSIONER LEHMAN: We have some
8 ongoing renovations and in fact are constructing a
9 Restricted Housing Unit, but for the most part other
10 than the restrict housing unit I think for the most
11 part is actually adding a perimeter and doing
12 renovation to existing buildings.

13 MR. KRANTZ: The chart says you have 15
14 institutions and you're planning 6 more, right?

15 COMMISSIONER LEHMAN: We actually, if you
16 count Cambridge Springs, have 16.

17 MR. KRANTZ: Okay, 16 plus 6 will be 22.
18 How are we in comparison with the other States as far
19 as the number of institutions and the number of inmate
20 population?

21 COMMISSIONER LEHMAN: I have been having
22 an ongoing dialogue with both the Pennsylvania Council
23 on Crime and Delinquency and with the Sentencing
24 Commission because I have a problem with how we collect
25 data and how we show that. If you look at the BGA

1 reports that look at incarceration rate in terms of the
2 Commonwealth compared with the rest of the country,
3 it's absolutely deceiving and incorrect because if you
4 look at that, you'll say that we have an incarceration
5 rate of per 100,000 population of around 150-plus sent
6 to prison. That's probably midline in terms of the
7 national. But what's deceiving about that is
8 Pennsylvania has a totally atypical division in terms
9 of placing confinement between county prisons and
10 State. Most State systems in terms of prisons are
11 taking inmates who are sentenced to a year or more or
12 six months or more. So if you look at incarceration
13 rate of Pennsylvania and you actually counted those who
14 have sentences of two or more or one or more, the
15 incarceration rate of Pennsylvania, I suspect, would be
16 one of the highest.

17 MR. KRANTZ: Thank you.

18 CHAIRMAN CALTAGIRONE: Representative
19 Ritter.

20 REPRESENTATIVE RITTER: Thank you.

21 I have questions about the programming,
22 specifically the sex offender programs. I see in here
23 that you have what you're calling specialized programs
24 at Pittsburgh, Rockview, and Graterford. Can you
25 describe for me just sort of in general what you mean

1 by specialized program in terms of the length of the
2 program or the number of hours per week or whatever?
3 Can you give me an idea of what that would involve?

4 COMMISSIONER LEHMAN: Representative,
5 I'll have to get back to you on the specific hours in
6 terms of involvement. Basically, it's my
7 understanding, if you were to talk about it being a
8 treatment modality, that the basic treatment modality
9 is inside therapy. It is directed at what you would
10 regard as getting the offender to assess those
11 behaviors which are predictive or behavior cues in
12 terms of his pattern of sexual deviancy. It is
13 individual in group. It is not what you would call in
14 the area of sex offender treatment cognitive
15 restructuring or desensitization or behavioral. It is
16 pretty much limited to the inside therapy.

17 REPRESENTATIVE RITTER: Okay. If there's
18 an inmate who is in need of that type of treatment
19 prior to release, because I know that as part of the
20 releasing process there can be some requirements for
21 further treatment in the community, but within the
22 institution if it's determined that this inmate might
23 benefit from more of the specialized treatment that
24 would be available at those three facilities as opposed
25 to whatever treatments are available at other

1 facilities which I'm sure are not nearly even as
2 intensive as that, which obviously is not the same as a
3 community program. Is there any way, can an inmate be
4 transferred, in other words, from one institution to
5 another for either a sex offender program or a drug
6 program or a mental health facility or is there any
7 consideration of that? I mean, I recognize they are
8 all overcrowded and certainly they are crowded to
9 different levels, but is there any consideration given
10 in terms of what programming is available to that
11 inmate at another facility?

12 COMMISSIONER LEHMAN: Yes. In part of
13 the classification program that exists currently and
14 will exist even in the new is what we refer to as a
15 prescriptive program. Every inmate that comes in goes
16 through a diagnostic process, classification process,
17 where you look at the offending behavior and you look
18 at all the characteristics of the individual that are
19 crime related, whether that be mental illness, whether
20 it be substance abuse, whether it be sexual deviancy,
21 and that prescriptive program that is designed for that
22 individual on an individual case basis, placement then
23 would be made, to the extent that we have given the
24 crowding, will be made on the basis of accommodation
25 and the custody level and the prescriptive programming.

