



COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA

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TESTIMONY OF

COMMISSIONER HARRY FORBES, PIKE COUNTY
AND
COMMISSIONER JOE GILES, ERIE COUNTY

BEFORE THE
SUBCOMMITTEE ON CRIME AND CORRECTIONS

OF THE
HOUSE JUDICIARY COMMITTEE

ON BEHALF OF THE
COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA

SEPTEMBER 16, 1997
HARRISBURG, PENNSYLVANIA



GOOD AFTERNOON CHAIRMAN BIRMELIN, MEMBERS OF THE SUBCOMMITTEE AND DISTINGUISHED GUESTS. I AM COMMISSIONER JOE GILES FROM ERIE COUNTY. I CURRENTLY SERVE ON THE COURTS AND CORRECTIONS COMMITTEE FOR THE COUNTY COMMISSIONERS ASSOCIATION AND THE JUSTICE AND PUBLIC SAFETY COMMITTEE OF THE NATIONAL ASSOCIATION OF COUNTIES AS WELL AS BEING A MEMBER OF THE NACO BOARD. JOINING ME, IS COMMISSIONER HARRY FORBES OF PIKE COUNTY. HARRY IS ALSO A MEMBER OF THE COURTS AND CORRECTIONS COMMITTEE. ON BEHALF OF THE COUNTY COMMISSIONERS ASSOCIATION, WE THANK YOU FOR THIS OPPORTUNITY TO BE WITH YOU.

TODAY, WE ARE HERE TO DISCUSS THE PROPOSED INMATE WORK FORCE LEGISLATION, SENATE BILL 116. CCAP STRONGLY SUPPORTS THE LEGISLATION AS YET ANOTHER TOOL TO ASSIST IN OUR CORRECTIONAL RESPONSIBILITIES. WE HOPE TO PROVIDE OUR VIEWS AND OFFER CONSTRUCTIVE COMMENTS TOWARD IMPROVING THE BILL.

SOME COUNTIES HAVE, IN THE PAST, USED INMATES FOR VARIOUS PUBLIC PROJECTS SUCH AS LITTER CLEANUP. BUT LEGAL ISSUES AND LIABILITY EXPOSURE HAVE CAUSED MANY COUNTIES TO SHY AWAY FROM USE OF THESE INMATE CREWS. WHILE CURRENT LAW DOES NOT PROHIBIT SUCH USE OF INMATES, IT IS ALSO UNCLEAR AS TO THE TYPES OF PROJECTS AND ANY OTHER CONDITIONS AS WELL AS LIABILITIES. SENATE BILL 116 WILL DO WHAT CURRENT LAW DOES NOT IN THAT IT WILL PROVIDE SPECIFIC STATUTORY AUTHORITY AND AFFORD ADDITIONAL LIABILITY PROTECTIONS TO THE COUNTIES AND STATE.

IF I MAY FOR A MOMENT, SHARE SOME THOUGHTS ON THE ISSUE OF INMATE WORK CREWS IN GENERAL AND THEN ALLOW COMMISSIONER FORBES TO MAKE A FEW COMMENTS CONCERNING OUR RECOMMENDATIONS FOR AMENDMENTS TO SENATE BILL 116.

INMATE WORK CREWS ARE YET BUT ANOTHER METHOD FOR COUNTY CORRECTIONAL FACILITIES TO EMPLOY TO HELP PROMOTE INMATE PRODUCTIVITY

AND FOSTER A SENSE OF RESPONSIBILITY. CURRENTLY, COMMUNITY SERVICE IS OFTEN USED AS PART OF THE SENTENCING PROCESS FOR THOSE OFFENDERS RELEASED TO PROBATION AND IS INTENDED FOR THE OFFENDER TO "REPAY" THE COMMUNITY FOR SUCH CRIMINAL ACTIONS. FOR CORRECTIONAL FACILITIES, WORK CREWS ARE VERY SIMILAR TO THIS COMMUNITY SERVICE AND CAN ALSO HELP TO CONTROL THE INMATE POPULATION.

