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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

In re: Results of Alternative Sentencing

Stenographic record of hearing held in
Room 140, Main Capitol, Harrisburg,
Pennsylvania

Tuesday, September 8, 1992, 1:10 p.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE

- Hon. Kevin Blaum
- Hon. Gregory C. Fajt
- Hon. Jerry Birmelin
- Hon. James Gerlach
- Hon. Robert D. Reber, Jr.

Also Present:

- Mary Beth Marschik, Research Analyst
- Galina Milohov, Research Analyst
- Katherine Em Manucci, Secretary

Reported by:
Emily R. Clark, RPR

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RUSSELL SHEAFFER, Commissioner, Dauphin County Penna. State Association of County Commissioners (accompanied by: SALLY KLEIN, Commissioner, Dauphin County, Penna. State Association of County Commissioners; ANTHONY PETRUCCI, Commissioner, Dauphin County, Penna. State Association of County Commissioners	13
TERRY DAVIS, Chief, Penna. Chief Adult Probation Officers Association	16 & 37
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1 **CHAIRMAN CALTAGIRONE:** We'll get started with
2 the House Judiciary Committee public hearing on the results
3 of the alternative sentencing, and we'll start off with John
4 Kramer, who is the Executive Director of the Pennsylvania
5 Commission on Sentencing.

6 **MR. KRAMER:** Mr. Chairman, members of the House
7 Judiciary Committee and staff, thank you for the opportunity
8 to share my views on the issue of alternatives to
9 incarceration.

10 In 1980, sentencing to probation and other forms
11 of nonconfinement represented almost 70 percent of all
12 sentences in Pennsylvania. In contrast, by 1990,
13 incarceration had become the sentence of choice and
14 accounted for more than 60 percent of those sentences. At
15 the same time, the increase in sentences to state
16 incarceration rose from 9 to 13 percent, and for counties,
17 which is a theme I want to highlight throughout my remarks
18 today, for counties the incarceration rate rose from 23 to
19 51 percent.

20 Be aware that there were many more offenders
21 being sentenced in 1990 than in 1980 so that these numbers
22 really cover a more serious problem than just the
23 percentages indicate, so that it is something that I think
24 is a very serious problem at this stage, in particular the
25 counties that are going to be confronted with it or are

1 confronting it.

2 Thus, county facilities and probation, almost
3 totally county-supported resources, and I limit that only
4 because Mercer County, for example, uses state probation, so
5 it's almost totally county-supported resources, are dealing
6 with almost 90 percent of the sentences in Pennsylvania.

7 The pendulum for incarceration was built on a
8 frustration with crime, accusations that judges were too
9 lenient, and the politics of crime. In fact, the
10 Commission, after examining sentencing practices in the
11 early 1980s of the offenders, concurred with many others
12 that sentencing patterns often failed to adequately punish
13 the serious violent offender and, therefore, failed to
14 protect the public from their future criminality.

15 In response to our concerns, as well as the
16 legislature's in the early '80s, we systematically increased
17 the severity of our guideline recommendations for serious
18 violent offenders over past sentencing practices. On the
19 other hand, it is just as startling to see the number of
20 non-violent offenders being sentenced to state prison.

21 In 1990, the Pennsylvania Commission on
22 Sentencing's data indicated that 394 retail thieves were
23 sentenced to state prison; 1,111 theft offenders were
24 sentenced to state prison. It can be argued that many
25 perhaps and probably most of these 1505 offenders can be

1 punished for their crime in more effective and less costly
2 ways.

3 A few years ago I compared our sentencing
4 policies with those of Minnesota and Washington, and those
5 are two other jurisdictions which have sentencing
6 guidelines, and took somewhat a different approach to
7 Pennsylvania in writing it, particularly more conservative
8 in terms of use of state prison resources. In general, that
9 research indicated that we sentenced violent offenders less
10 seriously than those states, but we sentenced the theft
11 offender much more seriously than they did. This is not
12 rational public policy. The Commission is currently working
13 on correcting this particular aspect of the guidelines.

14 In part, county prison overcrowding and
15 inadequate sentencing options account for these sentences.
16 In 1990-91 the General Assembly directly addressed this
17 problem when it enacted Acts 193 and 201. These acts
18 provided for intermediate punishments for offenders who
19 would otherwise be incarcerated in county prisons and they
20 clarified that the court had the authority to sentence
21 offenders to intermediate punishment. From my view, these
22 acts were important because they established a new
23 sentencing option, but more importantly, because they
24 reflected a shift of policy by the legislature from
25 incarceration to expansion of sentencing options other than

1 incarceration. The statement of encouragement has been the
2 stimulant for Pennsylvania Commission on Sentencing as well
3 as other state agencies to vigorously encourage the
4 development, the expansion and the use of these programs.

5 Let me take this opportunity to publicly
6 recognize the significance of the Commission on Crime and
7 Delinquency's efforts to fund and establish minimum
8 standards for these program. Representative Kevin Blaum,
9 Chair of the Commission on Crime and Delinquency, Mr. Jim
10 Thomas, Executive Director, and Mr. James Strader, Director
11 of Intermediate Punishment Programs, have taken major
12 leadership roles in the state, without which the
13 implementation of these Acts, 193 and 201, would have been
14 seriously impeded. I personally want to thank them and
15 congratulate them for their efforts.

16 Today, however, my responsibility is to give you
17 an update on how the Commission on Sentencing responded to
18 your enactment of the intermediate punishment legislation,
19 to discuss who is getting the intermediate punishment
20 sentences, and then to discuss the areas where I think the
21 legislation may need to be amended.

22 Incorporating intermediate punishment in the
23 sentencing guidelines was initiated by the enactment of Acts
24 201 and 193, and the Commission had, prior to those
25 enactments, actually, had submitted to House and Senate

1 Judiciary Committees for their review, or your review, some
2 examples of how we could revise the sentencing guidelines to
3 help address the problem of overcrowding in the state prison
4 system. This was prompted by a request by members of the
5 House Judiciary Committee that the Commission make
6 recommendations on how to deal with the crisis immediately
7 after the riot at Camp Hill.

8 The Commission adopted the position that the
9 problem with the overcrowding in the state prison system is
10 in reality a system problem, and that any solution that
11 attempted to cope with the problem without considering the
12 availability of programs at the local level would be
13 misdirected. Therefore, in examining ways in which the
14 guidelines could be revised to cope with the state
15 overcrowding problem, the Commission reviewed sentencing
16 patterns statewide.

17 After careful study, and as I mentioned earlier,
18 it was determined that there were many non-violent offenders
19 being sentenced to the state prison system whose history of
20 criminality and current offense did not indicate that they
21 posed a threat to the public. In fact, it was determined
22 that these offenders were an unreasonable burden on the
23 taxpayers.

24 For example, often the victim does not get
25 restitution; the county pays for the prosecution of these

1 offenders and the probation officers to prepare pre-sentence
2 report. Then the state picked up the tab for the
3 incarceration of the offender. While we cannot estimate the
4 total cost to the system of criminal justice, it was clear
5 to the Commission that these offenders were costing more
6 than the value received by the incarceration. Most
7 importantly, the offender was being housed, clothed and fed
8 by the county and the state, and the offender was taking
9 little responsibility for his or her own actions.

10 To begin to rectify this situation, the
11 Commission proposed revising the guidelines to remove many
12 non-violent offenders from the state to county
13 incarceration. Obviously, this proposal without other
14 significant changes in the system of criminal justice would
15 have merely shifted the state's burden to the county.
16 Therefore, the Commission explored incentives that it could
17 incorporate into the guidelines for counties to develop a
18 series of programs that would be alternatives to
19 incarceration and would allow the counties to absorb many of
20 the non-violent offenders who are in the state system.

21 The Commission's proposal that it presented to
22 the House and Senate Judiciary Committees in 1989
23 incorporated an integrated series of changes in the
24 guidelines to put the least serious, non-violent offenders
25 in non-incarcerative punishments that would be more

1 restrictive than regular probation. It was thought that
2 these non-incarcerative alternatives, such as house arrest,
3 electronic monitoring, community service and other such
4 programs, would also increase the accountability and
5 responsibility of the offender to support themselves and
6 repay the victim.

7 Fortunately, the legislature, and particularly
8 this Committee, took the lead and moved the legislation that
9 became Acts 193 and 201. This supported the Commission's
10 initiatives in this area and went further by indicating that
11 the intermediate punishment programs identified in the Acts
12 would be used as alternatives to county incarceration. With
13 the support of this legislation, the Commission moved
14 forward in 1991 and submitted its proposals to the
15 legislature for its adoption. These proposals were adopted
16 by the legislature and went into effect on August 9th,
17 1991.

18 But the important issue is not changing the
19 guidelines, but setting forth the opportunities for the
20 counties to implement programs or to expand programs that
21 they already have. The major problem with Acts 193 and 201
22 are that they do not provide any financial support to the
23 counties to expand and develop the intermediate punishment
24 programs. It is into this void that the Pennsylvania
25 Commission on Crime and Delinquency stepped that I spoke

1 about earlier.

2 To a great extent, the county reactions to 201
3 and 193 was negative. This negative reaction was not
4 because the counties did not believe that the intermediate
5 punishment programs were worthwhile. In fact, many counties
6 have already developed many such programs. But, combined
7 with the guideline intent to move the least serious,
8 non-violent offenders out of the state prison system they
9 viewed intermediate punishment as another attempt by the
10 state to meet its budget crisis and imprisonment crisis by
11 pressing the burden on the county. This would have been a
12 major credibility problem for the legislature if it were not
13 for the Pennsylvania Commission on Crime and Delinquency's
14 funding initiatives for IP. They will detail for you what
15 they have invested in intermediate punishment to help
16 counties plan their criminal justice system and to develop
17 the programs necessary to meet the intent of the
18 intermediate punishment acts and the revisions of the
19 sentencing guidelines. However, their funding does not
20 provide them the ability to sustain these efforts and to
21 establish programs that we are sure will continue to exist
22 into the 21st century. The General Assembly needs to invest
23 in these programs so that we are assured of their being
24 continued. Not to invest in the county correctional system
25 which deals with the vast majority of offenders will risk a

1 growing reliance on state imprisonment at a much greater
2 cost than investment in these programs.

3 In discussing who is getting these sentences, it
4 is really too early to give careful assessment of that
5 particular issue, but let me give you some impressions.

6 First, it appears that counties are particularly
7 focusing the use of intermediate punishment on the DUI
8 offender. As you may remember, Act 201 permits the use of
9 house arrest or electronic monitoring with treatment or the
10 use of residential inpatient treatment as alternatives to
11 the mandated incarceration sentences for DUI offenders.

12 At this time it appears that counties are using
13 IP programs as a substitute for offenders who would have
14 been confined previously, and also then to shorten the term
15 of incarceration which is often called shock incarceration
16 in other states. An example of this latter type of sentence
17 is if the offender were to spend eleven and a half months
18 incarcerated pre-intermediate punishment, now the offender
19 may spend six months in total confinement and be paroled to
20 one of the IP programs such as electronic monitoring. Thus
21 it appears that many counties are implementing the programs
22 and using it in some cases as a total replacement for
23 incarceration and for some offenders using it as partial
24 replacement.

25 Currently the Pennsylvania Commission on Crime

1 and Delinquency is monitoring the programs that it is
2 funding and we, the Commission on Sentencing, are monitoring
3 the sentencing information reported to us, but it is too
4 early to tell the overall use of intermediate punishment.
5 We are going to continue monitoring sentencing to assure
6 that the IP programs are meeting the stated goals of the
7 legislation, which is that they be used as a replacement for
8 county incarceration. While the first signs are
9 encouraging, we now need to move to the next stage of the
10 development of intermediate punishment programs.

11 My optimism is constrained because there is no
12 stable funding for the programs, and in tough economic times
13 these may be the very programs that are first to be
14 eliminated. Personally, I think that it is essential that
15 the Committee consider ways that it can provide ongoing
16 funding to the counties to support the programs.

17 This legislation is one component of a system of
18 criminal punishments and treatment programs, and if it is
19 not financially supported by the General Assembly, it will
20 not become institutionalized and we will slowly regress to
21 greater and greater reliance on incarceration as "the"
22 punishment. This would be a move to a less effective, less
23 fair and more expensive criminal justice system.

24 We need a full range of punishments and
25 treatment programs that will be trusted by the public and

1 will enable the courts of Pennsylvania to protect the public
2 and make the offender more accountable and more
3 responsible. To do this, I think that the General Assembly
4 needs to support funding for the development and expansion
5 of these programs, and this funding must be continuous such
6 that the county can rely on the continued support of the
7 program.

8 In exchange for the funding, the county must be
9 accountable to its continuous use of state incarceration,
10 the cautious use, excuse me, the cautious use of state
11 incarceration so that the expensive and limited resources
12 that this legislature has provided is used in the best means
13 possible. This means for the violent and dangerous
14 offender.

15 That's the end of my remarks, and I thank you
16 for your attention.

17 CHAIRMAN CALTAGIRONE: Thank you, John.

18 Questions from the Committee members?

19 (No audible response.)

20 CHAIRMAN CALTAGIRONE: Thank you.

21 We'll next hear from the Pennsylvania State
22 Association of County Commissioners, and if Commissioners
23 Huber, Scheaffer, Klein and Petrucci, if you would like to
24 please come up and be seated.

25 MR. SHEAFFER: Good afternoon. I am

1 Commissioner Russell L. Sheaffer, Chairman of the Board of
2 the Dauphin County Commissioners, and former Chairman of the
3 Dauphin County Prison Board.

4 With me today are Dauphin County Commissioners
5 Sally Klein to my left, and to my right, Anthony Petrucci,
6 who in January was annointed with the job of Prison Board
7 Chairman. Also accompanying us today is Dauphin County
8 Chief Adult Probation Officer Terry Davis, and Mary Beth
9 Rhodes, the Government Affairs Specialist for the
10 Pennsylvania State Association of County Commissioners.

11 We appreciate the opportunity to appear before
12 you today to discuss the results of alternative sentencing.

13 We are experiencing unprecedented change in our
14 county and state correctional systems. Along with the
15 continued population growth in our jails and prisons, the
16 Commonwealth has made available funding for prison
17 construction and intermediate punishment sanctions. Dauphin
18 County, as well as many other counties, has implemented
19 several alternative sentencing programs. These programs
20 have proven effective and have saved the taxpayers money.
21 Alternative sanctions address the behavior and needs of the
22 offenders, thereby decreasing in Dauphin County recidivism.

23 I would like to informally discuss our
24 involvement with the alternative programs, if I may. My
25 fellow commissioners have indicated that they choose not to

1 speak, but I would ask the Chairman's permission to allow
2 Terry Davis to speak for the Commissioners.

3 Several years ago, immediately following the
4 prison riots that were spoken of earlier, the state
5 association's trial task force as well as Dauphin County
6 presented a series of programs to be considered and to be
7 looked at, and one of those was the alternative to
8 sentencing. It was responded to well by the members of the
9 legislature.

10 Dauphin County, however, moving ahead and not
11 really wanting to wait too long, formed a prison
12 overcrowding task force with his Honor, Judge Warren Morgan,
13 president judge, myself as the chairman of the prison
14 commission, Chairman Jack Minnich of the Court
15 Administrator's Office, Richard Lewis, our District
16 Attorney, Scott Evans, our Chief Public Defender, Terry
17 Davis, the Director of Adult Probation and Parole, then
18 Acting Warden Dominick DeRose, who has since been promoted
19 to Warden, and Samuel Magaro, representing the district
20 justices in Dauphin County. We indicated that through
21 President Judge Morgan, myself and the other members of the
22 Board, that the contact person should be Terry Davis, our
23 Director of Adult Probation and Parole.

24 We put together a series of programs, one, a
25 work release program which was expanded to outside the

1 prison concept; community service programs in addition to
2 those we have already in place; intensive probation
3 supervision, electronic monitoring and house arrest; a
4 pre-trial bail supervision program; drug and alcohol
5 outpatient programs, and psychiatric counseling, mental
6 health/mental retardation programs.

7 At the time we formed this committee and were
8 working on it, our prison population had reached a high of
9 797 in a prison that was allocated to be 576. Needless to
10 say, there was not a lot of room to move.

11 As of this morning, after implementing many of
12 these things with the aid of PCCD and Terry Davis's program
13 and his staff, this morning we were at a number of 687 in
14 our facility, but we had been as low as 610 in recent
15 months. And we're extremely proud of that, especially in a
16 county where its prison budget was over 25 percent of its
17 total general fund budget. We were in the neighborhood of
18 \$11 million cost factors, whereas we take in approximately
19 \$34,000. So I don't have to go too far to explain -- if I
20 may, at this time, I would ask Terry Davis, permission for
21 Terry Davis to speak to the application of these programs.

22 CHAIRMAN CALTAGIRONE: Yes, sir.

23 MR. DAVIS: Good afternoon. I'm Terry Davis,
24 I'm the Director of Dauphin County Adult Probation.

25 In 1989 I addressed the Court, along with

1 Commissioner Sheaffer and President Judge Morgan, on the
2 problem of inmates sitting idle in the Dauphin County
3 Prison. At that point we had 10 inmates who were on what
4 was called work release. As a probation and parole officer,
5 understanding that I'm going to get to deal with all these
6 men and ladies as they leave the prison, I was being
7 serviced with a lot of non-motivated inmates. I convinced
8 the Court to, with the help of Commissioner Sheaffer and the
9 warden, that we would initiate a work release program, and
10 thanks to PCCD, we were funded and the program has expanded
11 to as high as, we have hit as high as 80, 85 inmates at one
12 time on work release. It fluctuates anywhere between 50 and
13 70 at this present time, which is a big plus for the Dauphin
14 County population. They pay 23 percent of their income that
15 they earn while on work release to the prison to help cover
16 their costs of room and board. So it's financially been
17 very helpful to the prison budget.

18 Community service programs are something that
19 Judge Morgan and I started back together in 1980 when I
20 became the director. We've expanded that program and take
21 all of our unemployed parolees or probationers and assign
22 them to work around the courthouse, around public service
23 buildings and we have them doing a lot of public service.
24 That program, we just expanded it, without any additional
25 staffing, we just assigned some more people within the

1 agency to work on it.

2 The intensive probation supervision program,
3 which is really one of my pet projects, we were the only
4 county to apply for a program to fund probation officers to
5 handle intensive drug dealers caseload. We only assigned
6 people that were convicted felons for manufacturing and
7 delivering a controlled substance. This program, over the
8 last two, two and a half years now, has proven to be
9 extremely beneficial in keeping people that are in business
10 of providing drugs or controlled substances to the
11 community, that have already been convicted and are now on
12 parole, the opportunity is very little for them because the
13 probation officers work as a team. We have expanded the six
14 probation officers to supervise these known drug dealers,
15 and every time one of these gentlemen or ladies are seen on
16 the street, they are searched, thoroughly searched. If they
17 have a car available, we search the car and then at least
18 once a week we search their homes. And we have been very
19 effective in keeping these people out of that business, and
20 the ones that try to get around the system we have most, for
21 the most part, have caught.

22 We've recovered thousands of dollars, and a
23 Dauphin County probation officer actually recovered the
24 largest seizure of cocaine in the City of Harrisburg, two
25 kilos of cocaine, on one occasion. So our program has been

1 very effective and I'm extremely proud of the probation
2 officers that are working this program.