1 Now, those programs that you're talking
2 about in terms of the sex offender occur in facilities
3 which are secured facilities, so there is generally not
4 a problem for an inmate in fact to be transferred
5 there. The problem in terms of the access to inmate
6 programming is if you look at sex offenders, they are
7 probably one of the most difficult populations to deal
8 with in terms of treatment. They are a difficult type
9 of population to deal with because it's a type of
10 offense pattern that is internally motivated,
11 compulsive, as it is, and so those individuals engage,
12 unfortunately, in a lot of denial and they don't want
13 to deal with it, for whatever reason.

14 From a treatment perspective, however,
15 one of the measures of the extent to which you have a
16 better chance of influencing that offender is the
17 extent to which the offender is willing to deal with
18 the deviant behavior. So that's a measure of
19 amenability and it's an appropriate treatment screen,
20 from my perspective.

21 REPRESENTATIVE RITTER: Right.

22 COMMISSIONER LEHMAN: The unfortunate
23 thing is that you have inmates who are saying, you
24 know, I didn't do it and I'm not going to admit to it,
25 and so they are not allowed in the program, and that's

1 probably a bigger screening issue than even the number
2 of slots or the facilities.

3 REPRESENTATIVE RITTER: Yeah, so in other
4 words, because of the limited nature, obviously, of
5 what you could do, and I know that you're doing the
6 best that you can in terms of the money that's
7 available and the space and everything else, in other
8 words, you would say if that inmate is going to have
9 that basic problem to start with, it's not going to be
10 effective for you to put an inmate in that program in
11 the facility?

12 COMMISSIONER LEHMAN: That's right.

13 REPRESENTATIVE RITTER: But then what
14 happens in terms of, I mean, my concern, obviously, is
15 not only for the victim of the crime that caused that
16 person to be incarcerated but obviously for any future
17 victims. I mean, my goal would be to see treatment
18 rather than incarceration in a lot of those cases
19 anyway, but in terms of the release process then, if
20 that inmate indicated that type of problem with
21 treatment in a facility, does that carry over then to
22 say, well, now that he's going to be released, he or
23 she is going to be released, they are obviously not
24 going to be effective either, and so we're not going to
25 require that, or is that a further--

1 COMMISSIONER LEHMAN: I think you do a
2 combination of things. We definitely, from my
3 perspective, would retain in any correctional system
4 the capacity in terms of release to impose conditions
5 that we felt were necessary to insure public safety.
6 So let's take that offender who is a sex offender.
7 Let's say that that sex offender is in the process of
8 denial. What we would attempt to do in terms of from a
9 corrections perspective is you look at that offending
10 behavior and upon release I think you have several
11 options.

12 One of the things you want to do is you
13 want to develop a plan of supervision which is
14 basically relapse prevention, which you look at
15 behaviors that are crime-related and you create
16 crime-related prohibitions around that deviant pattern
17 on the part of the sex offender and you provide
18 intensive supervision of that sex offender. And
19 ultimately you do whatever you can consistent with
20 treatment slots and the willingness of agencies to deal
21 with offenders, and that is an issue, and you do your
22 best to in fact say you either go to the treatment or
23 these are the kinds of conditions that you're going to
24 live under so that we can control your behavior. I
25 really think you do all that you can.

1 The problem, from a treatment
2 perspective, is that if you're an agency and you've got
3 limited slots, who are you going to take first? Most
4 agencies are going to take the people that are amenable
5 to the treatment. And that's a real dilemma that you
6 have in corrections and rehab.

7 REPRESENTATIVE RITTER: Yeah. I think, I
8 mean, I know you know of the agency that I'm interested
9 in in terms of the Lehigh Valley, and that's one of the
10 strengths I think they have in dealing with people who
11 don't want to be there. They are willing to take those
12 types of clients. I don't know whatever they call
13 them, patients, clients, whatever. They are willing to
14 take those sorts of folks and work with them as opposed
15 to just saying, well, all right, we'll only take people
16 who really want to be here. I know that that's a
17 problem in terms of not having those kinds of programs
18 on any basis that we really need to provide that. I
19 mean, I would like to see somebody who is required to
20 go to treatment and then go to a treatment program who
21 knows how to deal with that type of person.

