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THE PENNSYLVANIA HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
SUBCOMMITTEE ON CRIME AND CORRECTIONS HEARING
ON WOMEN'S PRISON ISSUES

Monday, August 18, 1997
Curie Hall Auditorium
State Correctional Institution - Cambridge Springs
451 Fullerton Avenue
Cambridge Springs, PA. 16403
1:00 o'clock p.m.

ORIGINAL

X

1 REPRESENTATIVE BIRMELIN: Good afternoon.
2 I want to welcome you here to the House Judiciary
3 Hearing on Women's Prison Issues.

4 We're going to be meeting this afternoon,
5 the committee and the committee staff will be having
6 a tour of the prison tomorrow, and on Wednesday
7 morning we will be hearing from some other
8 testifiers on the issues of women's prison.

9 I'm Representative Birmelin, I'm the
10 chairman of the subcommittee. I'd like to briefly
11 introduce the other panel members that are seated
12 here with me and we may have some others who will
13 join us and I will introduce them as that
14 opportunity arrives.

15 To my far left is Representative Linda
16 Bebko-Jones. And you're from Erie County; is that
17 correct?

18 REPRESENTATIVE BEBKO-JONES: Right.

19 REPRESENTATIVE BIRMELIN: My immediate
20 left is Representative Kathy Manderino, she's from
21 Philadelphia County.

22 To my right is Attorney Brian Preski.

23 To his right is Representative Don Walko
24 from Pittsburgh, Allegheny County.

1 And on the far right -- I've always wanted
2 to say that -- on the far right is Representative
3 Babette Josephs from Philadelphia County as well.

4 We want to thank you for coming here.
5 Some of you are testifiers, some of you are
6 observers. I will tell you that the proceedings
7 here are going to be videotaped today by the
8 Pennsylvania Cable Network, that's why the camera is
9 here. And also we have a court reporter here
10 reporting testimony and questions of the panel as
11 the testifiers present their testimony today.

12 If you have a desire for any of the
13 information that they are presenting, if you will
14 address your request to the chief counsel, Brian
15 Preski, we'll see that you get that information.

16 I apologize for the late start. As I
17 explained to the superintendent, nothing in
18 Harrisburg starts on time so don't expect this to
19 start on time, unfortunately. However, we will get
20 started.

21 Several of our people are here to testify.
22 The first is the superintendent ever Cambridge
23 Springs Correctional Institution, Bill Wolfe, who
24 tells me he's been here since the day the state

1 opened the facility.

2 Mr. Wolfe, we'll ask you to come forward
3 -- and a welcome to the committee members.

4 SUPERINTENDENT WOLFE: Thank you very
5 much.

6 First of all, I would like to welcome you
7 Chairman Gannon, members of the House, and our
8 guests, to SCI Cambridge Springs. I would also like
9 to welcome you on behalf of Commissioner Horne and
10 the Department of Corrections. Cambridge Springs is
11 proud to be the site selected for these public
12 hearings.

13 The Commonwealth purchased Alliance
14 College in late 1990 in a response to prison
15 overcrowding that our nation and the Commonwealth
16 was experiencing at that time. In February of 1991
17 I was transferred from SCI-Waynesburg where I served
18 as superintendent, and SCI-Waynesburg was a minimum
19 security women's facility, and I was appointed
20 superintendent of this institution.

21 We've come a long way since our humble
22 beginnings in a community that initially did not
23 want to host a prison. And secondly, a physical
24 plant that had to be retrofitted to serve and

1 function as a correctional institution.

2 Our first 25 inmates arrived in the Spring
3 of 1992 following nearly a one year hiring freeze
4 during the Casey administration. Our first inmates
5 arrived from SCI-Waynesburg and served as a working
6 train to help us prepare to open up the facility for
7 the rest of the inmates. Today we have
8 approximately 500 inmates housed here and we employ
9 approximately 260 people from the local area.

10 Tomorrow morning prior to our tour you
11 will learn a little bit more about the history of
12 our institution during a reception in my office. I
13 personally believe, and I've been working with
14 female offenders for approximately eight, eight and
15 a half years. And I think this is a very important
16 topic and a very timely topic. And I'm certainly
17 encouraged by your presence here today to look at
18 women's prison issues.

19 The Department of Corrections houses
20 approximately 33,000 inmates. Of that 33,000
21 inmates only 1,800 inmates are women. And
22 consequently, and even nationwide, a lot of times
23 women's issues are caught in the backwash of the
24 large numbers of their male counterparts. So I'm

1 extremely pleased that you're here and I hope that
2 we have a very productive hearing.

3 On a subject that is very near and
4 personal to me, I've been asked to speak about some
5 of the issues that are different between males and
6 females, and I've had the privilege of working with
7 both populations. Prior to being appointed as
8 superintendent at Waynesburg I worked 18 and a half
9 years with the male offender. So I'm in a position
10 where I can compare and contrast some of the big
11 differences.

12 First, when you're dealing with women most
13 striking to me was the types of crimes that women
14 commit and the circumstances that surround their
15 involvement in crime.

16 Most serious crimes that women commit are
17 domestically oriented, or if it's committed outside
18 of the domestic situation usually women serve in a
19 supportive role to a male perpetrator.

20 Consequently, women, in fact, as you tour our
21 facility tomorrow, pose significant differences
22 concerning security issues. When the department
23 looked at acquiring Alliance College as a
24 consideration, it was felt since women offenders

1 would be housed here, that this site could
2 appropriately be converted to a women's prison
3 facility.

4 When working with women important issues
5 are childcare, not only during the woman's period of
6 incarceration. The vast majority of our women here,
7 at least 80 percent are mothers and many of these
8 leave young children behind in the community. And
9 that's a serious issue.

10 Also, childcare when women are released
11 because many of these women are single heads of the
12 household and many of our vocational programs that
13 we have prepare women to go in to the work force,
14 but being a single head of the household primarily
15 responsible for childcare, what do the women do when
16 they go to work? Are there adequate childcare
17 facilities in the community to assist single parents
18 that are attempting to enter the work force.

19 Abuse issues are also significantly
20 different. When I first started working with women
21 I was absolutely astounded at the number of women in
22 our system that are victims of physical, sexual and
23 mental abuse.

24 Health care issues are also significantly

1 different and much more critical for women. I
2 understand Dr. Mowie will be addressing the
3 committee during the next few days, and I'm sure he
4 would be happy to expound much more on that.

5 Also, mental health issues and drug and
6 alcohol abuse issues are significant issues that our
7 programming attempts to address in our attempts to
8 reintegrate these women back in to the community.

9 The other thing, and I do have a treatment
10 background, the Department of Corrections, I came up
11 through the treatment ranks and I truly enjoy
12 working with women offenders because I found that
13 women -- I found that in general, speaking on a
14 continual -- the behavior goes on both ends of the
15 scale. But in general, women are much more
16 concerned about and committed to their participation
17 in treatment programs and their overall
18 rehabilitation process that we enter in the
19 community, that I found in working with many of
20 them.

21 This has been a real challenge for us.
22 We're very proud of how far we've come. And in
23 closing I would like to say that if you are in need
24 of anything during the next three days, feel free to

1 ask our staff. If there is anything that we can do
2 to make your stay here more comfortable and more
3 enjoyable, we'll do everything we can to accommodate
4 you.

5 REPRESENTATIVE BIRMELIN: Thank you. I'm
6 going to ask the committee if they have questions of
7 you to hold them until Wednesday. If you're not
8 going to be here Wednesday, catch him on the way
9 out, but he's going to be back to testify Wednesday
10 morning as well.

11 And our next testifier has indicated to me
12 that she's on a tight schedule so I would like to
13 ask Tish Donze, director of the Mercy Center for
14 Women if she would come before our committee at this
15 time and give her testimony.

16 MS. DONZE: Thank you very much.

17 The agency that I'm the director of is
18 called the Mercy Center for Women, and our primary
19 goal is to provide transitional housing for homeless
20 women and their children. And we provide that
21 transitional counseling with extensive support
22 services on site.

23 Now, usually, I mean, we're not targeting
24 the women we serve as coming out of correctional

1 institutions, but we have accepted women in that
2 position. We are primarily looking for very
3 motivated women who are ready and willing to turn
4 their lives around and change their lives with our
5 assistance.

6 The kind of support services we offer are
7 extensive self esteem programming, a 40-hour course,
8 addictive relationship classes, an advocate that
9 works very very closely in case management with that
10 individual on site, parenting programming, and
11 whatever other assistance that particular woman
12 needs in order to meet the goals that she sets for
13 herself.

