

Pennsylvania Department of Corrections

Status Report

House Judiciary Committee

Oversight Hearing

September 9, 1993

Joseph D. Lehman

Commissioner of Corrections

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PENNSYLVANIA DEPARTMENT OF CORRECTIONS

OUR HISTORY

Corrections was elevated to cabinet-level status in 1984 under Act 245. From 1953 to 1980, the prison system was managed by a Bureau of Correction within the old Department of Justice. In 1980, the bureau was relocated to the Office of General Counsel after legislation changed the state attorney general from an appointed to an elected office and abolished the Justice Department.

The bureau was created by an act of the Legislature in September 1953 after receiving a report from a special committee to investigate prison problems, chaired by retired Army Major General Jacob L. Devers. The Devers Committee was convened during a time of prison unrest throughout the United States and after riots at Pittsburgh and Rockview early in 1953. It was the committee's mission to recommend ways to improve the correctional system.

At that time, the state's prisons were collectively grouped under the Pennsylvania Department of Welfare and governed by individual boards of trustees. The Devers Committee recommended the creation of one agency whose sole purpose would be administration of the state prison system. Based on this recommendation, the Legislature created the Bureau of Correction. Arthur T. Prasse, who was superintendent of the State Industrial School at White Hill for boys, became the first commissioner of corrections, appointed by Gov. John S. Fine.

By this time, Pennsylvania already had a notable reputation in penology. The commonwealth was, in fact, the birthplace of the penitentiary concept, embodied in Cherry Hill, properly called Eastern State Penitentiary. It was opened in 1829 outside Philadelphia and was considered at the time to be the world's greatest penitentiary. Known to historians as "the first true penitentiary in the world," it operated until 1970.

A prison in the western part of the state, later known as Western Penitentiary, opened at Pittsburgh in 1826. It and a short-lived replacement on the same site were doomed to failure because of the smallness of their cells and lack of light. For this reason, Eastern Penitentiary is credited as the first true penitentiary despite its being three years younger than the original Western Pen. In 1882, a new Western Penitentiary, today known as SCI Pittsburgh, was opened one mile further up the Ohio River. This institution still operates today as a close-security institution for men.

SCI Huntingdon (Huntingdon County), opened in 1889, was modeled after the Elmira Reformatory in New York. Originally the Huntingdon Reformatory for Young Offenders, it was later used for "defective delinquents" until 1960. It is now a close-security facility for men.

SCI Rockview (Centre County, 5 miles from Bellefonte) was begun in 1912 and opened in 1915. Originally planned to replace Eastern and Western Penitentiaries, it became instead the branch prison for Western Penitentiary, housing lesser security risk prisoners, most of whom were employed in Rockview's extensive farm program outside the gates. It now is a medium-security institution for men.

SCI Graterford (Montgomery County, 30 miles from Philadelphia), opened in 1929, performed the same branch function for Eastern until Eastern was closed in 1970. Today, Graterford, a close-security facility, is the largest of our institutions.

SCI Muncy (Lycoming County, 20 miles from Williamsport) is the diagnostic and classification center for the state's female inmates. It was originally opened in 1920 as The Muncy Industrial Home, a training school for female offenders between the ages of 16 and 30. Incorporated into the Bureau of Correction in 1953, SCI Muncy houses maximum, medium and minimum custody level women inmates.

SCI Camp Hill (Cumberland County, 6 miles from Harrisburg) opened in 1941 as the Industrial School at White Hill for Young Offenders, and received Huntingdon's juvenile population en masse. It now serves as the state's sole diagnostic and classification center for men.

SCI Dallas (Luzerne County, 10 miles from Wilkes-Barre) was opened in 1960 as an institution for defective delinquents. After the state Supreme Court decision of 1966 voided the concept of "defective delinquents," Dallas, like Huntingdon, became an adult institution. It now is a medium-security facility for men.

SCI Greensburg (Westmoreland County) opened in 1969 as the first regional correctional facility, holding mostly short-term offenders. On May 1, 1986, the State Regional Correctional Facility at Greensburg was redesignated "SCI Greensburg" by Governor's Proclamation. The purpose of the change was to permit housing of a greater number of state-sentenced inmates -- a necessity with the growing inmate population. Greensburg is a medium-security institution for men.

The **State Regional Correctional Facility (SRCF) at Mercer** (Mercer County) opened in September 1978. Housing mostly minimum-security offenders from 23 counties of western Pennsylvania, serving minimum sentences of at least six months and maximum sentences of less than two years, Mercer, a minimum-security facility, emphasizes vocational training in a variety of fields.

SCI Waynesburg (Greene County) was a former youth development center, converted in 1984 into a minimum-security facility for women. In 1992, with the opening of SCI Cambridge Springs, Waynesburg was converted into a minimum-security facility for men.

SCI Cresson (Cambria County, 10 miles west of Altoona), opened in 1987, was a former center for the mentally retarded that was converted into a medium-security male institution.

SCI Frackville (Schuylkill County, off the Frackville exit of Route 81) opened in 1987. It is a close-security institution for men.

SCI Retreat (Luzerne County, 10 miles southwest of Wilkes-Barre) opened in 1988. Formerly a state hospital for the mentally ill, it is now a medium-security institution for men.

SCI Smithfield (Smithfield Township, Huntingdon County) was constructed on the reservation surrounding SCI Huntingdon. Opened in 1988, it is a medium-security facility for men.

SCI Waymart (Wayne County) is located in a building complex that was formerly part of Farview State Hospital. Pressed into operation ahead of schedule to help deal with the aftermath of the October 1989 riot at SCI Camp Hill, the joint onsite operation of a state prison and state mental health facility is unique in Pennsylvania. Waymart is a minimum-security facility for men.

SCI Cambridge Springs (Crawford County) opened in 1992, was formerly the Polish National Alliance College, purchased by the Commonwealth in 1990. The college campus subsequently was converted into a minimum-security facility for women.

Quehanna Boot Camp (Clearfield County) opened in June 1992 as the Department of Corrections' first military-style motivational boot camp. Inmates assigned to the boot camp undergo a rigid six-month disciplinary and training program, which, if successfully completed will result in their immediate release on parole. The facility will accommodate both men and women offenders.

SCI Somerset (Somerset County) opened in May 1993 as a medium-security institution for men.

SCI Coal Township (Northumberland County) opened in May 1993 as a medium-security institution for men.

SCI Mahanoy (Schuylkill County) opened in July 1993 as a medium-security institution for men.

SCI Albion (Erie County) opened in July 1993 as a medium-security institution for men.

PENNSYLVANIA'S STATE CORRECTIONAL SYSTEM TODAY

Today, under Commissioner Joseph D. Lehman, the department oversees 19 state correctional institutions, one state regional correctional facility, 15 community corrections centers, one motivational boot camp, more than 8,000 employees and more than 25,800 inmates. Offenders range in age from 14 to 90 and are serving sentences from six months to life.

The rapid growth in inmate population in recent years has necessitated prison expansion projects. Since 1987, Pennsylvania has added nearly 3,800 cells through the construction or conversion of five new institutions and expansions to existing facilities. The capacity of the state prison system will be expanded further by the addition of approximately 10,000 cells over the next several years.

OUR MISSION

The Pennsylvania Department of Corrections recognizes and accepts its public responsibility to maintain a safe and secure environment for both the incarcerated offenders and the staff responsible for them.

We believe that every inmate should have an opportunity to be constructively engaged and involved in a program of self improvement.

Authority exercised over inmates will be fair and professionally responsible.

We recognize our responsibility to be open to and provide access to inmate families, religious groups and community volunteers.

We are sensitive to the concerns of victims and their need for inclusion in the correctional process.

We recognize that our greatest source of strength lies within our human resources -- the men and women and their families who are the Pennsylvania Department of Corrections.

PROGRAMS

The department, in cooperation with the Pennsylvania Department of Education, operates a variety of academic and vocational training courses at each institution. Emphasis is on acquiring a basic education and job skills prior to release. Many of the institutions utilize the Laubach Literacy concept of "each one, teach one" to have inmate tutors teach others how to read. An innovative basic reading skills program -- Time to Read -- sponsored by Time-Life Inc. was successful as a pilot program at SCI Camp Hill and was expanded to SCI Muncy.

Each institution has a complete library for use by the inmates. Several also have a library for staff as part of their in-service training program.

Intensive treatment programs, known as "therapeutic communities," are used to treat drug and alcohol offenders at SCIs Camp Hill, Cresson, Graterford, Huntingdon, Muncy and Waymart, but there are a wide range of group and individual treatment programs throughout the system. In all, some 4,000 inmates are involved with some level of substance abuse treatment. The new 650-cell institution to be constructed in Chester will be devoted largely to drug offenders, while SCI Waymart emphasizes intensive treatment.

Specialized sex-offender programs exist at SCIs Pittsburgh, Camp Hill, Rockview and Graterford, while most other institutions have some form of sex offender treatment.

There are in-house forensic mental health units at four institutions and a variety of support services for mental health care throughout the system. Pennsylvania has one of the few centrally coordinated Post Traumatic Stress Disorder (PTSD) programs in the country. Aimed at military veterans, primarily from the Viet Nam era, the program provides intensive treatment at SCIs Graterford and Pittsburgh, with referral and follow up services offered at all facilities.

An innovative program for improving the parent-child relationship, called Project IMPACT (Inside Muncy, Parents and Children Together), has been successful at SCI Muncy. Meanwhile, fine arts programs have grown with increasing interest in drama, painting, music, poetry and prose. In addition, the institution has five state-licensed apprenticeships.

Our institutions also offer numerous recreational, social or athletic programs. The Jaycees are especially active. They hold meetings inside the institutions; engage in fund-raising activities; and, when the residents are near release, the Jaycees help them find jobs. Most of the larger institutions have Lifer organizations.

Football, baseball, basketball, softball, volleyball, track, wrestling, boxing and weightlifting are some of the organized sports offered in the institutions.

Most institutions have citizen volunteer programs. Volunteers are important because they provide services the institution may not have the resources to offer; serve as positive role models for the inmates; and are seen by the inmates as helping because they "want to," not because they "have to."

CORRECTIONAL INDUSTRIES

No understanding of the structure of the state correctional system would be complete without stressing the vital economic role played by the Bureau of Correctional Industries (CI). Correctional Industries in Pennsylvania actually antedates the central corrections agency. After the state abandoned the solitary labor concept in the early 20th century and regulated contract labor by allowing Industries to sell only to tax-supported entities, full-scale manufacture of items necessary to the state was begun.

License plates are made in Pittsburgh, as are highway signs and various types of metal furniture. Huntingdon has an active print shop, makes soaps and detergents and clothing. Mattresses, cardboard boxes and upholstering are the principal industries at Dallas. Graterford produces material for clothing, sheeting and towels and does a big business in shoes. Meat processing and freight transportation operations are conducted at Camp Hill. Rockview is known for its forestry and sawmill operations, canning and farming. Muncy has an engraving business, a garment factory and raises potatoes for all of Pennsylvania's state institutions.

Today, Correctional Industries operates 42 industrial shops, including four farms which raise crops and two dairy herds. Between now and August 1, 1993, three more facilities will come on line and they are, SCI Waymart garment factory, SCI Smithfield garment factory and SCI Greensburg office systems furniture. These new facilities will involve approximately 200 inmate jobs. Industries operates on its own budget with funds raised through sales and receives no tax monies. Customer sales in fiscal year 1991-92 were \$24 million, yielding a profit of approximately \$1 million. CI employs over 2,100 inmates throughout the system and its primary purpose is to fill the needs of governmental institutions and be self-sustaining.

Also, CI has the goal of providing vocational training and work ethics experience for inmates. Although the exact job, such as weaving and making license plates, may not be available in free society, the skills learned in mastering heavy equipment are transferable to the job market. Many inmates have had no sustained period of employment, and learning how to work can be as important in many situations as a vocation or skill.

COMMUNITY CORRECTIONS

In addition to its institutions, the Department of Corrections also has nearly 800 offenders on pre-release status living in Community Corrections Centers and group homes. These are residential facilities located in urban areas, allowing their residents closer contact with job and educational opportunities.

In 1968, the General Assembly passed Act 173, designed to develop Community Corrections Centers. The first such facility opened in Harrisburg in 1969. There are currently 15 Community Corrections Centers operating throughout the Commonwealth in Philadelphia, Pittsburgh, Harrisburg, Erie, Sharon, Scranton, York, Allentown and Johnstown. Two in Pittsburgh and Philadelphia provide services exclusively for female offenders.

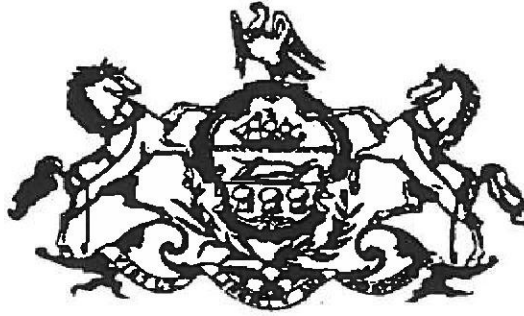
In addition to the 15 centers operated by the Bureau of Community Corrections, there are also a number of contract facilities used by the Bureau to provide specialized treatment and supervision services, particularly in the area of substance abuse programming.

The Bureau of Community Corrections also contracts for services on behalf of the Pennsylvania Board of Probation and Parole (PBPP). These facilities are designated Community Parole Centers and essentially serve as "half-way back" facilities for parolees who are experiencing difficulty under parole supervision and for whom a parole violation may be imminent. The purpose of the program is to provide an interim option for the PBPP as an alternative to citing a parolee for parole violation and returning him or her to a state correctional institution.

In general, the program regimen followed in Community Corrections Centers and Community Contract Facilities is designed specifically to approximate the reality of living in a community setting, while retaining the legal custody of individuals placed in the program. Inmates assigned to community programs are expected to secure employment or educational or vocational training. They also are responsible for rent payment, food shopping and preparation and general housekeeping. By law, Community Corrections Center staff is directed to collect and disburse all resident funds. Each resident is required to make scheduled regular payments towards fines and costs, child support and rent.

For the resident, the Community Corrections Center experience is meant to provide an atmosphere of support, while challenging individuals to assume responsibility for their lives as they near the end of their minimum sentences and their eventual return to the community. The program emphasizes personal accountability for one's actions.■

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**



MISSION STATEMENT

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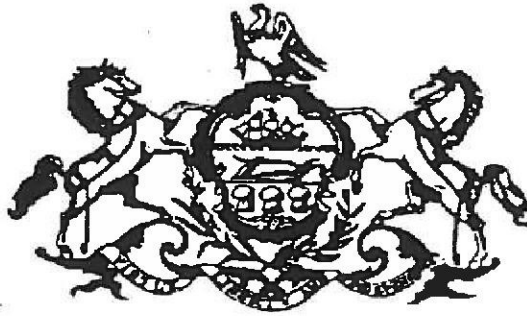
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**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**



VALUES STATEMENT

We are a team of dedicated professionals:

- *Committed to EXCELLENCE;*
- *PROUD of Our Vision and Our Accomplishments;*
- *Driven by INTEGRITY;*
- *Guided by COMPASSION and MUTUAL RESPECT for Each Other;*
- *RESPONSIVE to Each Other, Those Committed to Our Care and the Public;*
- *Evaluated by the INNOVATION and RESOURCEFULNESS with which we Realize Our Mission, Our Goals and Our Objectives.*

THE ADMINISTRATIVE CODE OF 1929

ARTICLE IX-B POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS (IX-B added Dec. 30, 1984, P.L.1299, No.245)

Section 901-B. General Powers and Duties of the Department.--The Department of Corrections, which is hereby established as an administrative department, shall have the powers and duties granted to and imposed upon it by this article and by any other statutory provisions. In addition, the Department and Secretary of Corrections shall have all the powers and duties granted to and imposed upon the former Bureau and Commissioner of Correction prior to the effective date of this article and shall also have all the powers and duties formerly vested in and exercised by the General Counsel and the Office of General Counsel insofar as such powers and duties related to the administration, management and supervision of penal and correctional facilities, programs and services.

(901-B added Dec. 30, 1984, P.L.1299, No.245)

Compiler's Note: The act of Dec. 30, 1984, P.L.1299, No.245 which established the Department of Corrections and repealed the former Bureau of Correction also contained the following provisions for the transition to the new department:

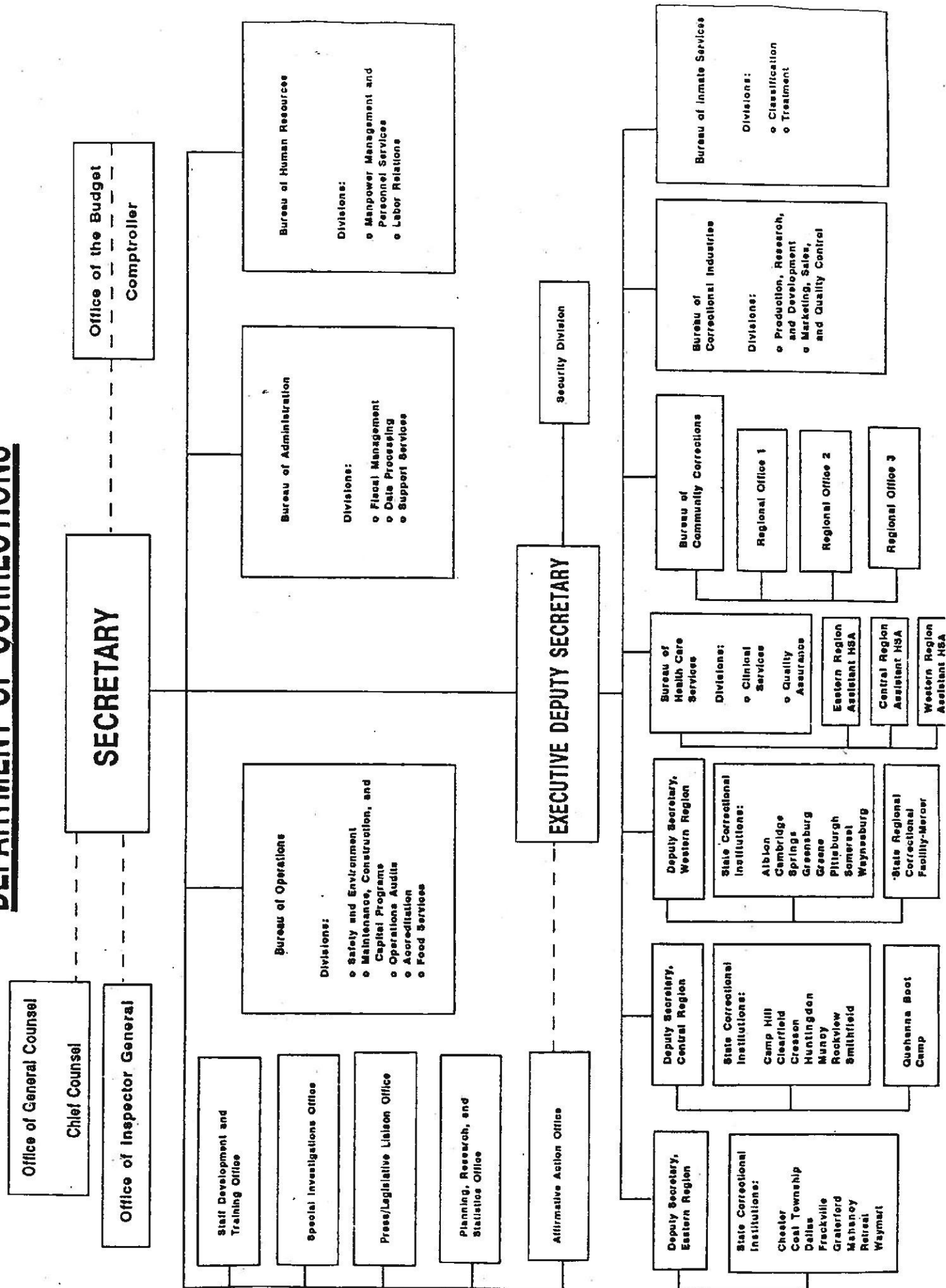
Section 5. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions given by this amendatory act to the Department of Corrections, which powers, duties and functions were formerly exercised by the Bureau of Correction or the Office of General Counsel, are hereby transferred to the Department of Corrections with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Corrections in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Corrections. All personnel transferred to the Department of Corrections from the Bureau of Correction pursuant to this act shall retain any civil service or other employment status assigned to said personnel in the Bureau of Correction prior to the effective date of this act.

Section 6. The provisions of this act shall not affect any act done, liability incurred, right accorded or vested or adjudication or decision made, including parole revocations, under the authority of any act of Assembly, or part thereof, repealed by this act.

Section 902-B. Power to Contract.--The Department of Corrections may contract with the Federal Government for the housing of inmates in Federal correctional facilities.

(902-B added Apr. 9, 1990, P.L.115, No.28)

DEPARTMENT OF CORRECTIONS



COMPLEMENT CONTROL REPORT BY LOCATION AUGUST 01, 1993

SCI	STATUS	ADMIN. & CLERICAL	CUST.	TRTNT.	EDUC.	MED.	VOC. & MAINT.	HUMAN SERV.	INSP. & INVEST.	IND.	TOTAL
ALBION	FILLED	14	70	3	0	5	2	2	2	0	98
	VACANT	7	15	1	1	0	0	2	0	0	26
CAMBRIDGE	FILLED	15	74	6	4	5	1	3	3	0	111
SPRINGS	VACANT	3	14	0	0	2	0	1	0	0	20
CAMP HILL	FILLED	77	619	59	15	26	4	14	8	13	835
	VACANT	5	10	4	2	8	0	3	0	1	33
COAL TWP	FILLED	23	89	3	2	6	2	5	2	0	132
	VACANT	0	2	1	1	0	1	0	0	2	7
CRESSON	FILLED	31	282	16	7	6	3	7	5	15	372
	VACANT	5	3	1	0	1	0	3	0	0	13
DALLAS	FILLED	52	441	26	9	24	4	7	7	11	581
	VACANT	4	20	2	2	0	0	0	0	1	29
FRACKVILLE	FILLED	30	231	16	5	15	2	4	2	0	305
	VACANT	4	6	0	2	2	0	3	1	0	18
GRATERFORD	FILLED	83	788	44	13	3	7	30	9	28	1,005
	VACANT	9	40	7	1	5	0	2	0	1	65
GREENE	FILLED	8	5	1	0	0	1	0	0	0	15
	VACANT	0	0	0	0	0	0	0	0	0	0
GREENSBURG	FILLED	30	234	14	5	15	2	5	4	4	313
	VACANT	3	5	2	1	1	0	0	0	0	12
HUNTINGDON	FILLED	50	435	27	11	22	3	12	5	27	592
	VACANT	2	3	1	1	3	1	2	0	1	14
MAHANAY	FILLED	18	70	3	3	6	3	4	2	0	109
	VACANT	2	13	2	0	1	0	1	1	1	21
MERCER	FILLED	32	241	17	2	12	2	4	3	0	313
	VACANT	1	6	2	3	1	0	0	0	1	14
MUNCY	FILLED	34	237	22	8	17	3	5	3	5	334
	VACANT	1	10	0	0	2	0	1	1	0	15
PITTSBURGH	FILLED	63	533	34	11	29	4	15	7	13	709
	VACANT	6	7	3	3	5	0	1	0	2	27
QUEHANNA	FILLED	4	34	4	0	2	4	2	0	0	50
	VACANT	0	3	0	0	0	0	0	0	0	3
RETREAT	FILLED	34	219	13	7	13	3	7	3	0	299
	VACANT	1	2	2	1	1	0	1	0	0	8
ROCKVIEW	FILLED	52	437	26	12	18	6	18	6	17	592
	VACANT	1	7	0	1	1	0	0	0	1	11
SMITHFIELD	FILLED	38	284	17	6	9	3	12	3	0	372
	VACANT	2	7	1	1	0	0	0	0	2	13
SONERSET	FILLED	22	89	5	2	6	2	4	1	0	131
	VACANT	1	1	1	1	2	0	0	1	0	7
WAYNART	FILLED	39	288	22	8	18	3	9	5	3	395
	VACANT	2	2	0	1	1	0	0	0	0	6
WAYNESBURG	FILLED	19	103	8	4	10	1	4	2	0	151
	VACANT	2	9	1	1	1	0	0	0	0	14
CCCs	FILLED	23	104	56	0	0	0	0	4	0	187
	VACANT	1	6	3	0	0	0	0	0	0	10
CENTRAL	FILLED	127	24	14	2	5	6	3	21	14	216
	VACANT	9	4	1	0	5	1	1	2	0	23
TOTAL	FILLED	918	5,931	456	136	272	71	176	107	150	8,217
	VACANT	71	195	35	23	42	3	21	6	13	409

DEPARTMENT OF CORRECTIONS 1993-94 BUDGET

The Department of Corrections General Fund Budget for Fiscal Year 1993-94 is \$609 million. Of this total, \$604.4 is requested from state revenues, \$3.4 million from federal revenues, and \$1.2 million from other sources. The General Fund Budget supports most of the functions of the Department of Corrections.

This request is an increase of \$20.7 from the 1992-1993 budget but it is 3.2 percent less than the \$624.3 million originally requested by the Governor.

This new budget will enable us to proceed with the utilization of the five new institutions which will be opened over a 21 month period. We will also be able to increase health care staffing and expand both the Cambridge Springs and Quehanna boot camp facilities.

The General Fund Budget Request provides \$403.8 million to fund a proposed complement of 9,837 salaried employees. Personnel costs represent 66 percent of our budget. The remaining \$200.6 million is used for operating expenses such as food, clothing, medical care, utilities, leases, equipment, maintenance, etc.

The increased funding will allow the Department of Corrections to provide the following new and expanded programs during this fiscal year:

- * Open 2,674 beds at the four new medium security correctional institutions;
- * Open a new maximum security correctional institution in Greene County for 454 inmates this fiscal year;
- * Open additional housing units at Cambridge Springs for female offenders;
- * Expand housing at the Quehanna motivational boot camp by 150 inmates;
- * Expand the community corrections program by 100 inmates;
- * Increase health care staffing by 86 positions to replace contracted staff, support new programs, and accommodate the transition to regional health care services;
- * Establish parenting programs for female offenders at Muncy and Cambridge Springs with federal monies;
- * Establish a victims notification process in accordance with recent legislation;
- * Expand the use of automated technology in the correctional institutions.

Besides the General Fund, the Department of Corrections will administer monies from the Manufacturing Fund and the Local Criminal Justice Fund. The Manufacturing Fund will provide \$29.8 million to operate the Correctional Industries program. These funds are obtained solely from the sale of Correctional Industries projects. The Local Criminal Justice Fund was created by Act 71 of 1990 and voters approval to provide \$200 million in bond revenues to finance county prison construction. Of this total, \$94 million is expected to be provided during the 1993-94 fiscal year.

PA DEPARTMENT OF CORRECTIONS
 PLANNING, RESEARCH, & STATISTICS OFFICE
 MONTHLY POPULATION REPORT

POPULATION CHANGE
 AS OF:

08/31/93

INSTITUTION	CURRENT MONTH	ONE MONTH PRIOR	ONE MONTH INCREASE/ (DECREASE)	ONE YEAR PRIOR	TWELVE MONTH INCREASE/ (DECREASE)	TWELVE MONTH % CHANGE
ALBION	123	85	38	-	123	-
CAMBRIDGE SPRINGS	176	175	1	124	52	41.9
CAMP HILL	2,924	2,915	9	2,933	-9	-0.3
COAL TOWNSHIP	366	371	-5	-	366	-
CRESSON	1,175	1,183	-8	1,105	70	6.3
DALLAS	2,098	2,095	3	2,165	-67	-3.1
FRACKVILLE	1,167	1,148	19	1,197	-30	-2.5
GRATERFORD	4,043	4,185	-142	4,167	-124	-3.0
GREENE	-	-	-	-	-	-
GREENSBURG	888	926	-38	1,044	-156	-14.9
HUNTINGDON	2,193	2,169	24	2,161	32	1.5
MAHANoy	147	97	50	-	147	-
MERCER	949	967	-18	943	6	0.6
MUNCY	949	947	2	821	128	15.6
PITTSBURGH	1,946	1,919	27	2,042	-96	-4.7
QUEHANNA	38	24	14	12	26	216.7
RETREAT	800	790	10	837	-37	-4.4
ROCKVIEW	2,150	2,128	22	2,041	109	5.3
SMITHFIELD	1,201	1,195	6	1,029	172	16.7
SOMERSET	365	367	-2	-	365	-
WAYMART	1,019	968	51	975	44	4.5
WAYNESBURG	311	330	-19	114	197	172.8
SCI TOTAL	25,028	24,984	44	23,710	1,318	5.6
CCC - EASTERN	139	140	-1	117	22	18.8
CCC - CENTRAL	198	198	0	207	-9	-4.4
CCC - WESTERN	132	117	15	121	11	9.1
CCC TOTAL	469	455	14	445	24	5.4
GROUP HOMES	344	341	3	352	-8	-2.3
FEDERAL PRISONS	14	12	2	8	6	75.0
DOC TOTAL	25,855	25,792	63	24,515	1,340	5.5

**PA DEPARTMENT OF CORRECTIONS
PLANNING, RESEARCH, & STATISTICS OFFICE
MONTHLY POPULATION REPORT**

**POPULATION VS. CAPACITY
AS OF:**

08/31/93

INSTITUTION	CAPACITY	POPULATION	PERCENT OF CAPACITY
ALBION	148 ¹	123	83.1
CAMBRIDGE SPRINGS	186 ²	176	94.6
CAMP HILL	1,810	2,924	161.6
COAL TOWNSHIP	378 ³	366	96.8
CRESSON	795	1,175	147.8
DALLAS	1,497	2,098	140.2
FRACKVILLE	668	1,167	174.7
GRATERFORD	2,832	4,043	142.8
GREENE	-	-	-
GREENSBURG	545	888	162.9
HUNTINGDON	1,595	2,193	137.5
MAHANoy	148 ⁴	147	99.3
MERCER	712	949	133.3
MUNCY	656	949	144.7
PITTSBURGH	1,620	1,946	120.1
QUEHANNA	48 ⁵	38	79.2
RETREAT	480	800	166.7
ROCKVIEW	1,310	2,150	164.1
SMITHFIELD	740	1,201	162.3
SOMERSET	378 ⁶	365	96.6
WAYMART	914	1,019	111.5
WAYNESBURG	344	311	90.4
CCCs	491	469	95.5
GROUP HOMES	NA	344	NA
FEDERAL PRISONS	NA	14	NA
DOC TOTAL	18,295	25,855	141.3

¹ Refers only to the portion of Albion presently available.

² Refers only to the portion of Cambridge Springs available.

³ This figure is based on the Multiple Occupancy Housing Strategy. The MOHS is based on an assessment of the housing unit square footage and security level rating. The single cell capacity at SCI Coal Township is 276 or 132.6 percent of capacity.

⁴ Refers only to the portion of Mahanoy presently available.

⁵ Refers only to the portion of Quehanna presently available.

⁶ This figure is based on the Multiple Occupancy Housing Strategy. The MOHS is based on an assessment of the housing unit square footage and security level rating. The single cell capacity at SCI Somerset is 276 or 132.2 percent of capacity.