3 Electronic monitoring, house arrest is another
4 one of my pet projects at this point. I've been in favor of
5 doing this for a long time. It took me a little bit of work
6 to persuade everybody else in the community that we should
7 do this. Dauphin County received a grant from PCCD, I know
8 they're back there somewhere, and allowed us to purchase
9 some equipment, and we purchased in a bid process 40 pieces
10 of equipment. Within a week, we had over 10 people in house
11 arrest. This money was supplied to us in January. The
12 first people went on in May. We now today have almost 40
13 people on house arrest. And we have ordered another 20
14 pieces of equipment, because within the next couple months
15 we will easily have our, what we hope to be, 60-some pieces
16 of equipment will be utilized by people that are instead of
17 being incarcerated will be in the program.

18 The supplier of the equipment told me that the
19 State of Virginia, who he had contracted the entire State of
20 Virginia, did not have 10 people on the first three months,
21 and Dauphin County had 10 people on the day the equipment
22 came.

23 So we went at this full fledged program. This
24 was going to be an alternative incarceration. The courts
25 have backed it, and every time we have a court session, more

1 and more people are being put on house arrest, electronic
2 monitoring rather than being placed in the Dauphin County
3 Prison or in some cases being sent to state prison.

4 We also are considering utilizing this equipment
5 as a condition of parole, in some cases our parole
6 violators, rather than put them back in the Dauphin County
7 Prison, to put them on house arrest. However, the courts
8 have kept us so busy with new cases coming in that we
9 haven't been able to really do this at this point, which
10 will require another hearing.

11 I also spoke to the judge in charge of Domestic
12 Relations, and she is going to begin placing people on house
13 arrest instead of putting them in prison for people who owe
14 support, which unfortunately means I'm going to probably
15 need a lot more equipment to do this monitoring. Because
16 there is a lot of those people that possibly will go to jail
17 but with this alternative will keep them out of Dauphin
18 County Prison.

19 Pre-trial bail supervision program was another
20 new project. It's gotten off to a slow start but it is now
21 running at a pretty good pace for a new program. This
22 concept is to get people -- Dauphin County Prison has 66
23 percent of the population is pre-trial, and those people
24 literally sit there and do nothing, waiting to go to court.
25 Once they're sentenced, they're then eligible for some

1 prison programs but until that point they for the most part
2 sit idle.

3 So with this concept we're hoping to go into the
4 prison, find the people that are a risk, maybe somewhat of a
5 risk, but with supervision we'll be able to maintain them in
6 the community rather than have them sit in the Dauphin
7 County Prison, and two probation officers were hired to
8 supervise these people on bail.

9 We have, during the period of time that we
10 applied for the money which we received in January, have
11 been taking parolees that are in jail on detainers, have
12 been releasing them into this special program, and we've
13 been averaging about 20 people in the program based on just
14 the parole cases that normally would have just sat pending
15 court. But without the resources, there would be no other
16 alternative and prison would have to be the choice of
17 incarceration that we would deal with.

18 Drug and alcohol outpatient program, this is
19 going, this is a program we applied for. We were not funded
20 for it. But Dauphin County has about 80 percent of the
21 population is drug and alcohol offenders, and there's a
22 definite need to get involved in trying to find treatment
23 for these people and finding programs that they can get
24 into, and as a probation office we look every day for
25 programs of this sort.

1 Psychiatric counseling, mental health/mental
2 retardation, Dauphin County was one of the, I believe, five
3 or six counties that were selected to do mental retardation
4 programs for offenders, and our program averages about 30 to
5 40 people. And to be perfectly honest, when the grants were
6 made available, I did not want to apply for them. I did not
7 realize that the number of mentally retarded offenders were
8 as high as what they had and I did not want to have a
9 probation officer supervising three or four people. But
10 within about six months after we initiated that program, we
11 found out when we started testing people, that we had about
12 30 to 50 people, mentally retarded offenders, in our system,
13 in our jails and on probation. And that program really has
14 been a wonderful benefit to those individuals who have been
15 abused and taken advantage of by the system for many years
16 and has been a big help to us in the probation parole
17 department.

18 These are the programs that we applied for under
19 the Intermediate Punishment Program. We are also looking at
20 other alternatives for future and we were considering
21 halfway houses. However, because the funds are not
22 available, from the county end, the matching funds which the
23 PCCD applies, and I will address later on, PCCD grants turn
24 out to really be a 50 percent match, which means that the
25 county taxpayer must come up with the other 50 cents to

1 match the federal money and, in some cases, it is becoming
2 more and more difficult, particularly with the state budget,
3 an issue which I will talk about from my other role that I'm
4 here for today.

5 Thank you very much.

6 CHAIRMAN CALTAGIRONE: Let me say that I
7 remember back when we were having the discussions,
8 specifically about tying the counties in to the matching
9 monies, I can vividly recall our meetings that we had when
10 we brought this subject up.

11 One of the things that I think really needs to
12 be said here, and I'm glad that we have a good attendance
13 here, and I would hope that the press would make it a point
14 to note that one of the most cost-effective methods that
15 we've been able to put a pulse on has been the alternatives
16 to total incarceration, both at the county and the state
17 level. It is saving the taxpayers money, there's no
18 question about it. I think that's proven in dollars and
19 cents.

20 I think it would be very foolhardy of the state
21 or even of the counties not to take more advantage of these
22 alternatives that we're developing, and I think we're on the
23 road to develop even more. It's been my opinion and one of
24 the things that I've done with this Committee, I think the
25 members of the staff can attest to this, I put them through

1 a real drudgery of going around to many of the facilities,
2 as a matter of fact, we're coming down to Lancaster County,
3 I guess it's going to be tomorrow that we're going to take
4 the tour of the county prison there, and we've done that in
5 a number of counties, treatment facilities. In my hometown
6 of Reading we have a number of halfway houses that are
7 working very, very effectively.

8 I guess the jury is still out on whether or not
9 it's going to cut down on recidivism. We know for a fact
10 that it's been almost a training ground both in the county
11 prisons and state prisons for most of the people that are
12 being incarcerated there. I mean, it's a real zoo and it's
13 a circus and we all pay for that and continue to pay for
14 it.

15 We've had hearings in Graterford with the
16 lifers, 4,500 prisoners, 500 lifers, in that one facility.
17 We've had, just a couple months ago, a hearing with the
18 women lifers out at Muncy. The Committee was out at Western
19 State Pen. We're trying to see exactly what's going on with
20 the system.

21 The whole nub of this, when we talk about
22 dollars and cents and cost effectiveness, the largest growth
23 area in the state budget has been in the Department of
24 Corrections. I mean, that's a sad, sad commentary when you
25 think about where we are heading as a society. And I know

1 our county commissioners have said the same thing as far as
2 the total percentage of cost of taxpayers' dollars at the
3 local base, going to support the county prison, and the
4 millions of dollars in the expansions that we've poured into
5 every one of these counties for their expansions, the three
6 new additions, three new state prisons that we have coming
7 on line. The sad part about these three new state prisons,
8 nobody really gave a lot of serious thought to how much it
9 was going to cost to operate them. The overhead cost,
10 staffing, correctional officers, support services, medical
11 people, the whole, it's like a little city at each one of
12 these facilities.

13 I'm hoping and I will continue to lend my full
14 unbridled support to the counties for continued funding, and
15 I do think that John Kramer made a very good point about
16 making sure that it's consistent and that it's part of the
17 total budget package for dealing with the criminal justice
18 system. I think we're kidding ourselves by not putting it
19 in there and making sure that it's going to be consistent
20 year after year. I think anybody that realizes from hearing
21 your testimony and from what this Committee has seen on the
22 road, as to what's going on in our society and how this is
23 really helping to save our tax dollars. And whether or not
24 it's going to cut down on the recidivism rate, I mean, time
25 will tell.

1 The alternatives are there for the jurists, for
2 those that work in probation and parole. Hopefully, the
3 funding stream will continue to flow from PCCD and other
4 sources and we can expand on these things and maybe even
5 start to see some reverses in the near future as to what's
6 been happening in our society.

7 Enough of my pontificating. Are there any
8 questions from the members of the Committee or staff? It
9 just does my heart well to hear what we thought as a dream
10 several years back, that should come to fruition that I
11 think really is going to hopefully be the --

12 MR. DAVIS: One other comment. On the
13 electronic monitoring and the house arrest programs, we are
14 charging the offender, whatever they make an hour, per day,
15 and we have put some indigent people in the program because
16 the county owns the equipment, we can afford to do that and
17 we didn't lease the equipment so that we own it, we can do
18 that.

19 We have one gentleman who paid us \$30 a day for
20 30 days. \$900 to stay out of prison. We have other people
21 who are paying \$4 and \$5 and \$7 a day, and in the first
22 couple months we have turned over to the County somewhere
23 around \$12,000 that we've collected in this program. And
24 we're just starting. So the program itself will help run
25 itself in the future, and these are things I think that are

1 really important from my point when I go to my commissioners
2 and I say, and I was joking in the hallway, I need, and they
3 say no, and I say, I need, and they say no, and we debate
4 this at great length. But they are helpful in helping the
5 county pay the cost of the incarceration and now the new
6 program. So it's very helpful.

7 CHAIRMAN CALTAGIRONE: Commissioner Huber, you
8 had joined us? Was there any comments that you would like
9 to make?

10 MR. HUBER: Yes.

11 CHAIRMAN CALTAGIRONE: If you would come to the
12 table.

13 MR. HUBER: Thank you, Chairman Caltagirone.
14 After your speech, my remarks are going to be
15 anticlimactic. That was a great speech.

16 Chairman Caltagirone, members of the House
17 Judiciary Committee, I am Jim Huber, Chairman of the
18 Lancaster County Commissioners, President of the Lancaster
19 County Prison Board, and member of the National Association
20 of Counties' Justice and Public Safety Committee, and the
21 Pennsylvania State Association of County Commissioners'
22 Justice Committee. Thank you for the opportunity to appear
23 before your Committee today to comment on the intermediate
24 punishment program in Lancaster County.

25 Let me first say that I have been a long-time

1 proponent of intermediate punishment programs, sometimes
2 called alternatives to incarceration, and intermediate
3 sanctions.

4 Overcrowded prisons may be the most pressing
5 problem facing the criminal justice system today. On any
6 given day, there are 1.2 million prisoners in prisons in the
7 United States, 70,000 in federal prisons, 700,000 in state
8 prisons, and over 400,000 in county and local prisons and
9 jails.

10 A major study commissioned by Congress found
11 that new prisons are filled to capacity within two years,
12 and 20 to 30 percent over capacity within five years.

13 Prisons are capacity driven. Until recently,
14 crowded conditions in the Lancaster County prison have
15 forced multiple inmates into cells designed for one, while
16 others have slept on cots in makeshift housing areas that
17 were intended for educational, vocational and recreational
18 programs. These conditions crippled prison programs,
19 endangered inmates and prison staff, and put the pressure on
20 the criminal justice system to, at times, turn to
21 short-term, backdoor solutions to crowding.

22 While Lancaster County recently completed a
23 major prison expansion project, it is widely recognized that
24 expansion alone is not an effective long-term solution to
25 jail crowding. Rather, expansion must be complemented by

1 the implementation of alternatives to pre-trial detention
2 and intermediate punishment programs that serve to curb the
3 rate of prison population growth without compromising
4 community safety or the integrity of the criminal justice
5 system.

6 The need to reduce the rate of prison population
7 growth becomes clear when one examines the growth in
8 Lancaster County Prison over the last decade. In a 1976
9 study conducted by the Governor's Justice Commission, it was
10 projected that the then 309-bed capacity Lancaster County
11 Prison would adequately serve the needs of the county
12 through the year 2051. Indeed, this projection was quickly
13 disproved in that the actual Lancaster County prison
14 population has not been at or below the projected population
15 since January 1981. A number of factors continue to impact
16 on prison population growth, including most significantly
17 the county population growth, the expanding criminal court
18 docket and existing standards for pre-trial detention and
19 court scheduling and sentencing.

20 The alarming rate of population growth in
21 Lancaster County Prison clearly shows the need for
22 intermediate punishment programs to be implemented in
23 conjunction with the current \$26 million prison expansion
24 project. The new prison addition and renovation of the
25 existing facility has increased the prison capacity to 700

1 inmates at the end of 1991, with all supplemental prison
2 services remodeled and expanded to accommodate the increased
3 capacity. However, at this writing, the prison is housing
4 657 inmates, 94 percent of the new capacity.

5 At the same time, prison population growth has
6 and continues to exceed all prison population projections
7 that have been calculated over the past decade.

8 Recognizing that the threat of future prison
9 crowding is very real, and further recognizing that prison
10 beds must be viewed as a resource, a resource to be used
11 efficiently, the following offender groups are being
12 identified and targeted through our program in Lancaster
13 County for alternatives to incarceration.

14 First of all, we have through the state program,
15 and would like to thank the state for the help that they
16 have given us, have initiated an intensive probation
17 supervision program. Intensive probation is a viable, cost
18 effective program that can supervise and control clients in
19 the community rather than in prison. The housing of inmates
20 at \$30 per day, or \$10,950 per year, is a very expensive
21 burden. Placing of non-violent, low-risk offenders in
22 intensive probation parole, in conjunction with other
23 intermediate punishment programs, is an excellent use of
24 resources and will prevent overcrowding and the subsequent
25 need for building of more prison space in the future.

1 Presently in Lancaster County under intensive
2 probation supervision we have 24 clients, 11 of which are
3 under house arrest, and when all proposed probation and
4 parole officers are in place there will be potentially 135
5 clients on this program.

6 The second program that we have initiated in
7 Lancaster County, of course, we've had this for some time,
8 but it's being intensified, is house arrest. The ever-
9 increasing incarcerated population can be generally
10 identified as the major problem faced by county criminal
11 justice programs. Specific problem areas include both cost
12 of incarceration and prison overcrowding. House arrest
13 programs address these problem areas. The cost, the per
14 diem rate for those incarcerated in Lancaster County Prison
15 is \$30. The house arrest program will lower the cost of
16 punishing the offender. House arrest programs significantly
17 reduces the problem associated with prison overcrowding.
18 Non-violent offenders who qualify for house arrest are
19 equally restricted in their own homes, which eases the
20 burden of operating prisons beyond capacity without
21 compromising public safety.

22 House arrest has many other advantages. For
23 example, a lady in Lancaster County was sentenced to house
24 arrest for embezzling some money. What happened is she
25 could go to work in the morning, come home, use that money

1 to make restitution, use that money to pay costs, use that
2 money to help to support her family. Her family did not
3 have to be separated, the children did not have to go on to
4 another county program, the lady could, it was the first
5 crime she ever committed, was not a violent person., The
6 house arrest program served many advantages.

7 Implementation of our house arrest program will
8 divert 90 non-violent offenders from prison, consequently
9 freeing the space for more serious offenders.

10 House arrest serves to punish and deter further
11 criminal activity. House arrest also offers treatment and
12 program opportunities not originally available to a prison
13 inmate. These opportunities allow the offender to gain
14 insight and control of their personal problems that may have
15 initially led to criminal behavior.

16 The third program which we have intensified
17 under our program, Intermediate Punishment program, is
18 individualized services for offenders with mental illness.
19 Changes in the mental health commitment laws and the
20 depopulation of state mental institutions during the past 20
21 years have resulted in the creation of a new group of people
22 who impact on the criminal justice system. Mentally ill
23 individuals who are often homeless, malnourished and
24 unemployed, have increasing contacts with the criminal
25 justice system and often are incarcerated in the county

1 prison in lieu of bail. Persons with mental illness need
2 counseling, therapeutic supervision, medication, crisis
3 care, daycare programming and residential care in the
4 ongoing basis.

5 Once on probation and parole, these individuals
6 do not receive the kind of supervision they need because of
7 the overwhelming caseloads of probation officers.

8 Within the mental health system, there is little
9 enforcement of rules or therapeutic consistency because of
10 the individual's right to accept or refuse treatment
11 directions. Caseload sizes within the criminal justice
12 mental health systems make continuous supervision
13 difficult. Once arrested, and a mentally ill individual is
14 likely to be incarcerated within the prison, little
15 treatment is available and the person tends to deteriorate
16 further and require more intensive programs.

17 In Lancaster County we have initiated a program
18 for mentally ill offenders. Presently under this Lancaster
19 County intermediate punishment program we have three
20 clients, but after our new mental health specialist is hired
21 we will have potentially 30 clients in that program.

22 A fourth program that we have initiated and
23 intensified is the pre-trial alternatives to pre-trial
24 detention. The Lancaster County Prison houses a significant
25 number of pre-trial detainees, averaging 60, 65 percent of

1 the prison population. Additional resources for
2 alternatives to pre-trial detention have significantly
3 impacted the total prison population, while adequately
4 assuring public safety and appearance in court.

5 Pre-trial release supervision and enforcement of
6 bail conditions for arrestees and pre-trial detainees are
7 alternatives which reduce prison crowding and save prisoner
8 days in the jail occupancy at the front end of the system.
9 In Lancaster County we presently have 65 clients under this
10 program. Potentially, when this is in full swing, we will
11 have 90 under the program.

12 Total cost of the proposed alternatives to
13 pre-trial detention and intermediate punishment programs in
14 Lancaster County is approximately \$442,000, or the
15 equivalent of a daily utilization of 40 prison beds, based
16 on the incarceration costs of \$30 per inmate day or \$10,950
17 annually per inmate. Eliminating the need for 40 beds daily
18 from the present pattern of usage provides 14,746 prisoner
19 day beds for those offenders requiring total confinement.

20 It is anticipated that utilizing the programs as
21 outlined will provide alternatives to incarceration for up
22 to 375 offenders, so at any one time thereby resulting in
23 saved prisoner days greatly exceeding the 14,746 needed to
24 justify the program costs. With the over 375 offenders
25 under the program, it is estimated that this would realize

1 approximately 112,000 or more prisoner days, and would
2 amount to \$3.3 million.

3 So I would like to encourage the state to
4 continue supporting programs for alternatives to
5 incarceration for intermediate sanctions, because first of
6 all, it addresses very greatly the prison over-populating
7 problem, it addresses the, it gets at the real root of the
8 problem, trying to find out, trying to really get the
9 corrections, trying to correct people rather than just
10 warehousing them and placing them in prisons.

11 I think a recent statistic that I read indicated
12 that 85 percent of costs of prisons are in operating costs,
13 not really addressing the people, the problems, but in
14 operating costs, and I think the alternatives to
15 incarceration certainly do address that issue and tend to
16 leave room and save money for the taxpayers so they can
17 address the more critical issues.

18 Mr. Caltagirone, you had mentioned something
19 about the recidivism rate. I think that's a very pertinent
20 question. I have heard from areas where they have these
21 programs that it does to a degree cut down the recidivism
22 rate, but let's look at it this way. Even if the recidivism
23 rate of these people stays the same, we've still
24 accomplished several things. We've accomplished the prison
25 overcrowding, we've accomplished the purpose of addressing

1 the real problems that people are having and not just
2 warehousing them. But I personally think, and statistics in
3 the future will show, I believe, that these programs will
4 cut down on the recidivism rate.