14 In terms of accepting women from prison,
15 and we've worked with both the county and the state,
16 I'll share a few things that I think might be
17 beneficial. The process itself I believe needs to
18 be streamlined. In other words, on a weekly basis
19 we may receive letters from women just saying
20 somebody told me to write you, and I have a home
21 plan I need to fulfill and I need a place to live.
22 I don't know anything about Mercy Center but I want
23 to come because I need a place, I don't have any
24 place to go after I leave. And then, you know, we

1 need to respond.

2 Now, I think it would be extremely helpful
3 if at the prison itself there was an individual
4 aware of facilities outside the institution that
5 could possibly accept them. And in the process, if
6 they could not only send a letter but send signed
7 release forms so we could begin to get appropriate
8 information about the individual, possibly even if
9 they could send from the correctional institution
10 the criminal history, the mental health history, the
11 medical history, DNA history -- in other words, if
12 we could receive a packet instead of just a random
13 letter then we could really begin to look at that
14 individual and determine what our next step would
15 be. And if the release forms were already included
16 and signed by that woman then we could proceed more
17 quickly. So that would be really helpful if there
18 was some kind of a process.

19 Secondly, our mode of operation at Mercy
20 Center is to meet with every woman and have her tour
21 our housing facility. We truly believe it's her
22 decision, not just our decision, to accept her.
23 And, of course, with women from prison that's
24 practically impossible because they don't allow them

1 to leave to visit, whathave you. And then the
2 burden becomes ours to get to the prison to
3 interview the individual or to do phone interviews,
4 which are not nearly as effective from our
5 standpoint, and we're expending staff time, energy,
6 traveling, all of those things just to interview a
7 person and we may never even accept her. So at our
8 end there is some financial cost that's not
9 reimbursed anywhere and it really does become a
10 burden to us.

11 So again, I don't know what is available
12 but it would be extremely helpful to have some kind
13 of a fund that would assist agencies, non profit
14 agencies like ours that are already struggling
15 financially, to keep our doors open in order to
16 assist them.

17 Also you heard that many many of these
18 women are heads of household. If we are to accept
19 children with the mothers at our facility we
20 generally like to see what kind of interaction they
21 have with their children because more often many
22 children have behavior problems, so we're not only
23 bringing a woman who has her unique issues and
24 concerns, but if we accept her children we're also

1 bringing children that have their own unique issues
2 and many times behavior problems.

3 So normally before we accept a woman we
4 want to see her interact with her children. And
5 again, that's not even possible. So we are making
6 decisions without a lot of information that could
7 really benefit the woman and I think benefit our
8 staff in assisting women in their long term goals.

9 Third, the other issue that has come up is
10 reserving bed space for a woman. We've come, we've
11 done interviews, we've done the whole process, we've
12 decided to accept a person and she gives us a
13 tentative date when her time is supposedly over.
14 And so when it gets close to that time and a bedroom
15 empties we reserve that bedroom. But the woman is
16 never released at the date when her time is up and
17 we've held a bedroom for up to three months.

18 Now, again, that's very detrimental to
19 other women that we could be assisting during that
20 period because there is an empty bedroom, because
21 anyway, we may need it for this person. It's very
22 costly to an agency like ours to keep a bedroom
23 available. And so that's the other dilemma.

24 And we've almost gotten to the point where

1 that time frame constraint has led us to say more
2 often than not we're not going to accept women from
3 state correctional institutes because the time frame
4 is just so wide. And then if we don't keep a
5 bedroom available for her and she's released then
6 we're the ones that are causing her to remain
7 incarcerated longer because we haven't got the room,
8 and I don't know what that does on her end. So it's
9 pretty complicated in that respect. And it would be
10 very helpful if some of those issues could be worked
11 out a little bit.

12 Fourthly, we need more interaction with
13 the parole officers upon release. Often they have a
14 home plan, they do have parole officers but at times
15 we kind of feel that once the woman arrives at Mercy
16 Center and we're there and we provide services,
17 they're just glad -- would you -- okay. And then
18 there is not as much interaction as should be with
19 the parole officer. So we need a lot of close
20 contact, interaction, communication so that we can
21 be assured that her home plan is followed carefully
22 and appropriately.

23 Because honestly, we've not had a lot of
24 success, the women that we've accepted, two of the

1 three after about two weeks just said, I don't want
2 to be at Mercy Center any more and they're gone.
3 And so the effectiveness of Mercy Center -- and they
4 can stay for up to a year to really get their lives
5 back together to meet goals and objectives. So
6 there needs to be, I believe, some more standards,
7 some more support on that end to assist us in
8 working with the woman.

9 And that even includes costs of urinalysis
10 for DNA, for women who are experiencing recovery
11 issues, DNA issues. Because again, all of those
12 drug tests are very expensive and we, again, are the
13 ones as an agency that are dealing with all of those
14 costs. And very often women coming out of prison
15 have little or no money. And so again, the agency
16 is the one that's put in a very complex financial
17 situation to try to deal with a woman who has a lot
18 of special needs, possibly her children who have
19 many many needs, and then the financial burden that
20 comes with all of that.

21 So those are the things that I see are
22 really critical that need to be worked through in
23 order to facilitate more easily access to housing,
24 and appropriate housing, and program when a woman

1 leaves a correctional institute.

2 The other issue specifically is the DNA
3 issue. And very often when we indicate to a woman,
4 how long have you been clean and dry, she will say,
5 well, I've been in prison for 12 months so I'm clean
6 and dry 12 months. But anyone who works with DNA
7 individuals knows that just because they haven't had
8 the drugs or the alcohol doesn't mean they're in
9 recovery either. And so we are not a DNA facility
10 per se, we will take women after they have been in
11 residential treatment, but just to assume that
12 because they've been in prison they're getting
13 treatment is not necessarily true.

14 So I would say that would be critical on
15 the end of the correctional institute that they
16 really have some good programming in place for DNA
17 treatment, so that a woman is really ready to move
18 in to the next step, housing, when she leaves.

19 And I'm open to questions that you might
20 have.

21 REPRESENTATIVE BIRMELIN: Do you have time
22 to answer?

23 MS. DONZE: Absolutely.

24 REPRESENTATIVE BIRMELIN: Let me ask you a

1 few and then the other members can follow.

2 First question I have is, where is your
3 center located?

4 MS. DONZE: It's located in Erie, in the
5 City of Erie. Within the city limits, yes.

6 REPRESENTATIVE BIRMELIN: And you only
7 have one facility?

8 MS. DONZE: We have one facility, it has
9 13 bedrooms. So we can accommodate up to 13 women
10 and all of their children at one time.

11 REPRESENTATIVE BIRMELIN: Their children
12 would be in the same bedroom with them?

13 MS. DONZE: Depends on how many children
14 they have. If they have one or two children
15 generally the children are in the bedroom. But we
16 have women who come with four and five children so
17 then they need to take two bedrooms.

18 REPRESENTATIVE BIRMELIN: You indicated
19 you provide transitional housing for women and
20 children. Are these women in your facility as a
21 part of their parole agreement, or are they free to
22 come and go?

23 MS. DONZE: We are very clear at our
24 agency that we want women to come because they want

1 to come. And often with this kind of a situation
2 they will agree to anything because it's their, it's
3 their next step. So when we, and that's why a
4 one-on-one interview is really critical. In fact,
5 we do two interviews because we want to see what
6 kind of follow up and how motivated they really are.

7 So this kind of process really waters our
8 intake process down. We come to them, they don't
9 have to keep an appointment, arrive on time, any of
10 those kind of things that we're determining with
11 other women from the community. They do come and go
12 as they please unless there is a specific designated
13 plan by the parole officer that they're on house
14 arrest, or that they may not leave our facility
15 except during particular times, whathave you.

16 We do not have staffing at Mercy Center
17 that can allow us to accompany women to various
18 appointments, whathave you. So if they need 24-hour
19 supervision Mercy Center is not the facility that
20 can really provide adequately for that individual.

21 REPRESENTATIVE BIRMELIN: These women, I
22 assume, come from all over the state since we only
23 have two women's prisons, and they're either here or
24 in Muncy. So you probably get a lot of women who

1 don't live, or hadn't lived previously to being in
2 prison, in this area?

3 MS. DONZE: That's correct. But also you
4 need to understand that generally speaking 70 to 80,
5 maybe 90 percent, are truly homeless women in the
6 City of Erie. So we are not designed to take women
7 prisoners. That was not our original focus or goal.
8 We have accommodated them because they are as
9 homeless as everyone else and there aren't
10 alternatives.