**PA DEPARTMENT OF CORRECTIONS
PLANNING, RESEARCH, & STATISTICS OFFICE
MONTHLY POPULATION REPORT**

**POPULATION DETAIL SUMMARY
AS OF:**

08/31/93

INSTITUTION	PHY PRESENT	ON FURL	IN LOCAL HOSPITAL	AUTH TEMP ABSENCE	TOTAL INSTIT POP	CCC's	GROUP HOMES	TOTAL DEPT POP
ALBION	123	0	0	0	123			123
CAMB SPRG	174	0	0	2	176			176
CAMP HILL	2,867	0	2	55	2,924	198	102	3,224
COAL TWP	365	0	0	1	366			366
CRESSON	1,164	0	1	10	1,175			1,175
DALLAS	2,074	0	4	20	2,098			2,098
FRACKVILLE	1,142	2	0	23	1,167			1,167
GRATERFORD	3,993	0	5	45	4,043	139	171	4,353
GREENE	-	-	-	-	-			-
GREENSBURG	878	2	2	6	888			888
HUNTINGDON	2,164	0	2	27	2,193			2,193
MAHANOY	146	0	1	0	147			147
MERCER	935	0	0	14	949			949
MUNCY	932	0	1	16	949			949
PITTSBURGH	1,905	2	12	27	1,946	132	71	2,149
QUEHANNA	38	0	0	0	38			38
RETREAT	796	0	0	4	800			800
ROCKVIEW	2,124	1	5	20	2,150			2,150
SMITHFIELD	1,182	0	0	19	1,201			1,201
SOMERSET	363	0	1	1	365			365
WAYMART	1,010	2	1	6	1,019			1,019
WAYNESBURG	306	1	0	4	311			311
FEDERAL PRISONS	14	0	0	0	14			14
DOC TOTAL	24,695	10	37	300	25,042	469	344	25,855

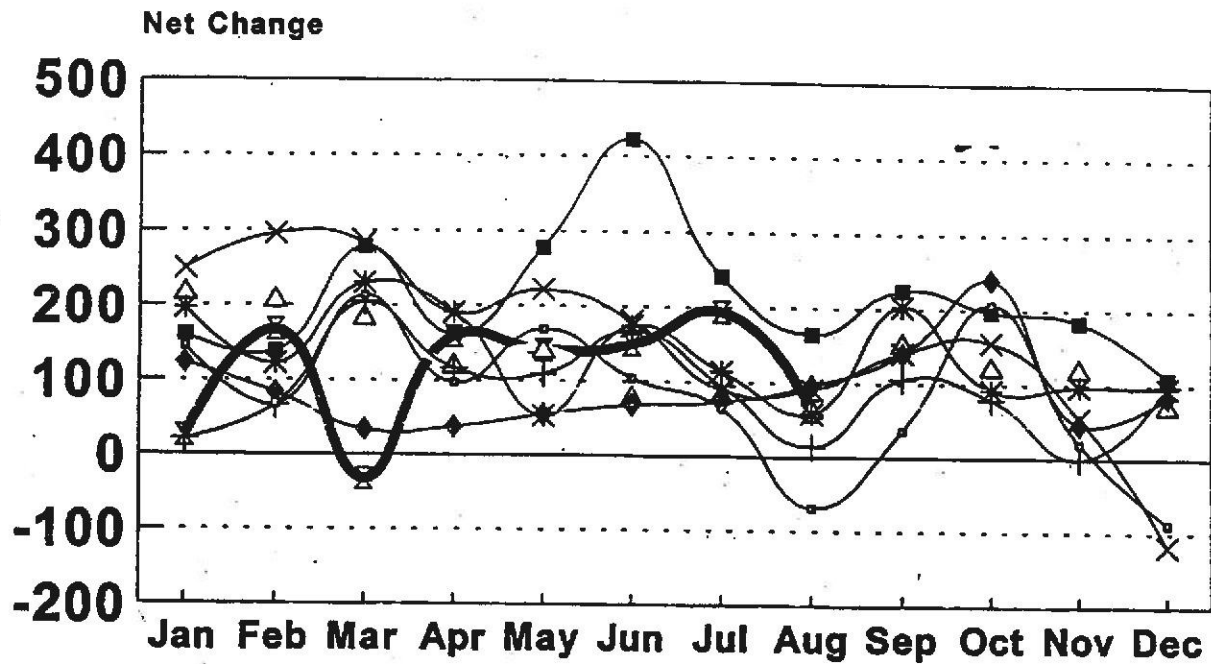
**PA DEPARTMENT OF CORRECTIONS
PLANNING, RESEARCH, & STATISTICS OFFICE
MONTHLY POPULATION REPORT**

**PHYSICALLY PRESENT DETAIL
AS OF:**

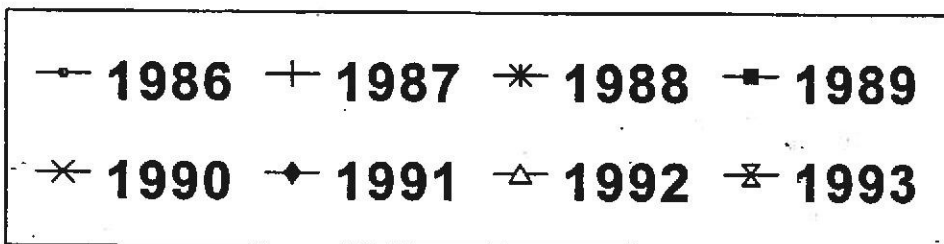
08/31/93

INSTITUTION	GENERAL POPULATION	RESTRICTED HOUSING	MENTAL HEALTH UNITS	DRUG/ALCOHOL UNITS	*DIAGNOSTIC CENTER	DOC TOTAL
ALBION	123	0	0	0	0	123
CAMB SPRG	174	0	0	0	0	174
CAMP HILL	990	122	0	209	1,546	2,867
COAL TWP	365	0	0	0	0	365
CRESSON	875	53	4	232	0	1,164
DALLAS	1,911	163	0	0	0	2,074
FRACKVILLE	1,104	28	10	0	0	1,142
GRATERFORD	2,930	289	14	49	711	3,993
GREENE	-	-	-	-	-	-
GREENSBURG	833	45	0	0	0	878
HUNTINGDON	1,785	343	0	36	0	2,164
MAHANoy	146	0	0	0	0	146
MERCER	881	25	0	0	29	935
MUNCY	841	41	3	47	0	932
PITTSBURGH	1,422	278	0	0	205	1,905
QUEHANNA	38	0	0	0	0	38
RETREAT	762	34	0	0	0	796
ROCKVIEW	2,067	57	0	0	0	2,124
SMITHFIELD	1,120	62	0	0	0	1,182
SOMERSET	363	0	0	0	0	363
WAYMART	975	35	0	0	0	1,010
WAYNESBURG	303	3	0	0	0	306
FEDERAL PRISONS	14	0	0	0	0	14
DOC TOTAL	20,022	1,578	31	573	2,491	24,695

PA Department of Corrections Net Monthly Population Increase



1986	145	67	213	97	169	104	65	-69	37	207	20	-88
1987	21	66	204	116	109	167	95	14	106	79	-1	99
1988	196	122	230	191	53	174	114	59	203	92	97	96
1989	161	138	278	162	278	423	242	165	225	197	184	108
1990	249	295	284	190	222	181	89	91	141	156	55	-118
1991	123	83	34	38	55	68	73	96	140	240	46	84
1992	219	209	186	122	143	80	84	67	155	124	122	74
1993	25	167	-33	159	141	149	194	63				



Revised 08/31/93

II. CURRENT CHALLENGES

A. ACLU Lawsuit Update

Dealing with prison overcrowding and its natural corollary -- inmate idleness -- remain a matter of daily challenge to the Department of Corrections. But we are also faced with the enormous challenge of responding to the "conditions of confinement" class action lawsuit filed against the Department by the American Civil Liberties Union (ACLU) in February 1991.

The basic issues involved in the lawsuit pertain to eight areas -- overcrowding, violence, excessive force, classification and programs, health and psychiatric issues, HIV/AIDS health issues, environmental conditions and access to courts.

Since the initial complaint was received in February 1991 we have received twenty sets of Interrogatories and "Requests for Production of Documents." The lawsuit involves thirteen correctional institutions in addition to the Central Office of the Department of Corrections.

The most awesome aspect of this litigation has been the collecting, organizing, filing and copying of over 10,000 files that have been developed to respond to the ACLU's allegations. We currently have dedicated two rooms in Central Office, with over fifty filing cabinets, for the material that has been collected to date. Staff from our Microcomputer Systems Section have developed a data base that we use to track the material that is received from the institutions.

The Department of Corrections has enlisted the assistance of eleven renowned experts to assist in our defense. In preparation for the actual ACLU inspections of the institutions we conducted nearly 100 separate trips to the institutions.

The actual ACLU inspections lasted nearly ten months from October 1991 through August 1992. These inspections amounted to seventy trips to the various institutions. The inspections would generally last eight to ten hours daily and would tie up between ten to twenty institutional staff in addition, three to six staff from Central Office would participate. The experts for the designated areas would also accompany the inspection team.

The trial is tentatively scheduled to begin on November 29, 1993 and will deal with the areas of overcrowding, violence, excessive force, environmental conditions, access to courts, classification and programs. The second phase of the trial (involving medical and mental health issues) is tentatively scheduled to begin in the Spring of 1994.

III. INTERNAL POLICY INITIATIVES

A. New Classification System

On October 1, 1992, the Department began implementation of the new inmate classification system which has been designated the Pennsylvania Additive Classification Tool (PACT). PACT was developed by a cross section of DOC staff under the guidance of consultant Dr. James Austin, Executive Vice President of the National Council on Crime and Delinquency as a result of a grant from the National Institute of Corrections (NIC).

The development of PACT began in August, 1990 when Dr. Austin visited the department and met with several Central Office staff regarding various classification and research issues. Shortly afterwards the Advisory Committee on Classification was appointed by Commissioner Lehman to begin the process of developing a new classification system that would be behavior driven, objective, and automated on the Department's mainframe computer. The Advisory Committee was composed of staff representing various aspects of the Department's work force including: institutions, central office, line staff, supervisory, management treatment, custody; unions, classification, data processing, and planning, research and statistics.

On July 22, 1992, PACT was unveiled at a superintendent's meeting at the Elizabethtown Training Academy. There superintendents, regional directors and central office executive staff received orientation and training on the new system. During the following three months hands-on training was provided to institutional and central office staff regarding the development of the system, rationale for changing our system, and the use and benefits of PACT. On October 27, 1992, the last formal training was held which completed the process of providing initial training for 531 staff.

Following PACT training, staff returned to their respective facilities and began the process of reclassifying the inmate population via the new system. The implementation of PACT was completed in April, 1993 at which time the population was reclassified via the new system. The Department is now beginning to fully realize the benefits of this automated classification system, which include:

- ▶ Ability to reward inmates who function well by placing them in a less restrictive housing environment;
- ▶ Ability to negatively reinforce inmates who are disruptive by placing them in a higher structured housing environment;

- ▶ Ability to allocate institutional resources including: physical plant designs; staffing types; and, staffing ratios based upon the custody needs of the inmates providing the most resources to those inmates requiring high structure;
- ▶ Ability to determine the number of inmates needing special programs such as: education; mental health treatment; vocational training; medical care; substance abuse treatment; sex offender treatment; etc.

Additionally, it is expected that there will be:

- ▶ A decrease in the rate of violence and/or serious misconducts in the institutions;
- ▶ A decrease or no change in the rate of escape;
- ▶ An increase in staff morale.

The process of implementing PACT did not end in April, 1993. Unlike previous classification systems, PACT is being monitored on a daily basis in order to ensure that the management tool is functioning as intended. Additionally, staff from the Bureau of Inmate Services and the Office of Planning, Research and Statistics provides technical assistance, training and statistical reports to institutional and central office staff in order to assist the DOC in managing and responding the needs of our growing population.

B. Unit Management

Unit Management is a correctional organizational process in which management decisions regarding inmate control, programs and the overall operation of inmate living units is delegated to a unit team, which functions under the direction of a unit manager. The major difference between unit management and more traditional correctional organization is that under unit management, decision making is decentralized and conducted at the inmate housing unit level.

At present, the Department of Corrections has implemented a complete reorganization of the institution table of organization incorporating the unit management philosophy and staffing requirements. All new positions (Unit Managers) and support staff have been created and most have been filled.

The five new "prototypical" institutions have been designed and staffed to include unit management as an integral part of their function. The existing, or older institutions, have been staffed and reorganized to accommodate unit management. Four older institutions; Graterford, Huntingdon, Dallas, and Pittsburgh, must undergo minor renovations to permit office space within the inmate housing units. These renovations should be completed within the fiscal year.

C. Prototypical Policy Standards Committee

The Pennsylvania Department of Corrections is currently experiencing the largest prison expansion program in its history. The building of seven prototypical prisons added to our existing seventeen institutions. A new inmate custody level classification system and the implementation of unit management all point to the critical need to develop a set of policy standards which will bring all of our institutions into a much greater degree of operational consistency and uniformity.

A Prototypical Policy Standards Committee was appointed to develop a comprehensive set of policy standards that will define the design, operational and staffing standards of all institutions, and then further define those standards by the custody level of the inmate and the security level of the institution. These policies are to be developed in a manner that will be applicable to not only the prototypical prisons but to existing facilities as well. Additionally, the mission is to develop certain standards that will provide increased privileges for lower custody level inmates, thereby creating incentives for positive behavior for higher custody level inmates.

Purpose of the Policy Standards Manual

After the policy standards training is completed, the manual will be used to serve a four-fold purpose:

- 1) to be used as the standards from which all institutions will base their local policies and procedures;
- 2) to be used as the standards against which existing institutions will audit their own compliance, (thereby giving them a vehicle to raise the level for their current operational, staffing and design standards);
- 3) to replace the original December, 1990 prototypical program document; and
- 4) to serve as guidelines for planning the design and operation of any future institution or component in the Pennsylvania Department of Corrections.

Once these policy standards are formulated, specific physical/security standards are to be extracted and used to develop a security level audit system whereby a comparison of existing institutions' physical security features will be conducted. The audit will allow for the classification of each institution and housing unit by security level. After the institutions are classified by security level, a match-up of the inmate's custody level to the proper security level institution and housing unit will occur.

In addition to the security level audit, the standards related to staffing levels is to be extrapolated and developed into a separate staffing standards document that will serve as the Department of Corrections staffing standards. This staffing standards document would for the first time establish staffing ratios for all positions and will serve as the vehicle by which all positions for the prototypical institutions will be requested as well as establish standards against which existing institutions could measure their current staffing complement.

Management and supervisory staff at each institution received training on how to use the Policy Standards Manual during the months of July, August and September of 1993. More formal, in-depth training of institutional trainers will take place at Elizabethtown Training Academy. In this way the content of the Manual will be explained, then the trainers will be able to disseminate the materials to line staff at each institution.

Implementation of the Policy Standards Manual will require ongoing review and revision of some local policies. Central Office directors were charged with reviewing the manual for inconsistencies with Departmental policies in their respective areas. The directors' review should be completed by the second week of January, 1994. Simultaneously the institutions will be reviewing the manual for discrepancies with local policies and procedures. Minor changes may be made at the institutional level. Major changes are to be addressed with the regional deputy commissioners, with the likelihood of a PAC/FAC being appointed to develop new policy where necessary. Each superintendent will forward an implementation strategy to the regional deputies to address their plan to bring the institution into compliance with the Policy Standards Manual. This may require waivers of some policies, significant requisitions for staff and/or equipment, etc. The superintendents should indicate a proposed time frame for implementation where possible. Implementation of some items may take years to accomplish and may require major construction projects, such as the administration building at SCI-Muncy, which is currently inside the perimeter fence. It is recognized that budgetary constraints will impede the implementation, which will also be included in each implementation plan to be approved by the regional deputies, executive deputy commissioner, and the commissioner.

D. Automation Efforts

The Department is using advances in technology to increase productivity and to make information more available. Some of the prominent initiatives include:

AFFILIATIONS

This system, which is under development, will track information about various gangs and groups. It will provide security personnel the ability to identify inmates who are members of these groups. This will provide the ability to avoid concentrating members of the same or opposing gangs in a particular housing unit.

COMMISSARY SYSTEM

Inmates have access to a small store within each institution for some basic necessities. An automated commissary system has been installed in about half of these stores, similar to the bar code scanning systems common in most grocery stores today. The system tracks merchandise from order to sale and has streamlined commissary operations.

FACILITY MANAGEMENT & BED ASSIGNMENT SYSTEMS

These applications are under development. The Facility Management system will catalog every bed within the correctional system by its security level. The Bed Assignment System will track the inmate assigned to a particular bed, noting the inmate's custody level and the bed's security level. This will help in the effective management of resources.

INMATE CLASSIFICATION SYSTEM

This system was placed in production in October 1992. The system calculates a custody level for each inmate based on behavioral factors entered into the computer. Staff have the ability to override the calculated custody level based on prescribed factors. This system has standardized the assignment of custody levels throughout the department.

INFECTIOUS DISEASE TRACKING SYSTEM

The spread of tuberculosis within prisons has become a national concern. The Department has instituted a program to test all inmates and staff and to ensure follow up on infected persons. An automated system has been implemented which tracks the testing and treatment of inmates. In the near future, the system will be expanded to also track the testing and treatment of corrections staff.

PBPP CONNECTION

The Department has installed a connection between its own computer system and the one operated by the PA Board of Probation and Parole (PBPP). This allows that agency to view our information and thus eliminate any lag time in their receiving information about incarcerated individuals.

VICTIM NOTIFICATION SYSTEM

The Department is in the process of developing a system to provide notice to requesting victims when an inmate will be outside the normal care and custody of the department.

E. Victims Programs

Pursuant to Act 155 of 1992, the Department of Corrections has hired an executive director of victim services to implement our victim notification program, establish an educational program to focus on the impact of crime on victims, and to work with the victim community to pursue common goals, with the intent of involving more input from victims in the correctional process.

F. Development of a Health Care Delivery System

The most significant health care advance within the Department of Corrections was the establishment of the new Bureau of Health Care Services. This involved a reorganization of the health care apparatus statewide to enhance quality and to provide uniformity of medical care to meet the needs of all inmates incarcerated within the state correctional institutions of the Department of Corrections. The Department's health care delivery system is divided into three regions: Central, Eastern and Western. This represents a consolidation into three geographically based management areas from what had been essentially twenty-one independently managed units. This regionalization will help enable the Department to establish a unified system for directing and monitoring institutional health care needs. It will include a program for quality assurance as well as a program for the management and control of infectious diseases.

Each region will consist of eight state correctional institutions and provide identical medical services. [The only exception is dialysis, which will be centralized in the eastern region.] A regional health care director is assigned to each region, and is responsible for overseeing and monitoring the health services system.

Currently, there are twenty-one state correctional institutions and each has a corrections health care administrator responsible for monitoring on-site contractual compliance, directing the daily operations of the medical department and supervising the medical staff. Each institution has a deputy superintendent for centralized services responsible for coordinating efforts between the institution and the medical department. This individual has joint responsibility with the regional health care director to address medical issues. The three regional health care directors report directly to the director of the Department's bureau of health care services.

The lines of communication have a positive impact by enhancing the Department's capacity to manage the functions more efficiently while continuing to ensure that quality care is provided to the inmate population. Examples are the implementation of the Department's policies on the "Clinical and Administrative Guidelines for the Prevention and Management of Tuberculosis" and the "Management and Reporting of HIV Infection." Tuberculosis (TB) screening is an ongoing activity being conducted for all inmates upon entry into the correctional system and on an annual basis, and the resulting information is being tracked via the Department's mainframe computer. Additionally, all employees are tested by the Department upon initial employment and on an annual basis thereafter.

As far as HIV/AIDS is concerned, each state correctional institution has instituted a program to encourage inmates to voluntarily be tested for HIV so that those who are infected can receive appropriate early counseling and treatment.

Finally, inmate confidentiality is carefully maintained in accordance with Act 148 of 1990. In the management and control of infectious diseases, the Department has moved forward in the area of education and training programs, which still represent the cornerstone of the Department's efforts to prevent the transmission of TB, HIV, Hepatitis and other communicable diseases.

IV. STATUS OF ACT 71 FUNDING

A. Update of Act 71 Funding

As of September 1, 1993, the Department has awarded \$193,669,167.00 to 56 counties whose applications for Act 71 reimbursement was approved. The remaining \$6,330,833.00 has been reserved for redistribution and other costs associated with the sale and actual administration of the bond program. Specifically, the Department has distributed \$16,404,973.00 in the "Grandfather Awards" category to 39 counties for work performed prior to December 21, 1989. An additional \$3,000,000.00 was distributed to counties who began work prior to 1989, but either completed construction after that date or are continuing construction (see attached distribution chart).

The Department has also awarded \$121,021,739.00 to seven counties who under the "Court Order Award" category, as well as \$56,242,455.00 to 40 counties under the "New Work Award" category who are presently constructing or have recently completed prison/jail construction projects.

In all, 56 of the 67 counties in the Commonwealth participated in the Act 71 funding program.

On September 1, 1993, the necessary grant documents have been sent to all counties that provide the Department of Corrections with the necessary administrative process for reimbursement for county construction costs.

The payment to counties for expenditures through December 31, 1992, are presently being processed. Counties should receive reimbursement checks for work performed and verified through 1992 within a matter of weeks. A second payment for work performed and verified for the period January 1, 1993 through June 30, 1993 is presently in process and checks should be sent to the counties by the end of the calendar year.

A regular reimbursement process is now established and counties that continue construction must simply send proof of work to the Department on a quarterly basis and reimbursement will be ongoing.

To date, bonds have been sold totaling \$98 million of the \$200 million authorized. There is a process in place to sell bonds in conjunction with the financial needs of the counties until all bonds are encumbered and all award commitments are satisfied.

AWARDS FOR ACT 71 GRANDFATHER, COMBINATION AND NEW CONSTRUCTION GRANTS

COUNTY	PCCD APPROVED IFP	GRADFATHER AWARD	COURT ORDER AWARD	NEW WORK AWARD	TOTAL AWARD
ADAMS	YES	586,239			586,239
ALLEGHENY	YES	476,739	51,684,500		52,161,239
ARMSTRONG	YES	6,873			6,873
BEAVER	YES	54,871		3,704,668	3,759,539
BEDFORD	YES			899,453	899,453
BERKS	YES	146,686		4,467,443	4,614,129
BLAIR	YES			27,807	27,807
BRADFORD	YES	1,000,000			1,000,000
BUCKS	YES	931,387	2,173,738		3,105,125
BUTLER	YES	181,467		96,971	278,438
CAMBRIA	YES				
CAMERON					
CARBON	YES			1,331,240	1,331,240
CENTRE	YES	265,900		4,221	270,121
CHESTER	YES	304,231		600,433	904,664
CLARION	YES			562,263	562,263
CLEARFIELD	YES			28,073	28,073
CLINTON	YES	427,078		412,786	839,864
COLUMBIA	YES			1,088,182	1,088,182
CRAWFORD	YES	46,024		1,924,517	1,970,541
CUMBERLAND	YES	94,852			94,852
DAUPHIN	YES	928,493		2,556,670	3,485,163
DELAWARE	YES	328,131		1,390,698	1,718,829
ELK	YES			501,928	501,928
ERIE	YES	52,312	8,504,095		8,556,407
FAYETTE					
FOREST					
FRANKLIN	YES			372,750	372,750
FULTON					
GREENE	YES			0	0
HUNTINGDON					

INDIANA	YES			52,878	52,878
JEFFERSON	YES			110,322	110,322
JUNIATA					
LACKAWANNA	YES	179,964		3,144,750	3,324,714
LANCASTER	YES	1,000,000	7,240,466		8,240,466
LAWRENCE	YES			2,254,964	2,254,964
LEBANON	YES	19,837		432,654	452,491
LEHIGH	YES	1,000,000	16,843,750		17,843,750
LUZERNE	YES	1,000,000		507,358	1,507,358
LYCOMING	YES	220,039	450,190		670,229
MCKEAN	YES	417,345		361,458	778,803
MERCER	YES	43,790		355,215	399,005
MIFFLIN	YES			1,491,140	1,491,140
MONROE	YES	1,000,000			1,000,000
MONTGOMERY	YES	1,000,000		1,744,241	2,744,241
MONTOUR					
NORTHAMPTON	YES	1,000,000		1,242,429	2,242,429
NORTHUMBERLD	YES	51,569		0	51,569
PERRY	YES	518,515		513,871	1,032,386
PHILADELPHIA	YES		34,125,000	7,802,730	41,927,730
PIKE	YES	106,394		2,639,350	2,745,744
POTTER	YES	33,303		373,293	406,596
SCHUYLKILL	YES	1,000,000			1,000,000
SNYDER	YES			495,827	495,827
SOMERSET	YES	38,874		153,306	192,180
SULLIVAN					
SUSQUEHANNA	YES	61,244		755,173	816,417
TIOGA	YES	1,000,000			1,000,000
UNION					
VENANGO	YES	163,268		1,072,825	1,236,093
WARREN	YES			180,023	180,023
WASHINGTON	YES			2,140,551	2,140,551
WAYNE	YES				
WESTMORELAND	YES	338,328		5,251,183	5,589,511
WYOMING	YES	184,519			184,519
YORK	YES	196,701		3,196,811	3,393,512
TOTALS		16,404,973	121,021,739	56,242,455	193,669,167

Reserve of \$6,330,833 for redistribution and costs associated with the sale and administration of the bonds

9-01-93

V. PROPOSED SENTENCING GUIDELINES

A. Status

The Sentencing Commission has been undergoing a comprehensive reassessment of their guidelines during the last several years, which culminated in their adopting their proposed revisions on June 21, 1993.

These 53 pages of revisions are found in the August 21, 1993 edition of the Pennsylvania Bulletin.

The Sentencing Commission will be holding four public hearings across the state in order to elicit comments (See next page for dates and locations).

The Department of Corrections strongly supports these proposed revisions, and would appreciate any support that could be provided.

Phone (814) 863-2797
Telefax (814) 863-2129



P.O. Box 1200
State College, PA 16804-1200

COMMONWEALTH OF PENNSYLVANIA
THE PENNSYLVANIA COMMISSION ON SENTENCING

August 24, 1993

Governmental Affairs Director
Pennsylvania Bar Association
100 South Street
Harrisburg, PA 17108

Dear :

On June 21, 1993 the Pennsylvania Commission on Sentencing adopted proposed revisions to the sentencing guidelines. Enclosed for your review is material on these proposed revisions.

As you may know, the Commission has been undergoing a comprehensive reassessment of the guidelines during the last several years. This reassessment was undertaken for several reasons: 1) the Commission's sentencing data indicated that there were high departure rates for several offenses; 2) the Commission has received, over the years, several suggestions for revisions from people in the field; 3) the Commission was able to utilize information from other states that developed guideline structures subsequent to Pennsylvania and 4) the Commission needed to address the tremendous correctional crowding problem that Pennsylvania has been experiencing.

The proposed changes have been published for the purposes of eliciting comments in the August 21, 1993 edition of the Pennsylvania Bulletin (a draft of this material is also enclosed). The Commission will be holding public hearings on the proposed guideline changes at the following places:

Wednesday	September 22	Philadelphia	(1:00 p.m.—City Hall; Courtroom 315)
Monday	September 27	Harrisburg	(10:00 a.m.—Harristown 2 'The Honor Suite' 333 Market Street)
Wednesday	September 29	Wilkes-Barre	(1:00 p.m.—Luzerne County Courthouse 'Commissioner's Room')
Friday	October 1	Pittsburgh	(9:30 a.m.—Allegheny County Courthouse, Room 313)

If you would like to testify at a public hearing, please contact the Commission office at (814) 863-2797. If you are unable to testify at a scheduled hearing but would like to provide comment, please send your comments to: The Pennsylvania Commission on Sentencing, P.O. Box 1200, State College, PA 16804.

If, in reviewing the material on the guideline revisions, you have any questions, please feel free to contact our office.

Sincerely,

Dr. John H. Kramer
Executive Director

Enclosure

VI. LEGISLATIVE INITIATIVES

The Department of Corrections has a strong interest in enacting into law the following three agenda items: (1) sentencing reform, as found in SBs 683 and 684, (2) monitoring of inmate telephones, as found in HB 474, and (3) private sector involvement in prison industries, or commonly referred to as "joint ventures," found in HB 1931.

1. Sentencing Reform (SBs 683 & 684).

Scheduled for House Judiciary Committee consideration on Sept. 21, 1993. See overview for both bills on next page. Supported by the State Association of County Commissioners, Sentencing Commission and the State Parole Board.

2. Inmate Telephone Monitoring (HB 474).

Already reported out of the House Judiciary Committee in June, 1993. Currently in House Rules Committee. This bill, supported by the Attorney General's Office, would allow the Department of Corrections to intercept, record, and monitor telephone calls from an inmate within a state correctional facility. This legislation was prompted by several incidents of state inmates charged with telephone scams.

3. "Inmate Employment Through Joint Ventures" (HB 1931).

House Judiciary Committee held a public hearing on this bill on August 2, 1993. This legislation would enable private industry to form a "joint venture" with state or county correctional facilities so that inmates could become productively employed while still not competing with the job market in the state. Up to 80% of an inmate's wage could be garnished for room and board, court fines and costs, state and local taxes, compensating the Crime Victims Compensation Board, etc. This legislation is the legislative initiative of the State Association of County Commissioners and is supported by the PA Prison Wardens Association.

Sentencing Reform: Effective Sentencing Practices for Pennsylvania Summary of SB 683

Change in Philosophy and Practice

Sentencing reform will change the underlying philosophy of the way we sentence offenders in Pennsylvania. When offenders are sentenced today, they are given a minimum and maximum sentence, with the assumption being they will be released on parole when they are "rehabilitated" and pose no threat to the community. This philosophy was popular in the late 1960s and early 1970s.

Sentencing reform signals a change in why we sentence offenders to prison. It no longer presumes that prisons consistently rehabilitate or that we have the capacity to predict how prisoners will behave once released based on their experience while incarcerated. Sentencing reform is based on a "just deserts" philosophy. It also recognizes that punishing criminals represents a significant investment -- this year's budget for the Department of Corrections (DOC) is \$604 million. It seeks to provide cell space for those offenders who pose the greatest risk to society -- the high risk dangerous offenders (HRDO), a category of offender created within SB 683. On the other hand, for the non-dangerous offender, it offers them a presumptive release on their minimum release date as ordered by the sentencing judge, minus any earned time they may accrue while in prison.

Earned Time

SB 683 allows certain inmates to "earn" up to 5 days a month to be taken off their minimum and maximum sentence. This will encourage inmates to participate in educational, vocational and treatment programs, and adhere to prison rules and regulations. Individuals under parole supervision are also eligible to receive earned time credit.

Earned time is used in 45 other states as an inmate management tool. Pennsylvania's earned time provision will be one of the nation's most conservative "earned time" provisions.

Earned time can be forfeited if the inmate incurs serious institutional misconducts. Parole violators and inmates serving life sentences and mandatory minimum sentences are not eligible to receive earned time.

Parole Denial

Inmates defined by the court as a HRDO will continue to be reviewed by the Parole Board in order to determine whether or not they are still regarded as posing a significant risk to society. If the Board feels a risk is still present, continued imprisonment will be ordered. If the Board decides to release an offender, it may impose special conditions of parole supervision on the inmate.

The District Attorney's office (in the county in which the offender was sentenced) is also allowed (Sec. 703, (d), p. 10) to file a petition with the Parole Board to recommend parole be denied. The victim or the victim's personal representative may appear in person before the Parole Board in order to petition the Board not to release the inmate on parole.

The Office of Victim Advocate is newly created and established within the Parole Board. This office will represent the interests of the victim. They may petition the Parole Board to seek to prevent the release of an inmate from prison.

VII. TIMETABLE FOR TWO NEW INSTITUTIONS

A. SCI Clearfield

On September 3, 1993 Acting Governor Mark S. Singel announced the release of \$78.25 million to construct a 1,000-cell medium security state correctional institution, to be located in Houtzdale, Clearfield County. Release of the funds will now allow the State Department of General Services to advertise for bids for the construction of the prison.

Presently the Commonwealth is four months behind schedule and this subsequently pushes the completion date to January, 1996.

Construction of this 1,000-cell prison is scheduled to take 800 days.

SCI Chester

The Commonwealth is approximately one month behind schedule for the beginning of the bid period (which had an original date of August 17, 1993), which now pushes the completion date to November, 1995.

Construction of this 640-cell prison is scheduled to take 660 days.

Phase-In Schedule - Albion

<u>Phase</u>	<u>Cell Block</u>	<u>Date</u>	<u>Phase-In Population</u>	<u>Cumulative Population</u>	<u>Staff Phase</u>	<u>Cumulative Staff</u>
1	L-2	July 15, 1993	150	150	127	127
2	L-3	Nov. 1, 1993	230	380	15	142
3	L-5	Nov. 15, 1994	24	404	22	164
4	L-3	March 15, 1994	230	634	122	286
5	L-3	July 1, 1994	230	864	56	342
6	L-3	Sept. 15, 1994	230	1,094	57	399
7	L-5	Jan. 1, 1995	24	1,118	11	410
8	L-3	Jan. 1, 1995	230	1,348	29	439
9	L-3	April 1, 1995	230	1,578	21	460

Phase-In Schedule - Coal Township

<u>Phase</u>	<u>Cell Block</u>	<u>Date</u>	<u>Phase-In Population</u>	<u>Cumulative Population</u>	<u>Staff Phase</u>	<u>Cumulative Staff</u>
1	L-2	May 15, 1993	150	150	127	127
2	L-3	July 1, 1993	230	380	11	138
3	L-5	Aug. 1, 1993	24	404	26	164
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5	L-3	April 1, 1994	230	864	58	341
6	L-3	July 15, 1994	230	1,094	56	397
7	L-5	Oct. 15, 1994	24	1,118	11	408
8	L-3	Oct. 15, 1994	230	1,348	30	438
9	L-3	Jan. 15, 1995	230	1,578	22	460

Phase-In Schedule - Mahanoy

<u>Phase</u>	<u>Cell Block</u>	<u>Date</u>	<u>Phase-In Population</u>	<u>Cumulative Population</u>	<u>Staff Phase</u>	<u>Cumulative Staff</u>
1	L-2	July 15, 1993	150	150	127	127
2	L-3	Oct. 1, 1993	230	380	15	142
3	L-5	Oct. 15, 1994	24	404	22	164
4	L-3	Feb. 15, 1994	230	634	122	286
5	L-3	June 1, 1994	230	864	56	342
6	L-3	Sept. 1, 1994	230	1,094	57	399
7	L-5	Dec. 1, 1994	24	1,118	11	410
8	L-3	Dec. 1, 1994	230	1,348	29	439
9	L-3	Mar. 15, 1995	230	1,578	21	460

Phase-In Schedule - Somerset

<u>Phase</u>	<u>Cell Block</u>	<u>Date</u>	<u>Phase-In Population</u>	<u>Cumulative Population</u>	<u>Staff Phase</u>	<u>Cumulative Staff</u>
1	L-2	May 15, 1993	150	150	127	127
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7	L-5	Nov. 1, 1994	24	1,118	11	408
8	L-3	Nov. 1, 1994	230	1,348	30	438
9	L-3	Feb. 15, 1995	230	1,578	22	460

Phase-In Schedule - Greene

<u>Phase</u>	<u>Cell Block</u>	<u>Date</u>	<u>Phase-In Population</u>	<u>Cumulative Population</u>	<u>Staff Phase</u>	<u>Cumulative Staff</u>
1	-	Nov. 1, 1993	0	0	51*	51
2	L-3	Jan. 1, 1994	115	115	67	118
3	L-5	Jan. 1, 1994	48	163	29	147
4	L-5	April 1, 1994	48	211	13	160
5	L-3	April 1, 1994	115	326	76	236
6	L-4	June 1, 1994	128	454	80	316
7	L-5	Aug. 1, 1994	96	550	49	365
8	L-2	Sept. 15, 1994	150	700	44	409
9	L-4	Oct. 15, 1994	128	828	36	445
10	L-5	Dec. 1, 1994	96	924	54	499
11	L-4	Feb. 1, 1995	128	1,052	39	538
12	L-5	March 15, 1995	96	1,148	40	578
13	L-4	May 1, 1995	128	1,276	31	609

* Includes previously created positions

100, 200, 300, 400, 500, 600, 700, 800, 900, 1000

Commonwealth of Pennsylvania
Department of Corrections



Corrections 2000

Corrections 2000

Corrections 2000

Corrections 2000

Corrections 2000

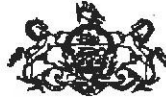
Corrections 2000

Corrections 2000

Corrections 2000

Robert P. Casey
Governor

Joseph D. Lehman
Commissioner



Commonwealth of Pennsylvania
Department of Corrections
P.O. Box 598
Camp Hill, Pennsylvania 17001-0598
(717) 975-4860

September 1993

Dear Reader:

Pennsylvania's correctional system is at a crossroads. The correctional policies and practices of the 1980s have resulted in unprecedented growth in our incarcerated populations. The question for legislators, correctional administrators, and the public-at-large is whether we can continue to support such growth in times of dwindling resources and absent a definitive link between increased incarceration and decreased criminal activity in our communities.