IN A PUBLIC OPINION SURVEY CONDUCTED BY THE PUBLIC AGENDA FOUNDATION IN 1987, RESPONDENTS FELT THAT PRISON SHOULD BE "HARDER." THE PARTICIPANTS "WANTED TO REDUCE IDLENESS AND FELT THAT WORK IS THERAPEUTIC AND BENEFICIAL TO SOCIETY AND PRISONERS."

THE USE OF INMATE WORK CREWS CAN ACCOMPLISH SEVERAL OBJECTIVES.-- THEY CAN PROVIDE AN ACTIVITY FOR INMATES AND, PERHAPS, IN THE PROCESS TEACH AN INMATE A PARTICULAR TRADE. WORK CREWS CAN ALSO FOSTER A SENSE OF COMMUNITY RESPONSIBILITY. IN ADDITION, COMMUNITIES CAN BENEFIT FROM THE WORK PROVIDED BY THE INMATES WHETHER LITTER CLEANUP OR PLAYGROUND MAINTENANCE. THERE ARE LIKELY TO BE NO SHORTAGE OF PUBLIC PROJECTS TO BE COMPLETED AND THESE CAN BE DONE WITHOUT COMPETING WITH THE EMPLOYEES OF THE PUBLIC ENTITIES OR THE PRIVATE SECTOR.

I WOULD LIKE TO ASK MY COLLEAGUE, COMMISSIONER FORBES, TO PROVIDE SEVERAL SUGGESTIONS FOR IMPROVEMENTS TO SENATE BILL 116.

THANK YOU COMMISSIONER GILES.

WHILE SENATE BILL 116 IS ADEQUATE IN ITS CURRENT FORM, WE BELIEVE THERE ARE SEVERAL AMENDMENTS THAT ARE NECESSARY TO MAKE THE LEGISLATION EFFECTIVE AND MORE ATTRACTIVE TO COUNTIES.

ON PAGE 2, LINES 9 AND 10, AND IN OTHER REFERENCES CONTAINED IN THE BILL (SPECIFICALLY, PAGE 3, LINES 21 AND 22; PAGE 3, LINES 25 AND 26; PAGE 4, LINES 3 AND 4; AND PAGE 5, LINES 23 AND 24), THE LANGUAGE INCLUDES "OTHER OFFICIALS IN CHARGE OF CORRECTIONAL FACILITIES". THE DELEGATION OF POWER SHOULD BE LIMITED TO THE DEPARTMENT OF CORRECTIONS AND THE COUNTY COMMISSIONERS, NOT OTHER OFFICIALS IN CHARGE OF THE FACILITIES. THIS WOULD GRANT BUDGETARY CONTROL TO LOCAL WARDENS OF WHICH SUCH IS SOLELY GRANTED TO THE COMMISSIONERS.

BY SPELLING OUT THE DEFINITIONS ON PAGE 2, SECTION 3, WE COULD BE LIMITING THE COUNTY'S USE OF INMATE LABOR. AS AN EXAMPLE, IN MY COUNTY OF PIKE, WE ARE USING OUR JAIL KITCHEN TO PREPARE OUR SENIOR CITIZENS MEAL PROGRAM. WE ARE TEACHING INMATES FOOD PREPARATION, ORDERING AND PROVIDING A SERVICE TO THE COMMUNITY AT THE SAME TIME.

WE BELIEVE DEFINITIONS SUCH AS THAT OF "COMMUNITY SERVICE PROJECT" SHOULD BE EXPANDED. IDEALLY, IT WOULD INCLUDE ALL PROJECTS FOR CHARITABLE, EDUCATIONAL, ENVIRONMENTAL OR AESTHETIC REASONS, NOT OTHERWISE FORBIDDEN BY LAW, WHETHER FOR A CHARITABLE ORGANIZATION OR LOCAL GOVERNMENT OR ITS AGENTS, AS DETERMINED BY THE SOLE DISCRETION OF THE DEPARTMENT OR THE COMMISSIONERS.

IF I MAY PROVIDE AN EXAMPLE-- A LOCAL CHARITABLE ORGANIZATION OPERATING A SUMMER DAY CAMP FOR UNDERPRIVILEGED YOUTH HAS A STRUCTURE FOR INDOOR ACTIVITIES AND DINING. THE STRUCTURE IS IN NEED OF REPAIR BUT THE ORGANIZATION HAS LITTLE FUNDING AND IS UNABLE TO SOLICIT ADEQUATE

DONATIONS OR ASSISTANCE FROM THE PRIVATE SECTOR. IN THIS INSTANCE, IT WOULD SEEM THAT THE USE OF THE INMATE WORK CREWS WOULD BE HIGHLY VALUABLE.