11 So our primary target population is
12 homeless women coming from emergency shelters in our
13 facility, coming from drug and alcohol treatment
14 facilities, coming maybe from a hospital, and they
15 don't have anywhere. Because we're really not
16 designed as a follow up for correctional
17 institutions, that is not our primary target.

18 REPRESENTATIVE BIRMELIN: As you indicated
19 earlier you kind of fell in to it.

20 MS. DONZE: Right. We do it because we
21 feel, well, our commitment is to women and children.
22 And so often we do understand and feel that these
23 women are as worthy as other women, and sometimes
24 we'll even get calls from maybe the psychiatrist at

1 the institution saying, I have a woman and I really
2 think, we don't have another alternative, there is
3 not a home plan for her, would you possibly consider
4 accepting her in to your facility.

5 REPRESENTATIVE BIRMELIN: Is your facility
6 an organization or --

7 MS. DONZE: Actually we are founded and
8 sponsored by The Sisters of Mercy of Erie, but there
9 are real clear delineations. We have our own
10 501(C)3 and nonprofit status so there is no pressure
11 on the part of any individual to participate.

12 REPRESENTATIVE BIRMELIN: Last question I
13 have for you is, you had indicated you need more
14 money to do your job adequately. Are you currently
15 a recipient of any state reimbursements for the
16 people you take in?

17 MS. DONZE: Not from any correctional
18 institution.

19 REPRESENTATIVE BIRMELIN: Any?

20 MS. DONZE: We have some contracted
21 services, mental health, mental retardation,
22 emergency shelter grant kinds of contracts, yes,
23 sir.

24 REPRESENTATIVE BIRMELIN: I'd like to give

1 the members of the committee an opportunity to ask
2 questions. Representative Jones.

3 REPRESENTATIVE BEBKO-JONES: Thank you,
4 Mr. Chairman.

5 First of you, it's very nice to have you
6 here this afternoon. And I guess one of the
7 questions and the concerns that I have, when the
8 Mercy Center for Women first got organized and got
9 going it was truly for women who were homeless. And
10 now you're in a position where you're taking women
11 for all different sorts of reasons. Now, is it the
12 women here that are inmates, do they know about you
13 just through word of mouth and you start getting the
14 letters, am I correct?

15 MS. DONZE: Yes. There is also a Sister
16 of Mercy that's the chaplain in this particular
17 institution.

18 REPRESENTATIVE BEBKO-JONES: Now, when you
19 take women who have been incarcerated along with a
20 combination of women that are homeless with
21 children, do you also take women who have no
22 children, am I correct?

23 MS. DONZE: Correct, we also take single
24 women.

1 REPRESENTATIVE BEBKO-JONES: How do you
2 provide all of those needs for all of those
3 different kinds of women that you are receiving?
4 And I guess the second question to that is, you
5 don't receive any funding, I know a lot of fund
6 raising, you know, goes on to keep the Mercy Center
7 going. When an inmate from Cambridge Springs truly
8 wants to come to your place because they've heard of
9 it and you make that decision, you receive no
10 reimbursements, or does that inmate also have to
11 have approval from the superintendent of this
12 institution when they leave because they do have to
13 have a plan when they leave? If they have no family
14 members, no one, then you're it, is that who they
15 choose to go to?

16 MS. DONZE: Often, or sometimes they're
17 not permitted to return to family. In other words,
18 they may have family but family is not the positive
19 influence that they need in order to continue the
20 change in their lives. So there are other family
21 members out there, but that's just not an approved
22 site for them to go to.

23 REPRESENTATIVE BEBKO-JONES: But the
24 inmates that you do accept, and I'm assuming they

1 all have restrictions like, especially the DNA ones
2 where they have to attend AA meetings, your agency
3 is certainly not equipped to take them to their
4 meetings, but you do provide that service, don't
5 you, within your agency?

6 MS. DONZE: Yes, we do. And my answer,
7 how do we provide for all these different
8 populations? Well, our primary focus is the dignity
9 of each woman, and we try to take each person's
10 unique situation and deal with it as best we can.
11 And our staff is stretched pretty thin.

12 The transportation part is very difficult.
13 Now, if a woman has a court hearing generally her
14 advocate wants to be with her at that hearing and so
15 that's not an issue. But when we require 90 and 90,
16 90 meetings in 90 days, it is really impossible for
17 our staff to provide transportation, or to actually
18 guarantee that that particular woman is attending
19 the meeting that she claims she is attending.

20 If we at some point have a question and we
21 have, again, with the women coming out of
22 incarceration, we try to follow very very closely.
23 And if we get word that she's supposed to be at a
24 meeting and not at a meeting, I've even gone,

1 dropped everyone to go to a meeting to see if she
2 showed up at that meeting and say, okay, you're
3 supposed to be at a meeting and you're not
4 attending, then we'll put you on house arrest, or
5 whatever the consequence is, if you really want to
6 work with us.

7 So we try very hard to manage -- that's
8 why I'm saying we need really very very close
9 communication with the PO. So that we're not
10 responsible for all of that follow up, but, in fact,
11 there are other people in her life that are working
12 with us in collaboration with us to make that
13 effective.

14 REPRESENTATIVE BEBKO-JONES: Now, you
15 don't have that communication at present?

16 MS. DONZE: Well, we have some, and again
17 some are very good, other times --

18 REPRESENTATIVE BEBKO-JONES: Do our court
19 systems refer some of these women directly to you.
20 If they, I've talked to several of your judges who
21 have indicated to me that if they could they would,
22 they would rather see some of these women with DNA
23 problems coming to facilities like yourself or the
24 community house rather than be incarcerated.

1 MS. DONZE: Correct.

2 REPRESENTATIVE BEBKO-JONES: Are they
3 referring any of these women to you now?

4 MS. DONZE: Yes, they are.

5 REPRESENTATIVE BEBKO-JONES: And how are
6 you being reimbursed for these women?

7 MS. DONZE: We're not, no. If we accept a
8 woman, and we have, again, we've accepted a woman in
9 lieu of prison. It was either, you have two,
10 options, you can go to Mercy Center if they'll
11 accept you, or you can go to Muncy. If we accept
12 that woman we do not receive any money from anyone
13 other than she applies for public assistance and
14 then we work out a budget with her as to what she
15 needs to pay for residency fees.

16 And I again, you know, objectively
17 speaking as the director of an agency that's really
18 struggling financially, it would be wonderful
19 because if we say no then the state is certainly
20 taking the burden of the costs for that individual.
21 And when we say, yes, it's like, great, thank you
22 very much. But there isn't anything. So if there
23 was some funding available to assist that would be
24 helpful.

1 REPRESENTATIVE BEBKO-JONES: Thank you.

2 REPRESENTATIVE BIRMELIN: Representative
3 Manderino.

4 REPRESENTATIVE MANDERINO: Thank you, and
5 thank you for coming. Sometimes it's hard when
6 you're the first presenter to put things in
7 perspective, so after having listened to the
8 questions from Representative Birmelin and
9 Bebko-Jones let me make sure I understand it
10 correctly.

11 Mercy Center for Women is an Erie based
12 transitional program, 13 beds or 13 rooms at any one
13 given time, and at one point during your testimony
14 you said a vast majority of the folks who are using
15 those beds and your facility have nothing to do with
16 the correctional systems?

17 MS. DONZE: That's right.

18 REPRESENTATIVE MANDERINO: But on
19 occasion, and it sounds like with increasing demand,
20 your services are being requested as a transition
21 from incarceration?

22 MS. DONZE: We could probably almost fill
23 our facility with transitional women if we wanted
24 to.

1 REPRESENTATIVE MANDERINO: That kind of
2 led me to exactly where I am. You've expressed
3 concerns about here's how community based
4 organization is trying to deal with part of the
5 follow up problems from women from incarceration.
6 But at the same time you've highlighted the fact
7 that maybe for a lot of these women it's probably
8 true, quite frankly, for some men too, but women
9 with children the kind of services that you're
10 providing are transitional services that maybe the
11 prison system should be thinking of, whether they're
12 in the context of Mercy or not. Or as an
13 alternative we have boot camps for men, we do have
14 an alternative sentencing within our correctional
15 system that is a correctional function, but
16 obviously at least up in this section of the state
17 it's either not available because you're becoming
18 the alternative, you get requests to be the
19 alternative program for an alternative to
20 incarceration, but you're doing that solely as a
21 public charity function?