This document, entitled CORRECTIONS 2000, presents a graphic overview of the state correctional system in the year 2000 if the current corrections' policies and practices remain unchanged. The picture is grim: the state offender population will continue to increase, and the system will remain overcrowded despite the addition of 10,000 new beds by 1996; the state correctional budget will continue to reap an increasing share of the state budget and will exceed \$1 billion for the first time in the history of the Commonwealth, and the correctional workforce will nearly triple over its 1980 level.

The findings of CORRECTIONS 2000 punctuate the fact that the solution to prison overcrowding rests in our willingness to address the policy side of the equation and to reshape the policies that are driving the state correctional system. Experience dictates that this is the only strategy which will address the overcrowding problem in any meaningful or lasting way.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Joseph D. Lehman', written over a large, stylized flourish.

Joseph D. Lehman, Commissioner

CORRECTIONS 2000 is a publication of the Office of Planning, Research, and Statistics of the Pennsylvania Department of Corrections.



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SYSTEM OVERVIEW

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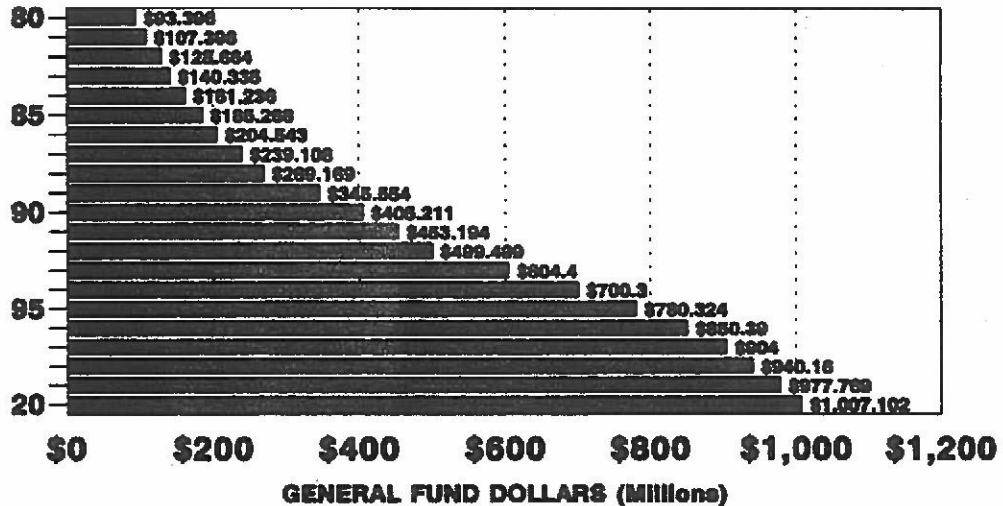


Correctional spending increases continue unabated...

With the onset of the prison population and construction boom, correctional expenditures have sky-rocketed. In Pennsylvania, from fiscal year 1981/82 to fiscal year 1991/92, the general fund operating budget for the Department of Corrections tripled increasing from \$107 million to \$453 million. This rate of growth in correctional spending is expected to continue for the foreseeable future--further straining already limited state resources. From 1990 to 2000, the state correctional operating expenditures are expected to increase by 149% from \$405 million in 1990 to in excess of \$1 billion in 2000. The growth in the correctional spending has occurred during a time when allocations for other vital human services have leveled off or decreased.

**PA DEPARTMENT OF CORRECTIONS
GENERAL FUND BUDGET
1980 TO 2000**

FISCAL YEAR



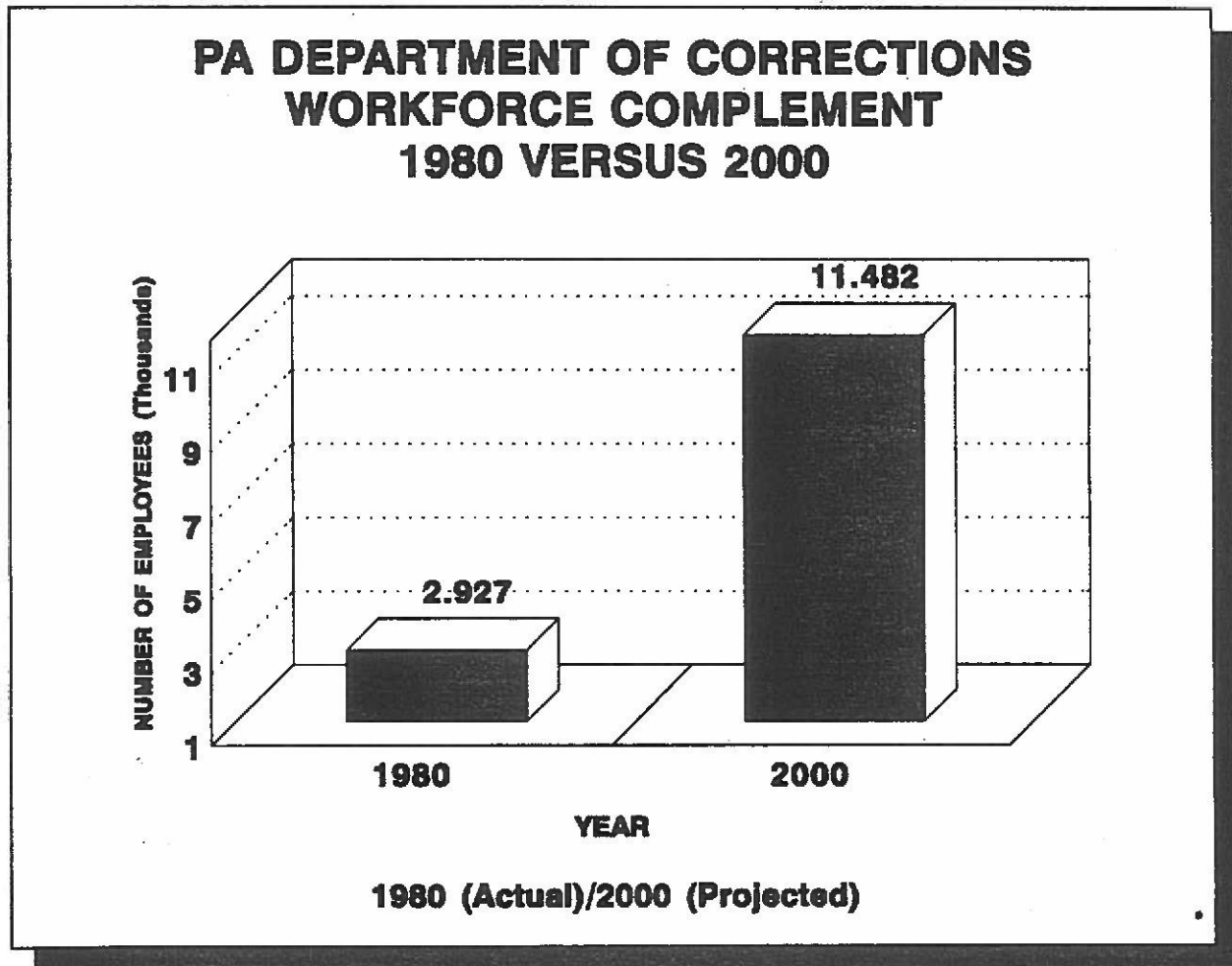
**As cited in the Governor's Budget
1980 to 1993 (Actual)
1994 to 2000 (Projected)**

Budget



Corrections as an employer...

The state correctional workforce expanded by 148% in response to the unprecedented population and capacity growth of the 1980s. Obviously, the ongoing capacity expansion and facility development efforts will necessitate the continued expansion of the correctional workforce which by the year 2000 is projected to reach 11,482 employees. This figure does not account for any additional positions which would be needed to support the establishment of new facilities. Each 1,000 cell facility necessitates the hiring of over 400 staff.



Workforce

Corrections 2000

Corrections 2000

Corrections 2000

POLICY IMPLICATIONS

Corrections 2000

Corrections 2000

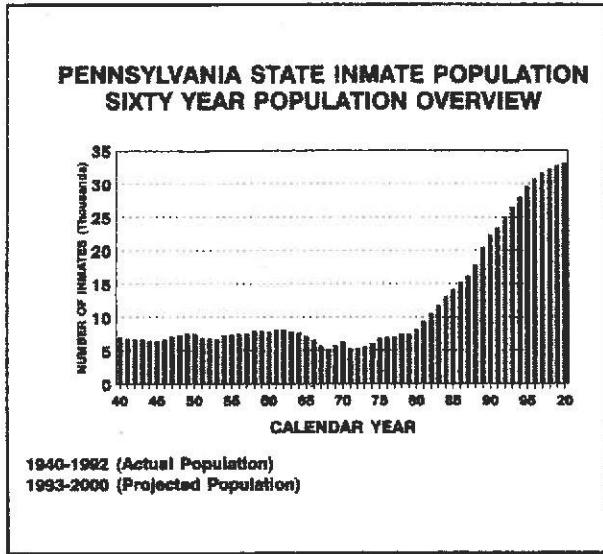
Corrections 2000

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The Myth of a Crime Rate/Incarceration Rate Connection...



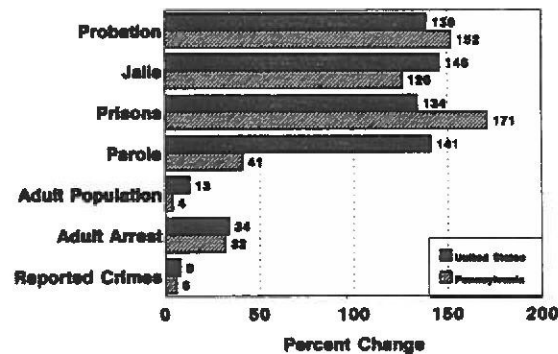
"An important question facing Pennsylvania's policymakers today is whether spending more and more money on incarcerating more and more offenders will solve the crime problem...evidence on the relation between incarceration and crime rates suggests that crime control strategies need not be directed as broadly as they are." (Center for the Study of Law and Society, September 1992)

"The 'real' problem is that the state policies in Pennsylvania which were intended to 'get tough' on criminals have resulted in the increased sentencing of offenders to prison or jail with little regard to either the cost or the effectiveness of incarceration." (Pennsylvania Economy League, April 1993)

"Most Pennsylvanians believe that prisons are not doing a good job: they fear that imprisoned offenders only get meaner and more knowledgeable in the ways of crime and emerge more likely than ever to engage in anti-social activity." (Public Agenda Foundation, 1993)

"The major goal of incarceration should be enhancement of public safety. But after spending millions of dollars during the past decade on prisons and jails, Pennsylvania does not appear to be closer to achieving this goal. Pennsylvanians have a choice: We can continue to build more prisons as the inmate population continues to grow and incur the enormous costs associated with this option, or we can be more selective in incarcerating offenders while ensuring public safety." (Pennsylvania Economy League, April 1993)

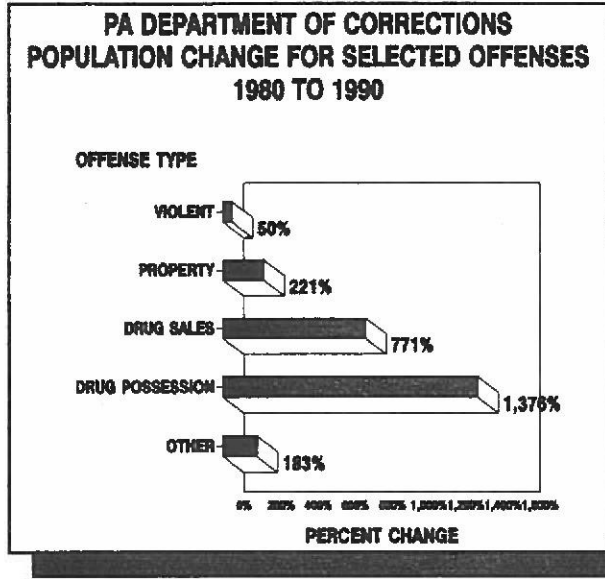
PENNSYLVANIA VERSUS UNITED STATES POPULATION AND CORRECTIONAL TRENDS 1980 VERSUS 1990



The Myth



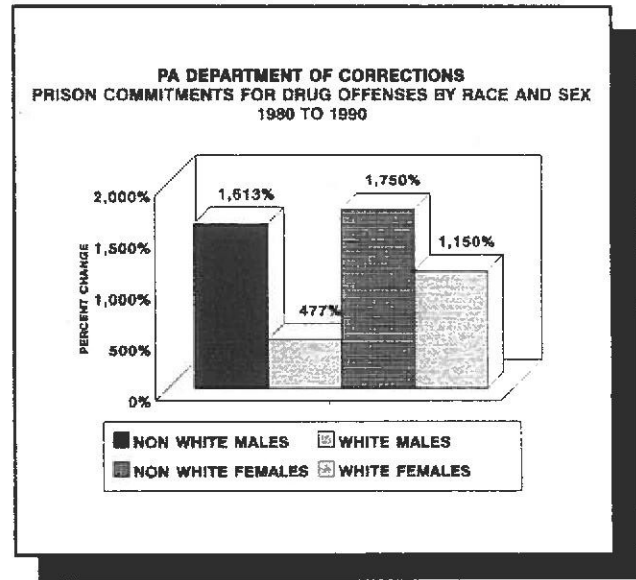
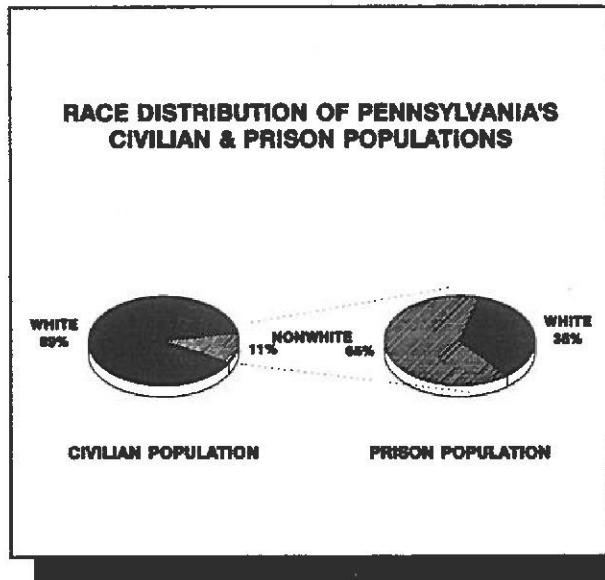
The reality of Pennsylvania's 1980 correctional policies...



"Incarceration levels have increased for violent offenders as was intended by the 'get tough on crime' policies of the 1980s; however, incarceration for property and drug offenders increased at an even faster pace." (Center for the Study of Law and Society, September 1992)

"Women and minorities have been unevenly impacted by the 'War on Drugs' with 1990 drug commitment levels exceeding 1980 levels by over 1000%." (PA Department of Corrections, 1993)

"The incarceration strategy of the 1980s has not only increased the prison population but has done so in a way that disproportionately imprisons minority citizens and women..." (Center for the Study of Law and Society, September 1992)



The Reality



For additional information, please see:

Pennsylvania Economy League. Reconsidering Prisons: The Case for New Corrections Policy in Pennsylvania, Capital Perspective, Vol XXXVI, No. 2. Harrisburg, PA: Pennsylvania Economy League, 1993.

Pennsylvania Economy League. Cost of Corrections in Pennsylvania. Harrisburg, PA: Pennsylvania Economy League, 1993.

Public Agenda Foundation. Punishing Criminals: Pennsylvanians Consider Their Options. New York: Edna McConnell Clark Foundation, 1993.

Steffensmeiser, D. Incarceration and Crime: Facing Fiscal Realities in Pennsylvania. University Park, PA: Center for the Study of Law and Society, Pennsylvania State University, 1992.

References

INCARCERATION AND CRIME TRENDS

Crime Survey (NCS). Traditionally, the UCR definition of violent crime has included all incidents of murder and voluntary manslaughter, forcible rape, robbery and aggravated assaults. Conversely, as the NCS is based on a survey of crime victims, NCS's definition of violent crime includes rape, robbery, and aggravated assault. Obviously, incidents of murder cannot be reported by the victim and, therefore, are not included in the NCS violent crime definition.

Figure 3 compares nationwide incarceration rates since 1970 to age-adjusted violence rates. As explained later, the violence rates are age-adjusted to take into account large age shifts in the nation's population, especially during the 1980s. In addition to the FBI's Uniform Crime Reports, violence rates from the National Crime Survey are also plotted. Begun in 1973, the National Crime Survey is based on a scientifically selected sample of households throughout the United States. Persons over 12 years of age in these households are questioned about their experience with three violent crimes: assault, forcible rape, and robbery. As in the UCR, the basic counting unit in the NCS is offenses or criminal incidents. The Violent Crime Index is a single number obtained by adding together all the incidents of each of the violent crimes as enumerated above.

Incarceration rates at the national level took an upward trend around the mid-seventies and rose steadily during the 1980s. During the period from 1970 to 1991, the UCR's violence rate fluctuated but generally rose steadily, at a pace somewhat greater than the rise in incarceration rates.

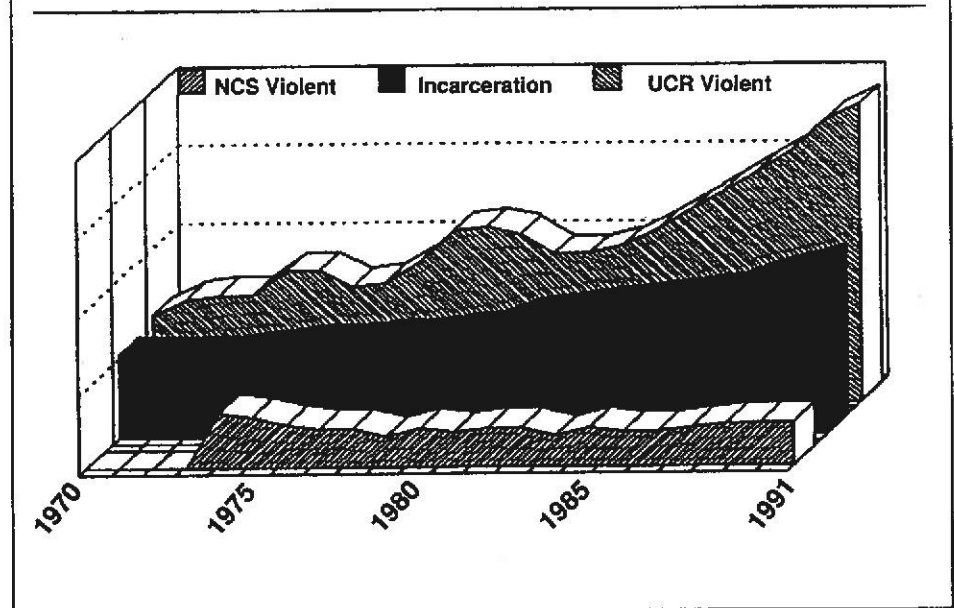
During the 1980-91 period, the UCR violence rate went through two distinct periods. First, as incarceration rose by 25 percent in 1981-84, violent crime fell by 9 percent. Then, as incarceration increased by 32 percent from 1985 to 1991, violence rates rose by 38 percent.

On the other hand, the NCS violence rate declined slightly from 1973 (the first year NCS data were collected)

derestimate current violent crime levels as compared to prior years because of sampling deficiencies and changes in data collection procedures. First, there was during the 1980s an increase in the number of "hard-core" poor and homeless who are at high risk for violent victimization but who are largely inaccessible to NCS interviewing. Second, because of budgetary constraints, the NCS has increas-

FIGURE 3

United States Trends in Incarceration Rates, UCR Violent Rates, and NCS Violent Rates 1970-1991



until 1985, after which the rates rose slightly to 1991. The overall pattern involves relatively flat rates of violence as compared to rapidly rising rates of incarceration. Deciding which is the better indicator of violence trends, the Uniform Crime Reporting (UCR) system or the National Crime Survey (NCS), is complicated. Each reporting program is subject to the kinds of errors and problems typical of its data collection method. National Crime Survey statistics tend to un-

ingly relied on telephone interviews and the expanded use of proxy respondents. Telephone interviewees and proxy respondents report less victimization than face-to-face interviewees and actual victims.

In contrast, none of the recent changes in the UCR data collection methodology would have artifactually pushed reported crime rates upwards. Increased computerization of law enforcement records and so on were largely complete prior to 1980 (see later

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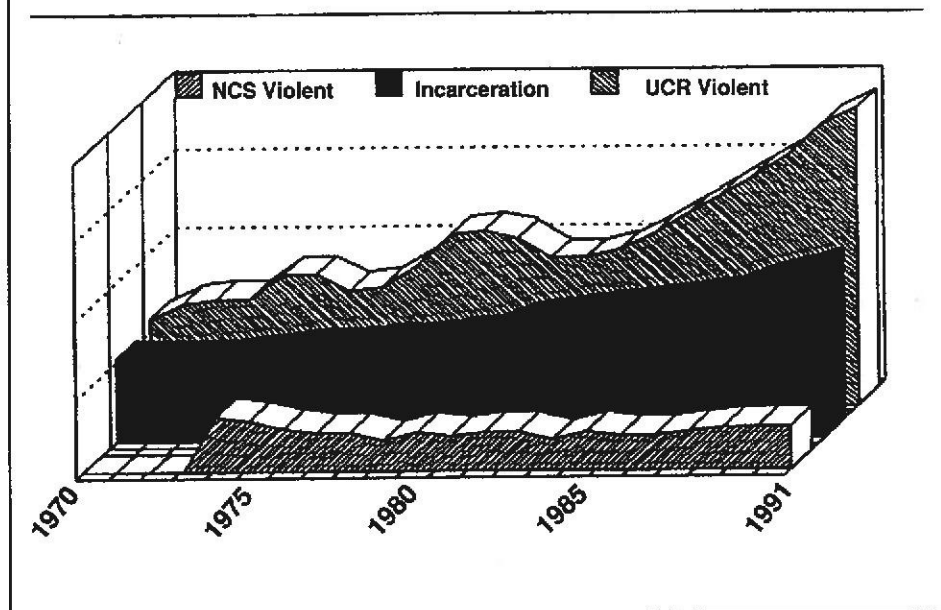
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CAPITAL **PERSPECTIVE**



STATE DIVISION • Pennsylvania Economy League Inc. • (717) 234-3151

VOL. XXXVI NO. 2

A REPORT TO LEAGUE MEMBERS ON SIGNIFICANT STATE GOVERNMENT DEVELOPMENTS

MARCH/APRIL 1993

RECONSIDERING PRISONS: THE CASE FOR NEW CORRECTIONS POLICY IN PENNSYLVANIA

BACKGROUND

After more than a decade of rapid growth in the number of prison inmates, states across the country are beginning to reevaluate their reliance on incarceration and discuss the possibility of using intermediate punishments for non-violent offenders.

Policies which have put unprecedented numbers of offenders behind bars since the early 1980s are forcing the states to spend enormous sums of money on corrections each year, yet do little to reduce crime. For this reason, many states are reconsidering their policies and are looking at ways to reduce prison populations. Placing non-violent offenders in intermediate punishments such as house arrest with electronic monitoring, intensive supervision, community service, and victim restitution offer one potential solution. It is hoped that these intermediate punishments will save taxpayer dollars and be more effective in reducing criminal behavior among certain inmates.

The Edna McConnell Clark Foundation, a New York philanthropy concerned with criminal justice issues, has launched projects in several states designed to inform legislators and the public about the high cost of incarceration and the availability of intermediate punishments. The Foundation commissioned the Pennsylvania Economy League, State Division, to prepare a report which would identify and compare the costs of incarceration with the costs of intermediate punishments and also to describe how these punishments could be used to reduce spending on corrections in the Commonwealth. This issue of the *Capital Perspective* will be devoted to a discussion of PEL's findings.

THE CORRECTIONS SYSTEM IN PENNSYLVANIA

Corrections programs are provided by the state and county governments in Pennsylvania. Each operates prisons or jails and each provides probation and parole services. The counties also provide intermediate punishment programs for selected offenders. The more serious offenders are sentenced to state prison. Less serious offenders and all those awaiting trial or sentencing are held in county jails. Sentences are based on statutory guidelines which prescribe the punishment given the circumstances of the crime and the offender.

PRISON OVERCROWDING IN PENNSYLVANIA

More prisoners have entered Pennsylvania's prisons and jails during the past ten years than at any time in the Commonwealth's history. While the total population of Pennsylvania grew by less than one percent between 1980 and 1990, the number of inmates in our state prisons grew by 171%, from 8,243 to 22,325, during the same period. In contrast, from 1970 to 1980, the prison population grew by only 31%.

The total county inmate population also experienced rapid growth. From 1980 to 1990, county jail and prison populations grew by 125%, from 7,553 to 17,032. The 1970s saw only a 39% increase in county inmate population.

Even after an ambitious prison expansion program, overcrowding has been the result due to the dramatic increase in both state and county inmates. In 1991 the state prison population stood at 147% of capacity and county jails stood at 141% of capacity.

THE HIGH COST OF INCARCERATION

Putting more offenders behind bars has cost Pennsylvania's taxpayers millions of dollars and the price keeps rising each year. In FY 1992, according to the Department of Corrections, it cost an average of over \$18,000 to incarcerate inmates in the state prison, but PEL found that the cost was even higher. After accounting for outstanding debt on major prison construction projects, prison education, and other services, the average annual cost per inmate soared to over \$20,000.

Corrections has become one of the fastest-growing areas of state spending. In FY 1992, the total outlay for all state prisoners exceeded \$453 million, a 259% increase over FY 1982. In comparison, spending on all other state programs such as education and economic development increased by an average of 89% during the same period. Unfortunately, there appears to be no end to the rising cost of state corrections. The Governor has requested \$624 million in corrections spending for the 1994 fiscal year, 38% more than in FY 1992.

Counties are also spending more of their tax dollars on corrections. Between 1981 and 1991, county expenditures for jails and prisons grew by 192%, from \$103 million to about \$303 million. Spending on all other programs grew by 108% during the same period. In 1991 the average cost per inmate of county incarceration was almost \$14,000.

Cause of Cost - Prison Construction

For the most part, the cost of incarcerating Pennsylvania's offenders has increased because more prisons were built to accommodate the dramatic growth in the number of prisoners.

Since the early 1980s, the State Department of Corrections has developed new cell space at an alarming pace. Between 1984 and 1992, eight new facilities were added to the state prison system. By 1995, construction on seven new prisons will be finished, adding 10,000 more cells to the prison system and raising the total number of state institutions to 24. By the time construction on the last new prison is completed, Pennsylvania will have added a

total of 15 new state correctional facilities in just 11 years.

However, despite the addition of these facilities, Pennsylvania's inmate population continues to exceed capacity; and the state prison system is expected to be over capacity even after the seven new prisons are completed in 1995. Estimates of inmate population growth indicate that, without creating additional prison capacity after 1995, overcrowding will continue. By the year 2000, the state prison system will be over capacity by about 8,200 inmates (the same level as now). If the inmate population continues to grow at its current pace into the next century, it is unclear how many prisons will ultimately be needed to incarcerate future numbers of offenders.

Cause of Cost - Tough On Crime Policies

There are a number of factors which explain the enormous influx of prisoners into Pennsylvania's state prisons and county jails. Surprisingly, the amount of crime is not prominent among them. In fact, all types of crime in Pennsylvania grew on average by only six percent during the 1980s. A better explanation lies with government efforts to get tough on crime by putting more criminals behind bars.

In the past, some judges were regarded as too "soft" on criminals, appearing to hand down lenient sentences. Other judges punished more harshly. In response to this inconsistency, the Commonwealth developed sentencing guidelines which influence judges' discretion and prescribed longer prison terms for certain crimes. Laws were also passed which prescribed mandatory minimum sentences of up to eight years for drug trafficking, drunk-driving, and using a gun during the commission of a crime. At the local level, increased enforcement efforts lead to more arrests; and once arrested offenders were more likely to be convicted. In 1980, only 37% of defendants were convicted. In 1990, 57% were convicted.

Other factors also contributed to the growth in Pennsylvania's inmate population. During the 1980s there was an increase in the number of paroled offenders who were returned to incarceration on either technical or criminal parole violations. There were also more offenders who served time in prison

beyond the date at which they were eligible for parole, either because the parole process was slow or they were considered too great a risk for parole.

COST-EFFECTIVENESS OF INCARCERATION

Despite Pennsylvania's substantial commitment to prisons over the past decade, incarceration appears clearly to be a cost-effective way to fight crime and preserve public safety in one situation: the containment of violent, high-risk offenders. In this case, given the potential harm these individuals could cause if left in the community, the high cost of prisons is justified. For others, incarceration appears to be less effective.

- It is not clear that the threat of a prison term deters crime. During the 1980s, all types of crime rose by six percent, even as more and more offenders were being incarcerated.
- Whether prisons punish offenders is debatable. Inmates spend much time idle. Counseling and treatment services are limited. Most convicted criminals simply enter prison, serve their time, and are released.
- Prisons do little to rehabilitate offenders. Given limited counseling and treatment services, many inmates leave prison with the same problems they had at arrival, no better able to re-enter life in the community.
- Pennsylvania's prisons and jails house many non-violent offenders. In 1991, almost 50% of the state prison population was comprised of non-violent offenders, many of whom could be supervised in the community at less cost. To the extent that limited and expensive cell space is used for these persons, incarceration is a less cost-effective method of fighting crime.

ALTERNATIVES TO INCARCERATION

Clearly, prisons remain the sanction of choice for violent or repeat offenders. However, given the high cost of incarceration and its limited effectiveness for other offenders, Pennsylvania and other states are considering,

"intermediate punishments" as a way to punish non-violent criminals. These punishments costs significantly less and may provide better opportunities for rehabilitation, and be "tougher" on offenders than prison.

Intermediate punishments usually allow the offender to live in the community under the supervision of community corrections authorities. Offenders who participate in these programs take more responsibility for their lives and their crimes. They work to pay part of their living expenses and the cost of their supervision. They may do unpaid community service, can pay restitution to their victims, participate in substance abuse treatment programs, receive educational training -- or all of the above. Some of the more common forms of intermediate punishments include the following:

Intensive Supervision

This sanction allows the offender to live at home, but activities are closely monitored and freedom is severely restricted. The offender must meet with corrections authorities up to five times a week. Unannounced visits by corrections authorities can be made to the offender's home or place of work any time of day, up to seven days per week. The offender is required to submit to drug testing and treatment, participate in educational training, and observe a curfew. Employment income is used by the offender to pay for living expenses and all or part of the cost of supervision.

House Arrest with Electronic Monitoring

An offender sentenced to house arrest with electronic monitoring is restricted to his home for all or part of the day. The offender is usually allowed to leave the home for work, drug/alcohol treatment, or education training. An electronic monitor, worn by the offender, transmits signals to corrections officials should the offender leave home without authorization. Most offenders are required to work and pay living expenses and all or part of the cost of supervision.

Community Service

Offenders sentenced to community service are required to perform unpaid work on public projects. Typical assignments include maintaining public parks, cleaning roadsides,

or painting public buildings. Most offenders are also expected to be employed and pay their own living expenses. The intent of this sanction is for the offender to take responsibility for his or her crime through reparations to the community.

Victim Restitution

Restitution requires offenders to compensate their victims for losses through the payments of cash awards. Compensation is either made directly to the victim, or indirectly, through a victims compensation fund. Offenders making restitution are expected to be employed and self-supporting.

Drug/Alcohol Treatment

The capacity of substance abuse treatment programs in prison or jail is limited and the costs are high. By supervising and treating non-violent offenders in the community, more offenders can be treated at less cost.

Offenders are required to submit to drug-testing and are psychologically and physically evaluated. They are placed in an appropriate treatment program based on the results of these evaluations. Compliance with the terms of the treatment program are monitored. Violations of the terms of the program can result in the suspension of privileges or commitment to prison or jail. For offenders who have completed in-patient treatment, individualized aftercare plans are developed which direct offenders to further counseling or support groups.

Offenders enrolled in treatment programs are responsible for the costs of these services based on their ability to pay.

Boot Camps

Boot camps are military-style facilities where inmates undergo three to six months of rigorous physical and psychological conditioning similar to basic training in the armed services. Boot camps are usually reserved for younger offenders in their late teens or early twenties. The goal of these programs is to change the offender's attitudes and behaviors, and instill in him or her a sense of self-respect and self-discipline.

A boot camp is now operated by the state, but these facilities could also be used at the county level. It should be noted that while boot camps are less expensive than traditional prisons, they are more expensive than other forms of intermediate punishments.

COST OF INTERMEDIATE PUNISHMENTS VERSUS COST OF INCARCERATION

As part of its study, *The Cost of Corrections in Pennsylvania*, the Pennsylvania Economy League compared the cost of incarceration with the cost of intermediate punishments. PEL found intermediate punishments were far less expensive than incarceration. In FY 1992, the average cost per offender of incarceration was over \$20,000 while the average cost per offender of intermediate punishments ranged from a low of \$1,500 to about \$4,400.

By the year 2000, the state prison population is projected to be over capacity by about 8,200 inmates. PEL's report determined that the maximum annual cost of an intermediate punishments program designed to eliminate this excess population would cost about \$36 million. If the Commonwealth were to build additional prisons to house the 8,200 inmates, the annual cost would be over \$172 million, a net difference of over \$136 million.

CONDITIONS NEEDED TO REALIZE SAVINGS

Clearly, there is a large difference between the average cost of incarceration and the average cost of even the most expensive form of intermediate punishment. Substantial savings could be achieved by expanding the use of intermediate punishments instead of incarceration. However, these savings can only be realized under certain conditions.

The first condition necessary to realize savings from the use of intermediate punishments is the requirement for such a program to involve enough offenders so new prison construction can be avoided or an existing facility can be closed.

The majority of the costs of incarceration are fixed. Simply placing more offenders in intermediate punishments without

closing an existing prison or avoiding the construction of additional facilities may not result in any savings at all and could add significantly to the overall cost of corrections. Increasing the number of intermediate punishments will require investment in equipment and personnel needed to operate these programs. At the same time, the cost of operating existing prisons will remain. For an intermediate punishments program to save money, it must eliminate overcrowding by drawing enough offenders from prison to bring the prison population into balance with the number of beds available.

It must be noted that some cost savings do result when the inmate population is reduced yet all existing facilities remain in operation. These "marginal costs" include food, clothing and other consumables. They are estimated to account for less than 15 percent of the total cost of incarceration. However, these savings would be offset by any added costs of probation, parole or intermediate punishments provided.