5 CHAIRMAN CALTAGIRONE: Thank you, Commissioner.

6 MR. HUBER: Any questions?

7 CHAIRMAN CALTAGIRONE: We look forward to coming
8 over tomorrow and visiting with you.

9 MR. HUBER: We look forward to having you. We
10 just got word from the Warden today that you're coming and
11 we're scraping everything down and painting and --

12 CHAIRMAN CALTAGIRONE: That won't be necessary.
13 Yeah, I do appreciate your testimony and I think that it's
14 hitting on target. I think what we have here is a
15 partnership with the state and the counties, and I would
16 like to see it grow and flourish so that we have more areas
17 to build on that we can work together. I do appreciate it.

18 MR. HUBER: The solution will only be found, and
19 I think that this is a key word, partnership, and without
20 the state and the local governments working together, why,
21 we have a losing battle.

22 CHAIRMAN CALTAGIRONE: Agreed. Thank you,
23 Commissioner.

24 Terry Davis is going to come back and I would
25 like to have him joined with Jim Thomas and John Fidler, if

1 we could have the three.

2 Terry, you can start and we'll go over to Jim
3 and then we'll to go John.

4 Thank you, Commissioner. We appreciate your
5 testimony.

6 MR. DAVIS: Good afternoon again. My name is
7 Terry L. Davis. I am the Director of Dauphin County Adult
8 County Probation and Parole and I'm here to represent the
9 County Chief Adult Probation Officers Association of
10 Pennsylvania. I represent 65 counties that have county
11 probation departments.

12 In 1790, Pennsylvania implemented the first
13 penitentiary concept with the Walnut Street Jail in
14 Philadelphia, and the project was successful enough for the
15 Commonwealth to build what would be the model for both the
16 United States and Europe for many years. When on October
17 25th, 1829, Charles Williams, an 18-year-old first offender
18 was sentenced to two years for larceny in Eastern
19 Penitentiary in Cherry Hill near Philadelphia, it marked the
20 beginning of the modern era of the criminal justice system,
21 not just here in Pennsylvania but in the world. It wasn't
22 until the 1840s that a shoemaker in Boston began appealing
23 to the court for conditional release instead of
24 incarceration, that probation became an alternative to
25 sentencing. The process of parole did not find its way into

1 our system until the 1870s, and by this time it can be said
2 that criminal justice was already bursting at the seams.

3 During the last decade in the United States and
4 locally here in Pennsylvania, there has been a serious boom
5 in the number of cases going through the criminal justice
6 system. The prison population in the United States has risen
7 from 130 cases per 100,000 population in 1980, to 310 per
8 100,000 in 1990. This is over a 140 percent increase in the
9 last decade. While here in Pennsylvania, the trend is, for
10 the same period has risen over 171 percent according to
11 Commissioner Lehman in U.S.A. Today on September 1st, 1992.

12 In relationship to probation and parole in the
13 United States, there were approximately 1,445,000 clients
14 under supervision in 1980, and by 1990 there were
15 approximately 3,200,000 cases. This represents a 122
16 percent increase in number of cases involved in community
17 corrections. The Pennsylvania Board of Probation and Parole
18 during the same period saw an increase from 14,000 to
19 17,000, or a 22 percent increase in caseload. This equates
20 to the following: In 1980 a parole agent supervised an
21 average of 64 serious criminal offenders, and by 1990 the
22 average caseload had increased to 80 per agent, a 25 percent
23 increase in work load.

24 In a more personal concern for the county
25 probation and parole dilemma the following caseload figures

1 represent what your local agencies have to deal with. In
2 1980 there were 54,000 offenders in our system, but by the
3 end of 1990 it had increased to over 120,000 cases. This
4 represents a 122 percent increase in cases that were either
5 on probation, parole or ARD. The average caseload statewide
6 increased 62 percent per agent, from 74 cases per officer to
7 over 120 cases per officer, and this equals the national
8 average.

9 We also want to point out at this time that your
10 county Adult Probation and Parole Departments have a great
11 deal of responsibility that include the supervision of every
12 case assigned to the agency, pre-sentence investigations for
13 the court, pre-parole investigations prior to release back
14 into the community, ensuring that offenders meet the
15 legislative mandates such as DUI safe driving school,
16 receive and monitor alcohol drug or rehabilitation, collect
17 restitution and fees, and conduct the ARD program.

18 Your county Adult Probation and Parole
19 Departments through your local leadership has initiated many
20 programs that have benefited the taxpayer as well as the
21 offender over the last 10 years. Some of these programs and
22 responsibilities I just mentioned, but others include
23 intensive supervision, mental health and mental retardation
24 programs, special drug and alcohol caseloads, shoplifting
25 programs, electronic monitoring programs, in-house arrest

1 programs, pre-trial programs, bail programs, work release
2 programs, collection efforts for fines, costs, fees and
3 restitution, and community service programs.

4 All of the above initiatives were put in place
5 to deal with the vast responsibilities placed on us by the
6 legislature and the courts. With the offenders numbers
7 increasing drastically, the financial support has not been
8 there. We singlehandedly tried to accomplish our mission of
9 protection of the community through probation and parole
10 techniques. It wasn't until the mid 1980s that you, the
11 legislature, saw the need to support us with real financial
12 aid when you increased over a three-year period, beginning
13 in 1986, our grant from approximately 26 percent to 80
14 percent in 1988. However, a reverse trend has started which
15 I will address shortly.

16 Financial trends in corrections versus county
17 probation systems in Pennsylvania looks like this.
18 Pennsylvania is now dedicating \$1.236 billion for new prison
19 construction. The Commonwealth has authorized \$200 million
20 in bond programs for county prison construction, and the
21 Pennsylvania State Association of County Commissioners have
22 requested another \$200 million bond be floated for the same
23 programs. Meanwhile, the county adult probation and parole
24 systems, who will be asked to supervise all of these
25 offenders once they're released, and who were told to assume

1 more responsibilities by the creation of new legislation,
2 "Intermediate Punishment Act," is now expecting more cuts
3 in grant in aid support.

4 Over the last decade, beginning with 1980, the
5 counties received approximately 25 percent reimbursement for
6 "new" staff salary costs only, while the county had to pick
7 up the added cost of benefits and operational expenses for
8 these new employees. Looking back, it's surprising that the
9 Commissioners even considered it, but a great deal of credit
10 should go to the county commissioners and the courts of
11 Pennsylvania for improving this level of control, because by
12 now the burden on the state, without our help, would easily
13 cost over five times as much to the taxpayer.

14 In 1986 the counties began to receive an
15 increase in funding, and \$6,339,648, which equated to 50
16 percent of the salary costs, was received; in 1987, over \$10
17 million, or 66 percent of salary costs; in 1988, \$13,336,000
18 was disbursed to counties for salaries only. This was our
19 peak year for reimbursement but it only reached 78 percent,
20 not quite the 80 percent mandate. For the next two years we
21 maintained a 77 percent level of support, until 1991 when
22 the dollar amount was \$15,911,000 but only 64 percent of
23 salary support. The dollar amount increased, but it was
24 during this period that counties again were asked to expand
25 to help with the prison overcrowding problem. Once again we

1 responded, but it fell far short of the 80 percent level in
2 financial aid.

3 Now in 1992-93 we are being asked to do even
4 more while only \$10 million or 40 percent is being made
5 available for grant in aid, while \$3.4 million is being held
6 in budget reserve by the Governor's office.

7 While astronomical amounts are being dedicated
8 to brick and mortar, funding for county-based corrections is
9 being reduced. This is happening at a time when more and
10 more responsibilities and expectations are being placed on
11 county probation systems.

12 We ask why. What is the vulnerability or lack
13 of support for county probation systems?

14 A. Brick and mortar, even though it may be more
15 expensive, it is more marketable to the general public than
16 community based corrections, i.e., probation.

17 B. There are no constitutional restrictions on
18 probation or parole capacities to supervise number of cases
19 per officer versus constitutional restrictions on
20 jail/prison capacities.

21 C. With the state cuts to the county court
22 system, we in the probation and parole offices can
23 anticipate adverse impacts on our budgets and requests for
24 the coming year.

25 D. With the recent creation of supervision fees

1 for offenders, the legislators clearly showed support for
2 probation and parole agencies to generate money to improve
3 and grow, based on projected figures for the 1990s and the
4 21st century. But with the overall cuts to the counties
5 there is more pressure to supplant our budgets, rather than
6 give us the chance to grow with the anticipated problems of
7 the future.

8 The \$3.4 million in budget reserve is still more
9 than \$2.5 million short of what we should receive to support
10 our programs. The concept of supervision fees may be a
11 means to help maintain counties with the ever-growing
12 problem in community-based corrections and reasonable growth
13 potential. However, even if we collect this money from the
14 most difficult group of individuals, criminals, and many are
15 unemployed, this money will not improve the system and the
16 grant in aid money is going to be reduced.

17 The creation of the Intermediate Punishment Act
18 in 1991 which will place more responsibilities on our system
19 and possibly help with some prison over-crowding, federal
20 funds were made available to counties to get programs
21 started, but this money requires in three years
22 approximately a 50 percent match by the counties, who once
23 again are called on to take the initiatives to run programs,
24 knowing that ultimately they will have to pay the bill.

25 Many of the counties cannot afford to risk this

1 financial support, because of the unknown fiscal dilemma
2 that they are already experiencing. Therefore, the
3 legislators' creation of intermediate punishment programs
4 will fail miserably due to the lack of financial aid. This
5 has historically put the counties further and further in the
6 hole. Remember that the growth of county systems were to
7 help with the state overcrowding concerns, and may in turn
8 be reversed for the lack of sentencing alternatives. If
9 programs such as intermediate punishment are going to
10 succeed, they will require both financial and leadership
11 support from the state.

12 With the high cost of incarceration and the
13 dollars that are going to be placed in the brick and
14 mortar, we ask the simple question: How can community
15 corrections be cut?

16 We all know that the number of clients under
17 some level of supervision is going to increase in the
18 upcoming years, because it is the only cost-effective means
19 available to the communities, and it is imperative that we
20 start by providing adequate funds for the programs that you,
21 the legislature, have mandated. And we, your county adult
22 probation officers, will, in fact, respond to the call one
23 more time and make the programs as effective or better than
24 you originally conceived. We will, as we have in the past,
25 produce a positive effort for the taxpayer and provide the

1 services that will assist in the mission of probation and
2 parole agencies.

3 We, the county chief adult probation officers,
4 offer you our expertise in all the efforts in this area and
5 we ask you to call on us at your convenience. We also thank
6 you for permitting us to testify today and we hope we have
7 been of some assistance to you. Thank you very much.

8 CHAIRMAN CALTAGIRONE: Thank you, Terry.

9 MR. THOMAS: Thank you, Mr. Chairman. For the
10 record, my name is James Thomas. I'm the Executive Director
11 of the Pennsylvania Commission on Crime and Delinquency.

12 Perhaps the Chairman had in mind by putting us
13 on the panel that we could avoid some of the redundancy that
14 inevitably happens in these testimonies. What I'll do is,
15 certainly my testimony has been submitted for your scrutiny
16 and your staff's scrutiny, and I'll try to truncate that
17 testimony down to what's particularly relevant as far as
18 PCCD's status of the Intermediate Punishment Program and the
19 implementation of our efforts.

20 I must say that listening to John Kramer's
21 testimony earlier, he does indeed build the case for the
22 philosophy of intermediate punishments, and listening to the
23 testimony from both the county commissioners and Terry Davis
24 certainly is suggesting the cost effectiveness of
25 intermediate punishments and the necessity for the support

1 of intermediate punishments and community corrections more
2 generally as the rise in prison costs.

3 It's important to note in both that there's
4 three separate acts that are being implemented
5 simultaneously. They've been referenced earlier in the
6 testimony, and that's Act 71, which provides the \$200
7 million grant program, reimbursement program for the
8 counties for construction; it's Act 201 which provides the
9 sentencing authority for the judges to sentence to
10 intermediate punishment; and it's Act 193 which the
11 Commission on Crime and Delinquency is implementing which
12 sets up the structure for intermediate punishment programs.

13 The Sentencing Commission and the Commission on
14 Crime and Delinquency are working very closely together in
15 implementing these acts. Indeed, we've conducted, starting
16 last summer, joint training exercises in the counties. What
17 we've established is a three-tier planning process where the
18 first step on the planning process will be for those
19 counties only interested in applying for Act 71 funding
20 through the Department of Corrections, construction funds.

21 The second phase in the process is for those
22 counties who want to apply, perhaps, for the construction
23 funds but as well want to actually implement the
24 intermediate punishments and, therefore, they need the
25 sentencing authority which the Commission on Crime and

1 Delinquency can grant under Act 201.

2 And then the third step for those counties that
3 not only want to implement the act, implement the
4 intermediate punishments but also would like to apply for
5 funding and would come in through our application process,
6 for that funding.

7 What I can tell you, as far as the status is,
8 the regulations implementing the act are now in their final
9 stage. They were published as proposed regulations on July
10 11th. They've been widely circulated. The comment to date
11 that we've had has been that the supervision requirement,
12 intensive supervision is unrealistically strict. We're now
13 addressing that. We would expect to provide mandatory
14 language in dealing with that requirement and we do expect
15 final regulations to be in effect by December of this year.
16 Nevertheless, we've moved full tilt in implementing even
17 without the final regulations being in effect.

18 I think it's important to note as you move
19 through this three-step planning process, the requirements
20 for the planning become more, there are more expectations on
21 the planning as you move through the planning steps until
22 you actually receive funding for intermediate punishments
23 through the Commission on Crime and Delinquency. Here we're
24 actually looking for an assessment of overall kind of
25 resources, looking for county commitment and, as was

1 mentioned earlier in the process, an actual commitment to
2 pick up the federal funding with county tax dollars.

3 At the moment we have 59 county intermediate
4 punishment plans that have been submitted out of the 67
5 counties. There is an attachment that's presented in the
6 testimony which outlines the various status of these plans.
7 51 of the counties requested -- I'm sorry, that's 59
8 counties requested intermediate punishment plan approval so
9 that they would qualify for Act 71 funding.

10 59 applied, submitted plans to qualify for the
11 Act 71 funding. 51 of the counties requested and received
12 approval of their plans to sentence eligible offenders. 17
13 counties as well as one regional council of governments
14 received federal funds through PCCD. In addition to those
15 17, there's another 10 that's expected to receive funding
16 this September, next Tuesday, to be exact.

17 Only eight counties of the 67 have not submitted
18 intermediate punishment plans. That's Cameron, Fayette,
19 Fulton, Huntingdon, Juniata, Montour, Sullivan and Union.
20 All other counties have, in fact, submitted plans.

21 Counties that received funding for intermediate
22 punishment initiatives did so as a result of the PCCD
23 setting aside portions of its federal Drug Control and
24 System Improvement funds during federal fiscal years 1991
25 and 1992. Because Act 193 did not appropriate funding for

1 the county intermediate punishment programs and since
2 counties voiced such a strong need for funding support, the
3 Commission allocated \$2.5 million in fiscal year 1991 funds
4 and \$2,050,000 in fiscal year 1992 funds to provide seed
5 monies for counties to begin the much-needed intermediate
6 punishment programs.

7 The Drug Control System Improvement funding has
8 been offered to all counties in the Commonwealth during the
9 past two years. The funds are available on a competitive
10 basis and proposals must be submitted in response to
11 published funding guidelines. Funds are available for up to
12 three years, it's three 12-month project periods, and
13 matching funds, as Mr. Davis stated, matching funds are
14 required by the county: First year 25 percent, second year
15 50 percent, third year 75 percent. So that you can see by
16 the fourth year it is expected to be totally on general
17 fund, the county general fund dollars. During both years of
18 intermediate punishment funding, requests by the counties
19 exceeded the Commission's allocations by nearly \$9 million.
20 There's a great deal of interest in the counties for
21 applying for these funds.

22 Based on the needs demonstrated by the counties
23 and their interest in developing alternative sentencing
24 programs, it is anticipated that PCCD will allocate an
25 additional \$1.25 million in fiscal year 1993 funds to begin

1 new or expand existing intermediate punishment programs.
2 Based on the Commission's commitment to fund these programs
3 for three years with increasing local matching
4 contributions, in excess of \$10 million of the federal funds
5 is slated for intermediate punishment initiatives over the
6 coming years. And counties are expected to absorb the costs
7 of these programs into their general fund budgets by the end
8 of the third year with PCCD funding.

9 While this funding commitment is sizable, it
10 presents a major problem for the majority of Pennsylvania's
11 counties to build these program costs into their general
12 fund budgets over a three-year period. Counties continue to
13 express a concern for the need for alternative sentencing
14 programs supported with state subsidy similar to the county
15 probation subsidy administered by the Pennsylvania Board of
16 Probation and Parole. Counties believe that a state subsidy
17 for intermediate punishments could exist, should exist given
18 the recent changes in the sentencing guidelines which reduce
19 the upper limit of the standard range from 12 months to 11
20 1/2 months for certain offenses. This change will result in
21 diverting some of the less serious offenders from state
22 prisons to county jails. Based on this anticipated
23 population shift from the state system to the county system,
24 many believe the state subsidy concept is justified.

25 I asked the manager of our criminal justice

1 programs and the one that's most involved in implementing
2 our intermediate punishment effort, Jim Strader, to make a
3 couple phone calls to other states that have a similar
4 program such as our intermediate punishment program. One
5 result of that phone call is to learn that Michigan has had
6 a program in effect similar to our intermediate punishment
7 program since 1989. Michigan's program funds \$22 million a
8 year in total state funds as a subsidy. And the rationale
9 and the logic is the same as what's being presented here, is
10 you shift the state inmates down through the system and into
11 the county jails and there's some logic in the state paying
12 for those costs.

13 As you can see, there's a strong commitment on
14 the Commission on Crime and Delinquency to provide the
15 federal funds for the counties for seed money to the extent
16 that the counties are able to absorb those funds. And even
17 given that strong commitment you can tell by what I've just
18 said is what we anticipate for 1993, that the federal funds
19 available will be about half of what they've been available
20 in the last two fiscal years. The reason for that, and
21 that's a staff recommendation going into the Commission next
22 week, the reason for that is simply that the counties have
23 absorbed as much seed money as they're apparently able to
24 do. There's no sense making monies available if they can't
25 apply for it.

1 It's our position that if the Intermediate
2 Punishment Act is to move forward and actually contribute to
3 the changing of philosophy that this Committee has spoke to,
4 that state subsidy funds are central for that to occur and
5 in some large amounts.

6 In addition to the responsibilities associated
7 with the development of intermediate punishment regulations,
8 the review of county plans and the administration of federal
9 funds to support alternative sentencing projects, the PCCD
10 has been very active in promoting the concept of
11 intermediate punishments throughout the state. Not only are
12 we administering the Act, administering federal funds but
13 we're also selling the concept and providing the training
14 and technical assistance.

15 In this regard, the PCCD has worked very closely
16 with the Pennsylvania Commission on Sentencing, the
17 Pennsylvania State Association of County Commissioners, and
18 the Department of Corrections to provide counties with a
19 clear understanding of new legislation and the related
20 regulations. PCCD has developed minimum program standards
21 for a large number of intermediate punishment programs to
22 ensure that programs throughout the Commonwealth meet
23 established criteria.