22 MS. DONZE: Okay, yes.

23 REPRESENTATIVE MANDERINO: I got the
24 picture, thank you.

1 REPRESENTATIVE BIRMELIN: Chief Counsel
2 Preski.

3 CHIEF COUNSEL PRESKI: Just two questions,
4 MS. DONZE. You talked about the things you would
5 want to see from the inmates that you get from the
6 correctional facilities. You think there is lacking
7 of certain programming, I think. We're going to
8 hear on Wednesday from those in charge of the
9 Department of Corrections. What would you have us
10 ask them that they either do better, or that they do
11 now, or that they start doing that they don't do
12 now?

13 MS. DONZE: I'd have to be honest and say
14 I'm not real familiar with all of the programming,
15 so I might be very critical of what they are doing
16 or are not doing because I'm not aware.

17 I think definitely the DNA treatment is
18 absolutely a necessity. I mean, I don't think there
19 is any woman that if she is incarcerated and also an
20 addict coming in, or an alcoholic coming in, does
21 not need extensive assistance in treatment. So that
22 would be number one priority for me, for those
23 particular women.

24 I don't know what they do in terms of

1 parenting, that's a critical issue for most women
2 that we see. And not only women coming out of the
3 criminal justice systems, women, period. So
4 parenting skills.

5 Self esteem for most of these women is
6 truly truly at the bottom, and we do a lot of work
7 in that area. But again, anything else that is done
8 prior to us receiving that person is wonderful.

9 Relationships are the other huge issue
10 that we see a very difficult time with. A woman
11 will come and she has a relationship with a male
12 that's influential, she may not stay very long at
13 all. If there is pressure from that individual to
14 do, to come to, he's going to take care of her, he's
15 going to provide this, he's going to do this. So I
16 think -- and again the abuse issues, there isn't, or
17 there is rarely a woman that we receive that has not
18 had some kind of abuse in her lifetime. So we try
19 very hard to deal with those issues in professional
20 counseling.

21 I don't know, again, how accessible it is
22 to women, but almost every woman that comes to Mercy
23 Center needs professional mental health counseling.
24 And again, anything that she would receive while

1 incarcerated would certainly assist her in dealing
2 with issues so that her achievements or goals when
3 she leaves is much quicker, more productive, that
4 type of thing.

5 CHIEF COUNSEL PRESKI: That leads in to my
6 next question then. You talked about increased
7 communication with parole officers. Do you have any
8 communication with those that are coming out of
9 correctional facilities with those who had overseen
10 them before to find out what they did have or didn't
11 have while they were incarcerated?

12 MS. DONZE: We get some information. And
13 I think, depending on what we request, I've had many
14 conversations with the psychiatrist here at
15 Cambridge Springs and I've been pleased. I mean,
16 she's been very very good and very honest about
17 answering questions, all of those type of things.

18 In terms of the exact programming a woman
19 receives, probably that's coming visibly from the
20 woman herself who has participated in programs and
21 knows there is options as to what they do and choose
22 to do and want to do while they're here.

23 CHIEF COUNSEL PRESKI: Thank you.

24 REPRESENTATIVE BIRMELIN: Representative

1 Walko.

2 REPRESENTATIVE WALKO: No, thank you,
3 Chairman.

4 REPRESENTATIVE BIRMELIN: Representative
5 Josephs.

6 REPRESENTATIVE JOSEPHS: I don't have a
7 question but what I want to do, I was at a seminar
8 about women prisoners that was given at a
9 Legislative Exchange, I think. And somebody got up
10 and started to talk about the profile of the typical
11 woman prisoner, and when she finished there was this
12 kind of quiet in the room because it was a terrible
13 profile for someone that never really got anything
14 in life except for abuse and lack of attention.

15 And there was a little silence and in the
16 back of the room a woman stood up, she was like
17 visibly upset and she said, that's exactly the same
18 profile that we get in our shelter for battered
19 women, it's the same woman. And that was very sad
20 actually.

21 I don't have a question now, but I commend
22 you for the service to this community and to all our
23 communities. I'm happy to have met you and I may
24 have some questions and I'll get in touch with you,

1 and all of us will.

2 REPRESENTATIVE BIRMELIN: Thank you,
3 Ms. Donze.

4 MS. DONZE: Thank you.

5 REPRESENTATIVE BIRMELIN: Gerald Weaber
6 and Michael Clate are here from the Pennsylvania
7 Prison Society.

8 If you would identify yourselves for the
9 court reporter as well as Pennsylvania Cable
10 Network.

11 Mr. Clate, I believe you were at a hearing
12 in Pennsylvania a few months ago that I attended.
13 You're not one of the prisoners, I'll point that out
14 for the public. We welcome your presence here
15 today.

16 I would ask you to make sure that your
17 comments are cogent, to the point, and if you would
18 submit to a few questions if the panel has any.

19 MR. WEABER: Appreciate the committee
20 hosting these hearings. My name is Gerald Weaber
21 and I serve as the director of the Pennsylvania
22 Prison Society. And I'd like to introduce Michael
23 Clate who is the executive director of Hospitality
24 House in Pittsburgh.

1 One of the things we're here today to try
2 to dramatize is the need for mothers who are
3 incarcerated here at Cambridge Springs and also at
4 the State Correctional Facility to be able to be
5 nearer and closer to their families.

6 One of the problems, Ms. Manderino knows
7 is because she comes from the Philadelphia area, is
8 the distance that one has to travel to come to
9 Cambridge Springs. And Michael Clate's program in
10 Pittsburgh is a place that many families who have a
11 mother or a daughter that's incarcerated at
12 Cambridge Springs that they call home, a home away
13 from home.

14 And it's a place where people can stay,
15 they can break up the trip. There was a bus that
16 came in, it's a small van rather, that came in at
17 3:30 in the morning on Saturday, they had taken a
18 six-hour trip from Philadelphia with young children,
19 they came to Pittsburgh Hospitality House where they
20 were able to take some time to themselves, get
21 washed, have something warm to eat and rest up
22 before they made the journey for another several
23 hours for this mother. And that's one of the things
24 that we want to be mindful of in the future as we

1 build correctional facilities. We want to make sure
2 that we are not only attending to the public safety
3 needs of the Commonwealth, but also the needs and
4 the future healthy development of young children and
5 families. Because for every woman that we have
6 incarcerated in Pennsylvania we're looking at as
7 many as three to five young people that are left
8 behind in the community when mother goes to prison.

9 And I just want to give some background to
10 folks who may not be familiar with the Pennsylvania
11 Prison Society. We were established in 1787 in
12 Pennsylvania, just ten years after our nation was
13 created. And we were starting to alleviate the
14 misery of public prison, and today we're dedicated
15 to a statewide advocate for humane, just and
16 restorative correctional system.

17 We also like to try to promote a more
18 rational approach to criminal justice issues. As
19 we've all seen over the past ten years every
20 political campaign is prompted by crime issues, not
21 always to the best interest of the taxpayers or the
22 public safety or the folks who end up in our
23 institutions. So we would like people to be smart
24 on crime and look at the bottom line. And that

1 bottom line usually goes beyond the dollars, we
2 could use them more effectively and efficiently in
3 dealing with the symptoms of crime. And many of you
4 on the committee and subcommittee on crime and
5 corrections understand the interrelated problems of
6 substance abuse and how it affects the lives of the
7 women that are in this institution, and also their
8 families.

9 According to the Women's Rights Watch
10 Project the United States has the dubious honor of
11 incarcerating the most number of people in the
12 world. The number of women in prison has increased
13 by over 400 percent the increase in incarceration
14 rates of men. 52 percent of these prisoners are
15 African-American women across the country. And they
16 only represent 14 percent of the population. We see
17 a very high disproportionate number of
18 African-American women in our prisons.

19 The national crime organization says that
20 this results from the fact that we have really
21 pushed hard on our war on drugs and the judicial
22 decision making which has really resulted in higher
23 mandatory sentences, and us having fewer alternative
24 dispositions to divert women who get involved in

1 drugs and also their sales.

2 While there are many challenges and
3 struggles ahead for both the Commonwealth of
4 Pennsylvania and the Department of Corrections, the
5 department has had some successes over the past
6 decade that should be noted. They've expanded their
7 program services for male and female inmates and
8 their families within adult correctional facilities,
9 and they're not limited just to Muncy, Cambridge
10 Springs, but also Pittsburgh and Graterford to try
11 to deal and attend to some of these that father's
12 have with young children.

13 The establishment of a growing array of
14 community diversion, intermediate punishment
15 programs at the county level have come up with some
16 very good models for effective alternatives to
17 incarceration.