The second condition necessary to realize (state) savings from the use of intermediate punishments is to expand their availability to certain (non-violent) state offenders. At present, some mandatory sentences prohibit and the sentencing guidelines discourage, the use of intermediate punishments for potentially appropriate state offenders. Intermediate punishment programs are predominantly available for county prisoners. Unless these constraints are removed, any expansion of intermediate punishment programs will have virtually no effect on state prison population levels.

FUTURE ACTIONS - FUNDING

The Commonwealth is now preparing changes to the sentencing guidelines which will shorten certain sentences at the state and county level, and expand the availability of intermediate punishments for certain county offenders. A by-product of the sentence shortening will be a "shift" of some offenders from state prison to county jail. This will reduce the state prison population -- but at the expense of the counties. In order to make room for state prisoners in county jails, judges may place more county offenders in community-based intermediate punishments. This will increase the number of county offenders who will be supervised in these

programs. Unless funding revisions are made, the cost of providing intermediate punishments in Pennsylvania will fall on the counties.

In effect, changes to the guidelines may result in the use of county resources to help relieve overcrowding in state prisons. A shift of this kind occurred as a result of changes to the sentencing guidelines in 1991. PEL estimated that this shift cost the counties as much as \$3.9 million in additional expenditures on intermediate punishments.

Because increased reliance on intermediate punishments will result in increased costs to the counties, a rational and sound method of financing these programs should be developed. Because the Commonwealth will be shifting some of its costs on to the counties, it is reasonable to expect it to subsidize intermediate punishments at the county level.

FUTURE ACTIONS - CONSTRUCTION

Proposed sentencing guidelines previously mentioned will probably bring a single-year reduction in the state prison population and a slower rate of population growth in succeeding years. However, in PEL's opinion, it does not appear that these changes alone will result in a reduction in prison population sufficient to avoid additional prison construction. In 1994, construction is set to begin on two new state prisons, one in Chester county and the other in Clearfield county. The potential exists to avoid building these facilities if the Commonwealth can implement successfully additional measures to reduce the state prison population.

One measure to consider is the initiation of a program of intermediate punishments for non-violent state offenders. Diverting state offenders to intermediate punishments could reduce significantly the state prison population. In combination with other measures and changes to the sentencing guidelines, such a program may result in a reduction in the prison population large enough so that Clearfield and/or Chester (or future prisons) may not have to be built. By employing a variety of programs -- including intermediate punishments for state offenders-- Pennsylvania can maximize its ability to lessen the rate of spending on corrections.



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FUTURE ACTIONS - POLICY

Pennsylvania's corrections policy is at a critical juncture. Prisons and jails in the Commonwealth have been flooded with inmates during the past decade, resulting in severe overcrowding. Despite the construction of seven new state prisons by 1995, the state inmate population will still exceed capacity in that year and continue to grow into the future. Both at the county and state level, spending on corrections has grown faster than the average growth of all other programs. Funds which could be targeted at economic development, the prevention of disease, care for the elderly, and education, are being used for the construction and operation of prisons.

However, growing prison populations and dramatically increasing corrections expenditures are merely symptoms of a deeper problem. The "real" problem is that state policies in Pennsylvania which were intended to "get tough" on criminals have resulted in the increased sentencing of offenders to prison or jail with little regard to either the cost or effectiveness of incarceration.

The major goal of incarceration should be the enhancement of public safety. But after spending millions of dollars during the past decade on prisons and jails, Pennsylvania does not appear to be closer to achieving this goal.

Imprisonment does not appear to be effective in deterring potential criminals or in making many convicted offenders less likely to commit new crimes once they are returned to the community. Pennsylvania's reliance on incarceration as a primary sanction appears to ensure only one thing: more prisons will have to be built and operated as more offenders are locked up -- and tax payers will be called upon to pay the bill.

Pennsylvanians have a choice: We can continue to build more prisons as the inmate population continues to grow and incur the enormous costs associated with this option, or we can develop a new corrections policy which is more selective in placing offenders in prison or jail, but still maintains public safety. As part of any new policy, PEL believes consideration should be given to a more extensive use of intermediate punishments.

In the opinion of PEL, investing in intermediate punishments should be viewed as an opportunity to move Pennsylvania's corrections policy in a new direction, one which emphasizes more effective services at an affordable cost. To be successful, the Commonwealth must be willing to make a substantial financial commitment to these programs and vigorously support their use.

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**Incarceration and Crime:
Facing Fiscal Realities
in Pennsylvania**

*Prepared by the Center for the Study of Law and Society
Pennsylvania State University
September 1992*

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COMMONWEALTH OF PENNSYLVANIA
THE PENNSYLVANIA COMMISSION ON SENTENCING

September 1992

Dear Reader:

The Pennsylvania Commission on Sentencing was created, and a sentencing guidelines system was adopted, to reduce disparity and increase severity of sentences in Pennsylvania. The Commission was also mandated to assess the effectiveness of the guidelines system. In view of this mandate, the Commission recently sponsored a small evaluation research project aimed at assessing the effectiveness of the sentencing guidelines.

Professor Darrell Steffensmeier is a noted criminologist who has explored the impact of incarceration rates on crime rates nationwide. We asked him to apply the same concept to Pennsylvania so that we could assess the success of the guidelines in reducing violent crime.

From the perspective of the fulfillment of our goals, the results are disappointing. Our policy of confining large numbers of offenders seems to have been ineffective in reducing the violent crime rate. Moreover, our policy has resulted in the tremendous growth of property offenders in the state prison. These results challenge the Commission to reconsider its policy and develop a more effective and more economically responsible policy for the 1990s.

The Commission is providing this report so that others can consider the findings and assist the Commission in the reexamination of the sentencing guidelines.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "John H. Kramer".

John H. Kramer, Executive Director

INCARCERATION AND CRIME: FACING FISCAL REALITIES IN PENNSYLVANIA

Prepared By: Dr. Darrell Steffensmeier

This report was sponsored by the Pennsylvania Commission on Sentencing as part of its comprehensive reassessment of its sentencing guidelines. In the early 1980s, the Commission developed guidelines for sentencing that were intended to increase the certainty and length of incarceration for violent offenders. Data indicate that sentences have become more severe for violent offenders as well as for many non-violent offenders. This report was funded to assist the Pennsylvania Commission on Sentencing in its evaluation of the effectiveness of that policy.

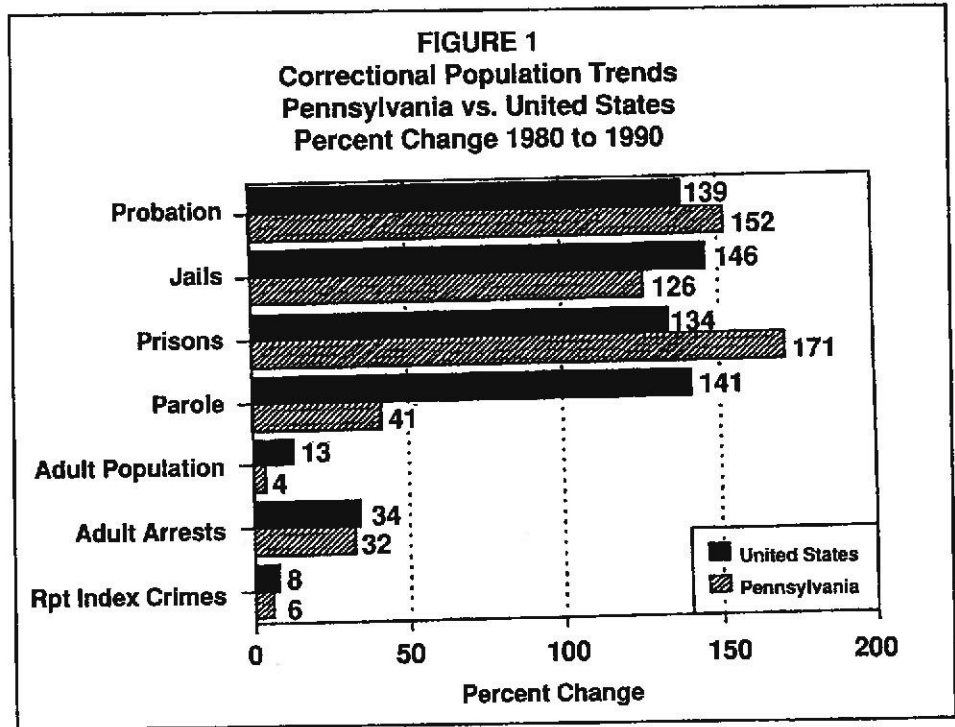
INTRODUCTION

"Welcome to Pennsylvania—America Starts Here" is what the visitor first sees on billboards when entering the state. While it is open to debate whether "America started here," it is a fact that the penitentiary system started in Pennsylvania. The Walnut Street Jail opened in the late 1700s in Philadelphia and marked the beginning of the modern correctional philosophy and system in the United States.

Pennsylvania is a state of great diversity. The fifth most populous state in the nation with over 12 million inhabitants, it has the largest percentage of rural inhabitants in the nation sandwiched between two large urban areas—Philadelphia and Pittsburgh. Additionally, Pennsylvania's demography is defined by the second highest concentration of senior citizens of any state in the nation and a minority population that is growing faster than the non-minority population. Finally, consistent with the current recessionary economic climate, Pennsylvania has and continues to experience the financial difficulties found in most Northeast and Rust Belt states. Economic recovery is not expected in the immediate future.

Paralleling the correctional population trends which have emerged on a national, state, and county level, Pennsylvania's prison and jail popula-

tion projection model continued to ad-



tions experienced unprecedented increases during the 1980s. Figure 1 compares Pennsylvania's correctional population growth to national trends from 1980 to 1990. Historically, Pennsylvania's prison and jail populations were best predicted based on a review of generally accepted offender

equately explain correctional population growth from 1980 through 1985; however, from 1985 through 1990, as is apparent in Figure 1, the offender population levels far outstripped the increases in the conventional population indices. For example, the adult population grew

INCARCERATION AND CRIME TRENDS

TABLE 1

Offender Processing by Offense Type 1980 versus 1990			
Offense Type	Processed		
	1980	1990	Change
Violent	10200	8203	-20%
Property	11126	19111	72%
Drugs (Total)	6616	14030	112%
..... Sales	5214	5611	8%
..... Possession	1402	8419	500%
Other	60902	49687	-18%
TOTAL PROCESSED	88844	91031	2%
Offense Type	Convicted		
	1980	1990	Change
Violent	3685	3750	2%
Property	4716	11732	149%
Drugs (Total)	2705	10127	274%
..... Sales	2120	4495	112%
..... Possession	585	5632	863%
Other	22089	26561	20%
TOTAL CONVICTED	33195	52170	57%
Offense Type	Incarcerated (State and County Populations)		
	1980	1990	Change
Violent	2096	3135	50%
Property	2016	6471	221%
Drugs (Total)	584	6169	956%
..... Sales	405	3527	771%
..... Possession	179	2642	1376%
Other	6064	17149	183%
TOTAL INCARCERATED	10760	32924	206%

by 4 percent, reported index crimes increased by 6 percent, and adult arrests rose by 32 percent; however, during the same reporting period, prison, jail, and probation populations, respectively, grew 171 percent, 126 percent, and 152 percent.

As a result, Pennsylvania finds itself with a state prison system housing offenders at nearly 150 percent of capacity with over 24,000 inmates in facilities designed for just over 16,000. The county jail system is in a similar situation, housing approximately 19,000 offenders in facilities designed for just over 13,000.

WHAT HAPPENED?

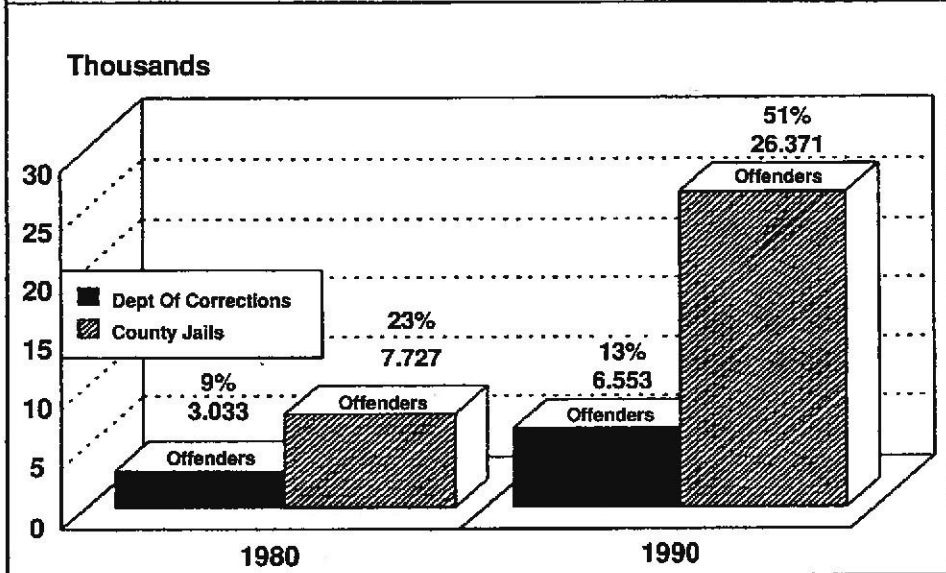
With the infusion of resources and a focusing on the "War on Drugs," the productivity of law enforcement and prosecutors increased. The number of convictions grew rapidly between 1980 and 1990. As Table 1 shows, convictions increased much more than did the number of cases processed and incarcerative sentences increased much more than did convictions, particularly for drug offenders.

According to a March 1990 report issued by the Corrections Overcrowding Committee of the Pennsylvania Commission on Crime and Delin-

quency, the growth observed in the Pennsylvania correctional population since 1985 resulted from: 1) an increased reliance on incarceration as the primary sanctioning option, 2) an increase in the length of correctional supervision, 3) an increase in the number of offenders with substance abuse problems, and 4) an increased recirculation of offenders through the correctional system.

To a large extent, this growth was the intended result of changes in Pennsylvania's sentencing policies. The adoption of sentencing guidelines in the early 1980's and subsequent passage of mandatory

FIGURE 2
Percent of Convicted Offenders
Sentenced to the Department of Corrections
and County Jails, 1980 and 1990



sentencing laws for drug offenses led to significant increases in Pennsylvania's rate of incarceration.

As Figure 2 indicates, incarceration became a much more common sanctioning option. In 1980, only 32 percent of convicted offenders received incarceration; by 1990 the percentage of offenders who received an incarceration sanction rose to 64 percent of all convictions.

Additionally, the introduction of mandatory sentences and sentencing guidelines often lengthened minimum sentence terms. This trend coupled with an increase in the percent of minimum term served by offenders prior to release resulted in increased incarceration lengths of stay. In 1980, the average time served was 27.5 months compared to 34.0 months in 1990.

Interestingly, following the enactment of mandatory sentences and sentencing guidelines in 1982, new court commitments to the Pennsylvania Department of Corrections actually declined from 1984 through 1987. However, from 1988 through 1990, court commitments to the Department increased by 56 percent from 3,830 in 1988 to 5,958 in 1990—largely attributable to the implementation of mandatory sentences for drug law violations.

Despite the observed decrease in court commitments from 1984 through 1987, admissions to the state Department of Corrections remained relatively constant during this period due to the increased recirculation of offenders through the system via parole revocations. In 1980, 52 for every 1,000 supervised offenders were recommitted to the state or county prisons. In 1988, this recommitment rate in-

creased to 167 for every 1,000 supervised offenders. In large measure, the recommitment rate increase was fueled by the increased revocation of parole for technical violations, specifically, drug abuse violations which more than doubled during the 1980s.

The question is whether the unprecedented growth in Pennsylvania's jail and prison population has impacted this state's crime rates. Longer prison sentences and higher levels of incarceration, it was anticipated, would reduce crime, especially violent crime, by deterring would-be offenders from committing crimes because of the growing threat of a prison sentence and by physically preventing offenders from committing new crimes through an incarceration strategy. It is timely to ask what effects, if any, have the soaring imprisonment populations had on violent crime rates.

Attempting to answer that question is a complex task that has to do with measuring crime trends and determining the impact that the rate of imprisonment may have on those trends. Before looking at our Pennsylvania experience, it might be helpful to review the issue on a national level.

NATIONAL TRENDS: 1970-1990

Actually since incarceration and violent crime trends in Pennsylvania parallel those for the nation as a whole the difficult issue of measurement can be disposed through a discussion of the national experience.

The definition of "violent crime" varies slightly between the Uniform Crime Report (UCR) and the National

INCARCERATION AND CRIME TRENDS

Crime Survey (NCS). Traditionally, the UCR definition of violent crime has included all incidents of murder and voluntary manslaughter, forcible rape, robbery and aggravated assaults. Conversely, as the NCS is based on a survey of crime victims, NCS's definition of violent crime includes rape, robbery, and aggravated assault. Obviously, incidents of murder cannot be reported by the victim and, therefore, are not included in the NCS violent crime definition.

Figure 3 compares nationwide incarceration rates since 1970 to age-adjusted violence rates. As explained later, the violence rates are age-adjusted to take into account large age shifts in the nation's population, especially during the 1980s. In addition to the FBI's Uniform Crime Reports, violence rates from the National Crime Survey are also plotted. Begun in 1973, the National Crime Survey is based on a scientifically selected sample of households throughout the United States. Persons over 12 years of age in these households are questioned about their experience with three violent crimes: assault, forcible rape, and robbery. As in the UCR, the basic counting unit in the NCS is offenses or criminal incidents. The Violent Crime Index is a single number obtained by adding together all the incidents of each of the violent crimes as enumerated above.

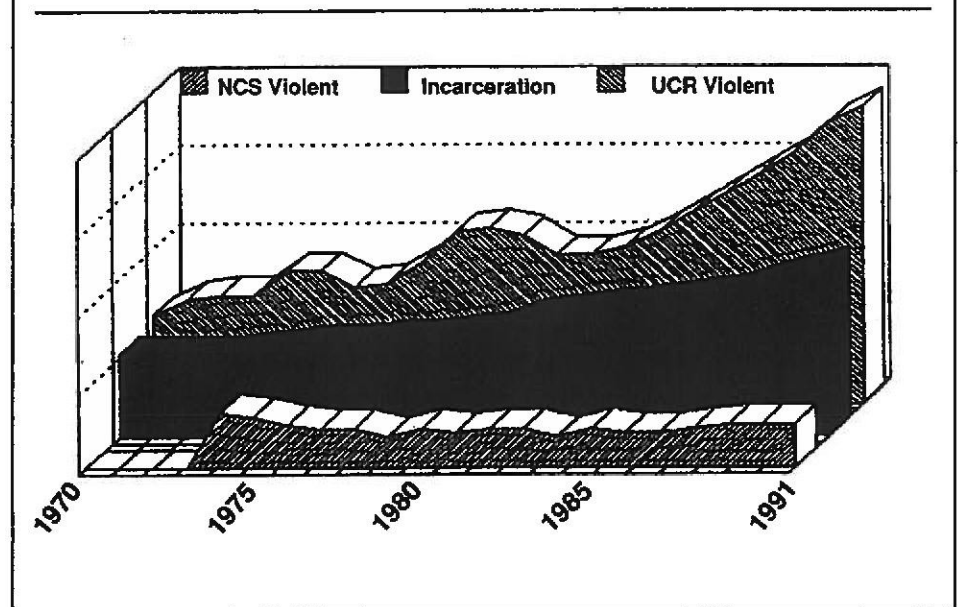
Incarceration rates at the national level took an upward trend around the mid-seventies and rose steadily during the 1980s. During the period from 1970 to 1991, the UCR's violence rate fluctuated but generally rose steadily, at a pace somewhat greater than the rise in incarceration rates.

During the 1980-91 period, the UCR violence rate went through two distinct periods. First, as incarceration rose by 25 percent in 1981-84, violent crime fell by 9 percent. Then, as incarceration increased by 32 percent from 1985 to 1991, violence rates rose by 38 percent.

On the other hand, the NCS violence rate declined slightly from 1973 (the first year NCS data were collected)

derestimate current violent crime levels as compared to prior years because of sampling deficiencies and changes in data collection procedures. First, there was during the 1980s an increase in the number of "hard-core" poor and homeless who are at high risk for violent victimization but who are largely inaccessible to NCS interviewing. Second, because of budgetary constraints, the NCS has increas-

FIGURE 3
United States Trends in Incarceration Rates, UCR Violent Rates, and NCS Violent Rates 1970-1991



until 1985, after which the rates rose slightly to 1991. The overall pattern involves relatively flat rates of violence as compared to rapidly rising rates of incarceration. Deciding which is the better indicator of violence trends, the Uniform Crime Reporting (UCR) system or the National Crime Survey (NCS), is complicated. Each reporting program is subject to the kinds of errors and problems typical of its data collection method. National Crime Survey statistics tend to un-

ingly relied on telephone interviews and the expanded use of proxy respondents. Telephone interviewees and proxy respondents report less victimization than face-to-face interviewees and actual victims.

In contrast, none of the recent changes in the UCR data collection methodology would have artifactually pushed reported crime rates upwards. Increased computerization of law enforcement records and so on were largely complete prior to 1980 (see later

discussion). Therefore, generally, law enforcement officials and many criminologists believe the FBI's Uniform Crime Reporting system offers a more reliable and valid measure of crime trends.

TRENDS IN THE 1960s

The analysis above compared incarceration rates and crime rates since 1970. What would the plots look like if we had traced the rates backwards to include the 1960s?

In the 1960s incarceration rates declined somewhat while violent crime rates rose substantially, according to FBI statistics. By contrast, although violent crime rose in the 1980s when incarceration rates increased substantially, the rate of increase of violent crime was substantially less than the increase in the 1960s. This reduction in the rate of increase in violent crime raises the question of whether there is less crime today than there would have been had we not substantially increased incarceration of violent offenders in the 1980s? Are violent crime rates today lower than they would have been if the low incarceration policies of the 1960s and 1970s had been continued into the 1980s?

The question is an intriguing one but, unfortunately, it cannot be answered with the available data. The FBI's crime statistics for the period of the 1960s are beset with serious reliability and validity problems. First, the statistics don't reflect the increased birthrate (the "baby boom") that occurred after World War II which produced a swelling of the 15-24 age group in the 1960s. An analysis by the President's Commission on Law Enforcement and Administration of

Justice concluded that about 40 percent of the increase in index crimes during the 1960s could be accounted for by changes in the nation's age composition.

Second, the UCR statistics for the 1960s are highly unreliable because of changes in coverage, policing, and reporting procedures that produced large paper increases in crime. Professionalization of police, increases in the number of clerks and statistical personnel, better methods for recording information, and the use of more intensive patrolling practices increased the amount of reported crime. (See: 1967 Task Force Report, "Crime and Its Impact—An Assessment." President's Commission on Law Enforcement and Administration of Justice.)

The Task Force Report noted, for example, that a tightening of reporting procedures in New York City in the mid-1960s had resulted in a tripling of the city's robbery rate. Changes in the reporting systems of other large cities also produced large paper increases in crime. Since the large cities account for the "lion's share" of crime nationally, paper increases in crime dramatically affected the nation's crime rate during the 1960s (as that rate is reported in the Uniform Crime Reports).

Because the changes in policing and reporting systems took place over a period of time and because they were most often a gradual rather than an abrupt change, it is difficult to estimate what their cumulative effect has been. It is worth noting that the Uniform Crime Reporting system does not vouch for its crime figures prior to the early 1970s.

The 1970 to 1991 period is sufficiently long, however, for an

evaluation of the relation between incarceration rates and crime rates. Bulging prisons have not led to the expected drop in the crime rate nationally nor, in some unspecified way, dampened it.

PENNSYLVANIA'S EXPERIENCE: 1970-1990

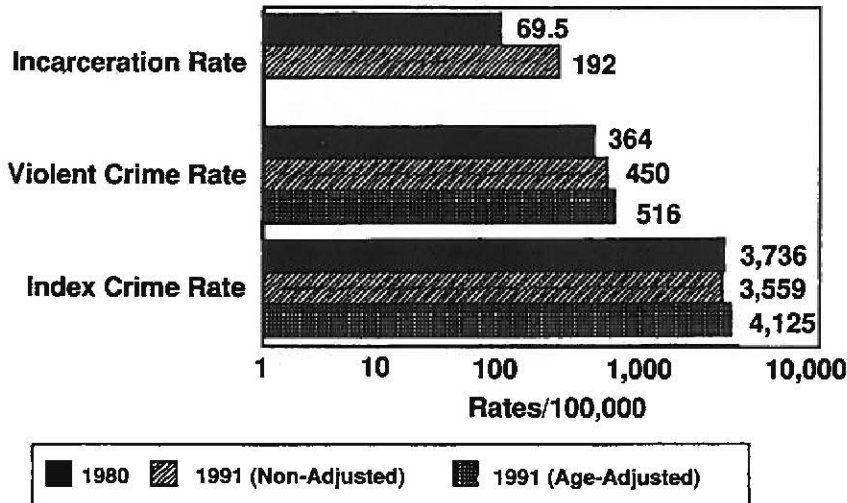
As was indicated previously, for the most part, Pennsylvania's historical data on crime trends and incarceration are similar to our national experience. Figure 4 compares Pennsylvania's prison population growth to statewide trends in index crimes and in violent crimes from 1980 to 1991. The crime data are from the Uniform Crime Reporting (UCR) system, which is based on police reports and maintained by the Federal Bureau of Investigation.

The index crime rate reported in the UCR dropped by 5 percent while the violent crime rate rose by 25 percent. Age-adjusted rates (see discussion below) are also shown in Figure 5. The age-adjusted index rate increased by 10 percent from 1980 to 1991 as compared to the violent crime rate which rose a sizable 42 percent. These trends run somewhat counter to the composition of the incarcerated population as non-violent offenders accounted for an increasing proportion of the admission and stock population during this same period.

AGE-ADJUSTED CRIME RATES

The bar Graphs in Figure 4 showing the reported UCR rates are conservative estimates of the relation between incarceration rates and crime rates. The reported crime rates don't take into account a powerful demographic change that has been occurring in Pennsylvania and the nation as a whole: there has

FIGURE 4
Incarceration Rates and Crime Rates in Pennsylvania
1980 versus 1991



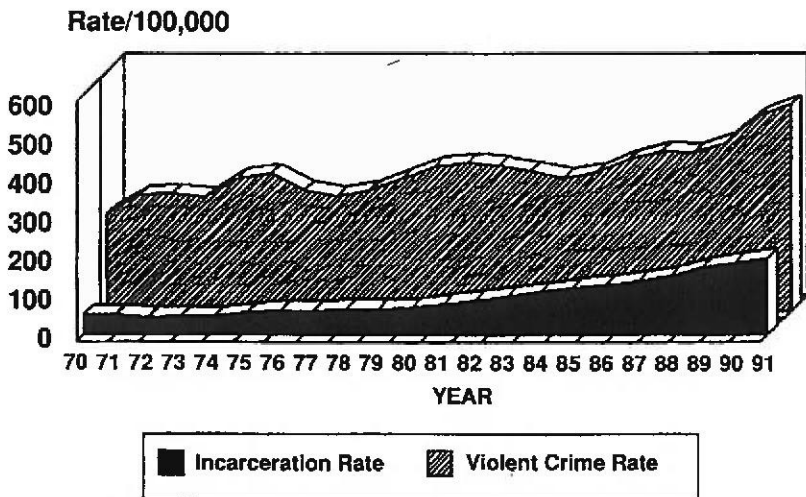
NOTE 1: Rates are calculated per 100,000 civilian population.
 NOTE 2: Incarceration rates reflect state prison incarceration.

been an "aging out" of the population since 1980.

The index crimes, including violent crime, are strongly age-sensitive. There was a significant decline in 15-29 year olds—the most violent prone group—while the proportion of middle-aged and elderly increased sharply. The percentage of the Pennsylvania population in the 15-29 age group fell by 16 percent from 3,085,476 in 1980 to 2,601,282 in 1990; while the older age groups (30 years and older) increased by 10 percent from 6,293,919 in 1980 to 6,939,841 in 1990.

Thus, all else equal, a drop in Pennsylvania's violent crime rate would be expected during the 1980s. If a drop did occur, that could easily be misconstrued by the unwary observer as due to higher incarceration rates. Or, if the violent crime rate still rose, the size of the increase and its relationship to rising incarceration rates would be undervalued.

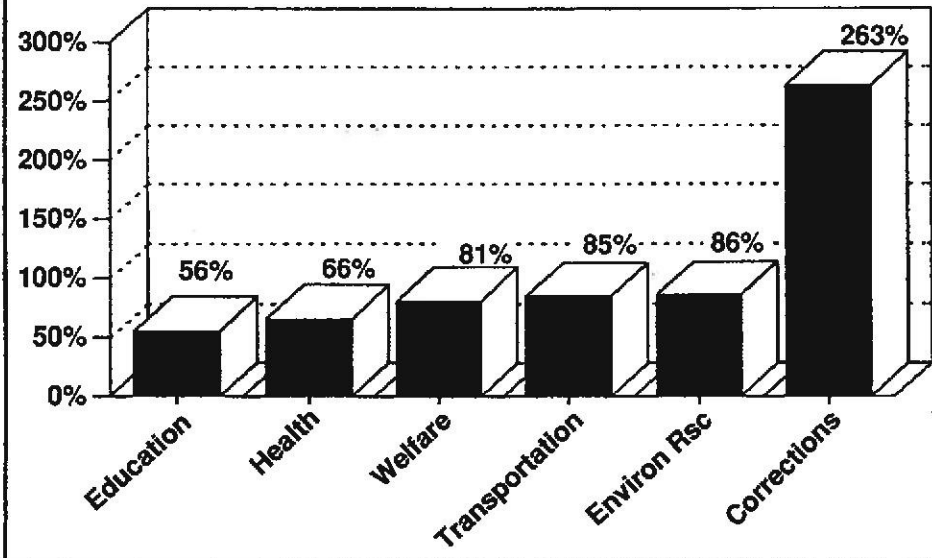
FIGURE 5
Incarceration Rates and Crime Rates in Pennsylvania
1970 -1991



NOTE 1: Chart contains rates per 100,000 civilian population.
 NOTE 2: Incarceration rates reflect state prison incarceration.
 NOTE 3: Violent crime rates reflect age-adjusted rates for PA.

Age-adjusted violent crime rates and incarceration rates for Pennsylvania are plotted in Figure 5. [The significance of age effect on crime and the appropriate statistical procedures for age-adjusting the reported crime rates are discussed in: Darrell Steffensmeier and Miles D. Harer, "Did Crime Rise or Fall During the Reagan Presidency? The Effects of an 'Aging' U.S. Population on the Nation's Crime Rate, 1980-88." *Journal of Research in Crime and Delinquency* (1991, 28:330-359).] This part of the analysis was extended back to 1970, to place the recent years in better perspective. Incarceration rates began to trend upward around the mid-seventies and rose steadily during the 1980s, as compared to Pennsylvania's violent crime rate

FIGURE 6
PA DOC Budget vs. Other Agencies
Change in Gen Fund Operating Budget
FY 81/82 to FY 91/92



which increased substantially. The overall relation is that both incarceration rates and crime rates rose during the 1970-91 period. As is the case on the national scene bulging prisons have not led to the expected drop in the crime rate in Pennsylvania nor, in some unspecified way, dampened it.

POLICY IMPLICATIONS

It is difficult to detect any overall relationship between incarceration and crime rates, or to show that incarceration is a cost-effective means of reducing crime. Enforcement that makes the lives of violent offenders riskier and prospects of incarceration greater may accomplish a worthwhile goal (eg., punishment, expression of moral outrage). But one should not confuse that goal with a significant impact on the nation's or the state's level of violence. Above and beyond the penalties already in place, longer sentences or the "piling on of punish-

ment" apparently have very little, if any, deterrent effect on levels of violent crime and, at best, only a small, short-term incapacitative effect.

It is risky business to forge a causal link between violent crime rates and imprisonment rates in the absence of statistical controls for other variables that might influence crime trends such as the growth in racial/ethnic minorities, episodic swings in drug abuse, economic cycles, and other shifts in criminal justice practice. Some might suggest that if these and other (unknown) social forces were taken into consideration, the observed rise in age-adjusted violent crime rates would have been even greater had it not been for the would-be deterrent or incapacitative effects of rising prison populations. However, there is nothing in the prison or crime statistics themselves to suggest such an interpretation.

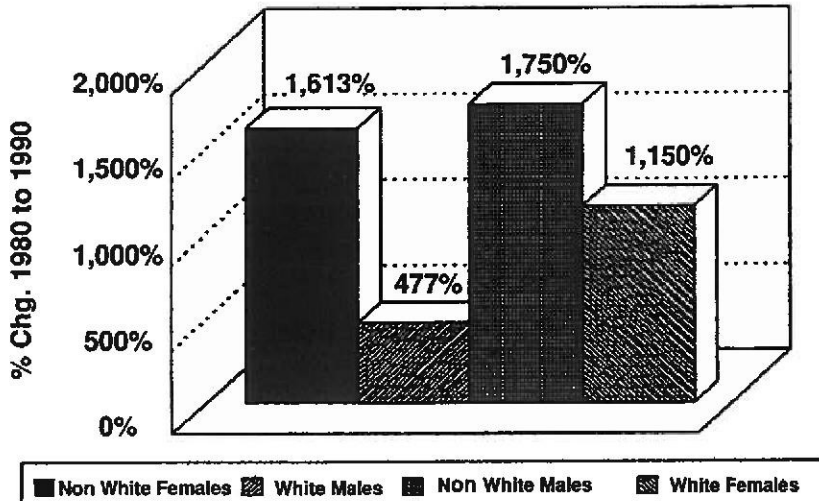
Given our inability to demonstrate a cause and effect relationship between incarceration and crime rates where does that leave us and where do we go from here? What we do know is that the unprecedented growth in Pennsylvania's prison population and the increasing demands on prison space are consuming a larger and larger share of the state's tax dollars at a time of declining revenue growth and growing demand for other public services (see Figure 6). This trend has further burdened the Commonwealth's resources.

Pennsylvania is now committed to spending nearly 1.3 billion to add 10,000 prison cells by 1995 through capacity expansion at existing facilities as well as the construction of seven new 1,000 cell facilities. Each of these institutions will create a significant burden on the taxpayers of the Commonwealth. Taking into consideration the costs of design, construction, and debt service, and operations over a twenty-year period, each of these units will cost more than \$800 million.