24 The Commission will continue to aggressively
25 promote intermediate punishment programs throughout the

1 coming years. In addition to its funding role, PCCD will
2 also continue to keep statewide training as a priority.
3 This training will consist of additional regional workshops
4 and specialized training in areas such as electronic
5 monitoring and drug testing.

6 The provision of technical assistance will also
7 be a priority, and the groundwork is currently being laid to
8 establish a network of county intermediate punishment
9 specialists. The network will consist of consultants who
10 are selected based on their expertise in specific areas of
11 intermediate punishment and then assigned to counties
12 submitting requests for technical assistance.

13 Relative to the area of technical assistance,
14 PCCD is working cooperatively with the Pennsylvania
15 Commission on Sentencing, with assistance from the National
16 Institution of Corrections, to conduct an intensive three-
17 day working seminar which will be attended by 12 counties
18 sending teams of six individuals to State College on
19 September 21st to the 23rd of this year.

20 Here we're looking for that multi-organization,
21 multi-talent team specific to a county in order to develop
22 those plans. It will provide the county policy makers with
23 the tools necessary to conduct assessments of their local
24 corrections system and to develop a range of intermediate
25 punishments and part of their overall account strategy.

1 Over 23 counties have expressed interest in this training.
2 It's another example that there's a lot of enthusiasm, a lot
3 of interest on the part of the counties to pursuing
4 intermediate punishments.

5 We're also working with the National Institute
6 of Corrections and Edna McConnell Clark to secure individual
7 consultants that will be paid for through some funds
8 provided by Edna McConnell Clark. We are also looking to
9 provide some of the federal funds through a memorandum of
10 understanding through the Department of Community Affairs
11 where we're able to identify a Terry Davis or a John Fidler
12 as a consultant, if they have the particular area of
13 expertise that they have, and transport them to another
14 county and be able to pay the per diem costs and be able to
15 have that expertise available and share that expertise
16 across the state.

17 We're also developing an Intermediate Punishment
18 clearinghouse to provide all counties with a single point of
19 contact from which to obtain resource information on the
20 development and implementation of intermediate punishment
21 programs. Reference materials, models of well-established
22 programs, studies and surveys are just a few of the examples
23 of the material that will be available from such sources as
24 the National Institute of Justice, National Institute of
25 Corrections and National Criminal Justice Reference

1 Service.

2 The PCCD is committed to the development of a
3 full range of intermediate punishment programs in
4 Pennsylvania. However, these programs must be based on
5 sound planning and development of countywide corrections
6 strategies which examine all possible options within the
7 policies framework established by local decision makers.
8 It's the local officials that have to take ownership of the
9 program, and PCCD, as much as we can do, we're only in an
10 assisting role in that respect.

11 We will continue to maintain an open dialogue
12 with the counties and will keep all parties up to date with
13 information concerning training seminars, implementation of
14 new services, available grants funds, and other important
15 information. It is our hope that counties will provide
16 feedback to us on their needs, suggestions, concerns and
17 successes as well as keep us informed of what is happening
18 in the area of intermediate punishment at the local level.

19 In summary, I think we've got off to a very good
20 start in implementing the Act 193. We have the sentencing
21 authority established, we have county interest there. We've
22 established a number of model programs which I think with
23 our monitoring exercise we will be able to show the results
24 that the Chairman's interested in. The main problem, and I
25 think a critical problem, is the lack of substantial state

1 ongoing support for these county programs.

2 Thank you, Mr. Chairman and members, I'll be
3 happy to respond to any questions.

4 CHAIRMAN CALTAGIRONE: Thank you. John?

5 MR. FIDLER: My name is John A. Fidler, Jr. and
6 I am the Executive Director of the Berks County Prison
7 Society, Inc., located in Reading, Berks County,
8 Pennsylvania. I also administrate all of the Pennsylvania
9 Commission on Crime and Delinquency IPP grants for the
10 County of Berks, since all of the projects are integrated
11 programs that are operated by more than one agency.

12 I was happy to be asked to speak with you today
13 on subject matters that I feel extremely positive about:
14 Coordinated programming, planned through a long-range
15 planning process, to deal with three major issues in Berks
16 County; the prison overcrowding issue that all counties are
17 experiencing, and two other major problems, drugs and
18 alcohol. Each of our programs deals with at least two of
19 the three. Issue one, prison overcrowding, is a part of
20 each of our project efforts. And I gave you brochures on
21 all of these programs for you to peruse.

22 In an attempt to mitigate current overcrowding
23 at Berks County Prison, as well as to impact population
24 growth in the years to come, the County of Berks through its
25 Criminal Justice System has implemented several types of

1 intermediate punishment programs, IPP. These programs are
2 designed to provide alternatives to incarceration for
3 selected offenders who can be successfully impacted by
4 programs other than traditional and costly incarceration,
5 while limiting negative effects upon the community. It
6 should be stressed that the goal of intermediate punishment
7 is not to empty jails, but rather to: A, slow the
8 acceleration of incarceration by the use of alternative
9 options to incarceration that are safe and beneficial to
10 both the offenders and our community and B, to assist the
11 client in a rehabilitative nature for his or her drug and/or
12 alcohol problem, as a preventive measure from future
13 addiction, with the individual and family problems that
14 assuredly will occur.

15 The benefits of Berks County's IPP programming
16 are twofold. One, monetary savings to the taxpayers. All
17 program elements are extremely less expensive than
18 incarceration. And two, client lifestyle changes which
19 result in a more successful lifestyle after each completes
20 the program.

21 Berks County has been richly blessed by the
22 Pennsylvania Commission on Crime and Delinquency, under the
23 leadership of Mr. James Thomas and his most professional and
24 credible staff.

25 Since 1985, through County Criminal Justice

1 long-range planning and the needed PCCD funding and
2 programmatic support, a coordinated long-range approach to
3 IPP programming has been able to be implemented in the
4 County. In 1985 the Berks County Community Release Program
5 a pre-trial program that brought to Berks County a fair and
6 equitable bail system, was implemented. A 20 percent
7 reduction in Berks County Prison residents at the pre-trial
8 level has been gained over the seven-year program period.
9 This program not only continues to assist in stabilizing the
10 Berks County Prison pre-trial population, but also pays 70
11 percent of the annual expense of its program efforts and its
12 staffing needs. Staffing that is 24 hours a day, 365 days a
13 year. Present clients, 327. PCCD dollars gave Berks County
14 the chance to bring this most effective program into
15 reality. Counties around our state continually call to
16 request pre-trial program implementation assistance.
17 Through initial PCCD dollars which were given to Berks
18 County, those counties have gained our gratis services and
19 program implementation support.

20 As the pre-trial program continues its success,
21 Berks County looked to expand its prison overcrowding
22 assistance, and as 1987 came around and long-range planning
23 became the name of the game, criminal justice issues changed
24 and the accelerated drug problem came on the scene. Now it
25 was not only one issue, prison overcrowding, but a second

1 issue, drug abuse and community drug problems.

2 A project was needed to deal with the client
3 from arrest to pre-trial to prosecution to probation and
4 parole, and along the way, outpatient treatment had to be a
5 part of each client's plan.

6 The intensified approach to drug intervention
7 and treatment of drug offenders/abusers in the criminal
8 justice system, Phase 1 Pre-trial, was born through PCCD's
9 solid commitment to coordinated programming, with prison
10 overcrowding and the county drug problem as the key issues.

11 Today, the District Attorney's Office, Berks
12 County Narcotic Information Center, Treatment Access
13 Services Center, Council on Chemical Abuse and the Berks
14 County Prison Society, Inc., along with the Adult Probation
15 and Parole are still actively working together with over 800
16 clients a year entering several or all elements of the
17 project. From arrest to probation with drug and alcohol
18 counseling along the way, this PCCD-initiated program has
19 made a difference in a drugfree life for hundreds of clients
20 and families over the past five years. This program with
21 eleven staff in five offices is funded totally with Berks
22 County dollars, picked up after three years of the most
23 needed PCCD dollars.

24 The second phase of the long-range plan for IPP
25 expansion came to Berks County in 1991 as sentencing

1 guidelines changed for drug offenders. Through PCCD funding
2 assistance, Berks County Prison gained its presently
3 effective drug program. The program entitled Intensified
4 Approach to Drug Intervention and Treatment of Drug
5 Offenders/Abusers in the Criminal Justice System, Phase II,
6 Prison Population Movement, was funded with PCCD dollars.

7 Our judges needed a new program to sentence
8 clients who had mandatory time to serve for their drug
9 offenses. Current funds from PCCD continue to assist the
10 growth of this program in year number 3. The County of
11 Berks is committed to pick up total funding of this
12 important PCCD-assisted program in March of 1993.

13 Along with the drug program established at Berks
14 County Prison through PCCD support, a population management
15 position was also implemented, and through this position,
16 court cases, beginning at the pre-trial stage, are moving 30
17 days faster than prior to the inception of the PCCD-funded
18 staff position. Prison resident cases have been accelerated
19 ahead of pre-trial release cases to assist even more in the
20 overcrowding situation. The Prison Society, Council on
21 Chemical Abuse, Treatment Assessment and Services Center,
22 Neuman Center and Adult Probation and Parole all have a part
23 in this coordinated program effort.

24 Then once again, with the needed assistance of
25 PCCD, who were right there to make our long-range criminal

1 justice programming plans a reality for our community,
2 Intensified Approach to Drug Intervention and Treatment of
3 Drug Offenders/Abusers in the Criminal Justice System, Phase
4 III, Community Service, was able to be implemented and give
5 to our courts another alternative sentencing plan. A
6 two-prong plan, a community service program for criminal
7 justice clients and the opening of three SAFE houses, SAFE
8 meaning Staying Addiction Free and Employed; three halfway
9 houses with outpatient counseling for 24 clients that are
10 either sentenced, released early from prison or parole
11 violated clients with drug problems. Client outpatient drug
12 treatment needs and the prison overcrowding problem were
13 once again assisted in Berks County by program funding from
14 PCCD.

15 This program as just described is in year number
16 two of operation and we're hoping for year number three
17 assistance, prior to full county funding, which already has
18 been approved. The success of this program can be best
19 shown by the 85 percent success rate. This is an addiction-
20 free success rate.

21 The Council on Chemical Abuse, Treatment Access
22 Center, Berks Youth Counseling Center, Berks Prison Society
23 and the County Community Service Department are all working
24 together to assist the 24 clients per day, which is the
25 number of beds available. 18 men and six women can be

1 supported daily with their addiction problem in the SAFE
2 House residences. Over 100 clients annually are assisted in
3 this program. The average length of SAFE House stay is from
4 two to five months. Along with outpatient drug counseling,
5 employment and educational assistance is given to each of
6 our clients. And, over 600 clients presently are doing
7 community service work as part of their sentence, due to
8 this Phase III program effort. PCCD can only be thanked by
9 these clients and families for allowing Berks County to give
10 them a chance to be a credible citizen.

11 Finally, as the three-phase long-range plan in
12 Berks County dealing with drug offenders and the prison
13 overcrowding continues to grow in success, another growing
14 problem has sprouted and continues to bring more family-
15 oriented problems. The alcoholic and second time DUI
16 offender figures are rising daily in Berks County. And 30
17 days in jail doesn't seem to be halting the problem. So,
18 once again PCCD has come to the forefront with their support
19 efforts. And hopefully on January 1, 1993 the program "A
20 Coordinated System Approach to Intervention and Treatment of
21 the DUI Offender", a program for second-time DUI offenders,
22 will move into its implementation stages, bringing another
23 IPP prevention an alternative sentencing program to the
24 County of Berks. A 14-bed DUI Halfway House will be opened
25 for second-time DUI offenders. With this program and its

1 goals, we hope to bring back family values to many and drop
2 the figure of alcohol-related problems, including death on
3 our highways. The program will also assist again with
4 prison overcrowding problems.

5 The dollars received from the state through PCCD
6 have been used cost effectively in providing a full gamut of
7 IPP alternative sentencing programming in Berks County.
8 These programs would not have ever had the chance to be
9 started without the assistance of PCCD-state fund
10 resources. Without these state dollars, Berks County Prison
11 would be more than overcrowded, and drug- and
12 alcohol-related problems would equal a much expanded and
13 costly problem to our citizens.

14 Many dollars allocated by PCCD for programs like
15 those in Berks County are needed presently to operate
16 criminal justice programming in the other 66 counties in our
17 state. I come before you today to applaud and commend you
18 for your past support of PCCD state budgets that have
19 assisted our county efforts and other counties through the
20 throughout the state, and to respectfully request that you
21 make a positive decision to the future of PCCD state budget
22 requests so that PCCD can continue to do their extremely and
23 highly effective job in making the difference in the family
24 lives of so many in our state.

25 I want to thank you for the job you're doing and

1 the time you've given me to discuss the programs I'm very
2 proud of, to thank PCCD, Mr. James Thomas and his staff for
3 allowing me to grow professionally, to thank my three county
4 commissioners, Anthony Carabello, Glenn Reber, and Ernie
5 Miller, my President Judge, Judge Forrest Schaeffer and his
6 colleagues and Court Administrator, James Bonini and all the
7 criminal justice professionals in Berks County that have
8 given me a chance to talk to you today, and finally, to
9 thank two people for the job they're doing in so efficiently
10 a manner, State Representative Caltagirone and Senator
11 Michael O'Pake, who serves as a member of the Pennsylvania
12 Commission on Crime and Delinquency.

13 Thank you again, and please understand that
14 family values are essential to all of us, and PCCD state
15 funds will allow more people in our state to understand that
16 major issue.

17 CHAIRMAN CALTAGIRONE: Thank you, John.

18 Questions?

19 (No audible response.)

20 MR. DAVIS: I would like to add one more
21 comment. And I'm not applying for Jim's job that he offered
22 me, which you heard officially he offered John and I a job,
23 but Dauphin County has been very fortunate over the last
24 couple years to be able to apply for PCCD grants. Today I
25 was representing the Chiefs Association, and many of the

1 chiefs who have come up and said that their counties will
2 not fund that portion because they don't have the dollars,
3 and I want to stress that. Dauphin County Commissioners,
4 who have left, have been supportive up until this year when
5 we applied for our Halfway House money and they had to come
6 up with \$120,000, and with the budget cuts they said no,
7 they wouldn't fund it. So, Jim and his staff and,
8 seriously, the Pennsylvania Board of Probation and Parole
9 grant in aid program have been wonderful for counties, but
10 the dollars have got to be there to help us, because county
11 commissioners are really beating their heads against the
12 wall, I guess, to try to come up with the revenue, and not
13 everybody is able to do it statewide. Some of us have been
14 lucky but others haven't.

15 CHAIRMAN CALTAGIRONE: Speaking to that subject,
16 maybe there will have to be some ingenious ways of looking
17 at providing a match other than through dollars, as far as
18 what could be done with work groups, as an example. I know
19 there used to be federal programs back in the '60s, Head
20 Start and some of the other programs where there were
21 matches that didn't necessarily require dollars to be put up
22 front, come out of the local governmental units.

23 MR. THOMAS: The difficulty, Mr. Chairman, is
24 that we're implementing the IPP Act totally with federal
25 dollars and, therefore, we're subject to the federal

1 regulations. And it's the law, in fact, states it will be a
2 25 percent cash match so that there isn't an ability to do
3 it with the softer match, if you would.

4 Also, the intention of the Commission on Crime
5 and Delinquency is to use those limited funds as seed money,
6 and if we could start attempting to use those funds as
7 subsidy, of course, the Commission on Crime and Delinquency
8 would very shortly have no ability to fund anything else.

9 CHAIRMAN CALTAGIRONE: This is where I think all
10 of us that are involved in our respective positions with the
11 budget problems coming up in the next couple of months, two,
12 three, four, months, I mean, they're starting to grind
13 things out already. Of course, we have to finish up what we
14 didn't complete in June, this month. I think it's really
15 incumbent upon all of us to make the case to the
16 Administration and to the Budget Secretary that more of our
17 dollars, our tax dollars, all of us, have got to go into
18 these areas earmarked and dedicated to these programs and
19 projects that we know are working.

20 To continue on, when we talked about building
21 those new state prisons, I said at the time and I said it
22 again and again and again, it's damn foolhardy to think that
23 we're going to build our way out of that problem, and we're
24 not. That valuable prison space, and everybody keeps
25 singing the same song, I think we've got to get people

1 upstairs to open their ears up to what we're saying.
2 Incarceration is not going to be the answer. It's these
3 alternative programs, if it's going to work. The valuable
4 prison space both to the county and the state level are for
5 the violent offenders. The non-violent offenders should be
6 allowed to access all of these various programs and the
7 funding has to be there to allow you to do that job, to
8 allow them accessing that funding with the help of the
9 counties, when it's available, to bridge that gap.

10 Cost effective, I mean, you know, anybody that
11 sat here today and listened to what was testified to has got
12 to have an ear full that it's working and it's saving the
13 taxpayers a lot of dollars. And there's a lot of very
14 valuable programs that I think are really assisting people
15 to get that help. How to get that message across to the
16 policy makers when we vote on the budgets as
17 representatives, but we're only a piece of it. You have the
18 Executive through the Administration Office and the Budget
19 Secretary where, I mean, they really crunch the numbers
20 upstairs.

21 And, you know, I keep saying we're in this
22 together, and I, just a few months back, took some of the
23 guys upstairs that testified here, and we were a little bit
24 upset about the probation money that wasn't coming through
25 and sat in the Governor's office for a little bit until Walt

1 Carmel came out and finally talked to us to shake some money
2 loose that they had pigeonholed. That's not the way we
3 really should operate.

4 But, Jim, I think the point that they're making
5 is that you're doing a good job with what you have to work
6 with, and I know he had the Chiefs Commission. We need to
7 make sure that in the budget process that we're going to be
8 entering in the end of this year that we dedicate more of
9 that valuable money, you know. It's going to be interesting
10 to see exactly what position we're going to be placed in as
11 legislators because they can't open up those three new
12 prisons because they don't have the bucks to do it. I kept
13 saying, that money, we could probably have saved a heck of a
14 lot of that money. It's going to cost us about a billion
15 dollars until we pay that debt off, and that doesn't include
16 the overhead. We would have shaved half of that and
17 provided that money as access to the counties to do these
18 things through your organization, that we probably wouldn't
19 have even needed to build those darn things to begin with.
20 Enough.

21 MR. DAVIS: That's the point we're also pointing
22 from the Chief's Association, is that we're doing a lot of
23 the work and we're not getting cut off.

24 CHAIRMAN CALTAGIRONE: We were kicking this
25 thing around. This goes back three, four years, talking

1 about sentencing and, you know, we can work it any way we
2 want. You close that gap, it's a shame that John isn't
3 here, at the lower level, and I know that you were involved
4 in these conversations, Jim, that we were talking about,
5 with retail theft as an example, and you shave that off and
6 all of a sudden the bulge at the top starts to come down,
7 you narrow it. You expand that and you're going to get the
8 bulge at the county level and we're going to get it at the
9 state level.

10 And it works. It really does work. I mean, we
11 work in tandem with what's going on here. Nobody works in a
12 vacuum. And what one does can seriously affect the
13 operations of either the county or the state prisons, the
14 funding problems and everything else. And that's why I
15 think this kind of testimony is absolutely critical to make
16 our point with the Administration and what we're going to
17 have to go through, because when we have to put our votes up
18 there, like we did last year, on the taxes, this past year
19 on the taxes, and you people at the county level, you
20 realized exactly 60, 75 percent. In most cases counties
21 receive money from the state to operate their total county
22 budget, as do most of the school districts. I mean, 40, 50
23 percent. We certainly don't keep it up here in Harrisburg.
24 And that story doesn't get told often enough, you know.
25 They think, well, you know, you guys are raising the taxes

1 up there in Harrisburg, what do you do with all that money?