18 The Creation of the Nations first licensed
19 their community within the correctional system with
20 the Wings of Life Program at SCI-Muncy is yet
21 another accomplishment of the Department of
22 Corrections. Their outreach to the community
23 through their speakers bureau, they have the
24 treatment staff and also a program that leave for

1 prisoners who go out to the school and talk to
2 students about their lives.

3 Department of Corrections has also to meet
4 the exceptional daily living needs of persons with
5 mental health concerns, the hearing impaired and
6 also the chronically ill. They've expanded services
7 for elder prisoners, people that are 55 years and
8 older.

9 Pennsylvania like many other states around
10 the country is experiencing three fold increases in
11 the number of people who are growing old and gray
12 within our institutions and their needs and
13 concerns, particularly when it comes to mental
14 health and medical care are growing as are the costs
15 of attending to those needs.

16 The department has also expanded community
17 corrections and track facilities, and Pennsylvania's
18 major urban centers to provide community-based
19 services to halfway back houses, and also to
20 parolees who are in transitional release programs.

21 Recently the collaboration with the office
22 of administration and the Pennsylvania AIDS
23 education training center help to create an HIV
24 standard for prisoners. Another accomplishment has

1 been in many of the correctional industries and
2 vocational training programs, one of which but not
3 limited to SCI, with the computer aided design
4 drafting program where they can take classes so when
5 they leave the institution they have employable
6 skills. And also they could command a marketable
7 wage for their needs and those of their own
8 families.

9 While some of those challenges remain
10 ahead for the Department of Corrections, the
11 Pennsylvania Prison Society is terribly concerned
12 about the fact that the department has retreated in
13 recent years, which had been that every inmate
14 should have an opportunity to be involved in a
15 program of self improvement and to maintain a safe
16 and secure environment for both the incarcerated
17 offender and the staff responsible for them within
18 the State of Pennsylvania.

19 As I said earlier, we're justly concerned
20 about the by-political readers that appear to have
21 correctional personnel within the department as a
22 license for very mean spirited action against
23 inmates within our prison. We must be ever mindful
24 of the guiding principles under our American system

1 of justice as punishment, not to be punished while
2 in prison, and we're very concerned that the talk
3 has indeed translated to very mean spirited actions
4 where officers, and not on the whole but there are
5 those who take these opportunities to torment and
6 humiliate, not only the folks inside but the
7 families that come to visit.

8 And that this is quite regrettable because
9 there are many professionals who perform their
10 duties and they've been maligned by public
11 skepticism borne out by the actions of misguided DOC
12 employees who through ignorance and personal
13 prejudice have criminal contact, have really
14 tormented and terrorized many men and women in the
15 state.

16 While public confidence has been shaken in
17 the '90s while the allegations and subsequent
18 convictions of staff for sexual assault of female
19 prisoners, the 1995 disturbance at SCI -- and claims
20 of and the reports by persons and mostly prisoners
21 that they are the subject of, the promulgation of an
22 institutional placement policy that internally
23 assigned newly committed prisoners to institutions
24 furthest from their homes where their families are.

1 The building of prisons in remote areas of
2 the state has made regular family visits burdensome
3 and unaffordable for children with a mother or
4 father in prison and reports by the office of the
5 auditor general. Misappropriation of monies by the
6 staff of inmate general welfare over a number of
7 years have undermined and taken the confidence that
8 both prisoners and the public have in the
9 operations.

10 Commissioner Horne has gone a long way in
11 correcting many of these, these did not all happen
12 on his watch. They have been problems over many
13 years and several decades. But one of the concerns
14 that we had and we'd like to bring to the
15 legislature is to look at the findings that Barbara
16 Hafer, the former auditor general, had brought in
17 many of the audits of the state correctional
18 institutions that the legislature had been reluctant
19 to implement and to fund. And those recommendations
20 I have before you in writing and most of those deal
21 with expanding educational programs and establishing
22 training and other programs to prepare inmates for
23 meaningful employment when released and increase the
24 number of the repeat offenders. She went on to say

1 that pursuing the enactment, that would allow prison
2 inmates to remain educational and other special
3 achievements, to earn reductions in sentences
4 consistent with the wellbeing of society, talking
5 about an earned time provision which has much
6 support on the county corrections level. And also
7 evaluating alternative forms of incarceration for
8 persons committed for non violent crimes which are
9 consistent with the wellbeing of our society and
10 that would provide for our public safety.

11 The prison society is interested in
12 furthering a constructive, as is this committee, and
13 the legislature is, and some of the recommendations
14 that we have and I'll just highlight, and there is
15 some questions that you could ask if those are of
16 particular note.

17 But the Pennsylvania Prison Society feels
18 very strongly that an office to improve
19 communication between the Department of Corrections,
20 prisoners and family members in the community. We
21 need to adopt a system similar to that of New Jersey
22 and other states whereby families can be contacted
23 if concerned about a loved one in prison to learn
24 about medical care and treatment and discipline. To

1 confirm or deny a rumor about conditions or
2 treatment affecting inmates, and to coordinate
3 caregiving arrangements for children with a parent
4 in prison.

5 We also encourage passage of a current
6 Senate bill, 652, which would authorize the
7 Citizens' Advisory Council to the Department of
8 Corrections. In that we would provide for the
9 review and comment to the department on the
10 legislature rules and regulations promulgated by
11 the -- it would also provide for an 11-member
12 council to oversee and investigate individual
13 concerns, and those that may have systemic influence
14 on the treatment and wellbeing of, and also review
15 existing programs of care, training and
16 rehabilitation.

17 What I'd like to do for a moment is just
18 give you some background on some of those attending
19 problems that men and women as mothers and fathers
20 have when they do go to prison.

21 I introduced Michael Clate from Pittsburgh
22 Hospitality House from his position as executive
23 director and a home away from home that he operates
24 in Pittsburgh. Michael.

1 MR. CLATE: Thank you.

2 Some of you have heard me talk about what
3 some families go through. And, of course, by those
4 of you traveling to Cambridge Springs today probably
5 most of you had vehicles, but for the most part the
6 population that we deal with over at Pittsburgh
7 Hospitality House doesn't have a car. Can't afford
8 to get a car. And on the average it's -- since
9 we're dealing with a younger inmate we also have the
10 younger woman and the younger children coming to the
11 house.

12 The average family or mother will probably
13 spend about a hundred dollars to go to Pittsburgh at
14 least and then that doesn't count local
15 transportation costs or taking the bus to get over
16 to western. To come up here to Cambridge Springs,
17 okay, and considering there is no bus up here, by
18 the way, the last bus out of this way is 3:05 this
19 afternoon, which I'm not going to make, but, okay --
20 there is no good transportation in most of these
21 communities that have state prison, from cities like
22 Philadelphia.

23 What happens is the person doesn't want to
24 come. It already takes enough now for that family

1 to go through the tension to find the childcare or
2 somebody to take care of the child. There is all
3 the luggage that that family is also bringing along
4 with them that is sort of unseen. To put that on,
5 so when you have that going on, to put the fact
6 that, putting these prisons in isolated remote areas
7 really hurts. We can get maybe two van loads of
8 people up here a month at best through the United
9 Way Agency.

10 I think one of the things that you should
11 take note, too, and I've noticed this recently, is
12 about children. We talk a lot about children at
13 risk. In Pittsburgh we may have a lot of programs
14 about dealing with inner city children at risk, but
15 what about the children at risk due to the
16 separation of a parent. At Pittsburgh Hospitality
17 House we see firsthand how that family reacts, or
18 how that child reacts when they come back from
19 prison. They can't tell me where to go. But what
20 they can do is tear up the toy room in the house,
21 pull down fire alarms, who knows what they do.
22 Children who -- parents tell me about acting out as
23 a child. So the point being is that the families
24 right now are very angry. They're very angry. And

1 I think that we should look at, they're afraid to
2 call you folks, they're afraid to call you in the
3 department. The department does take complaints,
4 yes, they do. But that's just the tip of the
5 iceberg. I just think that more consideration, when
6 I look at that mission statement for the Department
7 of Corrections, it says something about families in
8 there, maybe we can get a copy of it. From their
9 standpoint they would really love that we would all
10 maybe just pay a little bit more attention to that
11 mission statement, and provide opportunities for
12 these women, children up here, here you've got a
13 different thing, you have women taking care of other
14 folks kids, parenting style differences, all that is
15 going on. That's the best I can tell you.