What we do know is that the incarceration strategy has not only increased the prison population but, as Figure 7 shows, has done so in a way that disproportionately imprisons minority citizens and women, particularly for drug offenses. Figure 8 compares the percentage of the minority offender as a portion of the stock prison population with the overall civilian population in Pennsylvania. In 1990, only 11 percent of Pennsylvania's population was non-white; 58 percent of prisoners were non-white.

Absent a definitive link between incarceration and crime rates, policymakers in Pennsylvania

FIGURE 7
Percent Growth in Prison Commitments
for Drug Offenses by Race and Sex 1980 to 1990



sanction for the bulk of offenders does not appear to be justified given what we do know.

An important question facing Pennsylvania's policymakers today is whether spending more and more money on incarcerating more and more offenders will solve the crime problem. More cost-effective punishments such as intermediate sanctions or community restitution are available which appear suitable for many property and drug offenders who today disproportionately populate Pennsylvania's prisons and jails. Recent public opinion surveys suggest that the public will support a range of sanctions for non-violent offenders.

The current climate of reevaluation provides an opportunity to discuss criminal justice policies rationally and to learn more about a broader range of control, punishment, and treatment responses to convicted offenders. That climate also provides an opportunity for Pennsylvania to continue its historical role as a leader in sentencing and correctional reform.

(including the Commission on Sentencing) might re-examine its incarcerative policies in view of the fiscal realities of today's policies. What are the benefits and costs of incarceration, including the social cost of imprisoning minorities at a disproportionate rate?

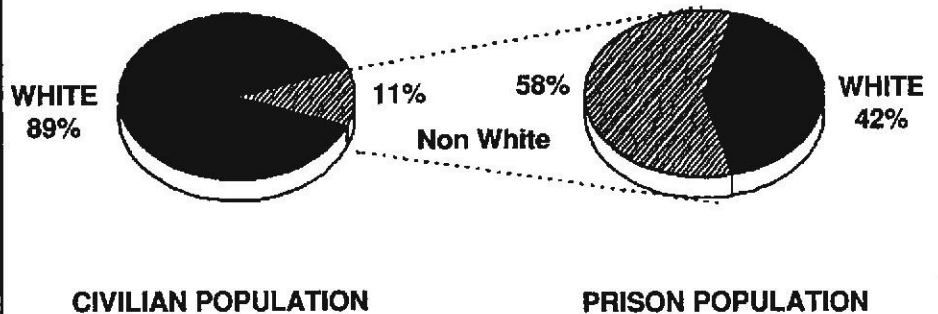
need not be directed as broadly as it is. Efforts in the policy arena should be directed at focusing more on identifying the limited number of violent, dangerous and persistent offenders who account for a majority of serious crime and for whom incapacitation is a needed and warranted expense. Using incarceration as the primary

CONCLUSION

Our analysis of the Pennsylvania data suggests two conclusions. First, increasing incarceration levels have not reduced violent crime rates in Pennsylvania as predicted but, in fact, violence levels have been rising in recent years. Second, incarceration rates have increased for violent offenders, as intended, but incarceration rates for-property offenders have increased at an even faster pace.

The evidence on the relation between incarceration and crime rates suggests that at both the national and state levels, incapacitation as a crime control strategy

FIGURE 8
RACE DISTRIBUTION OF PENNSYLVANIA'S
CIVILIAN & PRISON POPULATION



COST OF CORRECTIONS IN PENNSYLVANIA



Prepared For
The Edna McConnell Clark Foundation

By The
Pennsylvania Economy League, Inc.

May, 1993

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Executive Summary

Executive Summary

Purpose of the Study

At the request of the Edna McConnell Clark Foundation, The Pennsylvania Economy League (PEL) conducted a study to determine the total cost of incarceration and of intermediate punishments in Pennsylvania. In addition, the study is intended to determine the potential cost savings to the Commonwealth if an extensive program offering intermediate punishments is implemented.

Data for the study were gathered from state agencies including the Department of Corrections, the Pennsylvania Commission on Crime and Delinquency, the State Board of Probation and Parole, the Pennsylvania Commission on Sentencing and the Governor's Budget Office. In all cases, the most recent data available were used and cost projections were based on the most conservative assumptions.

Incarceration cost data, both at the state and county level, were supplied by the Department of Corrections. Data reflecting the cost of intermediate punishments were developed by the Pennsylvania Commission on Sentencing from telephone interviews with county probation and parole authorities.

Corrections Spending Growth Rates

Corrections has become one of the fastest growing areas of state spending. Between FY 1982 and 1992, state general fund spending on the Department of Corrections grew by 259%, from roughly \$126 million to over \$453 million. During this same period, General Fund spending on all other programs grew by an average of 89%.

At the county level the situation was much the same. Between 1981 and 1991, county expenditures on jails and prisons grew by 192%, from \$103 million to \$303 million. Spending on all other county programs grew by 108% during the same period.

In addition to prisons, there has been growth in spending on probation and parole services as well. From FY 1982 to 1992, the State Board of Probation and Parole budget grew by 173%, from almost \$17 million to \$46 million. From 1984 to 1991, county probation and parole costs grew from \$25 million to almost \$51 million, or 103%.

Driving this spending has been an enormous influx of offenders into our county jails and state prisons. The state prison population grew by 171% between 1980 and 1990. The county jail population grew by 125%. As a result, prison overcrowding has become a serious issue in the Commonwealth. In 1991, the state prison population stood at 147% of capacity and county jails stood at 141% of capacity.

During the 1980s, much of the growth in the state prison population was among non-violent offenders. In 1980, 36% of state prisoners were incarcerated for non-violent crimes. By 1991, the percentage offenders in prison for non-violent crimes increased to about 50%.

Corrections Population Growth Rates

There are a number of factors which have influenced the growth in prison and jail populations. While the amount of criminal activity is usually thought to be a major factor, the index crime rate in Pennsylvania actually declined at the same time prison and jail populations increased. Index crimes are more serious offenses such as murder, non-negligent murder, and forcible rape. (Total crime in Pennsylvania increased by six percent during the 1980s.)

A better explanation lies with government policies intended to fight crime. In response to public fear of a perceived growth in criminal activity, state and local government adopted a "get tough" approach to crime. Out of this new approach have come more arrests, more convictions, and policies which send more offenders to prison or jail.

Not only are more offenders being sentenced to prison or jail at the "front-end", but many paroled offenders are returned to incarceration on both technical and criminal parole violations. In addition, the average state offender is staying in prison longer. The average minimum sentence increased during the 1980s, and more offenders served additional time beyond their minimum sentence, because inmates eligible for parole were either not able to be processed in a timely fashion or were considered too great a risk for parole.

For the most part, counties and the state have responded to this surge in the number of inmates by adding new prison space. Since the early 1980s, the State Department of Corrections has developed new cell space at an unprecedented pace. Between 1984 and 1992, eight new facilities were added to the state prison system. By 1995, construction on seven new prisons will be finished, adding 10,000 more cells to the prison system and raising the total number of state institutions to 24. By the time construction on the last new prison is completed, Pennsylvania will have added a total of 15 new state correctional facilities in just 11 years.

However, despite upgrades, conversions, and new construction, Pennsylvania's prison and jail population continues to exceed capacity; and the state prison system is expected to remain over capacity even as the seven new prisons are completed in 1995. Projected continued inmate population growth beyond 1995 necessitates further action to bring prison population and capacity into balance.

Alternatives for the Future

After witnessing dramatic growth in both the prison population and the cost of incarceration during the past decade, where should we go from here? The report identifies two basic alternatives.

Scenario 1: Status Quo

One possibility is to continue doing things as we have for the past 10 years, that is to rely heavily on incarceration. If Pennsylvania chooses this course of action, and the offender population in our prisons and jails continues to grow as projected (By the year 2000, the state prison system is expected to be over capacity by about 8,200 inmates.), the Commonwealth will be forced to build more prisons and incur the enormous costs associated with these facilities.

The cost of prison expansion is often expressed as merely the construction cost of a new facility. However, the total cost of building a new prison represents a substantial and long-term commitment that far exceeds the initial cost of construction. Servicing the debt used to fund the construction of a prison could take as long as thirty years, depending on the term of the bond issue; and once interest is included, the final cost of construction could be as much as three times the initial cost. In addition, annual operating costs such as salaries and benefits, utilities, routine maintenance, and food will add significantly to the cost of a prison; and, over the life of a prison, far exceed the cost of construction, including debt service costs. Therefore, the initial costs associated with the actual construction of a prison will be relatively small in comparison to the enormous operating and debt service costs the Commonwealth must bear for years to come once a facility is in operation. Any decision to build more prisons must take into consideration these total future costs.

Of more concern is the lesson from Pennsylvania's current experience with prison construction which shows new prisons provide no guaranteed solution to the overcrowding problem. If the inmate population continues to grow at its current pace into the next century, it is unclear how many prisons will ultimately be needed to incarcerate future numbers of offenders.

Scenario 2: Reduce the State Prison Population

An alternative to this first scenario is to reduce the inmate population so that new prison construction will not be necessary. There are three basic ways to accomplish this: (1) a reduction in the average time served by inmates in prison, (2) a diversion of offenders who would otherwise go to state prison into some other form of sanction, or (3) a combination of these two options. How these reductions in time served or diversions will actually be accomplished and which prisoners will be affected are policy decisions that should be made by our elected officials. However, several general options bear mentioning.

There are two ways to reduce the amount of time served. First, one can move up the date at which an offender is eligible for parole. This can be accomplished by adjusting the sentencing guidelines so that minimum sentences are shorter, by initiating an earned time program, or by initiating an accelerated release program. The second method of reducing time served involves increasing the rate of release of those who have served their minimum sentence. An example of this would be to initiate a presumptive release program.

Diverting more offenders from prison would require a change in the sentencing guidelines so that more offenders could be sentenced to intermediate punishments. The elimination of mandatory minimum sentences would also be an option. In addition, technical parole violators who would otherwise be returned to prison, instead could initially be placed in a more intensive form of supervision. Technical parole violators are parolees who have not committed any new crimes; rather, they have violated the terms of their parole. Diverting more offenders from prison or jail would also require judges to more frequently sentence eligible offenders to intermediate punishment programs they now have at their disposal, but fail to use regularly. A final option would involve the development of intermediate punishments for inmates who are eligible for parole, but who may be at risk of parole violation and would therefore not be released from prison. Funding for these intermediate punishments would have to be increased so that these programs could be expanded.

If the costs of new prison construction are to be avoided, the state must make a substantial reduction in the state prison population. As long as the state prison system is significantly over capacity there will be pressure to build more prisons. To avoid new construction, it will be necessary to balance the prison population with capacity. Current projections indicate that, in the year 2000, an 8,200 person reduction in the state prison population will be needed.

The Potential Effect of Upcoming Changes to the Sentencing Guidelines

The Pennsylvania Commission on Sentencing is now in the process of revising the Commonwealth's sentencing guidelines. Changes to the guidelines will most likely have the following effects on state and county correctional populations:

- The state prison population will be reduced, as some state offenders are shifted to county confinement and others serve shorter sentences.
- Despite receiving some state offenders, the county jail population should experience a net reduction, as some offenders are shifted to supervision in the community and others serve shorter sentences.
- The caseload of county probation and parole will increase as county offenders are shifted from jail to supervision in the community.
- As more county offenders are supervised in community-based intermediate punishments, the overall cost of county corrections will increase.

It must be stressed that, under the guidelines, the provision of intermediate punishments will be limited to the counties, which can use them to address the shift of county offenders into community supervision. Consequently, they are not a direct method of reducing the state prison population. The state prison population

will be reduced by changes to the guidelines alone, regardless of whether the county provides intermediate punishments.

Given the potential reduction to the state prison population as a result of the impending changes to the sentencing guidelines, now is an appropriate time to reconsider the need to construct SCI Clearfield and Chester. It is unlikely that the guideline changes alone will result in a reduction in the state prison population sufficient to avoid building these two facilities. But changes to the guidelines, combined with other measures, may result in the necessary reduction. One possible additional measure which the Commonwealth should consider is the initiation of a program of intermediate punishments for state offenders. Diverting appropriate state offenders to intermediate punishments could significantly reduce the prison population.

Fiscal Impacts of Reducing Prison Population Through Intermediate Punishments

A key part of the research effort for this project was to quantify the cost of incarceration and the cost of intermediate punishments. This information would then be available to calculate the potential net fiscal impact of a reduction of the state prison population through the use of intermediate punishments.

A substantial difference exists between the average cost of incarceration and the cost of intermediate punishments. In FY 1992, the average annual cost per offender of incarceration was over \$20,000. According to the Pennsylvania Commission on Sentencing, the average cost per offender of restrictive intermediate punishments (this is the most expensive form of alternative sanction and includes programs such as house arrest with electronic monitoring) is nearly \$4,400. However, the potential to realize net benefits from this cost differential will be achieved primarily by avoiding further prison construction or closing a significant part of an existing facility.

There also exists the potential for net **marginal savings** resulting from the removal of each offender from state prison; but these savings could be nullified, depending on the cost of the intermediate punishment program in which offenders are placed as an alternative to incarceration. The Department of Corrections estimates that the average marginal (avoidable) cost of incarceration is approximately \$2,720 per year, only about 13% of the total average annual cost of incarceration per inmate. Savings per offender equal to this amount would not cover the cost of the most expensive form of intermediate punishment (\$4,400). Hence, avoiding new prison construction or closing a significant part of an existing facility offer the surest methods of significantly reducing corrections costs.

PEL calculated the potential for savings by avoiding new prison construction which could be realized through the use of an intermediate punishment program. The results of this analysis reflect the cost of intermediate punishment programs needed to bring the projected state prison population in the year 2000 into balance with existing capacity versus the cost of leasing and operating five new 1600-bed prisons needed to house the excess population.

By performing calculations using the **most expensive scenario** for an intermediate punishment program, an **upper-limit cost** was established. By definition, any other policy would be less expensive. The most expensive method of bringing prison population into balance with capacity would divert offenders from prison and provide intermediate punishments for the period of time the offenders would otherwise have been incarcerated. PEL also used the annual per offender cost of restrictive intermediate punishments (\$4,380), assuming that this number represented the most expensive form of intermediate program.

Based on the assumptions above and using the year 2000 for the purpose of illustration, the single-year cost of an intermediate punishment program -- large enough to bring state prison population into balance with capacity -- would be \$36 million in constant dollars. In contrast, based on the Department of Corrections' latest prison-construction program, the annual cost of leasing and operating five new prisons would total over \$172 million in constant dollars, for a net savings of over \$136 million.

It must be stressed that "savings" in the present context is the avoidance of future prison construction costs less any cost from an intermediate punishments program. It does not mean any year-to-year reductions in total spending. It simply means that we can expect state corrections expenditures to be less in the future than what they would have been had new prisons been constructed. The cost of operating existing state prisons will continue to increase, but at a slower rate.

Finally, placing offenders in intermediate punishments will result in an immediate cost increase in overall corrections spending in Pennsylvania. Increasing the number of intermediate punishments will require investment in equipment and personnel needed to operate these programs. At the same time, the cost of operating existing prisons will remain. (Corrections spending will only decrease if the size of the reduction in the state prison population is large enough to close an entire prison or a significant part of a prison.)

Other Benefits of Intermediate Punishments

This report has estimated the cost-savings which can be realized through an intermediate punishment program; however, there are other benefits as well.

- Intermediate Punishments Make Offenders Pay Their Debt to Society
- Intermediate Punishments Force the Offender to Pay the Cost of His or Her Supervision
- Intermediate Punishments Reduce Pressure to Build Prisons
- Intermediate Punishments May Be a Better Way to Rehabilitate Offenders
- Savings from Intermediate Punishments Can be Used for Other Government Programs
- Intermediate Punishments Offer Sentences Which Fit the Crime
- Offenders Pay Taxes
- Intermediate Punishments Allow Offenders (Not Government) to Support Their Families
- Intermediate Punishments Force "Deadbeat Dads" to Support Their Children

Directing Savings to Other Programs

If the Commonwealth spends less on corrections in the future, it could redirect the savings to other programs. Among the possible uses for these funds are programs that could have a potential impact on factors which may influence criminal behavior, i.e., low educational attainment, lack of job skills, and drug abuse. The potential savings from avoiding future prison expansion could provide substantial increases over current funding levels for many of these programs.

To the extent that additional spending on these programs would reduce criminal behavior, there exists the potential for less spending on corrections in the future.

Policy Issues Relating to Reducing State Prison Population

As indicated previously, there are several options available to the Commonwealth to reduce its prison population. However, each has policy implications that must be recognized and understood as these options are considered. Some of the major policy issues raised are:

1. Should the state prison population be reduced?
 - Is incarceration effective as a method to reduce crime?
 - Are offenders rehabilitated in prison?
 - To what extent are prison and jails used to incarcerate non-violent offenders who could be supervised in the community at less cost?
 - Would public safety be compromised by an intermediate punishments program?
 - Does length of time served influence recidivism?
 - Are there non-cost benefits that can be gained from intermediate punishments?

2. Removing an offender from state prison to an intermediate punishment program does not eliminate the cost of supervising that offender, it simply shifts the cost to a different government authority. Depending on the policy, moving offenders out of state prison may result in increased costs to county jails and prisons, as well as both state and county probation and parole.
 - Will the respective costs be recognized and funded adequately on a fair and rational basis?
 - Can the system provide intermediate punishments effectively to the large number of offenders who must be involved to avoid future prison construction?
 - Can the system provide intermediate punishments effectively on a timely basis to avoid future prison construction?
 - As the capacity of intermediate punishment programs grow, will some offenders who ordinarily would have received probation be sentenced to intermediate punishments instead? To the extent that this occurs, it will expand the population to be supervised in intermediate punishments beyond the number of offenders diverted from prison and thus drive up the cost of the program. The potential for this to occur should be monitored.
3. Should a program of intermediate punishments be provided for appropriate state offenders?
4. Will the public support the placement of more offenders in intermediate punishments?

Summary

If the Commonwealth continues to incarcerate offenders in state prison at the present pace, then the cost of building and operating more prisons will be unavoidable. To avoid the cost of future prison construction, the state prison population must be brought into balance with capacity. One way to accomplish this would be to expand the use of intermediate punishments. An expansion of these programs will require additional expenditures; consequently, the overall cost of corrections in Pennsylvania will increase. However, because the cost per offender of these programs is much less than the cost per offender of incarceration, an immediate expansion of intermediate punishments will, in the long-run, be less expensive than the cost of building and operating more prisons. In other words, by expanding intermediate punishments, we can expect state corrections expenditures to be less in the future than what they would have been had new prisons been constructed. The overall cost of all corrections activities in Pennsylvania will continue to increase, but at a slower rate.

A rational intermediate punishment program, one which is limited to non-violent offenders and provides an adequate system of supervision, should not result in undue risk to the public. While one can assume that placing more offenders in the community will result in greater risk, because only non-violent offenders will be supervised in these programs, the risk will be minimized. To be successful, an expanded commitment to intermediate punishment programs in Pennsylvania will require adequate funding. For this reason, consideration should be given to the development of a sound and rational funding mechanism.

Finally, the decision to implement a program to reduce prison population raises many policy questions. The answers to these policy questions should be sought to assure that our future corrections program protects the public and provides the most effective services at the most affordable cost.

Cost of Corrections In Pennsylvania

Purpose of the Study

At the request of the Edna McConnell Clark Foundation, The Pennsylvania Economy League conducted a study to determine the cost of incarceration and of intermediate punishments in Pennsylvania. In addition, the study is intended to determine the potential cost savings to the Commonwealth if an extensive program offering intermediate punishments is implemented.

Incarceration cost data, both at the state and county level, were supplied by the Department of Corrections. Data reflecting the cost of intermediate punishments were developed by the Pennsylvania Commission on Sentencing from telephone interviews with county probation and parole authorities.

The Pennsylvania Economy League would like to thank administrators and staff at the following Commonwealth agencies for their cooperation and assistance in the preparation of this report:

Department of Corrections
Board of Probation and Parole
Pennsylvania Commission on Sentencing
Governor's Budget Office

We want to express our special appreciation to the Pennsylvania Commission on Crime and Delinquency for their invaluable assistance and information.

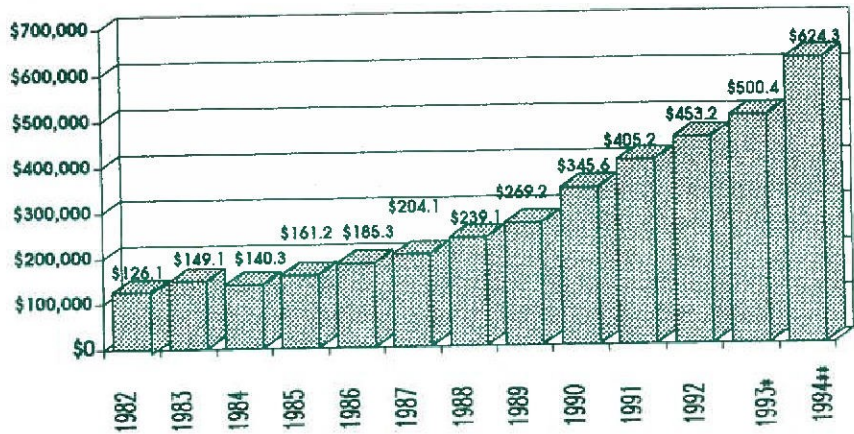
This report was prepared by David R. Forrest under the supervision of Robert E. Greenwood. Layout and graphics were designed by Karen J. Reside.

Corrections Spending Growth Rates

In recent years, corrections has been one of the fastest growing areas of state and county spending in Pennsylvania. Between FY 1982 and 1992 total state corrections spending increased by 259%, from \$126 million to \$453 million. By comparison, total funding of all other state programs grew by an average of only 89% during the same period (Figure 1). In FY 1994 the Governor has requested over \$624 million for the Department of Corrections, a 38% increase over FY 1992.

Figure 1.

**State General Fund Corrections Spending:
FY 1982-1994 (Millions)**



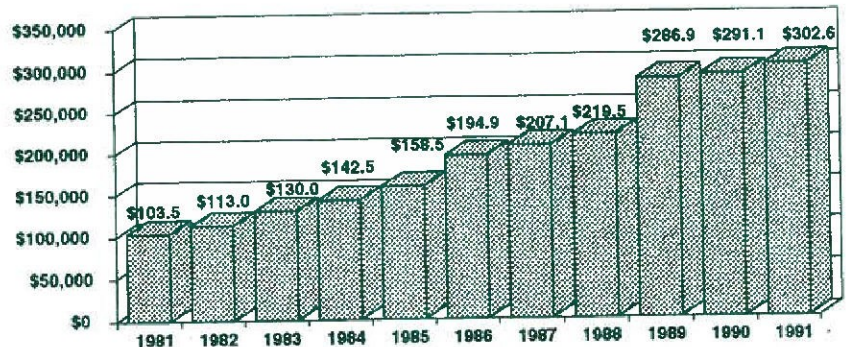
**BETWEEN 1982-1992
STATE SPENDING
FOR CORRECTIONS
GREW BY 259%.
SPENDING ON ALL
OTHER PROGRAMS
GREW BY 89%.**

*Appropriated
**Governor's Request

At the county level, the situation was much the same. Between 1981 and 1991, county expenditures for jails and prisons grew by 192%, from \$103 million to about \$303 million (Figure 2). Spending on all other county programs grew by 108% during the same period.

Figure 2.

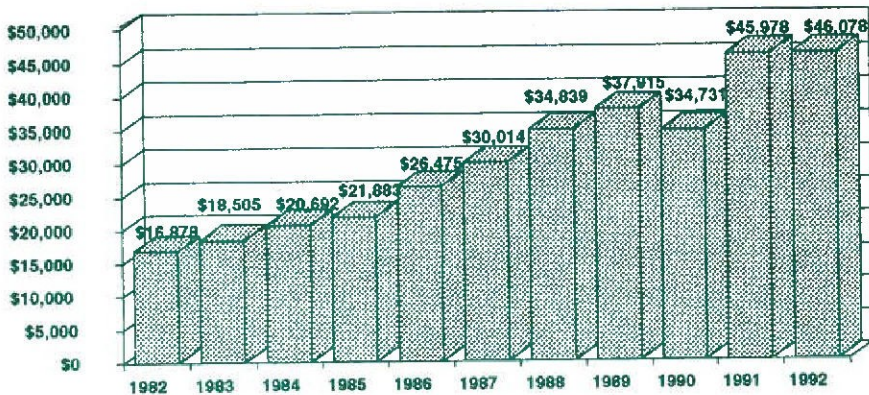
County Prison Expenditures: 1981-1991 (Millions)



In addition to incarceration, expenditures on probation and parole witnessed similar growth. Between FY 1982 and 1992, the budget of the State Board of Probation and Parole grew by 173%, from roughly \$17 million to over \$46 million (Figure 3).

Figure 3.

**State Board of Probation and Parole Budget Growth:
FY 1982-1992
(Thousands)**

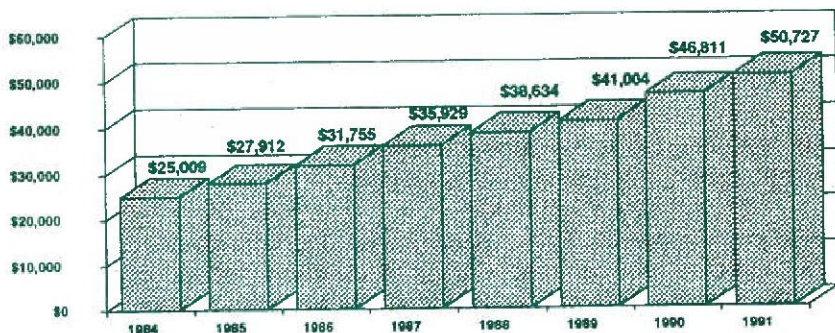


BETWEEN 1981 AND 1991, COUNTY SPENDING ON JAILS GREW BY 192%, WHILE SPENDING ON OTHER PROGRAMS GREW BY 108%.

County probation and parole expenditures also increased dramatically during the 1980s. Between 1984 (the earliest year for which data are available) and 1991, county probation and parole expenditures grew by 103%, from \$25 million to almost \$51 million (Figure 4).

Figure 4.

**County Probation and Parole Expenditures: 1984-1991
(Thousands)**



All together, in FY 1992, the state spent more than \$499 million on incarceration and probation/parole. In calendar year 1991, the counties spent \$354 million on incarceration and probation/parole.

Corrections Population Growth Rates

State and County Corrections Population Growth Drives Increase in Expenditures

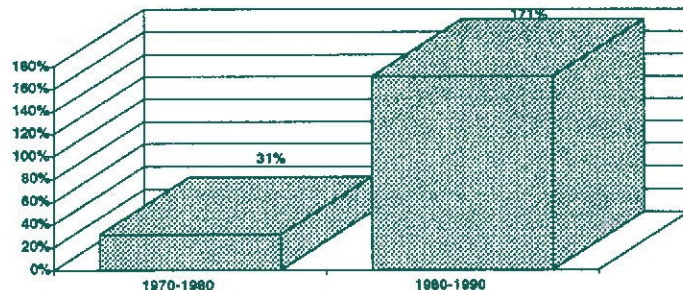
Accounting for the increase in state and county corrections expenditures is the dramatic growth in the number of offenders who are entering Pennsylvania's prisons and jails.

While the total population of Pennsylvania grew by less than one percent between 1980 and 1990, the number of inmates in Pennsylvania's state prisons grew by 171%, from 8,243 to 22,325 during the same period (Figure 5). The greatest single-year increase occurred in 1989, when the state prison population grew by 2,500 inmates. In contrast, from 1970 to 1980, the prison population grew by only 31%, from 6,289 to 8,243. As a result of this dramatic increase in the number of prisoners, the state prison system has become overcrowded. In 1991, the state prison population stood at 147% of capacity.

**STATE PRISON
POPULATION GREW
BY 171% BETWEEN
1980 AND 1990.**

Figure 5.

Percent Change in State Prison Population: 1970s versus 1980s



**MUCH OF THE
GROWTH IN THE
STATE PRISON
POPULATION WAS
AMONG NON-VIOLENT
OFFENDERS.**

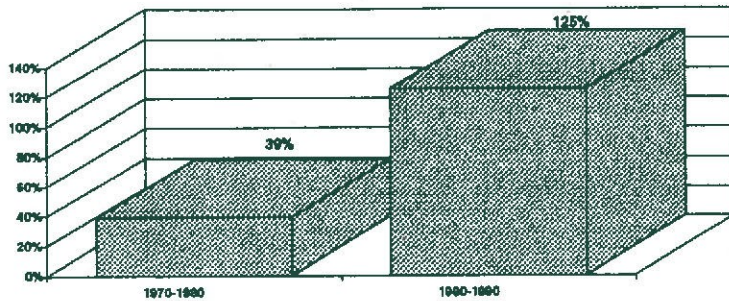
Much of the growth in the state prison population was among non-violent offenders. In 1980, 36% of state prisoners were incarcerated for non-violent crimes. By 1991, the percentage of offenders in prison for non-violent crimes increased to about 50%.

County prison and jail populations also experienced rapid growth during the 1980s (Figure 6). From 1980 to 1990, the total county jail and prison population grew by 125%, from 7,553 to 17,032. The largest single-year increase in population came in 1989, when the number of inmates jumped by almost 1,800 persons. In comparison, during the 1970s, the jail population grew at a much slower rate, increasing by only 39%, from 5,421 inmates in 1970 to 7,553 inmates in 1980.

The increase in the jail population resulted in overcrowding at the county level as well. In 1991, the county jail population stood at 141% of capacity.

Figure 6.

**Percent Change in County Jail Population:
1970s versus 1980s**

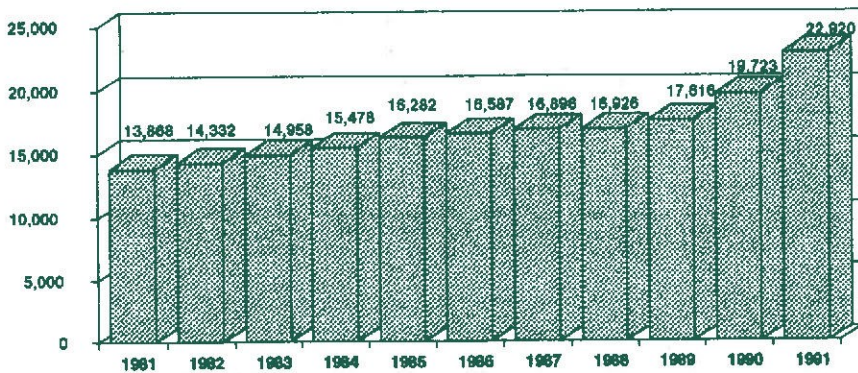


The number of offenders on state probation or parole also increased during the 1980s. Between 1981 and 1991, the caseload increased 65%, from almost 14,000 offenders to roughly 23,000 (Figure 7).

**FROM 1980-1990
TOTAL COUNTY JAIL
POPULATION GREW
BY 125%**

Figure 7.

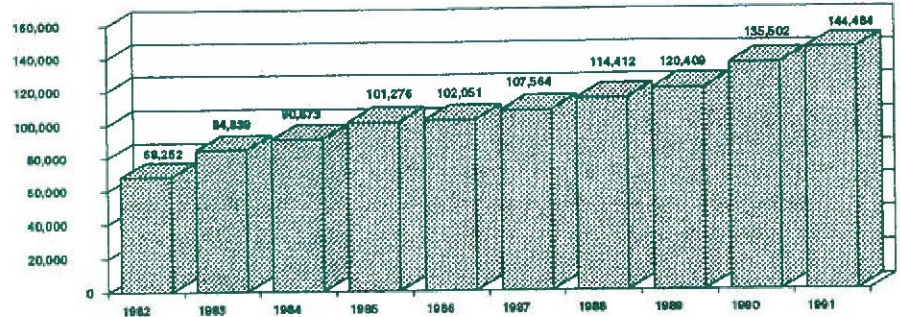
**State Probation and Parole Caseload:
December 31, 1981-1991**



The county probation and parole caseload increased by 112% between 1982 and 1991, from about 68,000 persons to over 144,000 (Figure 8).

Figure 8.

County Probation and Parole Caseload: December 31, 1982-1991



**PRISON AND JAIL
POPULATIONS
GREW
DRAMATICALLY
DESPITE A
DECLINE IN THE
INDEX (SERIOUS)
CRIME RATE AND
ONLY A 6%
INCREASE IN
TOTAL CRIME.**

All together, in 1991 there were over 208,000 offenders either incarcerated or on probation or parole in Pennsylvania.

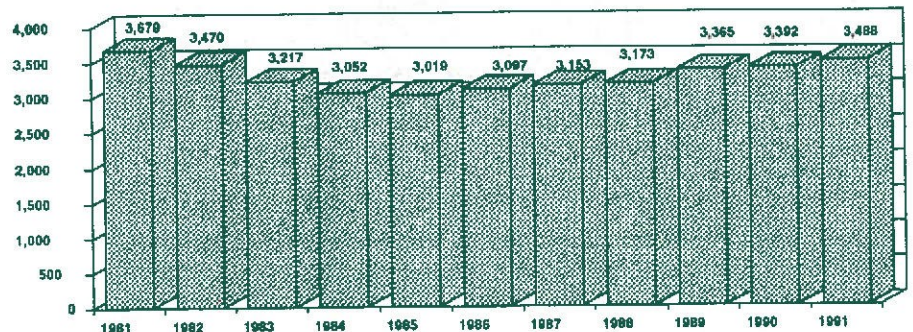
Factors Influencing Corrections Population Growth

Crime Rate

There were a number of factors which influenced the enormous influx of offenders into our county jails and state prisons during the 1980s. The amount of criminal activity is usually thought to have a strong influence; however, while the state prison population grew by 171% during the 1980s, the amount of serious criminal activity actually declined. Figure 9 shows that the index crime rate per 100,000 population grew during much of the 1980s, but it was still five percent less in 1991 than it had been in 1981. Index crimes are offenses which are the most serious and most likely to be reported. Index crimes include murder, non-negligent murder, and forcible rape. (Total crime in Pennsylvania increased by only six percent.)

Figure 9.

UCR Pennsylvania Index Crime Rate



Consequently, criminal activity does not appear to be a strong factor in the growth of prison and jail populations.