2 How much of it do we really keep that you funnel
3 through? You keep a very small percentage for overhead and
4 cost of operations, let's face it. What's the percentage?

5 MR. THOMAS: The overall funding? Five
6 percent.

7 CHAIRMAN CALTAGIRONE: Five percent. And the
8 rest of it goes back to the local for programs and
9 projects.

10 Kevin?

11 REPRESENTATIVE BLAUM: I would just like to
12 thank Mr. Fidler for his commercial, and perhaps we'll take
13 him with us next January sometime, upstairs. Thank you.

14 CHAIRMAN CALTAGIRONE: Any other questions?
15 (No audible response.)

16 CHAIRMAN CALTAGIRONE: Thank you. Thank you for
17 your testimony. I appreciate it. We'll adjourn the
18 hearing.

19 (Whereupon, the hearing was adjourned at
20 2:43 p.m.)

21 * * * * *

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1 I hereby certify that the proceedings and
2 evidence are contained fully and accurately in the notes
3 taken by me on the within proceedings, and that this copy is
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MAJORITY POLICY COMMITTEE

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

AGENDA

HOUSE JUDICIARY COMMITTEE PUBLIC HEARING

September 8, 1992
1:00 P.M. Room 140 M C Majority Caucus Room

RESULTS OF ALTERNATIVE SENTENCING

John Kramer, Executive Director
Pennsylvania Commission on Sentencing

Pennsylvania State Association of County Commissioners
James E. Huber, Commissioner
Lancaster County

Russel L. Sheaffer, Commissioner
Sally Klein, Commissioner
Anthony Petrucci, Commissioner
Dauphin County

Pennsylvania Chief Adult Probation Officers Association
Terry Davis, Chief
Dauphin County

James Thomas, Executive Director
Pennsylvania Commission on Crime and Delinquency

John A. Fidler, Jr., Executive Director
Berks County Prison Society

JUST THINKING

ELECTRONIC CUFFS, HOME ARREST
HELP EASE PRISON CROWDING

BY JIM BENCIVENGA

Not every criminal offender talks about wearing an electronic monitoring device quite the way 16-year-old Ronnie does. "It started out as an unwanted guest at the dinner table but turned into a guardian angel," says the youth from Winston-Salem, NC.

When he and his mother first left the courtroom and he saw the ankle bracelet "my whole leg was shaking," he says. "After two or three days I forgot about it. But I never forgot what I had to do to get it off."

Ronnie (not his real name) had to wear an electronic home-arrest bracelet for four weeks. When it came off he had proved his desire to change his ways. If it was time for him to go home early he would tell his friends (without losing face) by just pointing to his ankle. He could also tell them that vandalizing cars and breaking into houses wasn't smart. The juvenile court still keeps tabs on him and will do so for a probation period.

His story is not unique. Preliminary reports from the first wave of national studies done since state and county corrections departments introduced the home-arrest devices some six years ago give rise to modest optimism.

Plagued by prison overcrowding, budget cuts, and high recidivism, "it is a very good tool in the correction's box," says Joseph Vaughn, associate professor of criminal justice at Central Missouri State University and editor of the journal *Electronic Monitoring*.

"One of the things that really struck us" after looking at the data on electronic detention programs, says Terry Baumer, associate professor of public affairs at Indiana University, Indianapolis, "was the high number of positive comments we got from offenders after they finished the program."

Individuals who had lifestyle problems—from alcohol and drug abuse to carousing too much—made comments like, "I stopped drinking. My wife thinks it's great. Haven't missed a day of work in six months."

Electronic monitoring is an intermediate sanction between parole and prison. Most home-incarceration programs started out by emphasizing surveillance and security but neglected rehabilitation, Professor Baumer says.

ALL 50 STATES EMPLOY SOME VERSION
OF ELECTRONIC MONITORING.

"This aspect must be looked at more closely" now, he says.

The concept of electronic monitoring appeals to both liberals and conservatives, says Tim App, director of community corrections in Massachusetts.

For those who want to get tough on crime it allows offenders to be restrained who might otherwise walk free because of overcrowded prisons and the fact that their crime isn't as serious as others who tie up scarce cell space.

For those who think the United States has already gone too far with its incarceration rate, electronic monitoring can be used for offenders who might otherwise be kept in jail or prison without needing so severe a sanction.

The first thing to note about electronically monitored home detention is the distinction between the sanction (home detention) and the method (electronic monitoring). Keeping the two aspects separate, says Professor Baumer, assists in appraising the appropriate use of home incarceration. Electronic monitoring programs rely on the threat of immediate detection and subsequent

sanctions for unauthorized absences.

Given that there are no physical restraints when an individual is sentenced to his or her home, the burden of responsibility falls heavily on the corrections agency to target individuals who are unlikely to pose a serious threat to others, Mr. App says. Only inmates with three or fewer months of time remaining on their sentence can be in the Massachusetts program. Of the first 100 individuals in the program, five were returned to prison to complete their sentence, he says.

According to the National Institute of Justice, it costs anywhere from \$60,000 to \$75,000 per bed to build a prison and \$60 per day per inmate to operate it. Home-arrest equipment costs between \$4,500 and \$5,000 per inmate and anywhere from \$8 to \$18 per inmate per day to provide the monitoring, depending on the level of oversight a jurisdiction wants to provide.

The savings are even greater, App says. Since the inmate is out in the community and working, he or she is required to pay for rental and use of the monitoring equipment. And this is in addition to whatever taxes the offender is paying, he says.

All 50 states employ some version of electronic monitoring. There are 435 adult programs in the US, with the greatest number in Florida and Michigan. Texas and California are coming up the fastest. No one knows what the high end for use of electronic monitoring will be. "We're still at its infancy," Professor Vaughn says.

"Electronic monitoring is a tool. It is not a program in and of itself."

It cannot be a substitute for sound correctional policy making," App says.

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KENTUCKY PASSES COMMUNITY CORRECTIONS ACT

CONTINUED FROM PAGE 1

Greg Richardson and Richard Hart drafted a CCA bill for Kentucky, which the JF Task Force eagerly presented to the sentencing commission. With minor modifications, the bill was introduced in the legislature by Representative Lear. With little debate both houses approved it unanimously, and Gov. Brereton Jones signed the CCA into law in April 1992.

What does the CCA mean for Kentucky? According to Representative Lear, the CCA will help the state identify "the people who should be put in prison and the people who can be dealt with better by some alternative to prison." The

legislature has appropriated \$300,000 for CCA programs over the next two years—enough money to begin model programs in two or perhaps three jurisdictions. Once the pilot sites are operating and successful, Lear expects the state to increase its commitment to community corrections.

Now that the CCA has been passed and signed into law, the JF Task Force is ready to assist in its implementation. Involving the community will be one of the JF Task Force's highest priorities. "I see us getting into public relations," says Dempsey. "If we, as a task force,

can go out there and sell churches, civic groups, and other centers of influence on the concept of community corrections, we would certainly be making it easier for judges to sentence offenders to alternative sentences."

Representative Lear agrees that *community* is the key word in the Community Corrections Act. "I think the only way for [alternatives to prison] to really make a difference is for there to be community support. You have to convince communities that we ought to be putting people to work, rehabilitating them, requiring community service, requiring restitution. That helps make the community and the victim whole and helps make the person who is convicted more likely to be whole at the end of the process."

For Rodney Dempsey, the CCA's potential for establishing a restorative response to crime was just as important as its potential for holding down Kentucky's soaring prison population and corrections costs. Dempsey, who has visited prisons as a Prison Fellowship volunteer, relates why he has supported the CCA all along. "I saw how much money we were spending on incarceration—an average of \$12,600 per year per inmate. I saw that the system was growing by leaps and bounds, and yet it was not working at all.

"But I also saw a lot of worthwhile human beings in prison that I felt shouldn't be treated like McDonald's throw-away wrappers. Whether we like it or not, almost all of them are going to come back out of prison. Under our prison system, they are going to come out worse. I just felt there should be alternatives for a lot of the people who are being incarcerated."

With the state's CCA passed and funded, the possibilities are just beginning.

DO COMMUNITY CORRECTIONS WORK?

"One way to change criminal behavior," says JF Kentucky Task Force member David Norat, "is to address the circumstances—such as drug and alcohol abuse, lack of education, or unemployment—that were present at the time the defendant committed the crime."

Norat, also the director of the Defense Services division for the Kentucky Department of Public Advocacy, says that community punishment programs, such as those to be established under Kentucky's new Community Corrections Act, allow criminal justice officials to tap existing community resources to "put together a punishment that reduces the likelihood of those circumstances recurring."

Norat explains that the CCA permits local community corrections boards to use state funds to establish programs—such as drug abuse treatment or transitional housing—that will address the greatest needs

among offenders. Requiring offenders to pay restitution and perform community service will also help ensure that victim and community needs are met.

Norat stresses that criminal justice officials and the community must be educated to see incarceration as a "last resort, [reserved] for the most incorrigible and violent offender, because [prisons] are a finite resource." By sentencing nonviolent offenders to something other than prison, "we may be punishing them more, and definitely holding them more accountable."

With Kentucky's new CCA, Norat sees "a great opportunity for a government and community effort, for organizations such as Justice Fellowship to use grassroots laymen to get involved and to educate the community, using the technical assistance of the Kentucky Corrections Department—to get out there and say, 'Yes, neighbor, this can work.'"



David Norat

**ALTERNATIVES TO INCARCERATION
TESTIMONY BEFORE THE
HOUSE JUDICIARY COMMITTEE**

**Dr. John H. Kramer
Executive Director and
Associate Professor of Sociology
The Pennsylvania State University**

September 8, 1992

TESTIMONY ON INTERMEDIATE PUNISHMENTS

MR. CHAIRMAN, MEMBERS OF THE HOUSE JUDICIARY COMMITTEE, AND STAFF, THANK YOU FOR THE OPPORTUNITY TO SHARE MY VIEWS ON THE ISSUE OF ALTERNATIVES TO INCARCERATION.

IN 1980 SENTENCING TO PROBATION AND OTHER FORMS OF NON-CONFINEMENT REPRESENTED ALMOST 70 PERCENT OF ALL SENTENCES. IN CONTRAST, BY 1990 INCARCERATION HAD BECOME THE SENTENCE OF CHOICE AND ACCOUNTED FOR MORE THAN 60 PERCENT OF SENTENCES. AT THE SAME TIME, THE INCREASE IN SENTENCES TO STATE INCARCERATION ROSE FROM 9 TO 13 PERCENT AND FOR COUNTIES FROM 23 TO 51 PERCENT. AND BE AWARE THAT THERE WERE MANY MORE OFFENDERS BEING SENTENCED IN 1990 THAN IN 1980. THUS, COUNTY FACILITIES AND PROBATION, ALMOST TOTALLY COUNTY SUPPORTED RESOURCES, ARE DEALING WITH ALMOST 90 PERCENT OF THE SENTENCES. THE PENDULUM FOR INCARCERATION WAS BUILT ON A FRUSTRATION WITH CRIME, ACCUSATIONS THAT JUDGES WERE TOO LENIENT, AND THE POLITICS OF CRIME. IN FACT, THE COMMISSION AFTER EXAMINING SENTENCES PRACTICES IN THE EARLY 1980'S OF THE OFFENDER. WE CONCURRED WITH MANY OTHERS THAT SENTENCING PATTERNS OFTEN FAILED TO ADEQUATELY PUNISH THE SERIOUS VIOLENT OFFENDER, AND THEREFORE FAILED TO PROTECT THE PUBLIC FROM THEIR FUTURE CRIMINALITY. IN RESPONSE, WE SYSTEMATICALLY INCREASED THE SEVERITY OF OUR GUIDELINE RECOMMENDATIONS FOR SERIOUS VIOLENT OFFENDERS OVER PAST SENTENCING PRACTICES. ON THE OTHER HAND, IT IS JUST AS STARTLING TO SEE THE NUMBER OF NON-VIOLENT OFFENDERS BEING SENTENCED TO STATE PRISON.

IN 1990 THE PENNSYLVANIA COMMISSION ON SENTENCING'S DATA INDICATED THAT 394 RETAIL THIEVES WERE SENTENCED TO STATE PRISON;

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IN PART, COUNTY PRISON OVERCROWDING AND INADEQUATE SENTENCING OPTIONS ACCOUNTS FOR THESE SENTENCES. IN 1990-91 THE GENERAL ASSEMBLY DIRECTLY ADDRESSED THIS PROBLEM WHEN IT ENACTED ACTS 193 AND 201. THESE ACTS PROVIDED FOR INTERMEDIATE PUNISHMENTS FOR OFFENDERS WHO WOULD OTHERWISE BE INCARCERATED IN COUNTY PRISONS AND THEY CLARIFIED THAT THE COURT HAD THE AUTHORITY TO SENTENCE OFFENDERS TO INTERMEDIATE PUNISHMENT. FROM MY VIEW, THESE ACTS WERE IMPORTANT BECAUSE THEY ESTABLISHED A NEW SENTENCING OPTION, BUT THEY WERE IMPORTANT PRIMARILY BECAUSE THEY REFLECTED A SHIFT OF POLICY BY THE LEGISLATURE FROM INCARCERATION TO EXPANSION OF SENTENCING OPTIONS OTHER THAN INCARCERATION. THIS STATEMENT OF ENCOURAGEMENT HAS BEEN THE STIMULANT FOR THE PENNSYLVANIA COMMISSION ON SENTENCING AS WELL AS OTHER STATE AGENCIES TO VIGOROUSLY ENCOURAGE THE DEVELOPMENT, THE EXPANSION AND THE USE OF THESE PROGRAMS. LET ME TAKE THIS OPPORTUNITY TO PUBLICLY RECOGNIZE THE SIGNIFICANCE OF THE PCCD'S EFFORTS TO FUND AND TO ESTABLISH MINIMUM STANDARDS FOR THESE

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PROGRAMS. REPRESENTATIVE KEVIN BLAUM, CHAIR OF THE PCCD, MR. JIM THOMAS, EXECUTIVE DIRECTOR, AND MR. JIM STRADER, DIRECTOR OF INTERMEDIATE PUNISHMENT PROGRAMS, HAVE TAKEN MAJOR LEADERSHIP ROLES IN THE STATE WITHOUT WHICH THE IMPLEMENTATION OF THESE ACTS WOULD HAVE BEEN SERIOUSLY IMPEDED. I PERSONALLY THANK AND CONGRATULATE THEM FOR THEIR EFFORTS.

TODAY, HOWEVER, MY RESPONSIBILITY IS TO GIVE YOU AN UPDATE ON HOW THE COMMISSION ON SENTENCING RESPONDED TO YOUR ENACTMENT OF THE INTERMEDIATE PUNISHMENT LEGISLATION, TO DISCUSS WHO IS GETTING THE INTERMEDIATE PUNISHMENT SENTENCES, AND THEN TO DISCUSS SOME AREAS IN THE LEGISLATION THAT MAY NEED TO BE AMENDED.

INCORPORATING INTERMEDIATE PUNISHMENT IN THE SENTENCING GUIDELINES

PRIOR TO THE ENACTMENT OF ACTS 201 AND 193 THE COMMISSION HAD SUBMITTED TO THE HOUSE AND SENATE JUDICIARY COMMITTEES FOR YOUR REVIEW SOME EXAMPLES OF HOW WE COULD REVISE THE SENTENCING GUIDELINES TO HELP ADDRESS THE PROBLEM OF OVERCROWDING IN THE STATE PRISON SYSTEM. THIS WAS PROMPTED BY A REQUEST BY MEMBERS OF THE HOUSE JUDICIARY COMMITTEE THAT THE COMMISSION MAKE RECOMMENDATIONS AS TO HOW DEAL WITH THE CRISIS. THE COMMISSION ADOPTED THE POSITION THAT THE PROBLEM WITH THE OVERCROWDING IN THE STATE PRISON SYSTEM IS IN REALITY A SYSTEM PROBLEM AND THAT ANY SOLUTION THAT ATTEMPTED TO COPE WITH THE PROBLEM WITHOUT CONSIDERING THE AVAILABILITY OF PROGRAMS AT THE LOCAL LEVEL WOULD BE MISDIRECTED. THEREFORE, IN EXAMINING WAYS IN WHICH THE GUIDELINES COULD BE REVISED TO COPE WITH

THE STATE OVERCROWDING PROBLEM THE COMMISSION REVIEWED SENTENCING PATTERNS STATEWIDE. AFTER CAREFUL STUDY (AND AS I DOCUMENTED EARLIER) IT WAS DETERMINED THAT THERE WERE MANY NON-VIOLENT OFFENDERS BEING SENTENCED TO THE STATE PRISON SYSTEM WHOSE HISTORY OF CRIMINALITY AND CURRENT OFFENSE DID NOT INDICATE THAT THEY POSED A THREAT TO THE PUBLIC. IN FACT, IT WAS DETERMINED THAT THESE OFFENDERS WERE AN UNREASONABLE BURDEN ON THE TAXPAYERS. FOR EXAMPLE, OFTEN THE VICTIM DOES NOT GET RESTITUTION, THE COUNTY PAYS FOR THE PROSECUTION OF THESE OFFENDERS AND THE PROBATION OFFICERS TO PREPARE A PRE-SENTENCE REPORT. THEN THE STATE PICKED UP THE TAB FOR THE INCARCERATION OF THE OFFENDER. WHILE WE CANNOT ESTIMATE THE TOTAL COST TO THE SYSTEM OF CRIMINAL JUSTICE, IT WAS CLEAR THAT THESE OFFENDERS WERE COSTING MORE THAN THE VALUE RECEIVED BY THE INCARCERATION. MOST IMPORTANTLY, THE OFFENDER WAS BEING HOUSED, CLOTHED, AND FED BY THE COUNTY AND THE STATE AND THE OFFENDER WAS TAKING LITTLE RESPONSIBILITY FOR HIS OR HER OWN ACTIONS.

TO BEGIN TO RECTIFY THIS SITUATION THE COMMISSION PROPOSED REVISING THE GUIDELINES TO MOVE MANY NON-VIOLENT OFFENDERS FROM STATE TO COUNTY INCARCERATION. OBVIOUSLY, THIS PROPOSAL WITHOUT OTHER SIGNIFICANT CHANGES IN THE SYSTEM OF CRIMINAL JUSTICE WOULD HAVE MERELY SHIFTED THE STATE'S BURDEN TO THE COUNTY. THEREFORE, THE COMMISSION EXPLORED INCENTIVES THAT IT COULD INCORPORATE INTO THE GUIDELINES FOR COUNTIES TO DEVELOP A SERIES OF PROGRAMS THAT WOULD BE ALTERNATIVES TO INCARCERATION AND WOULD ALLOW THE COUNTIES TO ABSORB MANY OF THE NON-VIOLENT OFFENDERS WHO ARE IN THE STATE

SYSTEM. THE COMMISSION'S PROPOSAL THAT IT PRESENTED TO THE HOUSE AND SENATE JUDICIARY COMMITTEES IN 1989 INCORPORATED AN INTEGRATED SERIES OF CHANGES IN THE GUIDELINES TO PUT THE LEAST SERIOUS, NON-VIOLENT OFFENDERS IN NON-INCARCERATIVE PUNISHMENTS THAT WOULD BE MORE RESTRICTIVE THAN REGULAR PROBATION. IT WAS THOUGHT THAT THESE NON-INCARCERATIVE ALTERNATIVES SUCH AS HOUSE ARREST, ELECTRONIC MONITORING, COMMUNITY SERVICE AND OTHER SUCH PROGRAMS WOULD ALSO INCREASE THE ACCOUNTABILITY AND RESPONSIBILITY OF THE OFFENDER TO SUPPORT THEMSELVES AND REPAY THE VICTIM.