22 COMMISSIONER LEHMAN: Absolutely.

23 REPRESENTATIVE RITTER: I mean, it's a
24 whole different skill as far as I'm concerned. It's
25 one thing to be able to deal with somebody who says,

1 look, I've got a problem, I want to be here. It's a
2 whole other skill level, I think, to say, all right,
3 we're going to take somebody who doesn't want to be
4 here and we're going to work with that person anyway.

5 COMMISSIONER LEHMAN: Generally, by the
6 way, the people who have experience in working with
7 that type of offender recognize that an offender
8 deviancy is a process issue, too. That offenders can,
9 in fact, be engaged, coercibly or otherwise, to change
10 their mind in different processes or points in their
11 criminal or deviant career. So in the treatment
12 program that has a capacity to deal with that will deal
13 with that as an evolving process. And many of the
14 treatment agencies, however, look at it as an either/or
15 situation where you say, you know, I don't want to deal
16 with them. And it takes unique skills, frankly, to
17 deal with that type of offender.

18 REPRESENTATIVE RITTER: Okay. Thank you.

19 CHAIRMAN CALTAGIRONE: Representative
20 McNally.

21 REPRESENTATIVE McNALLY: Yes.

22 Commissioner, referring to the SCAN
23 summary analysis form for the entire department on page
24 24, I wanted to ask you to elaborate on some of the
25 figures.

1 First, in line A dealing with population,
2 January '91 shows a population of 21,572. February '91
3 shows a population of 21,699, for an increase of 127.
4 And I wanted to see if you could account for that
5 increase since when I look at the line for receptions,
6 which I interpret means to mean inmates who are
7 actually received into the system, and releases are
8 those who are released from the system, February '91
9 shows a difference between receptions and releases of
10 164.

11 COMMISSIONER LEHMAN: Um-hum.

12 REPRESENTATIVE McNALLY: January '91
13 receptions and releases is a difference of 197, and,
14 you know, I would think that the difference between
15 receptions and releases would correspond to the
16 increase in population from month to month and it
17 doesn't, and I was wondering if you could explain that?

18 COMMISSIONER LEHMAN: Basically, without
19 doing computations, the 21,000 figure that you see
20 there is the inmate population within the institutional
21 system.

22 REPRESENTATIVE McNALLY: Right.

23 COMMISSIONER LEHMAN: It does not include
24 the inmates who are out in the Federal system and may
25 be trickling back.

1 REPRESENTATIVE McNALLY: Okay.

2 COMMISSIONER LEHMAN: Because this is the
3 reporting system internally, so there's a small number
4 of inmates in terms of the population that you're
5 dealing with.

6 If you look at this is the end of month
7 slice in time look, basically, you look at the end of
8 January and you look at the end of February, some of
9 the anomalies that will occur in this report which
10 we've already discovered are a function that February
11 has fewer days, and so you've got to account for
12 differences that occur simply because of that
13 phenomenon.

14 REPRESENTATIVE McNALLY: I see.

15 COMMISSIONER LEHMAN: It may have, in
16 fact, more holidays, I can't remember, so your
17 in-and-out movement from the counties may fluctuate
18 from month to month.

19 REPRESENTATIVE McNALLY: Okay.

20 COMMISSIONER LEHMAN: Other than that,
21 I'm not sure I could--

22 REPRESENTATIVE McNALLY: Okay. I wonder
23 if you might know the figure for receptions in the
24 month of January 1990 and that figure for releases in
25 January 1990?

1 is there is seasonal variation in the movement in and
2 out of the system because it relates to the workload
3 over the parts of the criminal justice system. When do
4 judges go on vacation, you know? When do they want to
5 unload their jails? I mean, there's a lot of
6 decisionmaking policy issues that relate to how they
7 come to us and when they come to us.

8 REPRESENTATIVE McNALLY: Okay, thank you.

9 CHAIRMAN CALTAGIRONE: Any other
10 questions?

11 (No response.)

12 CHAIRMAN CALTAGIRONE: Commissioner and
13 staff, thank you very much for a very fine
14 presentation.

15 We will adjourn the meeting.

16 (Whereupon, the proceedings were
17 concluded at 12:00 noon.)

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

Ann-Marie P. Sweeney
ANN-MARIE P. SWEENEY

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