"Getting Tough" on Crime

An alternative explanation lies with the public's perception of an explosion in criminal activity. Throughout the 1980s, large segments of the public held the view that not only was the increase in crime reaching crisis proportions, but the current law enforcement practices and policies of the time were too lenient to stop it. In response to public opinion, both state and local governments adopted a "get tough" approach to crime. Out of this approach have come more arrests, more convictions and policies that send more offenders to prison or jail.

More Arrests and Convictions

In contrast to the index crime rate decline of five percent, from 1981 to 1991, the number of arrests for index crimes grew by two percent during the same period. The arrest rate per 100,000 population for index crimes was 820 in 1981. In 1991 the rate was 840 per 100,000 population. Once arrested, offenders were more likely to be convicted. In 1980, 37% of defendants were convicted. In 1990, 57% of defendants were convicted.

More Offenders Sent to Prison

In addition to more arrests and convictions, the Commonwealth also began to sentence more offenders to prison or jail. Two major policy changes played an important role in Pennsylvania's increased reliance on incarceration: the adoption of sentencing guidelines and the passage of mandatory minimum sentences for certain offenses.

Sentencing Guidelines

Created by an act of the General Assembly in 1978, the Pennsylvania Commission on Sentencing was established to develop guidelines which judges would use when sentencing offenders. The first set of sentencing guidelines went into effect in 1982, and several amendments were made to the guidelines in subsequent years.

The guidelines were developed in response to a perceived disparity among sentences handed down for similar crimes, with some judges appearing to be too lenient in some cases. They were thus intended to limit the discretion judges had in sentencing.

Basically, the guidelines work this way: An offense gravity score is applied to the offense, with murder receiving a score of 10 and the least serious misdemeanors receiving a one. These scores are then combined with a prior record score from one to six depending on the extent and gravity of the offender's criminal history. For each combination of offense gravity score and prior record score there are three possible sentence ranges from which the judge can choose depending on the circumstances of the offender and the crime: (1) a standard range, when no outstanding circumstances are present, (2) an aggravated range, when aggravating circumstances are present, and (3) a mitigated range, when mitigating circumstances are present. A judge can deviate from the guidelines, but he or she must offer a written explanation for doing so.

**PRISON AND JAIL
POPULATION
GROWTH IS THE
RESULT OF
GOVERNMENT
POLICIES
INTENDED TO
FIGHT CRIME.**

Mandatory Minimum Sentences

During the 1980s, Pennsylvania also passed laws that prescribed mandatory minimum sentences for certain crimes. For drunk-driving, Act 289 of 1982 mandates a minimum prison sentence of 48 hours to not less than one year, depending on the number of prior convictions. Act 54 of 1982, prescribes a five-year mandatory minimum for the use of firearms during the commission of certain crimes. Finally, mandatory minimums for drug trafficking were set in Act 31 of 1988. This law prescribes a range of minimum sentences depending on the number of prior convictions, and also on the quantity of the particular drug involved. Minimum prison sentences under this law range from one year to as many as eight years.

The relative severity and more certain punishment associated with mandatory minimum sentences and sentencing guidelines were, in part, intended to reduce crime by deterring potential offenders. However, their unintended effect has been to contribute to prison and jail overcrowding. In 1980, before the enactment of these laws, only 32% of convicted offenders were sentenced to state prison or county jail. By 1990, following their passage, 64% were incarcerated.

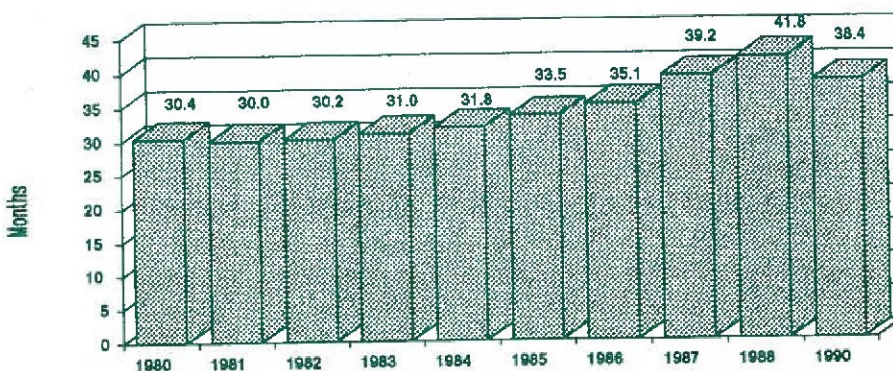
**IN 1980, ONLY 32%
OF CONVICTED
OFFENDERS WERE
INCARCERATED.
BY 1990, 64%
SERVED TIME
BEHIND BARS.**

Longer Sentences

In addition, the average minimum sentence for new court commitments increased during the 1980s. Figure 10 shows that, in 1981, the average minimum sentence to state prisons was 30 months. By 1988, the average had climbed to 41.8 months. (Data for 1989 are not available.)

Figure 10.

Average Minimum Sentence for Court Commitments to State Prison: 1980-1988 and 1990



Part of the reason for this increase in the average minimum prison sentence up until 1988 is the fact that fewer short-term prisoners (prisoners serving less than a two-year maximum sentence) were serving time in state facilities. During the 1980s, Pennsylvania's two short-term facilities were phased out. This decrease in the number of short-term prisoners helped push up the average minimum sentence. However, according to the Pennsylvania Commission on Crime and Delinquency (PCCD), even when short-term prisoners are removed from the calculations, the average minimum sentence still increased.

In 1990, the average minimum sentence to state prison finally declined for the first time in nine years. The PCCD suggests that this decrease may be the result of the heavy influx of drug offenders after 1988. These offenders are typically sentenced to shorter minimum terms than traditional state prisoners. In addition, since 1988 the Department of Corrections and the State Board of Probation and Parole have worked together to reduce the length of stay of certain inmates.

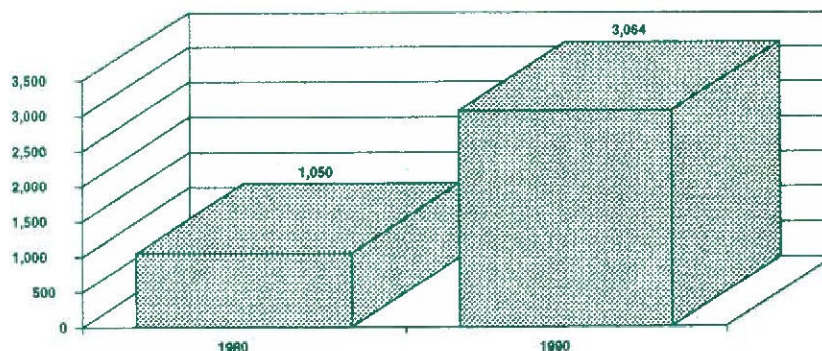
Not only did the average minimum sentence increase, but inmates served more time in prison beyond their minimum sentence. Stiffer requirements for parole, a growing percentage of the inmate population that was considered a more serious risk for parole violation, and administrative inefficiencies all combined to add six months to the average inmate's minimum sentence in 1989. According to the PCCD, this additional time served resulted in 1,500 more prisoners added to the Department of Corrections average daily population.

Increase in the Number of Parole Violators

Finally, the number of inmates released on parole who subsequently violate parole and are recommitted to prison or jail also contributes to growth in the prison population. In 1980, 52 of every 1,000 offenders paroled were returned to prison or jail for criminal or technical violations. In 1989, 104 of every 1,000 offenders were returned for violations. As a consequence, the number of inmates incarcerated in state prison for parole violations increased by 192%, from 1,050 in 1980 to 3,064 in 1990 (Figure 11). The State Board of Probation and Parole cites drug-related offenses as a major factor in the increase in the number of parole violators incarcerated in state prisons.

Figure 11.

Number of Parole Violators in State Prisons: 1980 and 1990



**DURING THE
1980S, THE
NUMBER OF STATE
INMATES
INCARCERATED
FOR PAROLE
VIOLATIONS
INCREASED BY
192%.**

The State and County Response to Overcrowding

In response to overcrowding, corrections officials in Pennsylvania initially reacted by double-celling inmates, putting two inmates in a cell designed for one. In addition, rooms that were intended for storage or some other purpose were often renovated into large multi-bed sleeping quarters. Efforts were also made to increase capacity by adding additions

or modular units, or building new facilities. By 1989, renovations were made or additional space was built at 15 county jails.

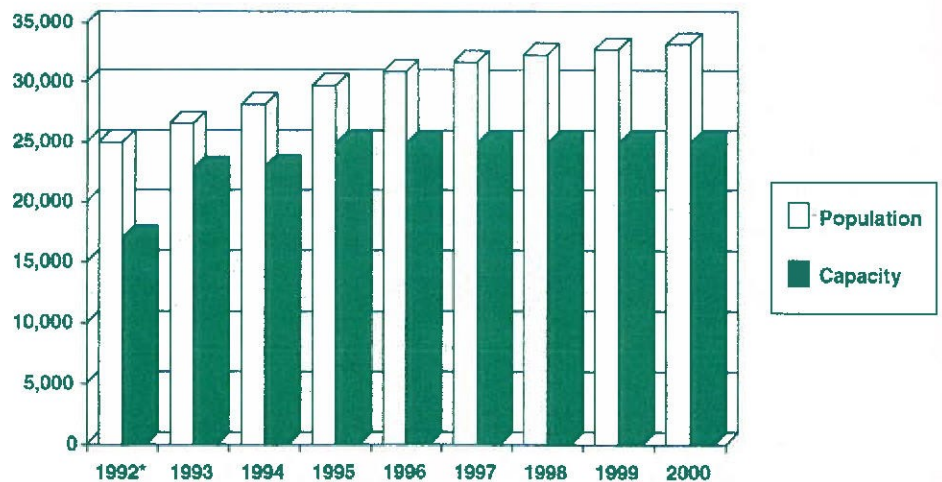
Since the early 1980s, the State Department of Corrections has developed new cell space at an unprecedented pace. In 1984, a youth development center was converted into a minimum-security prison. In 1987, a former center for the mentally retarded was converted into a medium-security institution. In 1988, the Department completed construction on three new prisons. In 1989, buildings that were formerly a part of Fairview State Hospital in Wayne County were converted into a prison. In 1992, a former college in Crawford County was converted and opened as a medium-security facility for female offenders. Also in 1992, a military-style motivational boot camp was opened. Finally, by 1995, construction on seven new prisons will be finished, adding 10,000 new cells to the prison system and raising the total number of state institutions to 24. By the time construction on the last new prison is completed, Pennsylvania will have added a total of 15 new state correctional facilities in just 11 years.

However, despite these upgrades, conversions, and new construction, Pennsylvania's prison and jail population continues to exceed capacity; and the state prison system is expected to be over capacity even after the seven new prisons are completed. Moreover, current estimates of inmate population growth by the Correctional Population Projection Committee indicate that, without creating additional prison capacity after 1995, overcrowding will become more severe during the remainder of the 1990s (Figure 12). By the year 2000, the state prison system will be over capacity by about 8,200 inmates (about the same as it is today).

**BY 1995,
PENNSYLVANIA WILL
HAVE ADDED 15
NEW STATE
CORRECTIONAL
FACILITIES (MAKING
A TOTAL OF 24) IN
JUST 11 YEARS.**

Figure 12

**Projected State Prison Population Versus Capacity
1992-2000**



* Actual

Alternatives for the Future

Given the dramatic growth in both the cost of incarceration during the past decade and projections of continued growth in prison population, the Commonwealth must develop a strategy for the future. There are two basic alternatives.

Scenario 1: Status Quo

One possibility is to continue doing things as we have for the past 10 years, that is to rely heavily on incarceration. If Pennsylvania chooses this course of action, and the offender population in our prisons and jails continues to grow as projected, the Commonwealth will be forced to build more prisons and incur the enormous costs associated with these facilities. By the year 2000, the Commonwealth will have to build enough cell space to house an excess state prison population of approximately 8,200 inmates (Figure 12).

The cost of prison expansion is often expressed as merely the construction cost of a new facility. However, the total cost of building a new prison represents a substantial and long-term commitment that far exceeds the initial cost of construction. Servicing the debt used to fund the construction of a prison could take as long as thirty years, depending on the term of the bond issue; and once interest is included, the final cost of construction could be as much as three times the initial cost.

If the Commonwealth chooses to build more prisons through lease-purchase arrangements similar to those used in the Department of Corrections' current prison-construction program, the initial construction costs will also be small relative to the final cost at the end of the 20-year lease (Figure 13). Using cost data from the Department of Corrections, and assuming that only medium-security prisons would be built, the initial cost of constructing five 1,600-bed prisons to meet a capacity shortfall of 8,200 beds in the year 2000 would be over \$400 million in constant dollars. However, the total payment at the end of the 20-year lease raises the effective cost of the five prisons to over \$1 billion in constant dollars.

**BY THE YEAR 2000,
THE STATE PRISON
SYSTEM WILL BE
OVER CAPACITY BY
8,200 INMATES.**

**Figure 13
Lease Costs For State Prisons**

<u>Original Cost of Constuction</u>	<u>Total Lease Payments Over 20 Years</u>
\$ 407,328,750	\$ 1,051,171,800

In addition, annual operating costs such as salaries and benefits, utilities, routine maintenance, and food will add significantly to the cost of a prison and, over the life of a prison, far exceed the cost of construction, including debt service costs. Figure 14 shows that after 20 years the estimated cumulative operating costs for five prisons will total \$2.4 billion in constant dollars, raising the total cost after 20 years to over \$3 billion in constant dollars.

Figure 14.
Lease and Operating Costs For State Prisons

Total Lease Payments Over 20 Years	\$ 1,051,171,800
Total Operating Costs Over 20 Years	<u>2,400,000,000</u>
Construction Costs+Operating Costs	\$ 3,451,171,800

**INITIAL
CONSTRUCTION
COSTS ARE SMALL
COMPARED TO THE
ENORMOUS
OPERATING AND
DEBT SERVICE
COSTS.**

Therefore, the initial costs associated with the actual construction of a prison will be relatively small in comparison to the enormous operating and debt service/lease costs the Commonwealth must bear for years to come once a facility is in operation. Any decision to build more prisons must take into consideration these total future costs.

Even more concerning, however, is the lesson from Pennsylvania's current experience with prison construction which shows new prisons provide no guaranteed solution to the overcrowding problem. If the inmate population continues to grow at its current pace into the next century, it is unclear how many prisons will ultimately be needed to incarcerate future numbers of offenders.

Scenario 2: Reduce the State Prison Population

An alternative to this first scenario is to reduce the inmate population so that new prison construction will not be necessary. There are three basic ways to accomplish this: (1) a reduction in the average time served by inmates in prison, (2) a diversion of offenders who would otherwise go to state prison into some other form of sanction, or (3) a combination of these two options. How these reductions in time served or diversions will actually be accomplished and which prisoners will be affected are policy decisions which should be made by our elected officials. However, several general options bear mentioning.

There are two ways to reduce the amount of time served. First, one can move up the date at which an offender is eligible for parole. This can be accomplished by adjusting the sentencing guidelines so that minimum sentences are shorter, by initiating an earned time program, or by initiating an accelerated release program. The second method of reducing time served involves increasing the rate of release of those who have served their minimum sentence. An example of this would be to initiate a presumptive release program.

Diverting more offenders from prison would require a change in the sentencing guidelines so that more offenders could be sentenced to intermediate punishments. The elimination of mandatory minimum sentences would also be an option. In addition, technical parole violators who would otherwise be returned to prison, instead could initially be placed in a more intensive form of supervision. Technical parole violators are parolees who have not committed any new crimes; rather, they have violated the terms of their parole. Diverting more offenders from prison or jail would also require judges to more frequently sentence eligible offenders to intermediate punishment programs they now have at their disposal. A final option would involve the development of intermediate punishments for inmates who are eligible for parole, but who may be at risk of parole violation and would therefore not be released from prison. Funding for these intermediate punishments would have to be increased so that these programs could be expanded.

**FUTURE
CONSTRUCTION CAN
BE AVOIDED BY
REDUCING THE
INMATE
POPULATION.**

The Potential Effect of Upcoming Changes to the Sentencing Guidelines

The Pennsylvania Commission on Sentencing is now in the process of revising the Commonwealth's sentencing guidelines. It is important to understand the potential effects of these changes on the state and county correctional population.

A Reduction in State Prison Population

An adjustment to the sentencing guidelines will likely reduce the state and county prison non-violent offender population. (Thus, the estimates of future state prison population contained in this report would need to be reduced.) Any adjustments which shorten sentences will allow these inmates to be paroled earlier. But shortening sentences could also result in some offenders who would have received a state prison sentence being placed in county jail instead.

Currently, an offender's place of confinement is determined primarily on the basis of sentence length. In general, offenders with a maximum prison sentence of two years or more are placed in state prison. Offenders with a maximum sentence of less than two years are placed in county jail. If sentences for certain crimes are reduced from a maximum of two years or more to less than two years, there will be a shift of state prisoners to county jails.

Despite a potential shift of state prisoners to county jails as a result of future guideline adjustments, it is possible that the counties will not experience a net increase in their jail populations. In fact, the Sentencing Commission's estimates of the effect of the 1991 guideline changes indicate that these adjustments may have actually resulted in a net reduction of the county jail population.

Using sentencing data from 1989, the Commission estimated that as a result of the 1991 guideline changes, county jails would receive an additional 7,983.5 prisoner months (665 prisoners per year) from a shift in the place of confinement from state prison to county jail.

However, the Commission also found that the total county jail population would experience an overall reduction because of the introduction of intermediate punishments. (A shortening of sentence lengths also played a role.) Intermediate punishments would shift some offenders from county jails to supervision in the community. In other words, the Commission's estimates indicated that the net effect of the changes to the sentencing guidelines was an **increase in the number of county offenders supervised in the community by probation/parole services.**

The estimated increase in county offenders supervised in the community (1,282) as a result of the 1991 changes to the guidelines would generate a corresponding increase in costs to county probation and parole services.

This cost was partially offset by the marginal savings (avoidable costs) per inmate the county jails realized from the reduction in the jail

ADJUSTMENTS TO SENTENCING GUIDELINES WHICH SHORTEN SENTENCES WILL ALLOW THOSE INMATES TO BE PAROLED EARLIER AND SHIFT SOME STATE PRISONERS TO COUNTY JAILS.

population (617). Based on these numbers, and using cost data presented later in this report, the estimated **upper-limit** net additional cost to the counties, due to changes to the sentencing guidelines in 1991, was about \$3.9 million.

It can be concluded that revised sentencing guidelines may result in a reduction of both the state and county prison population, but could increase the cost of county probation and parole because of the greater use of intermediate punishments.

Intermediate Punishments Will Be Provided at the County Level

Currently, Pennsylvania's sentencing guidelines limit the provision of intermediate punishments to a **county function** designed to permit the shift of **county inmates** out of jail and into the community. Under these conditions, an intermediate punishments program will have no effect on state offenders or efforts to reduce the state prison population. As demonstrated above, the state prison population will be reduced by changes to the sentencing guidelines alone, **regardless of whether or not the county provides intermediate punishments**. In short, changes to the sentencing guidelines will effectively shift some percentage of the state's population onto the county. It will then be for the county -- not the state -- to address this increase in the overall county corrections population (county jail and probation/parole) through intermediate punishments and other methods.

Intermediate punishments will only become a method to reduce the state prison population if they are used by the Commonwealth for state offenders. Similarly, these punishments will only represent an increased cost to the Commonwealth if they are used for state offenders (unless the Commonwealth chooses to subsidize the cost of intermediate punishments for county offenders).

**INTERMEDIATE
PUNISHMENTS WILL
HAVE NO EFFECT ON
THE STATE PRISON
POPULATION
UNLESS THEY ARE
USED BY THE
COMMONWEALTH
FOR STATE
OFFENDERS.**

Fiscal Impacts of Reducing the Prison Population Through Intermediate Punishments

Total Cost of Incarceration

Whatever specific policy the Commonwealth develops to reduce the state prison population, it is likely to involve more reliance on intermediate punishments. But will the increased use of intermediate punishments result in a net savings to the Commonwealth?

There is no detailed state-wide information yet available on the cost of intermediate punishments. However, based on cost estimates done by the Pennsylvania Commission on Sentencing, the average cost per offender of intermediate punishments appears to be far less than the average cost per offender of incarceration.

According to the Commission, the state-wide average annual cost per offender of non-restrictive intermediate punishments such as community service or victim restitution is roughly \$1,500. Restrictive programs such as house arrest with electronic monitoring can cost over \$4,000. However, these costs can vary depending on the particulars of each program. The cost of electronic monitoring or drug testing, for example, can be defrayed through the collection of a fee from each offender using these technologies. Conversely, individual outpatient drug and alcohol therapy can increase the cost of a program by an average of \$40-\$50 per day, and inpatient treatment can range from a low of \$40 per day to as much as \$200 per day. However, the cost of hospital inpatient treatment for eligible persons can be partially offset by federal Medicaid matching funds. Finally, most offenders in an intermediate punishment program pay a monthly \$25 dollar fee that offsets the cost of supervision.

In contrast to the cost of intermediate punishments, in FY 1992, the State Department of Corrections reported that it cost taxpayers an average of \$18,463 to incarcerate each offender in state prison for one year. (It is estimated that the average annual cost of maintaining an offender in county jail was almost \$14,000 in 1991.) However, there are additional costs that increase further the price of incarceration.

The largest among these additional costs is the outstanding debt the Commonwealth owes for major corrections construction projects. According to the State Budget Office, as of the end of June 1992, Pennsylvania owed approximately \$298 million for capital construction projects for the Department of Corrections. On an annual basis, outstanding debt adds approximately \$1,400 per inmate to the cost of incarceration.

In FY 1992, the Department of Education spent over \$7 million -- or roughly \$314 per inmate -- on education and training programs in state prisons. An additional \$1 million was spent in FY 1992 on a Department of Corrections contract for laboratory testing for drug and medical problems among inmates. This contract added another \$52 to the annual cost of keeping an inmate in state prison.

IN 1992, THE AVERAGE ANNUAL COST PER OFFENDER OF INCARCERATION WAS MORE THAN \$20,000, WHILE THE ANNUAL COST OF THE MOST EXPENSIVE INTERMEDIATE PUNISHMENT WAS LESS THAN \$4,400.

Together, these costs increased the average annual cost of state incarceration to \$20,262 per inmate (Figure 15).

Figure 15.

Annual Cost per Inmate in FY 1992

Department of Corrections Cost Per Inmate/Year	\$	18,463
Annualized Outstanding Debt per Inmate		1,433
Department of Education Cost per Inmate/Year		314
<u>Laboratory Contract Cost per Inmate/Year</u>		<u>52</u>
Total Cost per Inmate/ Year	\$	20,262

Exhibit I: The Hidden Costs of Incarcerating Women Offenders

In certain cases, the incarceration of women offenders results in additional indirect costs to the Commonwealth that are not reflected in the Department of Corrections expenditure figures. Though they are difficult to quantify, they bear mentioning here.

National estimates of the number of children who are left behind by inmate mothers each year range from approximately 170,000 to 250,000. In most cases these children go to live with grandparents or other relatives, but it is not uncommon for them to enter foster care. (In most cases, inmate fathers who live with their families leave behind a spouse or other domestic partner to care for the children in the home. Inmate mothers are usually single parents.)

There are potential consequences resulting from the separation of female offenders from their children. To the extent that an inmate mother was a responsible parent before being incarcerated, separation from mothers can be damaging to children. A number of academic journals and female prisoner advocacy groups point to the psychological problems and the increased potential for delinquent behavior children sometimes exhibit when their mothers are put behind bars.

To the extent that an inmate mother was self-supporting at the time of her sentencing, placing her dependent children in foster care, group homes, or residential facilities results in increased costs for county government. There can be a cost when children are placed with a relative, too. If the relative is already receiving public assistance, he or she may receive further assistance to help support the children. Court costs can also be involved. If the county is unable to place a child with a relative, then the authority needed to place a child in foster care or another arrangement must be granted by a judge in a court of law.

(To the extent that an inmate father was a responsible parent and a source of financial support to the family, his incarceration can also be psychologically damaging to children and result in negative consequences for family income. In some cases, the incarceration of fathers could result in the family being placed on some form of public assistance.)

**INCARCERATION
RESULTS IN
INDIRECT COSTS TO
SOCIETY AND OTHER
GOVERNMENT
PROGRAMS.**

The Cost of Intermediate Punishments and the Potential for Savings

It is sometimes concluded from the relative cost differences between intermediate punishments and incarceration that for each offender removed from prison or jail and placed in an intermediate punishment, the Commonwealth would realize a cost-savings equal to the difference between the average annual cost per offender in prison and the average annual cost per offender in an intermediate punishment. Applying this logic to the cost data for Pennsylvania presented above would mean that for each offender removed from state prison and placed in a intermediate punishment, the Commonwealth would save \$15,882 ($\$20,262 - \$4,380 = \$15,882$). This conclusion is misleading.

In reality, most of the costs associated with incarceration are essentially fixed. As a result, small changes in the size of the prison population will not change these costs. For example, constructing a prison represents a major fixed cost. Removing an inmate from the prison does not decrease that cost. The cost of electricity does not change with marginal reductions in the number of prisoners. Personnel costs for guards and administrative employees will not change dramatically either.

Small reductions in the number of prisoners will yield some savings, but only in terms of **marginal cost**. For each offender removed from prison, the cost of items which he or she would have directly consumed while incarcerated (e.g. food, clothing, and medicine) can be avoided. The Department of Corrections estimates that the average annual marginal cost per offender in state prison is approximately \$2,719.

However, whether achieving marginal savings by removing small numbers of offenders from prison would result in any net savings to the Commonwealth depends on the cost of the intermediate punishments in which these offenders would be placed as an alternative to incarceration. As stated above, the average annual cost per offender of these programs range from approximately \$1,500 to over \$4,000. If only high-cost punishments were used, there would be no savings. On the other hand, if only low-cost punishments were used, the saving could be substantial. Consequently, achieving net savings depends on the mix of both low-cost and high-cost punishments. Savings are also affected by who pays for the intermediate punishments. Currently, the counties pay for these programs so the amount the Commonwealth could save depends on whether it chooses to subsidize the cost of intermediate punishments at the county level.

Regardless the impact of marginal reductions on the prison population, the major savings from placing offenders in alternative sanctions will result from an accompanying reduction in the size of the prison population sufficient to reduce fixed costs by either (1) avoiding the costs of future prison construction or (2) closing down a significant portion of an existing facility -- in other words, decreasing our reliance on incarceration so that the Commonwealth won't have to build and operate as many prisons in the future.

In the short-run, an expansion of the use of intermediate punishments will actually increase the overall cost of corrections. Increasing the number of intermediate punishments in Pennsylvania will require investment in equipment and personnel needed to operate these

TO REALIZE SAVINGS FROM USING INTERMEDIATE PUNISHMENTS, FURTHER PRISON CONSTRUCTION MUST BE AVOIDED OR SIGNIFICANT PARTS OF EXISTING FACILITIES MUST BE CLOSED.

programs. At the same time, the cost of operating existing prisons will remain.

If the costs of new prison construction are to be avoided, the state must make a substantial reduction in the projected state prison population. As long as the state prison system is significantly over capacity there will be pressure to build more prisons. To avoid new construction, it will be necessary to balance the prison population with capacity. Current projections indicate that, in the year 2000, a 8,200 person reduction in the state prison population will be needed (Figure 12). Capacity will equal 24,910 beds, but the projected population, as calculated currently, will equal 33,154 ($33,154 - 24,910 = 8,244$.)

Savings from Avoiding the Cost of New Prison Construction as a Result of Implementation of Intermediate Punishments

THE MOST EXPENSIVE METHOD OF BRINGING THE PRISON POPULATION INTO BALANCE WITH CAPACITY WOULD DIVERT OFFENDERS FROM PRISON AND PROVIDE INTERMEDIATE PUNISHMENTS FOR THE PERIOD OF TIME THE OFFENDERS WOULD OTHERWISE HAVE BEEN INCARCERATED.

The actual amount of savings that can be achieved by bringing the prison population into balance with capacity depends on the type of policies employed. (Nevertheless, these policies will contain the three basic elements discussed under scenario two, that is (1) a reduction in the average time served by prison inmates, (2) a diversion of offenders who would otherwise go to state prison into some other form of sanction, (3) a combination of these two options.) Similarly, which offenders and how many will be affected is also dependent on the policy chosen, though it is likely that offenders with shorter terms will be affected first, assuming these shorter terms indicate a less serious offender.

Note: The analysis presented below uses prison population estimates based on current sentencing guidelines. Those guidelines are now under review and may be subject to change. Changes to the guidelines would affect current and future prison population levels and would require new estimates of potential savings to be developed.

Given these limitations, this analysis will focus on the most expensive method of reducing the prison population. By so doing, an **upper-limit cost** will be established. Any other strategies to reduce the prison population will, by definition, be less expensive. Also, instead of determining the number of offenders who would be affected by this policy, this analysis will discuss the number of 12-month intermediate punishment program slots which will be needed, regardless of the actual number of offenders who will be diverted. The number of offenders who would actually participate in intermediate punishments may be significantly greater than the number of program slots because their average time served in these programs would typically be less than a year.

The most expensive method of bringing the prison population into balance with capacity would divert offenders from prison and provide intermediate punishments for the period of time the offenders would otherwise have been incarcerated. (It is likely that the prison population could exceed capacity by some percentage without the necessity of building more prisons. However, for the purpose of illustration, we will assume that the inmate population should approximate 100% of capacity.) On the basis

of the population and capacity projections in Figure 12, this policy would involve the creation of 12-month intermediate punishment program slots in the sequence found in Figure 16.

Figure 16.

Intermediate Punishment Program Slots Needed to Reduce Prison Population

<u>Year</u>	<u>Alternative Sanction Program Slots</u>
1996	5,922
1997	6,735
1998	7,351
1999	7,822
2000	8,244

The average annual cost per person of the most expensive intermediate punishments is \$4,380. Programs that fall under this category are generally the most expensive to operate. As discussed in an earlier section, depending on the particulars of the program, this number could vary. Nevertheless, it offers a reasonable baseline for this cost analysis. Multiplying \$4,380 by the number of annual program slots results in the annual cost of intermediate punishments under the scenario described above. In the year 2000, the total cost of 8,200 intermediate punishment program slots would be over \$36 million in constant dollars.

AVOIDING FUTURE PRISON EXPANSION COSTS COULD RESULT IN NET ANNUAL SAVINGS OF \$136 MILLION BY THE YEAR 2000.

The alternative to placing these offenders in intermediate punishment is to build more prisons. Using cost data from the Department of Corrections' latest prison-construction program of lease-purchase facilities and assuming that only medium-security prisons would be built, the estimated total annual cost of leasing and operating five new 1,600-bed facilities, needed to meet a capacity shortfall of 8,200 beds in the year 2000, would be over \$172 million in constant dollars (Figure 17). (This figure assumes that all of these prisons would be complete and operational in the year 2000.) Thus, the total costs avoided by implementing an intermediate punishments program would be over \$136 million in constant dollars.

Figure 17.

**Cost of Intermediate Punishments Versus Incarceration:
Single-Year Comparison in the Year 2000**

Cost of New Prisons (Lease Costs+Operating Costs)	\$ 172,558,590
<u>Cost of Alternative Sanctions</u>	<u>36,108,720</u>
Total Costs Avoided	\$ 136,449,870

There exists a potential for even greater savings:

1. Extending the cost differential in Figure 17 beyond the year 2000 results in a similar annual savings in the future. The savings will diminish to the extent that more offenders are placed in intermediate punishments in each year after the year 2000. However, if the construction of more prisons would be needed at a future time, the difference in costs would again widen.
2. Figure 17 assumes that the Commonwealth would pay 100% of the cost of these intermediate punishments. To the extent that other levels of government pay all or part of the cost, the savings to the Commonwealth will be greater.
3. Figure 17 presents an upper limit cost for intermediate punishments. Any other policy designed to achieve the same reduction in the prison population would be less expensive; therefore, the potential exists for greater savings.
4. As stated in an earlier section, offenders in intermediate punishments can be expected to pay from 0% to 100% of the cost of their supervision. Also, most offenders supervised in the community now pay a \$25 supervision fee. In addition, offenders who use electronic monitoring or drug testing usually pay all or part of the cost of using these technologies.

There also exists a potential for the costs of the intermediate punishments program to be greater, thus reducing any savings:

1. To the extent that more offenders are placed in outpatient or inpatient drug and alcohol treatment, the cost of intermediate punishments will increase. The cost of outpatient treatment can range from \$15 to \$50 per session, while inpatient treatment can range from \$40 per day to \$200 per day. However, to the extent that private insurance, employee assistance programs, or federal Medicaid dollars can offset these costs, their impact can be minimized.
2. It is possible that as more intermediate punishment programs become available, offenders who ordinarily would have received a sentence of probation will be sentenced to an alternative sanction instead. To the extent that this happens, the costs of the program will increase.

It must be stressed that "savings" in the present context is primarily the avoidance of future prison construction costs less any cost from providing an intermediate punishment program. (As discussed in a previous section, there exists the potential for marginal cost savings from a reduction in the prison population without closing a facility, but these savings may be offset by the cost of supervising these prisoners in an intermediate punishment program.) Therefore, the Commonwealth will not be likely to realize any year-to-year reductions in total spending. It simply means that we can expect state corrections expenditures to be less in the future than what they would have been had new prisons been constructed. The cost of operating existing state prisons will continue to increase -- though at a slower rate. This avoided increase in spending on prisons in the future will create the potential for more funds to be made available for other programs.

**"SAVINGS" ARE
DERIVED FROM THE
AVOIDANCE OF
FUTURE PRISON
CONSTRUCTION,
LESS ANY COSTS OF
AN INTERMEDIATE
PUNISHMENT
PROGRAM.**

Exhibit II: The Effect of Sentencing Guidelines on Future Prison Construction: SCI Clearfield and Chester

Five of the seven new state prisons which the Commonwealth is constructing will become operational in 1993. The remaining two prisons, SCI Clearfield and Chester, are not yet under construction, but are scheduled for completion in 1994. Given the potential reduction to the state prison population as a result of the impending changes to the sentencing guidelines, this is an appropriate time to reconsider the need to construct one or both of these two facilities.