FORTUNATELY THE LEGISLATURE, AND PARTICULARLY THIS COMMITTEE, TOOK THE LEAD AND MOVED THE LEGISLATION THAT BECAME ACTS 193 AND 201. THIS SUPPORTED THE COMMISSION'S INITIATIVES IN THIS AREA AND WENT FURTHER BY INDICATING THAT THE INTERMEDIATE PUNISHMENT PROGRAMS IDENTIFIED IN THE ACTS SHOULD BE USED AS ALTERNATIVES TO COUNTY INCARCERATION. WITH THE SUPPORT OF THIS LEGISLATION THE COMMISSION MOVED FORWARD IN 1991 AND SUBMITTED ITS PROPOSALS TO THE LEGISLATURE FOR ITS ADOPTION. THESE PROPOSALS WERE ADOPTED BY THE LEGISLATURE AND WENT INTO EFFECT ON AUGUST 9, 1991.

BUT THE IMPORTANT ISSUE IS NOT CHANGING THE GUIDELINES, BUT SETTING FORTH THE OPPORTUNITIES FOR THE COUNTIES TO IMPLEMENT PROGRAMS OR TO EXPAND PROGRAMS THAT THEY ALREADY HAVE. THE MAJOR PROBLEM WITH ACTS 193 AND 201 WAS THAT THEY DID NOT PROVIDE ANY FINANCIAL SUPPORT TO THE COUNTIES TO EXPAND AND DEVELOP THE INTERMEDIATE PUNISHMENT PROGRAMS. IT IS INTO THIS VOID THAT THE PA COMMISSION ON CRIME AND DELINQUENCY STEPPED.

PCCD'S FUNDING INITIATIVES FOR INTERMEDIATE PUNISHMENT

TO A GREAT EXTENT THE COUNTY REACTION TO ACTS 201 AND 193 WAS NEGATIVE. THIS NEGATIVE REACTION WAS NOT BECAUSE THE COUNTIES DID NOT BELIEVE THAT THE INTERMEDIATE PUNISHMENT PROGRAMS WERE WORTHWHILE. IN FACT, MANY COUNTIES HAD ALREADY DEVELOPED MANY SUCH PROGRAMS. BUT, COMBINED WITH THE GUIDELINE INTENT TO MOVE THE LEAST SERIOUS, NON-VIOLENT OFFENDERS OUT OF THE STATE PRISON SYSTEM THEY VIEWED INTERMEDIATE PUNISHMENT AS ANOTHER ATTEMPT BY THE STATE TO MEET ITS BUDGET CRISIS AND IMPRISONMENT CRISIS BY PRESSING THE BURDEN ON THE COUNTY. THIS WOULD HAVE BEEN A MAJOR CREDIBILITY PROBLEM FOR THE LEGISLATURE IF IT WERE NOT FOR THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY'S FUNDING INITIATIVES FOR IP. THEY WILL DETAIL FOR YOU WHAT THEY HAVE INVESTED IN INTERMEDIATE PUNISHMENT TO HELP COUNTIES PLAN THEIR CRIMINAL JUSTICE SYSTEM, AND TO DEVELOP THE PROGRAMS NECESSARY TO MEET THE INTENT OF THE INTERMEDIATE PUNISHMENT ACTS AND THE REVISIONS OF THE SENTENCING GUIDELINES. HOWEVER, THEIR FUNDING DOES NOT PROVIDE THEM THE ABILITY TO SUSTAIN THESE EFFORTS AND TO ESTABLISH PROGRAMS THAT WE ARE SURE WILL CONTINUE TO EXIST INTO THE 21ST CENTURY. THE GENERAL ASSEMBLY NEEDS TO INVEST IN THESE PROGRAMS SO THAT WE ARE ASSURED OF THEIR BEING CONTINUED. NOT TO INVEST IN THE COUNTY CORRECTIONAL SYSTEM WHICH DEALS WITH THE VAST MAJORITY OF OFFENDERS WILL RISK A GROWING RELIANCE ON STATE IMPRISONMENT AT A MUCH GREATER COST THAN INVESTMENT IN THESE PROGRAMS.

WHO IS GETTING THESE SENTENCES

IT IS IMPOSSIBLE TO PROVIDE STATISTICAL DETAILS AT THIS TIME ON WHO IS RECEIVING INTERMEDIATE PUNISHMENTS BUT BASED ON CONVERSATIONS WITH MANY COUNTIES WE DO HAVE SOME IMPRESSIONS. FIRST, IT APPEARS THAT COUNTIES ARE PARTICULARLY FOCUSING THE USE OF INTERMEDIATE PUNISHMENT ON THE DUI OFFENDER. AS YOU MAY REMEMBER, ACT 201 PERMITS THE USE OF HOUSE ARREST OR ELECTRONIC MONITORING WITH TREATMENT OR THE USE OF RESIDENTIAL INPATIENT TREATMENT AS ALTERNATIVES TO THE MANDATED INCARCERATION SENTENCES FOR DUI OFFENDERS. AT THIS TIME IT APPEARS THAT COUNTIES ARE USING IP PROGRAMS AS A SUBSTITUTE FOR OFFENDERS WHO WOULD HAVE BEEN CONFINED PREVIOUSLY AND TO SHORTEN THE TERM OF INCARCERATION WHICH IS OFTEN CALLED SHOCK INCARCERATION IN OTHER STATES. AN EXAMPLE OF THIS LATTER TYPE OF SENTENCE IS IF THE OFFENDER WOULD HAVE SPENT 11½ MONTHS INCARCERATED PRE-IP NOW THE OFFENDER MAY SPEND 6 MONTHS IN TOTAL CONFINEMENT AND BE PAROLED TO ONE OF THE IP PROGRAMS SUCH AS ELECTRONIC MONITORING. THUS IT APPEARS THAT MANY COUNTIES ARE IMPLEMENTING THE PROGRAMS AND USING IT IN SOME CASES AS A TOTAL REPLACEMENT FOR INCARCERATION FOR SOME OFFENDERS AND USING IT AS PARTIAL REPLACEMENT IN OTHER CASES. CURRENTLY THE PA. COMMISSION ON CRIME AND DELINQUENCY IS MONITORING THE PROGRAMS THAT IT IS FUNDING AND WE ARE MONITORING THE SENTENCING INFORMATION REPORTED TO US, BUT IT IS TOO EARLY TO TELL THE OVERALL USE OF INTERMEDIATE PUNISHMENT. WE WILL CONTINUE TO MONITOR SENTENCING TO ASSURE THAT THE IP

PROGRAMS ARE MEETING THE GOALS OF ACTS 193 AND 201 THAT THEY BE USED AS A REPLACEMENT FOR COUNTY INCARCERATION. WHILE THE FIRST SIGNS ARE ENCOURAGING WE NOW NEED TO MOVE TO THE NEXT STAGE OF DEVELOPMENT OF IP PROGRAMS.

FUNDING CONCERNS

MY OPTIMISM IS CONSTRAINED BECAUSE THERE IS NO STABLE FUNDING FOR THE PROGRAMS AND IN TOUGH ECONOMIC TIMES THESE MAY BE THE VERY PROGRAMS THAT ARE THE FIRST TO BE ELIMINATED. PERSONALLY, I THINK THAT IT IS ESSENTIAL THAT THE COMMITTEE CONSIDER WAYS THAT IT CAN PROVIDE ONGOING FUNDING TO THE COUNTIES TO SUPPORT THE PROGRAMS. THIS LEGISLATION IS ONE COMPONENT OF A SYSTEM OF CRIMINAL PUNISHMENTS AND TREATMENT PROGRAMS AND IF IS NOT FINANCIALLY SUPPORTED BY THE GENERAL ASSEMBLY IT WILL NOT BECOME INSTITUTIONALIZED AND WE WILL SLOWLY REGRESS TO GREATER AND GREATER RELIANCE ON INCARCERATION AS THE PUNISHMENT. THIS WOULD BE A MOVE TO A LESS EFFECTIVE, LESS FAIR, AND MORE EXPENSIVE CRIMINAL JUSTICE SYSTEM. WE NEED A FULL RANGE OF PUNISHMENTS AND TREATMENT PROGRAMS THAT WILL BE TRUSTED BY THE PUBLIC AND WILL ENABLE THE COURTS OF PENNSYLVANIA TO PROTECT THE PUBLIC AND MAKE THE OFFENDER MORE ACCOUNTABLE AND MORE RESPONSIBLE.

TO DO THIS, I THINK THAT THE GENERAL ASSEMBLY SUPPORT FUNDING FOR THE DEVELOPMENT AND EXPANSION OF INTERMEDIATE PUNISHMENT PROGRAMS. THIS FUNDING MUST BE CONTINUOUS SUCH THAT THE COUNTY CAN

RELY ON THE CONTINUED SUPPORT OF THE PROGRAM. IN EXCHANGE FOR THE FUNDING THE COUNTY MUST BE ACCOUNTABLE TO ITS CAUTIOUS USE OF STATE INCARCERATION SO THAT THE EXPENSIVE, AND LIMITED RESOURCES THAT THE LEGISLATURE HAS PROVIDED IS USED IN THE BEST MEANS POSSIBLE--THIS MEANS FOR THE VIOLENT AND DANGEROUS OFFENDER.

Good Afternoon. I am Russell L. Sheaffer, Chairman of the Board of the Dauphin County Commissioners. With me today are Dauphin County Commissioners, Sally Klein and Anthony Petrucci. Also accompanying us today is Dauphin County Chief Adult Probation Officer Terry Davis and Mary Beth Rhodes, Government Affairs Specialist for the Pennsylvania State Association of County Commissioners.

We appreciate the opportunity to appear before you today to discuss the results of alternative sentencing.

We are experiencing unprecedented change in our county and state correctional system. Along with the continued population growth in our jails and prisons, the Commonwealth has made available funding for prison construction and intermediate punishment sanctions. Dauphin County, as well as many other counties, has implemented several alternative sentencing programs. These programs have proven effective and have saved the taxpayers money. Alternative sanctions address the behavior and needs of the offenders, thereby decreasing recidivism.

At this time, we would like to informally discuss our involvement with alternative programs.

- 21 to 51% increase in incarceration in county facilities

- counts, 90% of sentences

- Minnesota & Washington - sent. guidelines

- incorporated Acts w/ sentencing guidelines
1983, 201

⊗ Acts do not supply funding for counties

⊗ Counties use IP for DUI - Act 100
using for substitute
alternative

⊗ no stable funding for programs
leg. must find ongoing funding
for counties or greater & greater
reliance on incarceration

HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HEARINGS: RESULTS OF ALTERNATIVE SENTENCING

SEPTEMBER 8, 1992

TERPY L. DAVIS

CHIEF ADULT PROBATION AND PAROLE OFFICERS ASSOCIATION OF PA

GOOD AFTERNOON, MY NAME IS TERRY L. DAVIS, I AM THE DIRECTOR OF DAUPHIN COUNTY ADULT PROBATION AND PAROLE OFFICE HERE IN HARRISBURG. I AM REPRESENTING THE COUNTY CHIEF ADULT PROBATION AND PAROLE OFFICERS ASSOCIATION OF PENNSYLVANIA. IN PENNSYLVANIA WE SUPPORT THE COURTS IN 65 OF THE 67 COUNTIES, AND WE ARE RESPONSIBLE FOR ALL OF THE PROGRAMS THAT I WILL DISCUSS HERE TODAY.

IN 1790 PENNSYLVANIA IMPLEMENTED THE PENITENTIARY CONCEPT FIRST IN THE WALNUT STREET JAIL, PHILADELPHIA, AND THE PROJECT WAS SUCCESSFUL ENOUGH FOR THE COMMONWEALTH TO BUILD WHAT WOULD BE THE MODEL FOR BOTH THE UNITED STATES AND EUROPE FOR MANY YEARS. WHEN ON OCTOBER 25, 1829, CHARLES WILLIAMS AN 18 YEAR OLD FIRST OFFENDER WAS SENTENCED TO TWO YEARS FOR LARCENY IN EASTERN PENITENTIARY IN CHERRY HILL, NEAR PHILADELPHIA, IT MARKED THE BEGINNING OF THE MODERN ERA FOR THE CRIMINAL JUSTICE SYSTEM, NOT JUST HERE IN PENNSYLVANIA, BUT THE WORLD. IT WASN'T UNTIL THE 1840 THAT A SHOEMAKER IN BOSTON BEGAN APPEALING TO THE COURT FOR CONDITIONAL RELEASE INSTEAD OF INCARCERATION THAT PROBATION BECAME AN ALTERNATIVE MEANS OF SENTENCING. THE PROCESS OF PAROLE DID NOT FIND IT'S WAY INTO OUR SYSTEM UNTIL THE 1870'S, AND BY THIS TIME IT CAN BE SAID THAT THE CRIMINAL JUSTICE SYSTEM WAS ALREADY BUSTING AT THE SEEMS.

DURING THE LAST DECADE IN THE UNITED STATES AND LOCALLY HERE IN PENNSYLVANIA THERE HAS BEEN A SERIOUS BOOM IN THE NUMBER OF CASES GOING THROUGH THE CRIMINAL JUSTICE SYSTEM

THE PRISON POPULATION IN THE UNITED STATES HAS RISEN FROM 130 CASES PER 100,000 POPULATION IN 1980, TO 310 PER 100,000 IN 1990. THIS IS OVER A 140% INCREASE IN THE LAST DECADE. WHILE HERE IN PENNSYLVANIA THE TREND FOR THE SAME PERIOD HAS RISEN OVER 171% ACCORDING TO COMMISSIONER LEHMAN, (USA TODAY, 9/1/92).

IN RELATIONSHIP TO PROBATION AND PAROLE IN THE UNITED STATES THERE WERE APPROXIMATELY 1,445,000 CLIENTS UNDER SUPERVISION IN 1980, AND BY 1990 THERE WERE APPROXIMATELY 3,200,000 CASES. THIS REPRESENTS A 122% INCREASE IN THE NUMBER OF CASES INVOLVED IN COMMUNITY CORRECTIONS. THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE DURING THE SAME PERIOD SAW AN INCREASE FROM 14,000 TO 17,000 OR A 22% INCREASE IN CASELOAD. THIS EQUATES TO THE FOLLOWING: IN 1980 A PAROLE AGENT SUPERVISED AN AVERAGE OF 64 SERIOUS CRIMINAL OFFENDERS AND BY 1990 THE AVERAGE CASELOAD HAD INCREASED TO 80 PER AGENT. A 25% INCREASE IN WORK LOAD.

IN A MORE PERSONAL CONCERN WITH THE COUNTY PROBATION AND PAROLE DILEMMA THE FOLLOWING CASELOAD FIGURES REPRESENT WHAT YOUR LOCAL AGENCIES HAVE TO DEAL WITH: IN 1980 THERE WERE 54,000 OFFENDERS IN OUR SYSTEM, BUT BY THE END OF 1990 WE HAD INCREASED TO OVER 120,000 CASES. THIS REPRESENTS A 122% INCREASE IN CASES THAT WERE ON EITHER PROBATION/PAROLE/ARD. THE AVERAGE CASELOADS STATE WIDE INCREASED 62% PER AGENT FROM 74 CASES PER OFFICER TO OVER 120 CASES PER OFFICER. (THIS EQUALS THE NATIONAL AVERAGE).

WE ALSO WANT TO POINT OUT AT THIS TIME THAT YOUR COUNTY ADULT PROBATION AND PAROLE DEPARTMENTS HAVE A GREAT DEAL OF RESPONSIBILITIES THAT INCLUDE: THE SUPERVISION OF EVERY CASE ASSIGNED TO THE AGENCY; PRESENTENCE INVESTIGATION FOR THE COURT; PREPAROLE INVESTIGATIONS PRIOR TO RELEASE BACK INTO THE COMMUNITY; INSURING THAT OFFENDERS MEET LEGISLATIVE MANDATES SUCH AS: D.U.I. SAFE DRIVING SCHOOLS, RECEIVE AND MONITOR ALCOHOL AND DRUG REHABILITATION, COLLECT RESTITUTION AND FEES, AND CONDUCT A.R.D. PROGRAMS.

YOUR COUNTY ADULT PROBATION AND PAROLE DEPARTMENTS THROUGH THE LOCAL LEADERSHIP HAS INITIATED MANY PROGRAMS THAT HAVE BENEFITED THE TAXPAYER AS WELL AS THE OFFENDER OVER THE LAST TEN YEARS. SOME OF THESE PROGRAMS AND RESPONSIBILITIES I JUST MENTIONED, BUT OTHERS INCLUDE: INTENSIVE SUPERVISION, MENTAL HEALTH AND MENTAL RETARDATION SPECIAL UNITS, SPECIALIZED DRUG AND ALCOHOL CASELOADS, SHOP LIFTING PROGRAMS, ELECTRONIC MONITORING PROGRAMS, IN-HOUSE ARREST PROGRAMS, PRE TRIAL PROGRAMS, BAIL PROGRAMS, WORK RELEASE PROGRAMS, COLLECTION EFFORTS FOR FINES, COST, FEES, AND RESTITUTION, AND COMMUNITY SERVICE PROGRAMS.

ALL OF THE ABOVE INITIATIVES WERE PUT INTO PLACE TO DEAL WITH THE VAST RESPONSIBILITIES PLACED ON US BY THE LEGISLATURE AND THE COURTS, WITH THE OFFENDERS NUMBERS INCREASING DRASTICALLY THE FINANCIAL SUPPORT HAS NOT BEEN THERE. WE SINGLE HANDILY TRIED TO ACCOMPLISH OUR MISSION OF PROTECTION OF THE COMMUNITY THROUGH PROBATION AND PAROLE

TECHNIQUES. IT WASN'T UNTIL THE MID 1980'S THAT YOU THE LEGISLATURE SAW THE NEED TO SUPPORT US WITH REAL FINANCIAL AIDE WHEN YOU INCREASED OVER A THREE YEAR PERIOD BEGINNING IN 1986 OUR GRANT FROM APPROXIMATELY 26% TO 80% IN 1988. HOWEVER, A REVERSE TREND HAS STARTED WHICH I WILL ADDRESS SHORTLY.

FISCAL TRENDS IN CORRECTIONS vs. COUNTY PROBATION SYSTEMS IN PENNSYLVANIA LOOKS LIKE THIS! PENNSYLVANIA IS NOW DEDICATING \$1.236 BILLION FOR NEW PRISON CONSTRUCTION. THE COMMONWEALTH HAS AUTHORIZED \$200 MILLION IN A BOND PROGRAM FOR COUNTY PRISON CONSTRUCTION AND THE PA STATE ASSOCIATION OF COUNTY COMMISSIONERS HAVE REQUESTED ANOTHER \$200 MILLION BOND BE FLOATED FOR THE SAME PROGRAMS.