16 You know, come down to Pittsburgh
17 Hospitality House, take a look, talk to the people.
18 Because they are very angry. 34 percent of the
19 population in Pittsburgh at the institution is from
20 Philadelphia. And so they would love to be able to
21 put a voice, but they can't do it in a letter. And
22 that's on top of the anger they have after dealing
23 with the incarceration.

24 MR. WEABER: And those kinds of issues

1 that we're dealing with, when a mother comes to a
2 prison to visit a father, or a family member comes
3 to visit an institution and there is a corrections
4 officer who greets them, there is a young child
5 present, and they use foul language, they berate
6 them, they treat them less than^{than} what they deserve.
7 What we're telling another generation is that there
8 is no respect for people of color, or people who
9 have another family member in prison. And those
10 kinds of messages live on and take on lives of their
11 own. And what we really need to be about is having
12 people respect authority. And we really need to be
13 able to have correctional systems, and for the most
14 part the correctional system does run properly, but
15 there are people who abuse their authority, they
16 abuse the privilege of having custody over someone
17 else and they go too far.

18 And you really need to be able to have
19 systems in place that men and women can grieve the
20 kinds of actions that have been taken against them.

21 One of the things we really believe
22 strongly is that Pennsylvania needs to follow the
23 work that's being done currently in New York and
24 Maryland. To look and try to develop legislation

1 that would provide for a felony, if a corrections
2 officer or other staff member engages in sexual
3 conduct with somebody who's under the care and
4 custody of the Department of Corrections. We would
5 like to see passage of legislation to make sexual
6 relations a felony. As I said, particularly with
7 women. They're very vulnerable. There is often as
8 element of exchange in any sexual encounter and it
9 could appear to be of consensual nature and
10 therefore the scope sometimes makes it very
11 difficult to rigorously prosecute. And in turn make
12 sure that there is a deterrent that other
13 correctional employees would not he engage in such
14 behavior.

15 Women at SCI-Muncy and Cambridge Springs
16 need to be educated about the policies and laws when
17 they report allegations of criminal sexual conduct,
18 and likewise, correctional employees need formal
19 training on what behavior constitutes sexual conduct
20 and penalties. In addition, there is some things
21 that we can do to help families today that really
22 would be welcomed by a number of different public
23 and private partnerships. Maybe demonstrate the
24 legislative's initiative of treatment to deal, the

1 institute's willingness to help mothers with
2 children in prison. And also give some of the
3 corporations who have their hands on leading edge
4 technology to try to bring families who are
5 separated by great distance together. And by that I
6 mean establishing a video conference center at
7 SCI-Cambridge Springs and Muncy to afford children
8 of all ages to communicate with their moms on a
9 regular basis for emotional support, guidance and
10 crisis intervention.

11 When I was at the last correctional
12 hearing I met someone from Maritech and we were
13 talking about how their corporation might be able to
14 either provide in kind or reduced satellite
15 communication links for the department in
16 Philadelphia or some other city, Scranton or
17 Harrisburg, those a distance from Cambridge Springs,
18 could offer their services to be able to bring a
19 child down to that studio and have them sit there
20 with their caregiver, which is usually an aunt or a
21 grandmother, and deal with some of the attending
22 problems that they might have at school or at home
23 with a sibling or here, and involve mother as a
24 decision maker in the household as things happen.

1 A young girl, a teenager, is pregnant and
2 is dealing with those adjustments. Mother needs to
3 be involved in those decisions affecting her and her
4 family. This would be one way, not a very costly
5 way, but a very proactive, pro family initiative
6 that we could take on today to try to link families
7 who are separated by great distances.

8 We understand the department has made very
9 good faith efforts in saving correctional
10 institutions in and around urban centers. It's a
11 very difficult task to do. Very few communities
12 want a prison except those where jobs are needed
13 desperately. But we need to work together to try to
14 fashion those programs and those approaches that are
15 going to help yet another generation not succumb to
16 delinquency because of who are breaking laws today.
17 But we're not proactively preventing the problems
18 that are going to exist in the next generation.

19 We would look quite foolish to our
20 children in the next 20 years in terms of some of
21 the others things we could do, we could increase the
22 contracts to private nonprofit organizations,
23 provide transportation assistance from the Eastern
24 District to the Western and from the west to the

1 east to try to bring families together who have a
2 parent in prison.

3 The Commonwealth has a vested interest in
4 helping prisoners to maintain family ties. Many
5 superintendents will tell you that the tension in
6 prison is greatly reduced by having regular family
7 visitation, and that's very difficult in
8 institutions like Mercer, Somerset, SCI-Muncy and
9 Cambridge Springs. Also, most of the folks who are
10 in our prison are coming home and they benefit from
11 having those close family ties maintained over a
12 number of years because the family is the best
13 support system we know to help a person find success
14 in the first 18 months after their release.

15 If we're not successful in helping people
16 find employment, get hooked in to treatment
17 programs, 12-step prevention programs, and in to
18 adult education and enrichment programs during those
19 first 18 months the likelihood is they're going to
20 be coming back and costing the State of Pennsylvania
21 over \$30,000 each year.

22 So there are many more cost effective and
23 efficient ways for us to do the business of
24 corrections.

1 Other things that we could do is provide
2 life sentence prisoners with opportunities for
3 vocational training throughout their term of
4 incarceration to productive and contributing members
5 of their community while they're in the institution.
6 We can in our institution, literally, GED programs,
7 a lot of people -- there has been a real crunch in
8 dollars, the custody side of corrections has really
9 taken the lion's share of the dollar and we really
10 need to have an even balance between care and
11 custody because you can protect communities today,
12 but when people are released if we have not prepared
13 people to make a successful transition back in to
14 the community we've done only half our job.

15 The Pennsylvania Prison Society would like
16 the department to rescind the institutional
17 placement policy that assigned prisoners to
18 institutions furthest from their home. We would
19 like to see, whenever possible, that people are in
20 their region so their families can visit, where they
21 can maintain their ties. We'd like to be able to
22 find SCI-Muncy the money to be able to move the
23 administration and disciplinary housing now to where
24 they are outside of the fences to inside the setting

1 so that they're close to the regular housing units.
2 We believe that having administrative and
3 disciplinary housing units far from the main prison
4 in the eyes and ears of the world can often be ripe
5 for abuse and neglect of women.

6 At this time we'd like to open up for any
7 questions, Mr. Chairman, regarding some of the ideas
8 we've presented.

9 REPRESENTATIVE BIRMELIN: Thank you,
10 gentlemen. You didn't come empty handed.

11 You made a lot of suggestions here. There
12 were three in particular which I am somewhat
13 interested in, if I could. I heard of them or the
14 light in which you presented them, if I could
15 comment about them briefly. You asked that the acts
16 of sexual relationships between a correctional
17 employee and one of the prisoners be considered to
18 be a felony. What is it now, do you know?

19 MR. WEABER: It would vary. It could be a
20 sexual assault statute or really depend --

21 REPRESENTATIVE BIRMELIN: You're saying
22 that any sexual contact should be a felony, is that
23 what you're suggesting?

24 MR. WEABER: We would ask the legislature

1 to consider that. There are a number of different
2 groups, the National Women's Law Center in
3 Washington has done a review of 22 states that
4 define sexual misconduct in prison as felonies, six
5 of those as misdemeanors and three over states and
6 the federal government have varying degrees. I
7 think some research needs to be done as to what
8 would be the best course that would provide for a
9 deterrent.

10 REPRESENTATIVE BIRMELIN: My first thought
11 is if you're going to make something that happens in
12 the prison system a more serious offense than when
13 it happens in the street you're running right in to
14 the US Constitution head on. You may have a problem
15 with that. Not that I don't agree with that, you
16 probably could and should have a tougher policy.
17 But if you're going to treat a potential offender
18 differently because he or she happened to be a
19 correctional officer I think you're going to run in
20 to constitutional problems. I haven't done any
21 research on this but that's my first thought. And
22 while I would agree that no sexual relationships
23 would ever happen between a correctional officer and
24 inmate, I just wonder if you could do that and have

1 it withstand constitutionally. Because in a
2 litigious society, knowing what their rights are,
3 you may run in to some real problems with
4 correctional officers on a constitutional basis, and
5 they may have a valid attack on that kind of a
6 concept.

7 MR. WEABER: I understand. And I was, in
8 another life about 20 years ago and I went through
9 the Department of Corrections training and they told
10 us that we were held to a higher level of
11 accountability because we had a position of trust, a
12 position of public trust. And that the people under
13 our care and custody were directly affected by what
14 we did.