Once construction has begun at Clearfield and Chester, the Commonwealth will be committed to a long-term financial burden and the opportunity to realize substantial savings by not building these prisons will be lost. Over twenty years, the cost of debt service and operations for these facilities will total over \$1 billion (Exhibit Figure).

Exhibit Figure

Total Costs of SCI Chester and Clearfield Over 20 Years

	Constuction Costs Over 20 Years	Operating Costs Over 20 Years (Constant Dollars)	Total Cost Over 20 Years
Chester	\$180,180,000	\$320,000,000	\$500,180,000
Clearfield	\$187,000,000	\$480,000,000	\$667,000,000

In order to avoid the construction of either or both of these prisons, changes to the sentencing guidelines would have to bring the state prison population into balance with capacity, either immediately or at some time in the near future. Though these changes would probably bring a single-year reduction in the state prison population and a slower rate of population growth in succeeding years, it is not expected that they alone will result in a reduction in prison population sufficient to avoid the construction of SCI Clearfield and Chester. Other measures, in addition to guideline changes, will have to be employed.

Some of these other measures include the items mentioned previously in this report: initiating an earned time or accelerated release program, creating a presumptive release program, eliminating or shortening mandatory minimum sentences, and placing technical parole violators in a more intensive form of supervision rather than returning these persons to incarceration.

In addition to these measures, the Commonwealth should consider initiating a program of intermediate punishments for state offenders. Diverting selected offenders to intermediate punishments could significantly reduce the state prison population. In combination with the other measures mentioned above and changes to the sentencing guidelines, such a program may result in a large enough reduction in the prison population so that SCI Clearfield and/or Chester (or future prisons) may not have to be built. Given a sufficient reduction in the prison population, closing an existing prison, or a significant part of a prison, may also be possible. By employing a variety of programs -- including intermediate punishments for state offenders -- Pennsylvania can maximize its ability to lessen the rate of spending on corrections.

**INTERMEDIATE
PUNISHMENTS
COULD REDUCE
STATE PRISON
POPULATION
ENOUGH TO AVOID
BUILDING SCI
CHESTER AND/OR
CLEARFIELD.**

Other Benefits of Intermediate Punishments

This report has estimated the cost-savings which can be realized through an intermediate punishment program; however, there are other benefits as well.

While offenders in prison do very little to atone for their crimes, intermediate punishments offer a very different approach, one which compels the offender to take responsibility for himself/herself and his/her crime and provides real opportunities for rehabilitation.

These punishments usually allow the offender to live in the community under the supervision of community corrections authorities. Offenders who participate in these programs take responsibility for their lives and their crimes by working to pay for their living expenses and the cost of their supervision, doing unpaid community service, paying restitution to their victims, participating in substance abuse treatment programs, receiving educational training -- or all of the above.

Advantages of Intermediate Punishments

**INTERMEDIATE
PUNISHMENTS
FORCE OFFENDERS
TO TAKE
RESPONSIBILITY
FOR THEIR CRIMES.**

1. Intermediate Punishments Make Offenders Pay Their Debt to Society

The corrections system does not expect the inmate to do much more than simply serve time and be released. In prison or jail, offenders often spend much of the day idle. This is not really tough on the crime or the criminal. Intermediate punishments, such as victim restitution or community service, compel the offender to pay his debt either through a cash payment or unpaid work on public projects. These sanctions force the offender to take responsibility for his or her crime.

2. Intermediate Punishments Force the Offender to Pay the Cost of His or Her Supervision

Taxpayers pay almost the entire cost of an inmate's incarceration. Because most intermediate punishments require the offender to find employment in the community, he or she is expected to pay all of his living expenses and all or part of the cost of his supervision.

3. Intermediate Punishments Reduce Pressure to Build Prisons

The greatest growth in the state prison population in Pennsylvania has been among non-violent offenders. Without the addition of large numbers of these persons, prison and jail construction during the past decade would have been much less extensive. Placing non-violent offenders in intermediate punishments can reduce the need to build more prisons and allow more of the existing capacity to be used for violent criminals.

4. Intermediate Punishments May Be a Better Way to Rehabilitate Offenders

In prison, there are few opportunities to change an offender's behavior so that he or she will return to the community less likely to commit new crimes. Prisons do not teach offenders self-reliance and self-discipline, skills they will need to survive in the community. Inmates do not have to work to meet their needs. Food, shelter, clothing, and medical care are all provided.

Community-based intermediate punishments, on the other hand, may provide a better opportunity to rehabilitate offenders. Programs such as drug/alcohol treatment and job training are less expensive to provide in the community than in prison. Consequently, more offenders can participate in these programs through intermediate punishments. Moreover, intermediate punishments attempt to teach offenders to behave responsibly: In most cases, offenders must work, pay for their own living expenses, participate regularly in a variety of self-improvement programs, observe a curfew, and routinely report to corrections officials.

There is no definitive evidence that intermediate punishments will be more effective than incarceration in rehabilitating offenders. However, by providing more opportunities for offenders to participate in rehabilitation programs, intermediate punishments should perform no worse than incarceration in this regard and, in most cases, cost significantly less.

**INTERMEDIATE
PUNISHMENTS MAY
PROVIDE BETTER
OPPORTUNITIES TO
REHABILITATE
OFFENDERS.**

5. Savings from Intermediate Punishments Can be Used for Other Government Programs

Savings from a reduction in the number of prison and jail inmates will allow governments to spend more funds in other programs areas such as education, public health, and economic development. Increased spending in these areas may reduce the incidence of criminal behavior.

6. Intermediate Punishments Offer Sentences Which Fit the Crime

By choosing from a broad range of intermediate punishments, a judge can develop a sentence which fits the characteristics of the criminal and the crime. For example, offenders with drug and alcohol problems often go to jail or prison where the opportunities for treatment are limited. Depending on the seriousness of the crime, these individuals could be managed better in the community, where they could be supervised while they receive drug or alcohol treatment.

7. Offenders Pay Taxes

While working in the community, offenders sentenced to intermediate punishments pay taxes. Inmates in jail or prison pay no taxes.

**ANY ADDITIONAL
RISK TO THE PUBLIC
CAN BE MINIMIZED
BY CAREFUL
SELECTION AND
SUPERVISION OF
OFFENDERS IN
INTERMEDIATE
PUNISHMENTS.**

8. Intermediate Punishments Allow Offenders (Not Government) to Support Their Families

While in prison or jail, inmates are unable to support their families because they are not earning an income. In many cases, government must provide assistance to these families. For inmates who supported their families prior to incarceration, community-based intermediate punishments allow them to remain employed, so that they can continue to support their families.

9. Intermediate Punishments Force "Deadbeat Dads" to Support Their Children

Divorced or separated fathers in jail or prison are not compelled to support their children. As a condition of intermediate punishments, these fathers can be expected to work and pay child support.

Finally, though a program of intermediate punishments would result in both cost-savings and other benefits, it would entail some additional risk to the public as more offenders are placed in the community. However, a rational intermediate punishment program, one which is limited to non-violent offenders and provides an adequate system of supervision, would minimize this risk.

Directing Savings to Other Programs

The analysis presented previously demonstrates that by bringing the state prison population into balance with capacity, the Commonwealth could avoid large annual expenditures on new prisons. Figure 17 indicates \$136 million in avoided costs in the year 2000. Annual savings approximately equal to this number would continue into the future.

If the Commonwealth spends less on corrections in the future, it could direct the savings to other programs. However, it must be emphasized that \$136 million in savings does not represent a reduction from current spending levels. It is simply the difference between two future cost levels.

Presented below is a list of programs to which the savings from corrections could be directed. These programs were selected on the basis of their potential impact on factors which may influence criminal behavior, i.e., low educational attainment, lack of job skills, and drug abuse. This is not a complete list, but rather a sample of some of the possibilities.

Education

The Governor's FY 1993-1994 budget proposes an additional \$100 million in basic education funding for less wealthy school districts. Potentially, 228 school districts could receive this equity funding for an average supplement of over \$438,000 per district, or \$118 per student. If the Commonwealth added \$136 million to the original \$100 million, the average supplement per district would increase to over \$1 million, or \$278 per student.

Higher education could also benefit from increased funding. For FY 1993-1994, the Pennsylvania Higher Education Assistance Agency has \$188 million budgeted for grants to 140,000 full-time students in colleges and universities. The average grant per student is \$1,300. If \$136 million were added, the average grant per student would rise to approximately \$2,300. Alternatively, the number of students who receive the average grant of \$1,300 could be expanded by about 100,000.

The \$136 million could also be used to reduce tuitions at Pennsylvania's schools in the state system of higher education, the state-related schools, and community colleges. Assuming the \$136 million were divided among these schools using the same proportions as is used in the FY 1993-1994 budget to divide the current higher education funding, students at the state system of higher education institutions could receive a \$500 tuition reduction. Students at state-related colleges and universities could receive a \$540 tuition reduction, and students at community colleges could receive a \$216 reduction.

Job Training

Additional funding could also be used to expand job training programs. The Department of Public Welfare's "New Directions," program encompasses several sub-programs. For FY 1993-1994 it has a budget of over \$90 million and serves almost 20,000 clients on public assistance. Under the current design of the program, it is likely that only modest gains in the number of clients would accompany a large funding increase. However, additional funding could be used to expand the number of

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PROGRAMS.**

services available. Funds could also be used to subsidize the wages of program graduates, making them more attractive to the private sector as potential employees.

The Pennsylvania Conservation Corps is administered by the Department of Labor and Industry. The program provides a meaningful work experience for disadvantaged younger Pennsylvanians up to age 25. Clients work on projects with a team of peers and a team leader. The FY 1993-1994 budget calls for \$6 million in funding for this program. Roughly 2,000 to 3,000 persons participate in the program on an annual basis. The Department reports that if funding were doubled, the number of participants in the program could increase proportionately. Additional funding could also be used to offer participants literacy training or prepare them for the graduate equivalency exam.

Drug and Alcohol Prevention and Treatment

National studies indicate that, in 1989, 80% of state prisoners had a drug abuse problem. Moreover, many crimes are drug-related. For this reason, drug treatment can be an effective way to reduce criminal behavior. However, successful rehabilitation depends on the length of time the offender is in treatment. The longer the offender participates in a treatment program, the better the chances of recovery. The Department of Health serves approximately 70,000 clients in its drug or alcohol treatment programs. In FY 1993-1994, the state has budgeted over \$34 million with a federal match of over \$72 million. Officials at the Department suggest that if state funding were doubled, the number of clients served would more than double.

Health Care

There are several important health-related programs to which more funding could be applied:

- As enacted, Pennsylvania's Children's Health Insurance Program only covers 30,000 of the Commonwealth's estimated 90,000 children without health insurance. An additional \$42 million per year would be enough to cover the remaining 60,000 children.
- An additional \$5.5 million would provide vaccinations for 60,000 Pennsylvania children who are not now receiving this service.
- Increased funding of \$25 million would provide lead testing and treatment for 20,000 children in Pennsylvania who are unable to afford these services. Also included in this funding would be the removal of lead paint from the homes of these children.
- An additional \$15 million would provide annual mammograms for 300,000 women in Pennsylvania ages 40 to 64.

To the extent that additional spending on certain of these programs would reduce criminal behavior, there exists the potential for less spending on corrections in the future.

Finally, if it was determined that additional funding of other programs was unnecessary, the potential savings could be used to reduce or not raise taxes in the future.

TO THE EXTENT THAT ADDITIONAL SPENDING ON OTHER PROGRAMS WOULD REDUCE CRIMINAL BEHAVIOR, THERE IS POTENTIAL FOR LESS SPENDING ON CORRECTIONS IN THE FUTURE.

Policy Issues Related to Reducing State Prison Population

On the basis of the above analysis, it appears that reducing the state prison population to bring it into balance with capacity will result in significant savings to the Commonwealth. Implementing a program of intermediate punishments provides one method to accomplish this. However, any intermediate punishments program has policy implications that must be recognized and understood. Some of the major policy issues include the following:

1. Should we reduce the state prison population?

- Is incarceration effective as a method to reduce crime?

One of the goals of a prison term is to deter potential offenders from committing crime, but does incarceration actually have this effect? Moreover, does the enormous cost associated with incarceration make a prison sentence a cost-effective tool to deter criminal behavior?

- Are offenders rehabilitated in prison?

Because approximately 90% of Pennsylvania's prison inmates eventually return to the community, a major goal of a term in prison should be the rehabilitation of the offender so that he is less likely to commit new crimes once outside. Are prison terms the most cost-effective way to accomplish this goal? Furthermore, is a prison environment conducive to rehabilitation?

- Does length of time served influence recidivism?

Presumably, longer prison sentences are intended to more effectively punish the offender and reduce the likelihood of further criminal activity once he is released. However, an increase in the average minimum sentence during the 1980s contributed to the dramatic growth in the state prison population, resulting in the costly necessity of building more prisons. Thus, given the relationship between the cost, the length of sentence and the size of the inmate population, policy-makers should be certain that longer sentences actually reduce recidivism.

- To what extent are prison and jails used to incarcerate non-violent offenders who could be supervised at less cost in intermediate punishment programs in the community?

In 1991, almost half of the offenders held in state prison were sentenced for committing non-violent crimes. Is it reasonable to use limited and expensive cell space to incarcerate these individuals?

**THE DECISION TO
REDUCE PRISON
POPULATION
REQUIRES CAREFUL
CONSIDERATION
AND
UNDERSTANDING OF
SIGNIFICANT POLICY
ISSUES.**

**PLACING STATE
OFFENDERS IN
INTERMEDIATE
PUNISHMENTS
SHIFTS THE COST
OF SUPERVISION TO
A DIFFERENT
GOVERNMENT
AUTHORITY.**

- Though there are cost benefits from using an intermediate punishments program, placing offenders in community-based intermediate punishments involves some risk to the public. What is an acceptable level of risk? What types of offenders could be placed in intermediate punishments and what types of offenders should be restricted from these programs? Once an offender is in the community, is the range of supervision techniques available to corrections officials adequate to minimize the risk to the public.
 - Are there non-cost benefits that can be gained from intermediate punishments? Will offenders placed in intermediate punishments be less likely to commit new crimes? Will their participation in programs such as community service or victim restitution result in a substantial benefit to the community and the victim. Will these programs also have a positive impact on the offender?
2. Removing an offender from state prison to an intermediate punishment does not eliminate the cost of supervising that offender, it simply shifts the cost to a different government authority. Depending on the policy, moving offenders out of state prison may result in increased costs to county jails and prisons, as well as both state and county probation and parole.
- Given the potential for a shift in costs from the state prison system to other corrections authorities, will the respective costs of each authority be recognized and funded adequately on a fair and rational basis?
 - Can the system provide intermediate punishments effectively to the large number of offenders who must be involved to avoid future prison construction?
 - Can the system provide intermediate punishments effectively on a timely basis to avoid future prison construction?
 - As the capacity of intermediate punishment programs grow, will some offenders who would have received probation be sentenced to an intermediate punishment instead? To the extent that this occurs, it will expand the population to be supervised in intermediate punishments beyond the number of offenders diverted from prison and thus drive up the cost of the program. The potential for this to occur should be monitored.
3. Should an intermediate punishment program be provided for certain state incarcerated offenders?
- At present, intermediate punishments are available only for county offenders. This precludes the use of

an intermediate punishment program from having any potential to reduce or control state prison population levels (except as the result of sentence guideline changes).

4. Will the public support the placement of more offenders in intermediate punishments?

- The concept of using intermediate punishments as a way to reduce Pennsylvania's prison and jail population has the potential of creating a great amount of controversy. If the public perceives that an intermediate punishment program would result in substantial and serious risk to the community, it is not likely to support the program.
- Public support among Pennsylvanians for intermediate punishments was recently gauged by the Public Agenda Foundation (PAF), a public opinion research organization. In a study commissioned by the Edna McConnell Clark Foundation as a companion to PEL's report, PAF found that Pennsylvanians showed a "strong willingness" to use intermediate punishments for certain non-violent offenders. The study reported that 92% of Pennsylvanians surveyed were in favor of intermediate punishments once they were educated about the issues.

Summary

If the Commonwealth continues to incarcerate offenders in state prisons at the present pace, then the cost of building and operating more prisons will be unavoidable. To avoid the cost of future prison construction, the state prison population must be brought into balance with capacity. One way to do this would be to expand the use of intermediate punishments. An expansion of these programs will require additional expenditures; consequently, the overall cost of corrections in Pennsylvania will increase. However, because the cost per offender of these programs is much less than the cost per offender of incarceration, an immediate expansion of intermediate punishments will, in the long-run, be less expensive than the cost of a building and operating more prisons. In other words, by expanding intermediate punishments, we can expect state corrections expenditures to be less in the future than what they would have been had new prisons been constructed. The overall cost of all corrections activities in Pennsylvania will continue to increase, but at a slower rate.

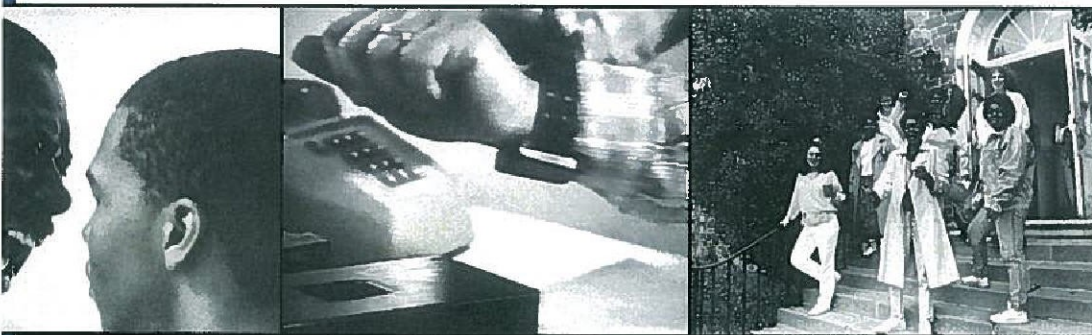
A rational intermediate punishment program, one which is limited to non-violent offenders and provides an adequate system of supervision, should not result in undue risk to the public. While one can assume that placing more offenders in the community will result in greater risk, because only non-violent offenders will be supervised in these programs, the risk will be minimized. An expanded commitment to intermediate punishment programs in Pennsylvania will require adequate funding to be successful. For this reason, consideration should be given to the development of a sound and rational funding mechanism.

Finally, the decision to implement a program to reduce prison population raises a number of policy issues. The answers to these policy questions should be sought to assure that our future corrections program protects the public adequately and provides the most effective services at the most affordable cost.

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PUNISHING CRIMINALS

**Pennsylvanians
Consider
The Options**



A Report of the Public Agenda Foundation • 1993

This summary was written by Gloria Jacobs for the Edna McConnell Clark Foundation. It is based on a survey conducted by Steve Farkas of the Public Agenda Foundation in consultation with Doble Research Associates. The Public Agenda report was written by Steve Farkas with Ethan Gutmann.

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For copies of the full report or more information on the survey, contact the Public Agenda Foundation, 6 E. 39th Street, New York, NY 10016, 212-686-6610.

Copies of this summary are available on request, free of charge, by sending a self-addressed mailing label to the Office of Communications, Edna McConnell Clark Foundation, 250 Park Avenue, New York, NY 10177-0026.

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Introduction

For more than a decade, crime has been a major concern for many Americans, including Pennsylvanians. Putting more offenders in prison might seem one way to cope with the fear that crime is on the rise, but the latest data indicate that putting more people in prison doesn't necessarily lower the crime rate. At the same time, the cost of running prisons, many of them dangerously overcrowded, is eating up larger and larger chunks of hard-pressed state and federal budgets. As all Americans continue to confront the riddle of crime, they discover—not for the first time—that there are no easy answers. Nevertheless, we are at a critical juncture regarding our response to criminal behavior. Decisions must be made. The public wants to be safe, but does not want to pay more in taxes or give up other services to build more prisons, especially when so many people believe that the criminal justice system is not effective in reducing crime.

Restructuring the corrections system requires a commitment from policy-makers and a mandate from the public. Most legislators and corrections officials have a clear sense by now of the kinds of changes that need to be made, but because fear of crime is such an emotional and personal issue, it is difficult for them to act without public support. The best way to discover whether or not that support exists is to go to citizens directly with some of the questions confronting the justice system: If we can't afford to "lock 'em up and throw away the key," is there a range of sanctions between simple probation and incarceration that might be acceptable? What must these or any existing sanctions accomplish in order to meet public expectations for safety and security?

Pennsylvania, with an overcrowded prison system and costs that are spiraling out of control, is seeking answers to just these questions. To examine citizens' views on these issues, the Public Agenda Foundation, a nonpartisan, not-for-profit research organization founded by public opinion analyst Daniel Yankelovich, has created a survey on criminal sanctions. The survey was

originally developed by John Doble, an employee of the Foundation and now the head of Doble Research Associates. The Public Agenda Foundation has conducted the survey among the residents of three states: Alabama in 1988, Delaware in 1991, and most recently, Pennsylvania in 1992.

The survey is designed to explore whether people will support corrections innovations for nonviolent prisoners—specifically the use of intermediate or alternative sanctions between probation and prison—once they understand these sanctions and the constraints on the current system. The results of all three statewide surveys are remarkably similar: when educated about the options, a clear majority of citizens support intermediate sanctions for an array of nonviolent offenders.

An overwhelming 92 percent of the respondents were in favor of intermediate sanctions once they were educated about the issues.

This may come as a surprise to those who insist that Americans want more prisons—they just don't want to pay for them. People indicate that what they really want is safety. Most Pennsylvanians surveyed believe that prisons are not doing a good job: they fear that imprisoned offenders only get meaner and more knowledgeable in the ways of crime and emerge more likely than ever to engage in anti-social activity.

The key to support for alternatives rests primarily on three factors: First, the public is deeply unhappy with the current corrections system. Second, they would like a more effective system capable of providing graduated, rational penalties—the punishment should fit the crime. To achieve that, they think there has to be a greater choice of sanctions between prison and probation: Probation is seen as little more than a slap on the wrist for many offenders, yet most of the participants believed prison does nothing to change the behavior of most offenders, and should primarily be used to punish violent offenders. Third, they want offenders to be rehabilitated so they will not commit more crimes.

Is the support for intermediate sanctions solid? If alternatives will punish nonviolent offenders and require them to receive treatment or training, to work and pay back

their victims—and if these alternatives are less expensive than prison—most Pennsylvanians (as well as Delawareans and Alabamians in the previous studies) would choose them over prison. Indeed, an overwhelming 92 percent of the respondents in Pennsylvania were in favor of intermediate sanctions once they were educated about the issues.

Background

“Rising prison populations have neither led to the expected decline in the crime rate in Pennsylvania nor dampened it.”

Pennsylvania is the largest state where this survey has been conducted. It is the fifth largest in the nation, with more than 12 million inhabitants and has the largest rural population in the United States. It has the second highest concentration of senior citizens and a rapidly growing poor and minority population in urban areas. As a consequence, the demands on the state’s social services budget are growing. The two main urban areas, Philadelphia and Pittsburgh, are experiencing to some degree the problems of the nation’s

cities: economic decline, middle class flight, and large populations living in chronic poverty. Both areas are attempting to turn themselves around, but still must cope with a decreasing tax base and reduced federal funds as citizens and businesses abandon the urban center.

Correctional Trends in Pennsylvania

Like many other states, Pennsylvania got tough on crime in the 1980s. The types of crimes punished by imprisonment were expanded, and sentences for both violent and nonviolent offenders alike generally grew longer and more severe. The number of inmates in the system skyrocketed. The state’s prison population grew by 171 percent from 1980 to 1990, jail by 126 percent, and probation by 152 percent. With 25,000 inmates, the state prisons were operating at nearly 150 percent of capacity in 1992. The county jails were similarly overcrowded: facilities designed for approximately 13,000 offenders held 19,000. One solution to overcrowding is to build more prisons, but costs are high: A 1,000-bed prison costs approximately \$880 million over a 20-year period, including construction, operation, and debt service.

Recent data indicate that spending more money on prisons may not be the

most effective way to curb crime: In 1992, Dr. Darrell Steffensmeier, a noted criminologist and professor of sociology at Pennsylvania State University, University Park, prepared a report for the Pennsylvania Commission on Sentencing. He found, as other experts have also, that there is no direct relation between incarceration and the crime rate. "As is the case nationally," wrote Dr. Steffensmeier, "rising prison populations have neither led to the expected decline in the crime rate in Pennsylvania nor dampened it."

There are currently over 400 intermediate sanctions programs available on the county level in Pennsylvania. All operate on a small scale because of limited local resources and thus are available to a relatively small percentage of offenders. The sanctions include community service, electronic monitoring, fines, halfway houses, work camps, house arrest, and intensive supervision. Corrections officials believe these programs are being used for offenders who would otherwise have been sentenced to regular probation, since the rate of incarceration has not gone down.

How the Study was Conducted

The Public Agenda Foundation uses what is known as a citizens' review panel to test public opinion. Participants are chosen to represent a scientific cross section of the state's entire adult population by geographic area, race, gender, and age. In Pennsylvania, 401 citizens were surveyed at six sites around the state, usually in groups of 30 to 50. Each three-hour program was divided into four segments, in which every participant was asked to:

A large majority of the participants said the presentation was more informative than what they normally get through television and the newspapers.

1. fill out a questionnaire (the pretest) that assessed their attitudes toward crime and punishment and then asked them to sentence 24 hypothetical offenders to either prison or probation. Most of the cases were "mid-range" offenses—frequently nonviolent and involving property, rather than people. All the offenders had been convicted, so guilt, innocence, or reasonable doubt was not at issue. (See Appendix for a list of the cases.)

2. watch a 20-minute video on prison overcrowding and alternative sentences. The five alternatives discussed were strict probation alone, strict probation coupled with either restitution or community service, house arrest, and boot camp. The video presented the pros and cons of each form of alternative sanction.

3. meet in smaller discussion groups of approximately 15 people to air their feelings about crime and to discuss the video presentation. Each group was led by a neutral moderator from either the Public Agenda Foundation or Villanova University's Human Organizational Science Institute.

4. fill out a another questionnaire similar to the first (the posttest), which included the same 24 hypothetical cases, but now offered the option of giving offenders alternative sentences in addition to prison or probation.

The hypothetical crimes in the survey ranged from shoplifting to rape. They included situations where the crimes were the same, but the mitigating circumstances differed. For instance, respondents were asked to sentence a shoplifter committing her fifth offense and then to assume that same woman was supporting four children. The questionnaire also probed attitudes toward crime and the corrections system by asking about such topics as fear of crime, victimization, mandatory sentencing, and the performance of state agencies. The format of the session is designed to show whether citizens will support a range of sanctions once they know more about them. In Pennsylvania, the pretest indicated that some people were aware of intermediate sentences and approved of them in general.

The participants responded favorably to the study, with a large majority consistently saying the presentation was more informative than what they normally get through television and the newspapers. Three quarters of the respondents said they thought the presentation was more thought-provoking than what they normally get, clearer, and more balanced and fair. This can be taken as an indication that participants felt they understood the issues being presented and were able to use effectively the knowledge they acquired to respond to the posttest questionnaire.

Attitudes toward Crime

Pennsylvanians' fears are based on experience: Forty percent of the respondents or their family members had been victims of nonviolent crimes and 12 percent had been victims of violent crimes.

Fear of crime and the desire for public safety are at the heart of the criminal justice debate. Pennsylvanians are no different from other Americans: They worry that they, members of their family or their friends will be victims of crime. Seventy-one percent of the respondents, from wealthy and poor, rural and urban districts alike, said they believe crime is on the rise in their area. "Every day there's a robbery on our street," said one participant from an urban area. "The robbers take the doors right off the hinges." And a woman from western

Pennsylvania worried about guards in local schools. "It's a shame for the [students]," she said, pointing out that not too long ago she could leave her doors and car unlocked.

Two thirds of the people surveyed felt less secure than they did five years ago. "I wouldn't let my 12-year-old out alone. Maybe a few years ago I would have, but now I won't," said a mother from the Pittsburgh area. When asked to evaluate the prospects that they or someone in their family will become a victim of crime within the next year or two, slightly more than half of all participants said it was "very likely" or "fairly likely." Nearly 71 percent of all African-Americans believe they are likely to become a victim of crime, compared to half of all whites.

These fears are based on experience: In the previous two years, 40 percent of the respondents or their family members had been victims of nonviolent crimes and 12 percent had been victims of violent crimes. Five times as many African-Americans as whites said they and their family members had been the object of a violent crime. Half the respondents said drug use was on the increase in their neighborhood. This broke down to 44 percent of whites and

an overwhelming 75 percent of African-Americans.

Causes of Crime

Asked to identify from a list the most important causes of crime, participants most frequently chose what could be called "immediate circumstances,": 93 percent cited illegal drug use, 80 percent gang warfare, and 74 percent the availability of handguns. Next, and in some cases almost equal in importance, were factors embedded in the social fabric, such as the breakdown of the family structure, poverty, or lack of educational opportunities. The percentages ranged from 70 percent who believed the breakdown of the family was an "important" or "major" cause of crime to 64 percent who cited poverty. Since only 37 percent pointed to lack of police and 44 percent to lenient judges, most Pennsylvanians apparently do not see these as actual causes of crime. Racial discrimination ranked lowest of all, with only 36 percent of respondents perceiving it as a primary cause of crime.

Views on Sentencing

Answers to the pretest questionnaire indicate that a majority of Pennsylvanians are unhappy with current sentencing practice: most supported tougher judicial measures. Specifically, they said the “vast majority of criminals should serve at least some time in prison” (83 percent), prison sentences should be lengthened (59 percent), judges throughout the U.S. are too soft on convicted criminals (70 percent), and Pennsylvania’s judges are too soft on criminals (63 percent). However, after learning more about alternatives, Pennsylvanians were less likely to believe that most criminals should spend some time in prison: The percentage supporting that position dropped 21 points, from 83 to 62 percent.

Prisons

Although there was strong support for sending criminals to prison in the pretest, Pennsylvanians felt that prisons are not doing their job. A stay in prison offers little hope of rehabilitation, in their view, and seems to increase the likelihood of criminal behavior upon release. In the pretest half the respondents agreed that “Pennsylvania prisons turn most offenders into hardened criminals who are more likely to commit crime when they leave prison.” In the posttest 60 percent of the participants felt that way. As one woman put it, “The criminals are living together in prison; they influence and encourage each other, and they’re not getting any benefit out of it.”

What would the public like to see accomplished when a criminal is sentenced? When Pennsylvanians were asked what the most important goals of the criminal justice system should be, a majority opted for a broad range of goals. Both pre- and posttest, anywhere from two thirds to three quarters of the participants chose punishment, restitution, rehabilitation, and deterrence as important goals. But according to the public, the current system is not delivering on these goals. Fifty-seven percent of the pretest and 63 percent of the posttest respondents thought the criminal justice system was doing a poor job of

rehabilitating offenders; 70 percent of the pretest and 63 percent of the posttest respondents thought the system was not ensuring that offenders provide restitution to their victims; and 62 and 56 percent thought the criminal justice system does not offer effective deterrence to potential offenders.

Overcrowding

Pennsylvanians are aware that their correctional institutions are overcrowded, but there is almost no public support for building more prisons or increasing

corrections budgets. In both tests, 65 percent opposed raising taxes to pay for prisons, and approximately 94 percent were against cutting back in other areas such as health or education to raise the money. Participants think prisons swallow their tax dollars without producing positive results. "For \$30,000, I could send my daughter to college! All they're learning in prison is to become worse criminals," said one angry participant.

In fact, prison overcrowding did not worry the participants too much. For example, nearly 60 percent said they did not think "putting someone in an overcrowded prison amounts to cruel and unusual punishment," or as one woman put it, "What's cruel and unusual punishment is that 38 percent of my taxes go to

prisons!" The main concern people had about overcrowding was that corrections officials might use it as an excuse to let dangerous criminals out before their sentence was up.

In the discussion groups, many people felt that improving prison conditions amounted to letting criminals off easy; if an offender didn't suffer, he or she would have no reason to change. "I would think that before they commit a crime, knowing the [prison] conditions they'd go into might deter them. The prisons are crowded: Just stay out of them, don't get into trouble," was the advice of a man from the Harrisburg area. Another man had a unique reason for ignoring conditions in overcrowded prisons: "How about a family that's poor and has

In the pretest half the respondents agreed that "Pennsylvania prisons turn most offenders into hardened criminals who are more likely to commit crime when they leave prison."

seven kids living in two rooms? That's not inhuman, but in prison it is?"

Mandatory Sentencing

Pennsylvanians were asked in the posttest whether they supported mandatory, or minimum, sentencing laws which require an offender to go to prison for a specified amount of time. They were also questioned, both pre- and posttest on sentencing guidelines that provide judges with a range of recommendations for sentencing specific crimes and can include intermediate sanctions as well as prison. Pennsylvanians support both these methods of ensuring standardized sentencing practice and would like to see them used for alternative sanctions as well as prison sentences. Three quarters of the participants in the study supported both mandatories and guidelines. As they indicated in other parts of the survey, respondents want punishment to be fair—similar crimes should be punished in similar ways, whether that means prison or an alternative—and they also want to be sure that an offender will receive punishment of some sort. Nevertheless, support for mandatories is not a blank check. The survey shows a high level of public awareness that mandatory sentencing laws send more people to prison, often for longer terms. By a three to one margin (66 percent to 20 percent), participants supported a requirement that any mandatory sentencing law be preceded by an impact study to show how much new prison space would be needed.

Sentencing Options

Regular Probation: Generally used for minor offenses. Nearly two thirds of all offenders currently in the United States criminal justice system are on probation. Offenders on regular probation usually see a probation officer once a month for a period of up to two years. They are not under supervision the rest of the time. Cost: \$1,000 a year.

Strict Probation: Also known as Intensive Supervision or Intensive Probation. As the name suggests, this provides more careful supervision, often once a day for up to two years. The probation officer may drop by an offender's house or place of work at unexpected times to check on him or her. Offenders are also subject to random drug and alcohol tests. Cost: \$3,000 a year.

Strict Probation plus Restitution: Offenders are intensively supervised and also agree to pay damages or medical bills for their victims. Money may be garnished from a paycheck or subtracted from a welfare payment. Cost: \$3,500 a year.