MEANWHILE THE COUNTY PROBATION AND PAROLE SYSTEMS, WHO WILL BE ASKED TO SUPERVISE ALL OF THESE OFFENDERS ONCE THEY ARE RELEASED, AND WHO WERE TOLD TO ASSUME MORE RESPONSIBILITIES BY THE CREATION OF NEW LEGISLATION, "INTERMEDIATE PUNISHMENT ACT", IS NOW EXPECTING MORE CUTS IN GRANT IN AID SUPPORT.

OVER THE LAST DECADE, BEGINNING WITH 1980 THE COUNTIES RECEIVED APPROXIMATELY 25% REIMBURSEMENT FOR "NEW" STAFF SALARY COSTS, WHILE THE COUNTY HAD TO PICK UP THE ADDED COST OF BENEFITS AND OPERATIONAL EXPENSES FOR THESE NEW EMPLOYEES. LOOKING BACK, IT IS SURPRISING THAT THE COMMISSIONERS EVEN CONSIDERED IT, BUT A GREAT DEAL OF CREDIT SHOULD GO TO THE COUNTY COMMISSIONERS AND THE COURTS OF PENNSYLVANIA FOR IMPROVING THIS LEVEL OF CONTROL, BECAUSE BY

NOW THE BURDEN ON THE STATE, WITHOUT OUR HELP, WOULD EASILY COST OVER FIVE TIMES AS MUCH TO THE TAXPAYER.

IN 1986 THE COUNTIES BEGAN TO RECEIVE AN INCREASE IN FUNDING AND \$6,339,648 WHICH EQUATED TO 50% OF SALARY COST WAS RECEIVED. IN 1987, \$10,059,000 OR 66% OF SALARY COST, AND IN 1988, \$13,336,000 WAS DISBURSED TO COUNTIES FOR SALARIES ONLY. THIS WAS OUR PEAK YEAR FOR REIMBURSEMENT BECAUSE IT REACHED 78%. (NOT QUITE THE 80% MANDATE). FOR THE NEXT TWO YEARS WE MAINTAINED A 77% LEVEL OF SUPPORT, UNTIL 1991 WHEN THE DOLLAR AMOUNT WAS \$15,911,00 BUT ONLY 64%. THE DOLLAR AMOUNT INCREASED, BUT IT WAS DURING THIS PERIOD THAT COUNTIES AGAIN WERE ASKED TO EXPAND TO HELP WITH THE PRISON OVERCROWDING PROBLEM, AND ONCE AGAIN WE RESPONDED, BUT IT FELL FAR SHORT OF THE 80% LEVEL IN FINANCIAL AIDE.

NOW IN 1992/1993 WE ARE BEING ASKED TO DO EVEN MORE WHILE ONLY \$10,000,000 OR 40% BEING MADE AVAILABLE FOR GRANT IN AIDE, WHILE \$3.4 MILLION IS BEING HELD IN BUDGET RESERVE BY THE GOVERNOR'S OFFICE.

WHILE ASTRONOMICAL AMOUNTS ARE BEING DEDICATED TO BRICK AND MORTAR, FUNDING FOR COMMUNITY BASED CORRECTIONS IS BEING REDUCED. THIS IS HAPPENING AT THE TIME WHEN MORE AND MORE RESPONSIBILITIES AND EXPECTATIONS ARE BEING PLACED ON COUNTY PROBATION SYSTEMS.

WE ASK WHY? WHAT IS THE VULNERABILITY, OR LACK OF SUPPORT FOR THE COUNTY PROBATION SYSTEM?

- A. BRICK AND MORTAR, EVEN THOUGH IT IS MUCH MORE EXPENSIVE, IT IS MORE MARKETABLE TO THE GENERAL PUBLIC THAN COMMUNITY BASED CORRECTIONS, IE: PROBATION.
- B. THERE ARE NO CONSTITUTIONAL RESTRICTIONS ON PROBATION OR PAROLE CAPACITIES TO SUPERVISE NUMBER OF CASES PER OFFICERS vs. CONSTITUTIONAL RESTRICTIVE ON JAIL/PRISON CAPACITIES.
- C. WITH THE STATE CUTS TO THE COUNTY COURT SYSTEM, WE IN THE PROBATION AND PAROLE OFFICES CAN ANTICIPATE AN ADVERSE IMPACT ON OUR OWN BUDGETS AND REQUEST FOR THE COMING YEARS.
- D. WITH THE RECENT CREATION OF SUPERVISION FEES FOR OFFENDERS, THE LEGISLATORS CLEARLY SHOWED SUPPORT FOR PROBATION AND PAROLE AGENCIES TO GENERATE MONEY TO IMPROVE AND GROW BASED ON PROJECTED FIGURES FOR THE 1990'S AND 21TH CENTURY, BUT WITH THE OVERALL CUTS TO THE COUNTIES THERE IS MORE PRESSURE TO SUPPLANT OUR BUDGETS, RATHER THAN GIVE US THE CHANCE TO GROW WITH THE ANTICIPATED PROBLEMS IN THE FUTURE.

THE \$3.4 MILLION IS BUDGET RESERVE, IS STILL MORE THAN \$2.5 MILLION SHORT OF WHAT WE SHOULD RECEIVE TO SUPPORT OUR PROGRAMS. THE CONCEPT OF SUPERVISION FEES MAY BE A MEANS TO HELP MANY COUNTIES WITH THE EVER GROWING PROBLEMS IN COMMUNITY BASED CORRECTIONS, AND REASONABLE GROWTH

POTENTIAL. (HOWEVER, EVEN IF WE COLLECT THIS MONEY FROM THE MOST DIFFICULT GROUP OF INDIVIDUALS, CRIMINAL AND MANY ARE UNEMPLOYED, THIS MONEY WILL NOT IMPROVE THE SYSTEM IF THE GRANT IN AIDE MONEY IS GOING TO BE REDUCED.)

THE CREATION OF THE INTERMEDIATE PUNISHMENT ACT IN 1991 WHICH WILL PLACE MORE RESPONSIBILITIES ON OUR SYSTEM AND POSSIBLY HELP WITH SOME PRISON OVER-CROWDING, FEDERAL FUNDS WERE MADE AVAILABLE TO COUNTIES TO GET PROGRAMS STARTED, BUT THIS MONEY WHICH REQUIRES IN THE THREE YEARS, APPROXIMATELY A 50% MATCH BY THE COUNTIES, WHO ONCE AGAIN, ARE CALLED ON TO TAKE THE INITIATIVE TO RUN PROGRAMS KNOWING THAT ULTIMATELY THEY WILL HAVE TO PAY FOR THEM. MANY OF THE COUNTIES CANNOT AFFORD TO RISK THIS FINANCIAL SUPPORT, BECAUSE OF THE UNKNOWN FISCAL DILEMMA THAT THEY ARE ALREADY EXPERIENCING. THEREFORE, THE LEGISLATORS CREATION OF INTERMEDIATE PUNISHMENT PROGRAMS WILL FAIL MISERABLY DUE TO THE LACK OF FINANCIAL AIDE. THIS HAS HISTORICALLY PUT THE COUNTIES FARTHER AND FARTHER IN THE HOLE. REMEMBER THAT THE GROWTH OF COUNTY SYSTEMS WERE TO HELP WITH THE "STATE" OVERCROWDING CONCERNS, AND MAY IN TURN BE REVERSED BY THE LACK OF SENTENCING ALTERNATIVES. IF PROGRAMS SUCH AS INTERMEDIATE PUNISHMENT ARE GOING TO SUCCEED IT WILL REQUIRE BOTH FINANCIAL AND LEADERSHIP SUPPORT FROM THE STATE.

WITH THE HIGH COST OF INCARCERATION AND THE DOLLARS THAT ARE GOING TO BE PLACED IN THE "BRICK AND MORTAR", WE ASK THE SIMPLE QUESTION; HOW CAN COMMUNITY CORRECTIONS BE CUT?

WE ALL KNOW THAT THE NUMBER OF CLIENTS UNDER SOME LEVEL OF SUPERVISION IS GOING TO INCREASE IN THE UPCOMING YEARS, BECAUSE IT IS THE ONLY COST EFFECTIVE MEANS AVAILABLE TO THE COMMUNITIES, AND IT IS IMPERATIVE THAT WE START NOW BY PROVIDING ADEQUATE FUNDS FOR THE PROGRAMS THAT YOU THE LEGISLATORS HAVE MANDATED, AND WE, YOUR COUNTY ADULT PROBATION OFFICES, WILL IN FACT RESPOND TO THE CALL ONE MORE TIME AND MAKE THE PROGRAMS AS EFFECTIVE OR BETTER THAN YOU ORIGINALLY CONCEIVED. WE WILL AS WE HAVE IN THE PAST PRODUCE A POSITIVE EFFORT FOR THE TAXPAYER AND PROVIDE THE SERVICES THAT WILL ASSIST IN THE MISSIONS OF PROBATION AND PAROLE AGENCIES.

WE THE COUNTY CHIEF PROBATION OFFICERS OFFER YOU OUR EXPERTISE IN ALL OF YOUR EFFORTS IN THIS AREA AND WE ASK YOU TO CALL ON US AT YOUR CONVENIENCE. WE ALSO THANK YOU FOR PERMITTING US TO TESTIFY TODAY, AND WE HOPE THAT WE HAVE BEEN OF SOME ASSISTANCE TO YOU ON THIS ISSUE.



PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Rep. Kevin Blum
Chairman

TESTIMONY OF JAMES THOMAS
EXECUTIVE DIRECTOR OF THE COMMISSION ON CRIME AND DELINQUENCY
BEFORE THE HOUSE JUDICIARY COMMITTEE
PUBLIC HEARING ON ALTERNATIVE SENTENCING
TUESDAY, SEPTEMBER 8, 1992

James Thomas
Executive Director

Mr. Chairman and Members of the House Judiciary Committee, thank you for the opportunity to testify before you on the use of alternative sentencing measures and the status of the Commonwealth's Intermediate Punishment Program. My name is James Thomas and I am the Executive Director of the Pennsylvania Commission on Crime and Delinquency (PCCD).

In December 1990, the Legislature enacted the County Intermediate Punishment Act (Act 1990-193). Intermediate Punishment is defined as a punishment option that falls within a range bounded by traditional probation and incarceration. Examples of post-adjudication sanctions that can be used as intermediate punishments include house arrest, intensive supervision, electronic monitoring, community service, drug testing, drug and alcohol treatment, and use of fines and restitution. Act 193 does not limit punishment options to those listed in the statute, and as such, counties are encouraged to develop and implement new intermediate punishment initiatives which address local problems.

With the enactment of this legislation, the PCCD has been assigned a number of responsibilities related to its implementation. These duties include the development of standards for programs and services, the administration and disbursement of funds, the review of county intermediate punishment plans, and the provision of technical assistance and training to counties. Related to these duties, the PCCD reviews intermediate punishment plans submitted by counties

sseeking funding under Act 1990-71, the Prison Facilities Improvement Act, administered by the Pennsylvania Department of Corrections. Act 71 provides up to \$200 million in state bond funds for the construction and renovation of county correctional facilities. Act 193 requires counties to develop and submit an intermediate punishment plan to PCCD in order to become eligible for Act 71 funding through the Department of Corrections. The PCCD and the Department of Corrections have worked cooperatively in establishing procedures and guidelines for counties developing intermediate punishment plans to become eligible for Act 71 funding.

Related legislation, Act 1990-201, amended Title 42, the Judicial Code, to provide judges with the authority to sentence defendants to intermediate punishment programs. Both Acts 193 and 201 mandated the Pennsylvania Commission on Sentencing (PCS) to adopt guidelines that identify offenders who are eligible and appropriate for participation in intermediate punishment. The intent is to divert the less serious non-violent offender from county jail incarceration to alternative sentencing programs. Act 201 also contains a specific provision which states that "the court shall not have the authority to sentence an offender under this section unless the county has established an intermediate punishment program which has been approved by the Pennsylvania Commission on Crime and Delinquency."

Act 201 specifically excludes any person convicted of any of the following offenses as being eligible for sentencing to an intermediate punishment program: murder; voluntary manslaughter; aggravated assault; assault by prisoner; statutory rape; involuntary deviate sexual intercourse; indecent assault; arson and related offenses; robbery; theft by extortion; escape; and burglary of the first degree. Originally, Act 201 excluded all persons convicted under the Controlled Substance, Drug, Device and Cosmetic Act as being eligible for

participation in an intermediate punishment program. This was subsequently changed via Act 1991-13 to allow persons convicted of drug offenses to be eligible for intermediate punishment (with the exception of those offenders sentenced under 18 Pa. C.S. § 7508, relating to mandatory sentencing for drug trafficking and 18 Pa. C.S. § 6314, relating to mandatory sentencing for trafficking drugs to minors).

It should be noted that Act 201 allows for defendants convicted under 75 Pa. C.S. § 3731 (relating to driving under the influence of alcohol or controlled substance) to be sentenced to intermediate punishment. However, the type of intermediate punishment for such offenders is restricted to: a residential inpatient program; a residential rehabilitative center; or house arrest or electronic surveillance combined with drug and alcohol treatment.

Over the last 20 years, the variety of sanctioning options in use around the country has expanded significantly. The forces driving this expansion have changed over time. In the 1990s, there is no question that the number one issue is the concern in the Legislature, the courts, and corrections over escalating jail and prison populations.

In Pennsylvania, the total number of criminal cases processed through the courts jumped from 88,844 in 1980 to 91,031 in 1990. Of these cases processed through the courts, 33,195 (37%) resulted in convictions in 1980, while 52,170 (57%) of all cases processed resulted in convictions in 1990. A further examination of court cases processed shows that 76% of the convictions in 1980 resulted in some form of correctional supervision, increasing to 95% in 1990. In terms of state or county incarceration rates for this group of convicted offenders, 10,760 (32%) were incarcerated in 1980, increasing to 32,924 (63%) in 1990.

During the same ten-year time period (1980-1990), the number of offenders sentenced to probation increased by 152%, while sentences to county jails and the Department of Corrections increased by 126% and 171% respectively.

Examining one offender population which is contributing significantly to county jail crowding, during 1991 approximately 39% of all jail admissions were for Driving Under the Influence (DUI). Since the passage of Act 289 in 1982, the number of DUI offenders entering county jails has increased dramatically. Act 289 set mandatory minimum jail terms for those convicted of driving under the influence (first offense - 48 hours; second offense - 30 days; third offense - 90 days; and subsequent offenses - one year). Between 1981 and 1991, the number of DUI offenders admitted to county jails increased from 629 to 11,480.

As reported by the National Institute of Corrections, overcrowding is not, of course, the only reason for the current interest in intermediate punishments. It is fueled as well by:

- public concern over the adequate supervision of probationers and parolees;
- the demands of victims and their communities to be made whole again following a crime;
- changing and more available technologies that are challenging our notions of what is possible;
- the continuing desire of judges to tailor sentences to the offense and the offender;
- the rising failure rates of offenders on probation and parole; and
- the combined impact of the drug crisis and the war on drugs.

The Pennsylvania Commission on Sentencing has made some changes to the sentencing guidelines in response to the severe prison and jail crowding problem and to develop an expanded set of sentencing options for the court. In making

these changes, one of the primary objectives was to identify eligible offenders for intermediate punishment programs.

The concept of intermediate punishment is designed to replace short-term incarceration for less serious, non-violent offenders so that some of the less serious offenders are diverted from the county jails to alternative sentencing programs. The intermediate punishment programs are not intended for defendants who would ordinarily be placed on probation. Only after the court considers and rejects a probationary sentence should it consider a range of alternative sentencing options, namely intermediate punishments.

Since the passage of Acts 193 and 201, the PCCD has developed and is moving towards finalization of its Intermediate Punishment Regulations. These regulations establish procedures to be followed by counties for the preparation of an intermediate punishment plan for qualification for funding under Act 71, for sentencing authority under Act 201, and for application to the Commission for available funding to develop and implement intermediate punishment programs. These regulations define words used in the statutes, establish minimum standards for various programs, establish criteria for applying for funds, and describe the responsibilities of county governments vis-a-vis intermediate punishment programs.

On July 11, 1992, the PCCD published proposed regulations in the Pennsylvania Bulletin. These regulations differ from the interim regulations published in Vol. 21 of the Pennsylvania Bulletin, page 4406, September 28, 1991. Changes in the regulations were based on comments received by interested parties after appearing in the Pennsylvania Bulletin. The revised regulations also allowed for a 30-day comment period which ended on August 17, 1992. Based on the comments and suggestions received, it is anticipated that one change will be made to the intensive supervision minimum standard. The current minimum standard

calls for a minimum combination of 20 personal and collateral contacts per offender and sets the maximum caseload per supervising officer at 30 offenders. Comments from the field suggested that these requirements were excessive and that the number of offender contacts should be reduced. It is anticipated that a revised minimum standard will be drafted by mid-September 1992 and that final regulations will be adopted by December 1992.

During the month of June 1991, PCCD and the PCS jointly sponsored three regional Intermediate Punishment Training Workshops. The purpose of the Workshops was to provide information to the counties regarding Acts 193, 201 and 71. During these Workshops, counties received training on the revised sentencing guidelines and PCCD's Intermediate Punishment Regulations and instructions for the development and submission of intermediate punishment plans. The Workshops also highlighted a number of successfully operating alternative sentencing programs within the Commonwealth.

The training provided on the Intermediate Punishment Regulations provided detailed instructions on PCCD's three-tiered planning process, which is based on the counties' interest in participating in: 1) the Act 71 funding process for construction and renovation of local correctional facilities; 2) Act 201 sentencing authority to allow courts to use intermediate punishments; and 3) PCCD's competitive grant application process seeking federal Drug Control and System Improvement funds to develop and implement new intermediate punishment programs.

Counties interested only in Act 71 funding qualification were required to submit a basic plan addressing those points under Section 6 of Act 193. These requirements are as follows:

1. Training programs for the board and staff.
2. Public information and education programs.

3. Designation of an entity or county government office with overall responsibility for supervision of fiscal affairs of the program.
4. Use of existing community agencies and organizations whenever possible.
5. A mechanism to advise the courts of the extent and availability of services and programs provided under the plan.
6. All costs associated with the county intermediate punishment program.
7. For joint judicial districts, an agreement as to each county's responsibilities.

Counties interested in seeking sentencing authority under Act 201 to use intermediate punishments were required to identify specific programs and provide certification that these programs complied with PCCD's minimum program standards.

Counties seeking funding for intermediate punishment programs under PCCD's Drug Control and System Improvement Program were required to complete an expanded plan addressing the following points:

1. Assessment of available countywide correctional services and future needs.
2. A review of current sentencing procedures and the impact these procedures have on county correctional resources.
3. A review of current alternatives to pretrial detention and the potential these programs have for impacting on the jail population.
4. A description of all existing resources in the county which can be used as intermediate punishments or support services to offenders sentenced to intermediate punishment.