15 So in that regard I'm sure that we could
16 draft some legislation that would both respect the
17 rights of corrections officers and make an effective
18 deterrent so that there would not be cases of sexual
19 assault committed against prisoners.

20 REPRESENTATIVE BIRMELIN: I'm going to ask
21 Chief Counsel Preski to look in to that particular
22 aspect of your testimony, that recommendation.

23 The second area that I was drawn to is of
24 some notoriety is the office of -- you indicated

1 that the State of New Jersey has something along
2 those lines apparently.

3 MR. WEABER: For over 20 years they've had
4 state funding, commissioner in New Jersey has a man
5 on his staff that are dispatched within regions to
6 find out and try to deal with some of the more
7 serious problems dealing with family members that
8 are in prison. And what he's found is that really
9 quells the kinds of tensions within the institution,
10 rumors do not grow, and the kinds of problems that
11 we deal with would be a family member who's in the
12 community that is unclear about a suicide that may
13 have been attempted inside a correctional
14 institution and rumors abound.

15 And it's very important for the community
16 to be well informed, and they found that relations
17 between the Department of Corrections in New Jersey
18 are greatly improved, family members feel better
19 knowing about the wellbeing of a loved one and
20 people inside.

21 REPRESENTATIVE BIRMELIN: We apparently
22 have some familiarity with the New Jersey situation,
23 and while we look in to that I would ask any
24 information you can provide to this committee on

1 either New Jersey or any other state because I
2 think --

3 The third concept that I found interesting
4 in your testimony was video conferencing. I can
5 understand and appreciate how it is really important
6 for parents to keep in touch with their kids,
7 although they don't do it very well when they're in
8 prison. Something of this nature might be an
9 alternative that might help. Certainly not a
10 solution, but there may be a way of keeping in
11 touch. Especially as you've indicated, people are
12 in prison 300, 400 miles away from their families.

13 Video conferencing is a real growing area
14 of communications. We have, obviously, educational
15 courses that are throughout the globe. And in
16 particular I'm familiar with a little hospital in my
17 own area that video conferences with a major
18 university across the country and the doctors talk
19 to each other. And it's very very helpful to a
20 small rural community hospital. It has improved
21 their ability to do their job much better.

22 The details I couldn't figure out, I'm not
23 a technical person, but the concept interests me.
24 And I'm wondering if you're aware of any other

1 states that provide this at this time and how they
2 do it?

3 MR. WEABER: I could find out. I don't
4 know of any models, but I could get back to you.

5 REPRESENTATIVE BIRMELIN: At this time I'd
6 like to introduce two other members of the committee
7 who are here. Our esteemed chairman, Representative
8 Gannon, from Delaware County here with us. And
9 another person to my far right is Representative
10 Harold James from Philadelphia County. And I will
11 come back to you because I know you just joined us.

12 And I would ask Representative Josephs if
13 she has any questions.

14 REPRESENTATIVE JOSEPHS: Yes, I do. Thank
15 you, Mr. Chairman. And thank you for being here.

16 We're talking a lot about families and how
17 important it is to keep them, usually the mother in
18 contact in some way with their children. From the
19 point of view of somebody who lives with the
20 children of many of these parents, what is the
21 likelihood that these children who don't see their
22 mother for long periods of time are going to get in
23 to some kind of trouble with the juvenile justice
24 authorities, or maybe with adult justice authorities

1 when they get older, what is the probability of
2 that, if you know, over children who don't have that
3 experience?

4 MR. WEABER: The correctional institution
5 in Bedford Hills in New York, maybe you have heard
6 about, has a very premier program in providing for
7 children who stay up to a year when they are born
8 within the prison walls. Part of their program says
9 that children are six times more likely to succumb
10 to delinquency if they don't have a nurturing and
11 close relationship with their mother. During the
12 first year that the child is separated from their
13 mother, they often have marked changes in
14 performance at school, at home with their siblings,
15 and also with their other family members.

16 REPRESENTATIVE JOSEPHS: So that even if
17 we didn't care about the wellbeing of this woman
18 prisoner or her family, if we cared about our own
19 wellbeing it would make some sense for us to try and
20 keep this family together, is that a fair
21 conclusion?

22 MR. WEABER: Most certainly. For the
23 wellbeing and also the representor of our future tax
24 dollars.

1 REPRESENTATIVE JOSEPHS: Going to some of
2 the problems that this institution has had with
3 sexual abuse of inmates, I understand there were,
4 have been five serious accusations, four trials,
5 four convictions, and one trial yet to happen.

6 If you know enough about it, I'm sure you
7 do, I don't mean to put you on the spot is why I'm
8 hedging here a little. What kind of things would
9 you recommend in this institution to put a stop to
10 that type of behavior? Aside from raising criminal
11 penalties, which I am not sure really does it,
12 either in the civilian population or in the, any
13 other kind of population. Because to me if you have
14 five serious accusations you have scores of
15 incidents that have not been reported or have, if
16 having been reported have not come out to the public
17 yet.

18 MR. WEABER: I would say certainly the
19 deterrent effect of legislation would help.
20 Additionally, training. And to be fair to the
21 Department of Corrections they have begun
22 implementing the sensitivity training both in
23 dealing with culture and ethnic issues and cross
24 culture relations. And also in terms of staff

1 limitations, the kinds of problems that corrections
2 officers, a male corrections officer would have a
3 female prisoner, are not unlike what many female
4 corrections officers experience within the
5 correctional setting.

6 And to be fair, as I said to the
7 Department of Corrections, I attended the
8 Pennsylvania Prison Wardens meeting and we spent a
9 day on sexual harassment and a look at the world in
10 the day of a prisoner through a female corrections
11 officer's eyes, and the kinds of language that men
12 use, the kind of jokes, the kind of expressions, and
13 what constitutes sexual harassment. So we need to
14 further those training efforts. I think through
15 training and a deterrent and enforcement we could
16 effectively deal with those issues.

17 REPRESENTATIVE JOSEPHS: Well, isn't it
18 true what we're talking about the inmates here and
19 the kinds of -- we've gone very far beyond
20 harassment where we're talking about rape, we're
21 talking about abuse, isn't that true?

22 MR. WEABER: Yes, true. But the model of
23 harassment is if there are professional standards
24 that are set and professional guidelines about

1 behavior you can never get to the point of making an
2 exchange for sexual favors, if that distance as
3 regards to sexual harassment policy, there would
4 never be an opportunity for people to cross those
5 lines. It would ensure the gap of professional
6 conduct in that relationship to prevent such
7 behavior. There is no way to make sure it
8 absolutely doesn't happen. But through training and
9 enforcement you can widen that professional
10 relationship to make sure that it does not happen.

11 REPRESENTATIVE JOSEPHS: One more. Every
12 time I go to a hearing in which Pennsylvania Prison
13 Society or another like group speaks, there is talk
14 about the policy of the department to place people
15 as far from home as possible and to, I heard last
16 week I guess, to move them closer to home depending
17 on their good behavior.

18 In your opinion is this a result of the
19 fact that it's very very difficult to get paroled,
20 it's very difficult to get released on time? We are
21 probably in all likelihood going to make it
22 impossible for people to be sentenced to life to be,
23 to get commutations, we're making it more difficult
24 even than it is now for the parole board to parole

1 anybody.

2 In your opinion, if we would reverse some
3 of these trends, which I believe are based on
4 political considerations and really not on the
5 person, the individual or the inmate who's sitting
6 before us, do you think that the department could
7 reverse its policy on placing people far from home?
8 Do you think they're using that because it's the
9 only management tool that we've really left them?

10 MR. WEABER: I don't know if that's the
11 case, defacto. The prison rules -- and you can't
12 have all the people that live in an urban center,
13 whether they're in Pittsburgh, be in this
14 institution near those urban centers. It's also
15 important that people are going to be in different
16 parts of the state and the fact that they're going
17 to be eventually routed back and earn their way
18 back, that has some merit. But the problems are
19 somebody could lose those ties with their family in
20 three to five years. And if you erase those ties
21 with the family there are so many attending problems
22 that it just isn't worth the idea of having people
23 earn their way back as much as the -- so I guess
24 that's really my perspective.

1 And also, that we seem to be opening the
2 doors to the institution and closing the back door,
3 and we need to be able to find ways to supervise
4 people more effectively and more cost effectively.