WE WOULD SUGGEST AMENDING PAGE 2, LINES 19 AND 20, BY INSERTING THE PHRASE "BUT NOT BE LIMITED TO, THE REPAIR, REPLACEMENT, RESTORATION, MAINTENANCE, BUILDING OR CONSTRUCTION" IN THE DEFINITION SO THAT OTHER TYPES OF ACTIVITIES MIGHT BE INCLUDED.

VIRTUALLY THE SAME LIMITATIONS APPLY TO THE DEFINITION OF "PUBLIC SERVICE WORK PROJECT" ON PAGE 3. AGAIN, WE WOULD LIKE TO INCLUDE THE PHRASE "BUT NOT LIMITED TO" IN THIS DEFINITION AS WELL.

LET ME STRESS THAT OUR RECOMMENDATION FOR EXPANSION OF ELIGIBLE PROJECTS IS NOT INTENDED TO DISPLACE EMPLOYEES FROM EITHER OUR OWN LOCAL GOVERNMENTS OR FROM THE PRIVATE SECTOR. RATHER, IN CASES WHERE THERE IS CLEARLY A NEED BUT NOT THE FINANCIAL RESOURCES WE BELIEVE THE INMATE WORK CREWS CAN SERVE A BENEFICIAL FUNCTION, AS WELL AS RELIEF FOR THE TAXPAYERS.

SECTION 4 (E) ON PAGES 4 AND 5 OF THE BILL REFERS TO SUPERVISION OF THE WORK CREWS. AGAIN, WE HAVE CONCERNS ABOUT THE LIMITING LANGUAGE WHICH WOULD ALLOW ONLY GUARDS OR CORRECTIONAL OFFICERS TO SUPERVISE THE INMATES. IN SEVERAL COUNTIES, THE PRISONS CONTINUE TO BE UNDER THE DOMAIN OF THE SHERIFFS. CCAP FEELS THE SECTION NEEDS TO BE MODIFIED TO REFLECT THE DIVERSE OPERATIONS OF EACH COUNTY FACILITY. SPECIFICALLY, WE OFFER THE FOLLOWING FOR YOUR CONSIDERATION-- AMEND THE LANGUAGE ON PAGE 5, LINE 3, TO STATE THAT INMATES SHALL BE UNDER THE SUPERVISION OF "GUARDS, CORRECTIONAL OFFICERS, SHERIFFS, OR OTHER CORRECTIONAL FACILITY EMPLOYEES AS AGREED UPON BY THE COUNTY COMMISSIONERS, PRISON BOARD OR DEPARTMENT."

ON PAGE 5, SECTION 5, LINE 21, ADD THE PRISON BOARD AS AN ENTITY PRESCRIBING RULES AND REGULATIONS. ON THAT SAME PAGE, SECTION 6, LINE 23, WE SUGGEST REVISING THE LANGUAGE TO PROVIDE FOR THE SHERIFF, WARDEN, ASSISTANT WARDEN OR OTHER AGENTS APPOINTED BY THE COUNTY COMMISSIONERS GIVE THE NECESSARY NOTIFICATION.

FINALLY, WE SUGGEST LANGUAGE BE INCORPORATED ALLOWING THE COUNTIES, AT THEIR DISCRETION, TO PAY THE INMATE WORKER FROM THE INMATE GENERAL WELFARE FUND.

LET ME REITERATE THE INTEREST OF THE COUNTY COMMISSIONERS ASSOCIATION IN GAINING PASSAGE OF SENATE BILL 116. WITH OUR RECOMMENDATIONS FOR AMENDMENTS, WE BELIEVE THE LEGISLATION CAN SERVE TO BENEFIT THE INMATES AS WELL AS THE COMMUNITIES.

THANK YOU FOR YOUR TIME AND CONSIDERATION. WE WILL BE HAPPY TO RESPOND TO ANY QUESTIONS.