5. Formulation of policy statements targeted to the needs identified by the county and the impact these policies will have on the use of incarceration and intermediate punishments.
6. Development of goals and objectives which are aimed at effective utilization of existing and projected correctional resources.
7. Development of an evaluation strategy which measures the qualitative and quantitative performances of all programs.

For those counties seeking funding eligibility under Act 71, sentencing authority under Act 201, and funding eligibility under PCCD's DCSI Program, all three planning steps were required.

As a result of these training Workshops, PCCD received a total of 59 county intermediate punishment plans. The attachment to this testimony shows the counties which submitted plans and for what reason. Of those counties submitting plans, 59 counties requested and received approval to apply through the Department of Corrections for Act 71 funding for construction and renovation of local correctional facilities. Fifty-one counties requested and received approval to sentence eligible offenders to intermediate punishment programs which meet PCCD's minimum program standards, and 17 counties as well as one regional council of governments have received federal funds through PCCD to develop and implement intermediate punishment programs. In addition to the counties which have already received funding, ten additional counties are slated to receive financial support for new programs contingent upon approval by the supervisory board of PCCD on September 15, 1992. Only eight counties in the Commonwealth have not submitted intermediate punishment plans. These counties include: 1) Cameron; 2) Fayette; 3) Fulton; 4) Huntingdon; 5) Juniata; 6) Montour; 7) Sullivan; and 8) Union.

Counties that received funding for intermediate punishment initiatives did so as a result of the PCCD setting aside portions of its federal Drug Control and

System Improvement (DCSI) funds during federal fiscal years 1991 and 1992. Because Act 193 did not appropriate funds for county intermediate punishment programs and since counties voiced such a strong need for funding support, the Commission allocated \$2,500,000 in FFY-1991 and \$2,050,000 in FFY-1992 to provide "seed" monies for counties to begin much-needed intermediate punishment programs.

Drug Control and System Improvement funding has been offered to all counties in the Commonwealth during the past two years. The funds are available on a competitive basis and proposals must be submitted in response to published funding guidelines. Funds are available for up to three years (three 12-month project periods), and matching funds are required by the county (first year - 25%; second year - 50%; third year - 75%). During both years of intermediate punishment funding, requests by the counties exceeded the Commission's allocations by nearly \$9 million.

Based on the needs demonstrated by the counties and their interest in developing alternative sentencing programs, it is anticipated that the PCCD will allocate an additional \$1.25 million in FFY-1993 to begin new or to expand on existing intermediate punishment programs. Based on the Commission's commitment to fund these programs for three years with increasing local matching contributions, in excess of \$10 million of DCSI funds is slated for intermediate punishment initiatives over the coming years. Counties are expected to absorb the costs of these programs into their General Fund budgets by the end of the third year of PCCD funding.

While this funding commitment is sizeable, it presents a major problem for the majority of Pennsylvania's counties to build these program costs into their General Fund budgets over a three-year period. Counties continue to express a concern for the need for alternative sentencing programs supported with a state subsidy similar to the county probation subsidy administered by the Pennsylvania

Board of Probation and Parole. Counties believe that a state subsidy for intermediate punishments should exist given the recent changes in the sentencing guidelines which reduce the upper limit of the standard range from 12 months to 1 1/2 months for certain offenses. This change will result in diverting some of the less serious offenders from state prisons to county jails. Based on this anticipated population shift from the state system to the county system, many believe the state subsidy concept is justified.

Programs funded under PCCD's FFY-1991 DCSI allocation are currently in their first year of operation. The majority of these programs began in January 1992 and will be seeking second-year continuation funding at the Commission's December 1992 meeting. PCCD staff are currently preparing to conduct on-site monitoring visits to all of these counties to assess progress towards meeting stated objectives. Additionally, staff will be paying particular attention to the degree in which intermediate punishment is being used as a direct sentencing alternative by the courts.

In addition to the responsibilities associated with the development of intermediate punishment regulations, the review of county plans and the administration of federal funds to support alternative sentencing projects, the PCCD has been very active in promoting the concept of intermediate punishment throughout Pennsylvania. The PCCD has worked closely with the Pennsylvania Commission on Sentencing, the Pennsylvania State Association of County Commissioners, and the Department of Corrections to provide counties with a clear understanding of the new legislation and related regulations. PCCD has developed minimum program standards for a large number of intermediate punishment programs to ensure that programs throughout the Commonwealth meet established criteria.

The PCCD will continue to aggressively promote intermediate punishment programs throughout the coming years. In addition to its funding role, PCCD will

also continue to keep statewide training as a priority. This training will consist of additional regional workshops and specialized training in areas such as electronic monitoring and drug testing.

The provision of technical assistance will also be a priority and the ground work is currently being laid to establish a network of county intermediate punishment specialists. This network will consist of consultants who are selected based upon their expertise in specific areas of intermediate punishment and then assigned to counties submitting requests for technical assistance.

Relative to the area of technical assistance, the PCCD is working cooperatively with the Pennsylvania Commission on Sentencing, with assistance from the National Institute of Corrections (NIC), to conduct an intensive three-day working seminar which will be attend by 12 counties sending teams of six individuals consisting of: 1) the intermediate punishment coordinator; 2) the chief adult probation officer; 3) the warden; 4) the district attorney; 5) a Court of Common Pleas judge; 6) the county commissioners; 7) the public defender; and 8) the human services director. The purpose of the Workshop, to be held on September 21-23, 1992, is to provide county policymakers with the tools necessary to conduct assessments of their local corrections system and to develop a range of intermediate punishments as part of their overall county strategy. A total of 23 counties expressed interest in this Workshop, so it is anticipated that a follow-up session will be conducted for counties not participating on September 21-23.

One important objective of the Workshop will be that of sending the counties back to their respective jurisdictions with the basic framework for developing a corrections strategy. It is anticipated that many of these counties will need follow-up technical assistance to further develop their strategies as well as develop and implement specific intermediate punishment programs.

To respond to this need, the PCCD has negotiated agreements with the National Institute of Corrections and the Edna McConnell Clark Foundation to provide assistance in identifying and securing individual consultants who can provide necessary services to the counties. In addition to this technical assistance resource, PCCD is currently identifying individuals throughout the Commonwealth who have experience and knowledge in specialized areas of intermediate punishment. Through a Memorandum of Understanding with the Pennsylvania Department of Community Affairs, a mechanism now exists for PCCD to arrange short-term technical assistance through these county practitioners and to pay for such services out of federal DCSI funds.

In addition to the training and technical assistance plans, PCCD will establish an Intermediate Punishment Clearinghouse to provide all counties with a single point of contact from which to obtain resource information on the development and implementation of intermediate punishment programs. Reference materials, models of well-established programs, studies and surveys are just a few of the examples of the material that will be available from such sources as: 1) the National Institute of Justice; 2) the National Institute of Corrections; and 3) the National Criminal Justice Reference Service.

The PCCD is committed to the development of a full range of intermediate punishment programs in Pennsylvania. However, these programs must be based on sound planning and the development of countywide corrections strategies which examine all possible options within the policy framework established by local decision-makers.

We will continue to maintain an open dialogue with the counties and will keep all parties up to date with information concerning training seminars, implementation of new services, available grants funds, and other important information. It is our hope that counties will provide feedback to us on their

needs, suggestions, concerns and successes as well as keep us informed of what is happening in the area of intermediate punishment at the local level, where the real impact of Acts 193 and 201 should be felt.

PCCD - September 8, 1992

COUNTY INTERMEDIATE PUNISHMENT PLAN STATUS

<u>COUNTIES</u>	<u>ACT 201</u>	<u>ACT 71</u>	<u>DCSI FUNDING/IPP PROGRAMS</u>
	Sentencing Authority	Funding Qualification	(X = Funds awarded in December 1991) (0 = Funds to be awarded September 15, 1992)
01 ADAMS	X	X	
02 ALLEGHENY	X	X	X
03 ARMSTRONG	X	X	0
04 BEAVER	X	X	X
05 BEDFORD	X	X	
06 BERKS	X	X	0
07 BLAIR	X	X	
08 BRADFORD	X	X	0
09 BUCKS	X	X	0
10 BUTLER	X	X	X
11 CAMBRIA	X	X	
12 CAMERON			
13 CARBON	X	X	X
14 CENTRE	X	X	
15 CHESTER	X	X	X
16 CLARION	X	X	
17 CLEARFIELD	X	X	
18 CLINTON		X	
19 COLUMBIA	X	X	X
20 CRAWFORD	X	X	0
21 CUMBERLAND	X	X	X
22 DAUPHIN	X	X	X

<u>COUNTIES</u>	<u>ACT 201</u> Sentencing Authority	<u>ACT 71</u> Funding Qualification	<u>DCSI FUNDING/IPP PROGRAMS</u> (X = Funds awarded in December 1991) (0 = Funds to be awarded September 15, 1992)
23 DELAWARE	X	X	0
24 ELK		X	
25 ERIE	X	X	X
26 FAYETTE			
27 FOREST	X	X	
28 FRANKLIN	X	X	X
29 FULTON			
30 GREENE	X	X	
31 HUNTINGDON			
32 INDIANA	X	X	X
33 JEFFERSON	X	X	X
34 JUNIATA			
35 LACKAWANNA	X	X	
36 LANCASTER	X	X	X
37 LAWRENCE		X	
38 LEBANON	X	X	
39 LEHIGH	X	X	0
40 LUZERNE	X	X	X
41 LYCOMING	X	X	
42 MCKEAN		X	
43 MERCER	X	X	
44 MIFFLIN		X	

<u>COUNTIES</u>	<u>ACT 201</u> Sentencing Authority	<u>ACT 71</u> Funding Qualification	<u>DCSI FUNDING/IPP PROGRAMS</u> (X = Funds awarded in December 1991) (0 = Funds to be awarded September 15, 1992)
45 MONROE		X	
46 MONTGOMERY	X	X	
47 MONTOUR			
48 NORTHAMPTON	X	X	
49 NORTHUMBERLAND	X	X	
50 PERRY		X	
51 PHILADELPHIA	X	X	X
52 PIKE	X	X	0
53 POTTER	X	X	0
54 SCHUYLKILL	X	X	
55 SNYDER	X	X	
56 SOMERSET	X	X	
57 SULLIVAN			
58 SUSQUEHANNA	X	X	
59 TIOGA		X	
60 UNION			
61 VENANGO	X	X	
62 WARREN	X	X	
63 WASHINGTON	X	X	X
64 WAYNE	X	X	
65 WESTMORELAND	X	X	0

<u>COUNTIES</u>	<u>ACT 201</u> Sentencing Authority	<u>ACT 71</u> Funding Qualification	<u>DCSI FUNDING/IPP PROGRAMS</u> (X = Funds awarded in December 1991) (0 = Funds to be awarded September 15, 1992)
66 WYOMING	X	X	
67 YORK	X	X	X
TOTAL:	51	59	27

STATE HOUSE OF REPRESENTATIVES TESTIMONY

September 8, 1992
Harrisburg, PA

TOPIC: Alternative Sentencing

My name is John A. Fidler, Jr. and I'm the Executive Director of the Berks County Prison Society, Inc. located in Reading, Berks County Pennsylvania. I also administrate all of the Pennsylvania Commission on Crime and Delinquency grants for the County of Berks . . . since, all of the projects are integrated programs that are operated by more than one agency. I was happy to be asked to speak with you today on subject matters that I feel extremely positive about. Coordinated programming, planned through a Long Range Planning process, to deal with three major issues in Berks County. The Prison overcrowding issue that all counties are experiencing and two other major problems, drugs and alcohol. Each of our programs deals with at least two of the three. Issue one, prison overcrowding is a part of each of our project efforts.

In an attempt to mitigate current overcrowding at Berks County Prison, as well as to impact population growth in years to come, the County of Berks through its Criminal Justice System has implemented several types of Intermediate Punishment Programs - IPP. These programs are designed to provide alternatives to incarceration for selected offenders who can be

successfully impacted by programs other than traditional and costly incarceration, while limiting negative effects upon the community. It should be stressed that the goal of Intermediate Punishment is not to empty jails, but rather to: a) slow the acceleration of incarceration by the use of alternative options to incarceration that are safe and beneficial to both the offenders and the community and b) to assist the client in a rehabilitative nature for his or her drug and/or alcohol problem, as a preventive measure from future addiction, with the individual and family problems that assuredly will occur.

The benefits of Berks Counties IPP programming have been two fold:

- 1) Monetary Saving to the taxpayers - all program elements are extremely less expensive than incarceration.**
- 2) Client lifestyle changes which result in a more successful lifestyle after each completes the program.**

Berks County has been richly blessed by the Pennsylvania Commission on Crime and Delinquency, under the leadership of Mr. James Thomas and his most professional and credible staff.

Since 1985 through County Criminal Justice long range planning and the needed PCCD funding and programmatic support, a Coordinated long range approach to IPP programming has been able to be implemented in Berks County.

In 1985 the Berks County Community Release Program a pre-trial program that brought to Berks County "a fair and equitable" bail system, was implemented. A 20% reduction in Berks County Prison residents at the pre-trial level has been gained over the 7 year program period. This program not only continues to assist in stabilizing the Berks County Prison pre-trial population, but also pays 70% of the annual expense of its program efforts and its staffing needs. Staffing that is 24 hours a day - 365 days a year. PCCD dollars gave Berks County the chance to bring this most effective program into reality. Counties around our state continually call to request pre-trial program implementation assistance. Through initial PCCD dollars which were given to Berks County, those counties have gained our "free" services and program implementation support.

As the pre-trial program continued its success, Berks County looked to expand its prison overcrowding assistance and as 1987 came around and Long Range Planning became the name of the game, Criminal Justice issues changed and the accelerated drug problem came on the scene. Now it was not only one issue, prison overcrowding, but a second issue, drug abuse and community drug problems.

A project was needed to deal with the client from arrest to pre-trial supervision to prosecution to probation and parole - and along the way

outpatient treatment had to be a part of each clients plan. The Intensified Approach to Drug Intervention and Treatment of Drug Offenders/Abusers in the Criminal Justice System - Pre-trial was born through PCCD's solid commitment to coordinated programming, with prison overcrowding and the County drug problem as the key issues. Today the District Attorney's Office, Berks County Narcotic Information Center, Treatment Access Services Center, Council on Chemical Abuse, Berks County Prison Society, Inc. and Adult Probation and Parole are still actively working together with over 800 clients a year entering several or all elements of the project. From arrest to probation with drug and alcohol counseling along the way, this PCCD initiated program has made a difference in a drug free life for hundreds of clients and families over the past five years. This program with eleven staff in five offices is funded totally with Berks County dollars, picked up after three years of the most needed PCCD dollars.

The second phase of the Long Range Plan for IPP expansion came to Berks County in 1991 as sentencing guidelines changed for drug offenses. Through PCCD funding assistance, Berks County Prison gained its presently effective drug program. The program entitled - Intensified Approach to Drug Intervention and Treatment of Drug Offenders/Abusers in the Criminal Justice System - Phase II - Prison Population Movement was funded with PCCD

dollars. Our judges needed a new program to sentence clients who had mandatory time to serve for their drug offense. Current funds from PCCD continue to assist the growth of this program in Year #3. The County of Berks is committed to pick-up total funding of this important PCCD assisted program in March of 1993. Along with the drug program established at Berks County Prison through the PCCD support, a population management position was also implemented, and through this position court cases, beginning at the pre-trial stage, are moving 30 days faster than prior to the inception of the PCCD funded staff position. Prison resident cases have been accelerated ahead of pre-trial release cases to assist even more in the overcrowding situation. The Prison Society, Council on Chemical Abuse, Treatment Assessment and Services Center, Neuman Center and Adult Probation and Parole all have a part in this coordinated program effort.

Then once again, with the needed assistance of PCCD, who were right there to make our long range Criminal Justice programming plans a reality for our community, Intensified Approach to Drug Intervention and Treatment of Drug Offenders/Abusers in the Criminal Justice System - Phase III - Community Service was able to be implemented and give to our Courts another alternative sentencing plan. A two prong plan. A) A Community Service program for Criminal Justice clients and B) the opening of three SAFE

Houses, (SAFE) meaning Staying Addiction Free and Employed. Three halfway houses with out-patient counseling for 24 clients that are either sentenced, released early from prison or parole violated clients. Client Outpatient drug treatment needs and the prison overcrowding problem were once again assisted in Berks County by program funding from PCCD. This program as just described is in Year #2 of operation and we're hoping for Year #3 assistance, prior to full County funding, which already has been approved. The success of this program can be best shown by the 85% success rate. This is an addiction free success rate. The Council on Chemical Abuse, Treatment Access Services Center, Berks Youth Counseling Center, Berks County Prison Society, Inc. and the County Community Service Department are all working together to assist the 24 clients per day, which is the number of beds available, 18 men and six women can be supported daily with their addiction problem in the SAFE House residences. Over 100 clients annually are assisted. The average length of SAFE House stay is from 2 to 5 months. Along with outpatient drug counseling, employment and educational assistance is given to each client. And, over 600 clients presently are doing Community Service work as part of their sentence, due to this Phase III program effort. PCCD can only be thanked by these clients and families for allowing Berks County to give them a chance to be credible citizens.

Finally, as the three phase Long Range Plan in Berks County dealing with drug offenders and the prison overcrowding continues to grow in success, another growing problem has sprouted and continues to bring more family oriented problems. The alcoholic and 2nd time DUI offender figures are rising daily in Berks County. And 30 days in jail doesn't seem to be halting the problem. So, once again PCCD has come to the forefront with their support efforts. And hopefully on January 1, 1993 the program "A Coordinated System Approach To Intervention and Treatment of the DUI Offender", a program for 2nd time DUI offenders will move into its implementation stages, bringing another IPP prevention program to Berks County. A 14 bed DUI Halfway House will be opened for 2nd time DUI offenders. With this program and its goals, we hope to bring back family values to many and drop the figure of alcohol related problems, including death on our highways. The program will also assist again with the prison overcrowding problem.

The dollars received from the state through PCCD have been used cost effective in providing a full gamut of IPP programming in Berks County. These programs would not have ever had the chance to be started without the assistance of PCCD-State fund resources. Without these state dollars Berks County Prison would be more than overcrowded and drug and alcohol related problems would equal a much expanded and costly problem.

Many dollars allocated by PCCD for programs like those in Berks County are needed presently to operate Criminal Justice programming in the other 66 counties in our state. I come before you today to applaud and commend you for your past support of PCCD-State budgets that have assisted our county efforts and other counties throughout the State; and to respectfully request that you make a positive decision to the future of PCCD-State budget requests, so that PCCD can continue to do their extremely and highly effective job in making the difference in the family lives of so many in our state.

I want to thank you for the job your doing and the time you have given me to discuss programs I'm proud of. To thank PCCD, Mr. James Thomas and his staff for allowing me to grow professionally. To thank my three County Commissioners, Anthony Carabello, Glenn Reber, and Ernie Miller, my President Judge, Judge Forrest Schaeffer and his colleagues and Court Administrator, James Bonini and all the Criminal Justice professionals in Berks County that have given me a chance to talk to you today. And finally to thank two people for the job they are doing in so efficiently a manner in the state, Representative Caltigirone and Senator Michael O'Pake, who serves as a member of the Pennsylvania Commission on Crime and Delinquency.

Thank you again and please understand that family values are essential to all of us and PCCD-State funds will allow more people in our state to understand that major issue.