Strict Probation plus Community Service: Offenders are intensively supervised and also required to perform services useful to the community, such as cleaning up garbage-strewn lots, maintaining parks, or working in substance-abuse clinics. Sentences last up to six months. Cost: \$5,500 a year.

House Arrest: Offenders are confined to their homes 24 hours a day for a period of up to one year, unless they receive permission to go to work. Electronic monitoring and random spot checks are often used to ensure that offenders do not leave the home. As with strict probation, offenders must submit to regular, random drug and alcohol tests. Cost: \$4,500 a year.

Boot Camp: Most often used for youthful offenders who are sentenced to camps for three to six months during which time they are subjected to military-style discipline and training. A few boot camps also offer job-training and educational opportunities. Cost: \$8,500 a year.

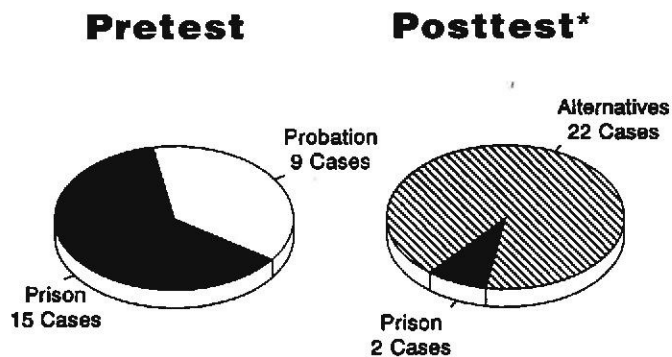
Prison: Incarceration in a correctional institution, either prison or jail. Jail is generally used for offenders sentenced to one year or less, although this varies around the nation. Cost: \$10,000 to \$30,000 a year, depending on the state.

Intermediate Sanctions

Pretest Results

By the time the 401 respondents arrived at the part of the survey where they had to sentence the 24 hypothetical offenders, their previous answers pointed to several priorities:

- ✓ safety of the community
- ✓ punishment paired, when possible and relevant to the crime, with restitution to the victim or the community
- ✓ rehabilitation
- ✓ cost-effectiveness.



* See text for detailed analysis of posttest results and Appendix for statistical breakdown of responses.

Given these concerns, and allowed in the pretest to use only the two options available to most judges in the United States, Pennsylvanians chose prison over probation in 15 of the 24 cases. Respondents were more likely to send violent offenders, repeat offenders, and participants in drug-related crimes to prison. In the view of the survey's participants, violent crimes are those which include the threat of violence, as well as actual brutality. A case where someone breaks into a building with a loaded gun, for example, was treated more severely (76 percent sent him to prison) than one where the offender

broke in without a weapon (37 percent incarcerated him). The offenders who committed property crimes and were sent to prison were nearly all repeat offenders (six out of seven).**

**In the discussion of the 24 cases, majority responses are used. For example, if 84 percent of the people surveyed sentenced an offender to probation, that case is recorded as a vote for probation, even though 13 percent voted for prison. For the complete breakdown of sentencing choices, see the Appendix.)

In the pretest, Pennsylvanians used probation more often for juvenile offenders, first-time offenders, female offenders and adults who were the main support of their families. Respondents were more severe with a juvenile who committed a crime against a person than one who engaged in a property crime: 37 percent sent a teenager convicted of purse snatching to prison, but only 9 percent chose to incarcerate a 15-year-old convicted of unarmed burglary.

Although they did not have the option of using alternative sentences in the pretest, many Pennsylvanians were predisposed to support them even before seeing the film or discussing the issues. Eighty-five percent in the pretest

favored finding "new ways to punish offenders that are less expensive than prison, but harsher than probation." When specifically asked in the pretest about intermediate sanctions such as restitution or community service, 76 percent favored their use. And when asked to write in one alternative sanction, 88 percent were able to do so. In both tests, intermediate sanctions seemed to the participants like a common sense, economically feasible alternative to the problem of prison overcrowding—but only for nonviolent offenders. In addition, a majority—68 percent—favored reducing the sentences of offenders who participate in rehabilitative programs or who demonstrate good behavior. That percentage is close to the number of Pennsylvanians who support the death penalty (75

percent pretest, 73 percent posttest) and would seem to reinforce the findings of this study that many participants support sentencing reform for nonviolent prisoners and harsh treatment for violent ones.

Both pre- and posttest results show that there is little sympathy among the majority of respondents for violent criminals. Approximately three quarters of Pennsylvanians said that when "the most serious crimes, such as murder," are involved, capital punishment is a valid way to reduce prison overcrowding. "A pine box is real cheap...when you get to the most violent crimes, that's where

"I like the idea of progressive punishment. If they do it properly, you're going to stop [the offenders] somewhere down the line."

they should go,” said one participant.

In the pretest three quarters of those surveyed supported harsh sentences for violent criminals. Although support for alternatives rose in the posttest, the belief in capital punishment did not go down. This implies that the willingness to support alternatives is based on the expectation that communities will not suffer undue risk and that the use of alternative sanctions will not result in violent criminals receiving light sentences. What appealed to many respondents was the logic of intermediate sanctions: Participants saw them as a waystation on the road to rehabilitation. One woman expressed the hope of 66 percent of the respondents that intermediate sanctions might alter a convicted person’s behavior, not merely punish him or her: “I like the idea of progressive punishment. In every school discipline code, you don’t go from one suspension to expulsion—there are steps all the way up. If they do it properly, you’re going to stop [the offenders] somewhere down the line.”

Posttest Results

These sentiments were reflected in the posttest results where 92 percent supported alternative sanctions after learning more about them, and 22 out of the 24 hypothetical offenders were sentenced to alternatives. While support for alternatives was consistent, Pennsylvanians were more equivocal in some of the cases than in others: Of the two offenders sentenced to prison, a rapist and a fifth-time drug dealer, the dealer was incarcerated by only 53 percent of the respondents. Four other hypothetical offenders were sentenced to alternative sanctions, but were just a few percentage points from receiving a prison sentence. In the remaining 19 cases, public support for alternatives was clear cut.

In fact, one of the most striking aspects of the posttest results were the large majorities that opted for alternative sentences in nearly every one of the 19 cases despite the fact that Pennsylvanians had shown themselves to be “tough on crime” through their support of mandatorics, their belief that judges are too lenient, and their desire to see some criminals spend time in prison. When sentencing certain kinds of offenders, they consistently favored nonprison

alternatives. For example, 69 percent chose alternatives for a drug dealer/addict with two previous offenses who had been turned away from treatment programs. (Sixty-three percent had sent him to prison in the pretest.) In the case of the teenage purse snatcher, 37 percent had chosen to incarcerate him in the pretest; ninety-one percent now chose intermediate sanctions for him. Eighty-three percent sentenced an unarmed burglar to alternatives; 81 percent, the female, head-of-household shoplifter with five offenses. Sometimes, sentencing options changed dramatically by category: In the pretest four out of five drug offenders were sentenced to prison. The same ratio—four out of five—received intermediate sanctions in the posttest.

Respondents uniformly chose alternative sanctions over both prison and probation. There was little support for regular probation in the posttest, although a different set of crimes might have yielded a different result. As indicated earlier, these were mid-level crimes, as opposed to lower-level ones more suited to regular probation.

Race and Gender

Overall, there were few significant differences between women and men and African-Americans and whites on the question of alternative sentences. In the posttest, similar majorities of African-Americans and whites (88 percent and 93 percent, respectively) favored the use of alternatives in general. African-Americans, however, were less hopeful about the rehabilitative aspects of these programs—only 42 percent thought they could “improve the chances that an offender will be rehabilitated,” compared to 69 percent of whites. African-Americans were also more likely, by a two to one margin, to think that “alternative sentencing is too lenient.” These beliefs were evident in the actual sentences African-Americans chose: They used alternatives somewhat less frequently than whites. In the case of the woman convicted of her fifth shoplifting offense, three quarters of the white respondents chose intermediate sanctions, but only 58 percent of African-Americans did so.

Women felt more vulnerable than men in their neighborhoods (71 percent of women and 59 percent of men felt “less secure than they did five years ago”),

One of the most striking aspects of the posttest results were the large majorities that used alternative sentences despite the fact that Pennsylvanians had shown themselves to be “tough on crime.”

and perhaps because of this were more likely than men to say during the pretest that prison sentences should be longer in Pennsylvania. Women were also slightly more likely to sentence the hypothetical offenders to prison than men were, especially in cases involving drugs and alcohol. Nevertheless, both men and women expressed general support for alternatives, ranging from 77 percent of the female respondents and 75 percent of the male in the pretest to 95 and 89 percent, respectively, in the posttest. And in the posttest, women used intermediate sanctions more often than men did, which seems to indicate dissatisfaction with their pretest choice of prison as an effective method of correction for nonviolent offenders. For example, in the case of the drug dealer/

addict with two previous convictions, 74 percent of the women chose alternatives compared to 58 percent of the men.

Crime Victims

One other interesting note: Although one might expect previous victims of crime to favor incarcerating offenders, they were actually just as likely to support alternatives as nonvictims. For example, 79 percent of the violent crime victims favored alternatives, compared to 75 percent of nonvictims, and 84 percent of victims chose alternatives as a solution to overcrowding, compared to 86 percent of nonvictims. When sentencing the offenders, however, crime victims proved to be somewhat less likely than nonvictims to use alternatives. As with African-Americans, they were less likely to believe in the positive effects of intermediate sanc-

tions (52 percent of victims believe alternatives can rehabilitate offenders, compared to 68 percent of nonvictims).

Preferred Alternatives

Among the intermediate sanctions, most respondents preferred boot camp and strict probation plus either restitution or community service. When asked which one or two intermediate sanctions should be used most often, 29 percent said

Eighty-six percent of respondents believe alternatives will give judges more flexibility “to make the punishment fit the crime.”

boot camp and 26 percent in each case chose strict probation plus restitution or strict probation with community service. In the actual sentencing, a plurality—nine out of 24 offenders—were sentenced to strict probation plus restitution, particularly in cases involving property crimes. Almost half of all respondents (49 percent) chose restitution when sentencing a first-time offender convicted of stealing a \$5,000 stereo; 45 percent chose it for a first-time embezzler convicted of forging \$250,000 worth of checks. “Generally, the people who embezzle have homes, take vacations. Why should they be able

to do that and not pay restitution to the person they embezzled?” asked a participant from the Pittsburgh area. During the discussions, several Pennsylvanians said they preferred restitution because it makes the offender confront the pain or damage inflicted on a victim and holds the offender accountable for that damage.

The next most frequently chosen sentencing option for the hypothetical offenders was boot camp, which was used in six out of 24 cases, most often for juveniles. Respondents liked it because it teaches self-discipline and hard work. “You feel good about yourself when you belong to a group and accomplish things, when you go to bed tired because you’ve worked hard,” said a female participant. Eighty-four percent of the respondents also favored boot camp as a means to shorten the terms of some prisoners who have already spent time in jail.

When asked which one or two alternative sentences should be used least often, 31 percent said strict probation alone and 29 percent said house arrest. When actually sentencing offenders, the majority of participants chose strict probation in only four cases and house arrest in only two. Several respondents said these methods did the least to alter behavior. “Strict probation is not going to help an offender learn anything or change his ways in any way at all. It’s just a matter of reporting to his ‘mommy’ every day and it’s costing us three times as much as regular probation,” complained one woman. And a man from

Wilkes-Barre said that house arrest does not seem to get at the cause of crime: "If you're talking about rehabilitation, what's it going to do?...With a white collar criminal... their home is an entertainment capital itself. So they are stuck...with their VCR, three color TVs. Where's the punishment there?" Some participants expressed the belief that if house arrest were combined with a job, schooling, or community service, it might be more effective.

Overall, respondents were optimistic—and realistic—about the impact of alternative sentencing: Eighty-six percent believe alternatives will give judges more flexibility "to make the punishment fit the crime," 79 percent agree they are a less expensive way to punish offenders, and 66 percent think "alternatives improve the chances that an offender will be rehabilitated." Although safety is a primary concern of Pennsylvanians, a majority—53 percent—did not worry that instituting alternative sanctions for nonviolent offenders would expose communities to more crime. In addition, 61 percent rejected the idea that alternatives are not harsh enough.

Strict Enforcement of Alternatives

Even when presented with scenarios of offenders who violate alternatives, most chose not to send them immediately to prison, but rather to increase the severity of the intermediate sanction. For instance, given the case of a man convicted of shoplifting who failed a routine drug test while on strict probation, 62 percent moved him to a more severe alternative, while only 26 percent sent him to prison. Virtually none of the respondents was willing to ignore even minor violations, such as missing an appointment. Strict enforcement, in their view, must be an integral component of an alternative sentencing plan.

Conclusion

Pennsylvanians in this survey show a strong willingness to use alternative or intermediate sanctions for nonviolent crimes. These findings mirror the results of Public Agenda Foundation surveys in Alabama and Delaware, pointing to unequivocal support among the general population for intermediate sanctions as a means of solving some of the problems in the criminal justice system. If the public sees the value of alternative sentences, and policymakers, confronted by shrinking budgets, see the need for them, this may be an opportune moment to take advantage of that convergence.

The public would like intermediate sanctions to rehabilitate or change nonviolent offenders' behavior, or to serve as a "reward" for imprisoned offenders who participate in rehabilitative programs.

In Alabama and Delaware, public support made it possible to proceed with innovative programs for keeping nonviolent offenders out of prison. Alabama has several community corrections programs that supervise selected felony offenders who would otherwise be prison-bound. Delaware has also increased its ability to provide intermediate sanctions such as strict probation and house arrest. Studies completed in 1991 and 1992 indicate that Delawarean offenders sentenced to these alternatives did better, or at least as well, in avoiding new criminal activity as incarcerated criminals.

Alternatives work best if several points that were frequently emphasized by Pennsylvania's survey participants are kept in mind:

1. The public would like intermediate sanctions to be tailored to fit the crime.
2. The public would like intermediate sanctions to rehabilitate or change nonviolent offenders' behavior, or to serve as a

“reward” for imprisoned offenders who participate in rehabilitative programs.

3. The public supports these sanctions as a less expensive way to punish offenders who do not threaten public safety.

In the coming years, Americans will have to find solutions to important social and economic problems, including crime and the high cost of imprisonment. Money sorely needed for health care, education, and economic development could be freed up if alternatives to imprisonment are wisely and properly implemented. The financial resources spent on social programs might have the added, indirect benefit of also reducing the crime rate in the long run. According to the people of Pennsylvania, that’s a bargain they would be happy to accept.

Appendix

Respondents were asked to read each of the following cases and to sentence the convicted offenders. In the pretest, the choices were regular probation, prison or "not sure." The posttest included these plus the five alternative sanctions.

Traditional Sanctions



Regular probation



Prison

Not Sure



Alternative Sanctions



Strict probation



Strict probation plus restitution



Strict probation plus community service



House arrest

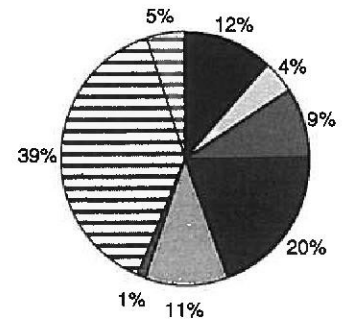
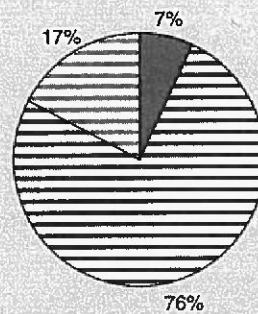


Boot camp

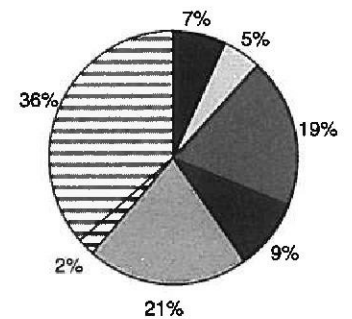
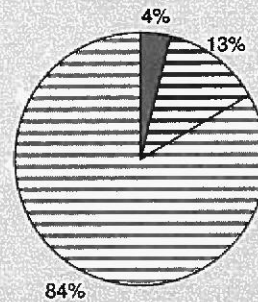
Pretest

Posttest

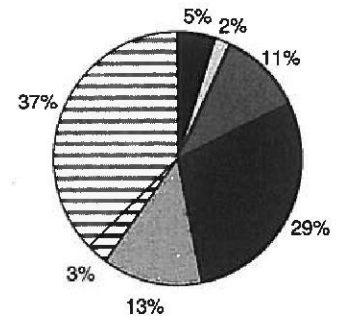
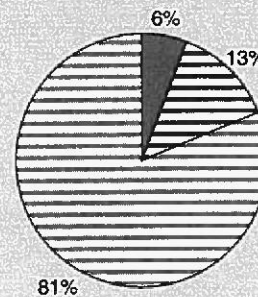
1) Tom, 25, pointed a loaded gun at a woman and took her purse. He was convicted of armed robbery, his first offense.



2) Bill, 23, hot-wired a new sports car and drove around for a few hours, then returned the car, undamaged. This was his first offense.



3) Bob, 24, was caught stealing a \$150 radio from an audio store. It was his first offense.



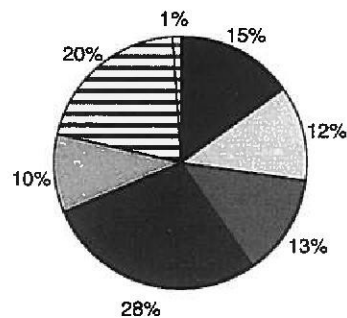
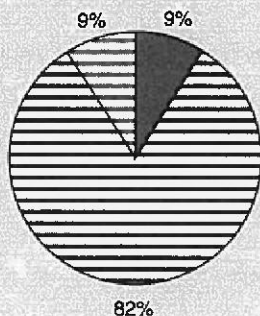
Note: Numbers have been rounded off and may not add up exactly to 100 percent.

Pretest

Posttest

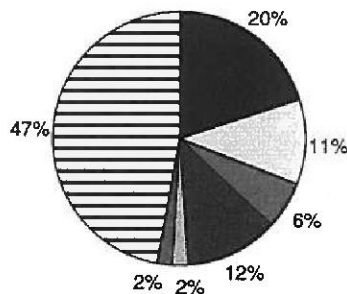
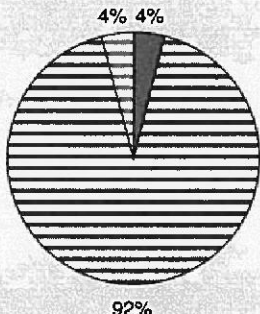
4) Suppose that when Bob was arrested, he had two previous convictions for shoplifting, making this his third offense.

Traditional Sanctions



5) Suppose that Bob had been convicted of shoplifting four times, making this his fifth offense.

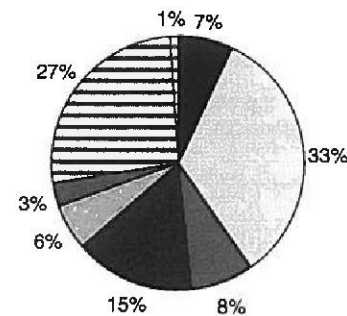
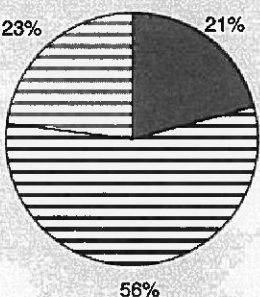
Not Sure



Alternative Sanctions



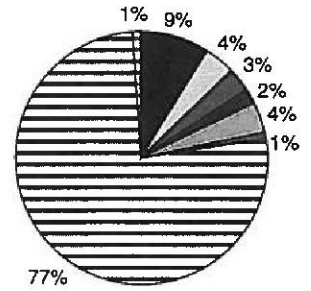
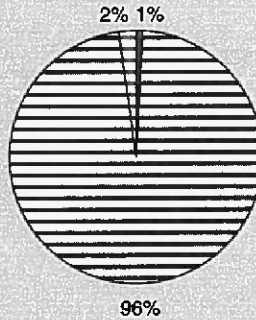
6) Finally, imagine that Bob had been convicted of shoplifting five times, that he works two jobs and supports a wife and four children.



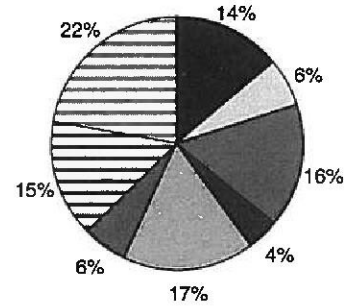
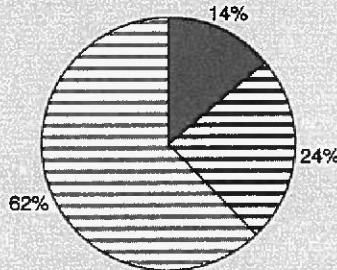
Pretest

Posttest

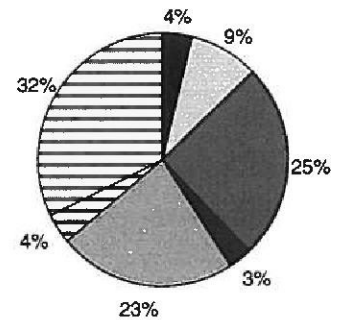
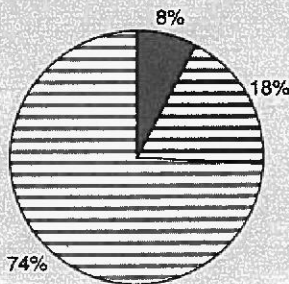
7) Gene, 25, mugged a woman, dragged her into a park and raped her. This was his first offense.



8) Scott, 21, was convicted of statutory rape for having sexual relations with a 15-year-old. No force was involved, but the teen's parents have pressed for prosecution. This was his first offense.



9) Joe, 23, was caught driving while drunk on a state highway. This was his first offense.

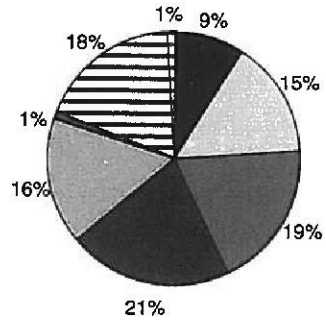
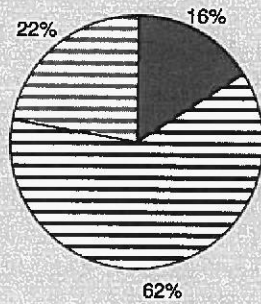


Pretest

Posttest

10) Imagine that Joe was caught a second time, this time when he smashed into a fire hydrant, making it his second drunk driving offense.

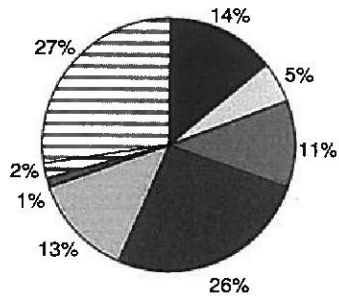
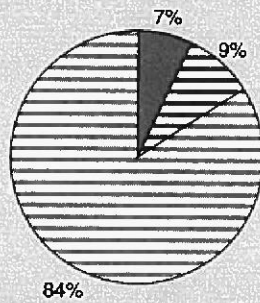
Traditional Sanctions



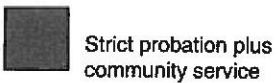
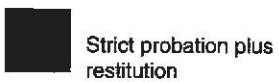
Not Sure



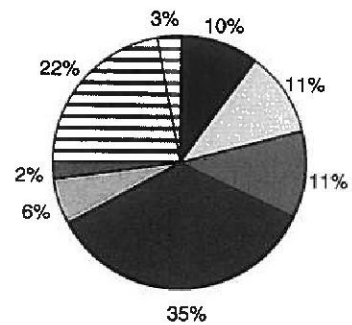
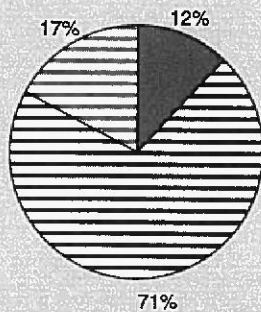
11) Frank is a 15-year-old high school student who broke into an empty house and stole some jewelry. He was unarmed. This was his first offense.



Alternative Sanctions



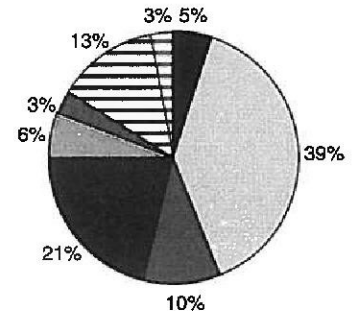
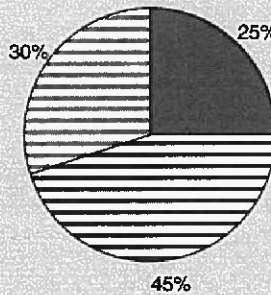
12) Alice, 24, stole a dress worth \$150. She has stolen things of this approximate value four other times, making this her fifth offense.



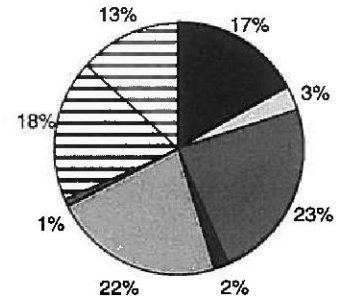
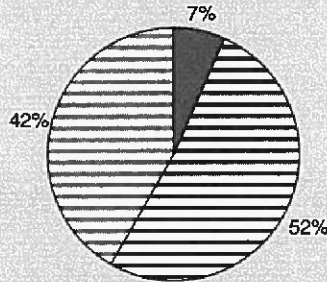
Pretest

Posttest

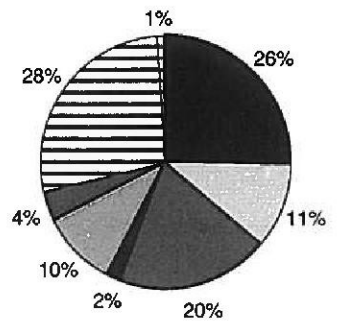
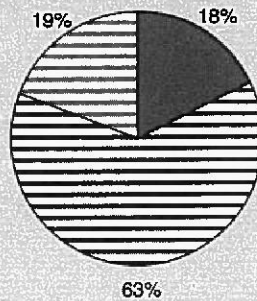
13) Suppose that Alice had been convicted of shoplifting five times, but that she also works two jobs and supports four children.



14) Al, 22, sold a small amount of cocaine to an undercover police officer. This was his first conviction.



15) Now imagine that Al is an addict who wants help. He has tried to get into a drug treatment clinic, but there is a six-month wait. Also, since Al has been convicted of selling drugs twice before, this is his third offense.

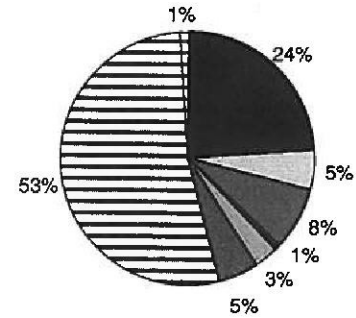
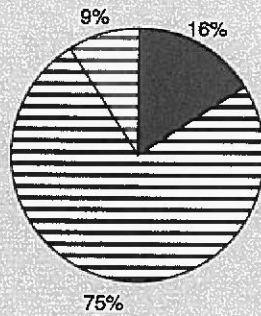


Pretest

Posttest

16) Suppose that Al has been convicted of selling cocaine four times in the past; this is his fifth offense. He is still an addict looking for help.

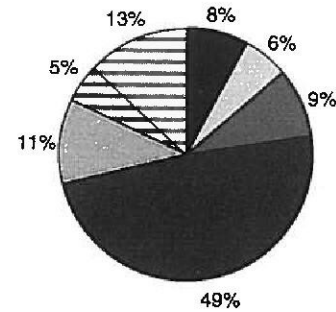
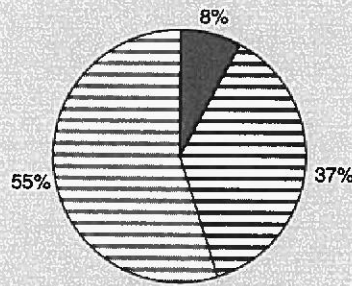
Traditional Sanctions



Not Sure



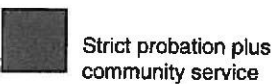
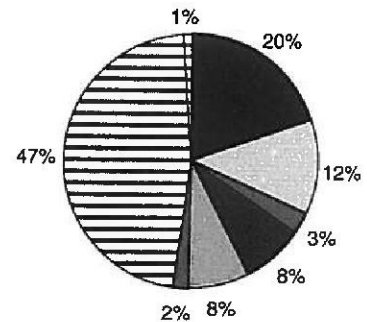
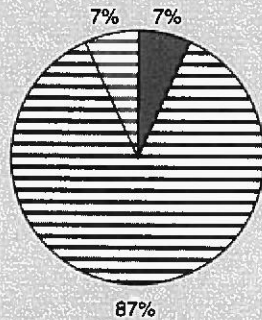
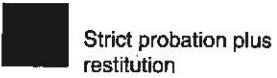
17) Phil, 22, picked the lock of an electronics shop and stole a \$5,000 stereo. There was no one in the store and Phil was unarmed. This was his first offense.



Alternative Sanctions



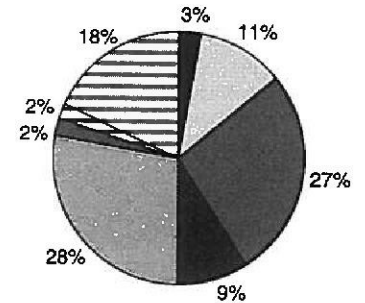
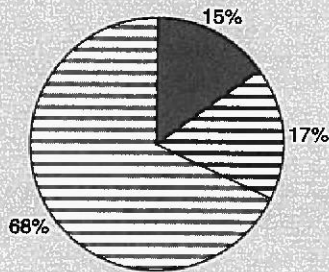
18) Imagine the same crime, but this time Phil was armed with a gun and this was his second offense.



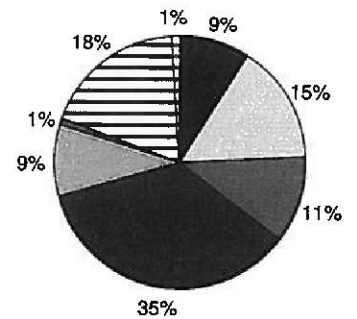
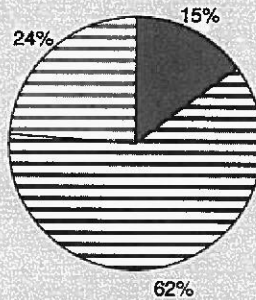
Pretest

Posttest

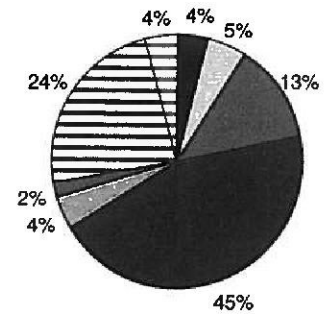
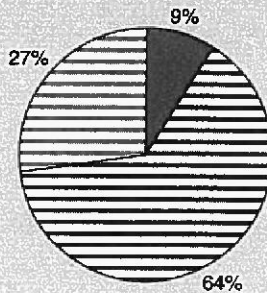
19) Ed, 32, was drinking heavily at a bar and got into a fight with another patron. No one was seriously injured. Ed has a prior conviction on the same charge, making this his second offense.



20) Imagine the same situation, but this time Ed smashed a bottle over the other patron's head (the wound required five stitches) and broke his nose. This is still Ed's second offense.



21) Lou, 26, was convicted of embezzling \$250,000 from his employer by forging company checks. This is his first offense.

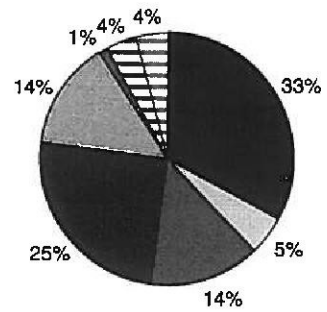
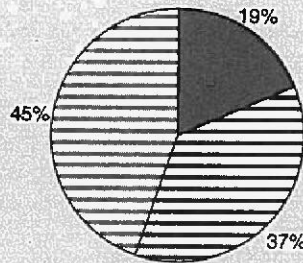


Pretest

Posttest

22) Paul, a 15-year-old high school student, snatched a woman's purse. He has a prior conviction for burglary, making this his second offense.

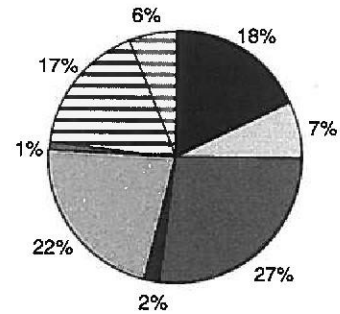
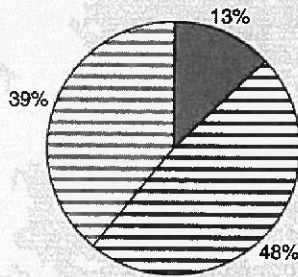
Traditional Sanctions



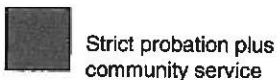
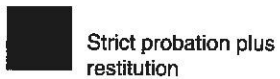
Not Sure



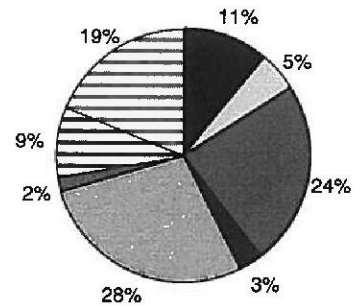
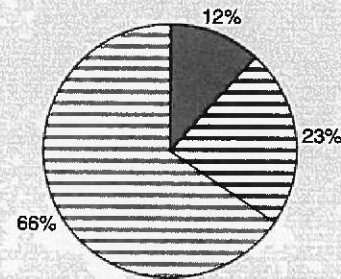
23) Steve, 23, was stopped for driving with a broken headlight. During a search, police found 10 grams of cocaine, an amount suggesting that he is probably a drug dealer. It was his first offense.



Alternative Sanctions



24) Suppose Steve had 2 grams of cocaine, an amount that does not necessarily suggest that he is a dealer. This is still his first offense.



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