5 REPRESENTATIVE JOSEPHS: Thank you.

6 Thank you, Mr. Chairman.

7 REPRESENTATIVE BIRMELIN: Representative
8 Walko.

9 REPRESENTATIVE WALKO: Thank you.

10 Mr. Weaber, what percentage of female
11 prisoners in Pennsylvania are serving time due to
12 drug charges, either to heavy form possession or
13 with intent to deliver?

14 MR. WEABER: I don't have institute
15 figures immediately in front of me, but I know that
16 there are those that have been charged with, I do
17 have figures that 78 percent of the women who are in
18 the institution have either had past experience or
19 current experience with drug abuse. But I don't
20 have the figures on me.

21 REPRESENTATIVE WALKO: Would that be one
22 of the crimes which you would classify as one of the
23 non violent for which --

24 MR. WEABER: I would certainly think that

1 it's more appropriate to treat the addiction than
2 trying to punish somebody when they use, so I would
3 say yes.

4 **REPRESENTATIVE WALKO:** I believe in 1993
5 Pennsylvania Commission on Corrections report headed
6 up, it was a commission headed up by Representative
7 Sweet, recommended serious evaluation of alternative
8 punishments.

9 Now, given that the society does want
10 punishment, what are some good alternatives for
11 whatever number of inmates that might be, what are
12 some good alternative punishment mechanisms which we
13 can show the public, yes, we do have punishment in
14 mind, but we can also show the public, yes, we do
15 recognize the value down the road of those family
16 ties being maintained. We do recognize the value of
17 our prison budgets not being allowed to continue to
18 explode. So would you give me some examples of
19 alternative punishments.

20 **MR. WEABER:** Yeah. The Pennsylvania
21 Council on Punishment has an array of very viable
22 options. I think one of the problems they have is
23 to be able to fund, though, particularly in the
24 most, the most rural, those that aren't closest to

1 the urban centers. They do have home based
2 detention, options for one level of offender.

3 I think secure therapy committees where
4 people can go for a matter of time and learn how to
5 live cooperatively with one another, deal with
6 treatment issues that led to their abuse of drugs or
7 alcohol. And have a reverse program of training and
8 education to make somebody employable and that they
9 can earn a market wage when they leave. There are
10 other programs that are available and Pennsylvania
11 knows about them, the problem is trying to fund
12 them.

13 REPRESENTATIVE WALKO: Now, regarding the
14 punishments, regarding non violent crime, would you
15 go through what you would classify in that category,
16 what you would place in that category?

17 MR. WEABER: There would be a whole list
18 of various crimes. I think that we pretty much
19 align ourselves with what the Federal Bureau of
20 Investigation classifies as a violent crime except
21 when they classified burglary as a violent crime.
22 We don't believe that there is any kind of hostile
23 intent that would feasibly be a violent crime
24 against a person. It is a violent crime against

1 property, however, when a person breaks and enters.

2 REPRESENTATIVE WALKO: With regard to the
3 funding problem you pointed to, is there any
4 statistic which you can point to or studies which
5 would show that that would cost X amount of dollars
6 versus continuing to build more prisons? Has there
7 been a study that you're aware of?

8 MR. WEABER: Edward Park Foundation has a
9 publication that was published in 1993, the Cost of
10 Incarceration in Pennsylvania, and I would make
11 copies of that available to the committee. And that
12 really does make a case for Pennsylvania using what
13 costs would be in 1993, what alternatives are also
14 available, and it comes up with considerable savings
15 depending on the alternative that's used. They're
16 stating that anywhere from 40 to 60 percent, and
17 they're talking 40 to 60 percent of \$30,000 per
18 individual per year.

19 REPRESENTATIVE WALKO: Mr. Weaber, you had
20 alluded to your time provisions, and I don't know if
21 you mentioned that Barbara Hafer had recommended
22 that, or if you just brought it up on your own, but
23 earned time provisions, that's different from
24 parole; is that correct?

1 MR. WEABER: Correct. It would be time
2 earned for good behavior, work and educational
3 achievement.

4 REPRESENTATIVE WALKO: Well, why has there
5 been a legislative directive not to allow earned
6 time for prisoners? Because I would assume that
7 would put a lot more people out of the cells anyway.
8 Why aren't we doing that, in your opinion?

9 MR. WEABER: I think that it's a position
10 that some people would think that someone would not
11 be serving the full time. I think that the public
12 has a very simplistic understanding of the nature of
13 parole, and for somebody to serve all their time is
14 not effective.

15 In terms of public safety it's not
16 effective. In terms of having people come back in
17 to the community after serving their time without
18 having had intervention, training, education. So I
19 think we need to do a better job of letting people
20 know that a variety of parole options, one of them
21 would be an opportunity particularly on the county
22 level for wardens, county wardens throughout the
23 state pretty much feel that they can make
24 determinations based on their staff recommendations

1 about who would be eligible to be released 30 days
2 early because they worked very hard, they've been
3 involved in programs, and that they're just taking
4 up bed space. And it's not effective punishment.
5 Punishment does not have to be long and enduring, it
6 needs to be swift.

7 **REPRESENTATIVE WALKO:** I think it is
8 ironic that the very suggestion you made corresponds
9 to a number of suggestions I've received from
10 corrections officers around Pennsylvania. And do
11 you think that simply we're afraid politically to
12 embrace that?

13 **MR. WEABER:** It takes a real statesman to
14 stand up when the winds of change are blowing in
15 your face and say, I believe that this is right for
16 these reasons. Even though many peoples emotions in
17 the public are stirred to believe otherwise. We
18 have many courageous legislators and some of them
19 are right here, so that's why we took the time to
20 come out here. So, yes, I think it's something that
21 the public -- and if we look at state university
22 they did some research on public attitudes and
23 they're not always looking at the need to be --
24 people are narrow in their thinking, many posters

1 would lead us to believe --

2 REPRESENTATIVE WALKO: One final brief
3 question and perhaps a brief answer would be
4 appropriate.

5 The family tie issue, can you refer me to
6 any studies or documentation of the impact of family
7 ties and the subsequent release?

8 MR. WEABER: Certainly. Virginia did an
9 assessment of the needs of families and their
10 children, and the legislature in Virginia
11 commissioned that. And there was a, I think a bill
12 that was in the Senate a few years ago, '71, that
13 looked to try to do the study of needs of
14 incarcerated women. And Reed Scott from the state
15 correctional institution at Muncy had helped to
16 draft some of the ideas for that. So, yes, I could
17 provide you with other ideas.

18 REPRESENTATIVE WALKO: I appreciate that.
19 Thank you, Mr. Chairman.

20 REPRESENTATIVE BIRMELIN: Chairman Gannon.

21 REPRESENTATIVE GANNON: I'll wait.

22 REPRESENTATIVE BIRMELIN: Ms. Manderino.

23 REPRESENTATIVE MANDERINO: Thank you. I
24 find these hearings very frustrating and here's why.

1 And it's not just this hearing and it's not just
2 when we were in Pittsburgh and it's not just when we
3 were at Graterford on prison health issues. It's
4 every time we look at the issue of dealing with
5 prisoners. I find myself frustrated by knowing that
6 I'm only getting the whitewash story. And knowing
7 that I can only get the whitewash story because the
8 people who probably know the story the best aren't
9 going to be here to testify.

10 And then I'm also mindful of the fact that
11 there are some maybe justified skepticism about
12 motive, if you have the folks actually affected
13 testifying, it's a very mixed bag to sort through.

14 But I agree with what Representative
15 Josephs said earlier, that, I mean, if we know of
16 very serious instances of sexual assault and abuse
17 within this institution then that's indicative of
18 probably a lot more that we haven't heard of. And
19 the same thing we hear of in other prisons, et
20 cetera.

21 Now, it's becoming increasingly popular,
22 or unpopular, depending on which side of the fence
23 you're on, in the general population to have
24 civilian review panels, police advisory boards, et

1 cetera. I think those things are a good thing, not
2 only for the citizenry but for the police officers
3 as well. Because I truly believe that 95 percent of
4 them are working their heart out doing the right
5 thing for all the right reasons and getting a black
6 eye from the few bad apples. And I believe the same
7 thing about our state correctional officers.

8 My question to you, and it isn't among any
9 of your recommendations, I don't know if you haven't
10 gotten that far, or you've gotten that far and
11 rejected it for some reason I'd like to hear, do any
12 other states have civilian review boards where
13 prisoners can go outside of the institution if they
14 have a complaint of sexual abuse or sexual assault
15 and have that issue addressed from people outside of
16 the very institution being possibly accused?

17 I trust the disconcertment of just like I
18 do with the police advisory board that investigation
19 will show whether it's somebody with an ax to grind
20 or a legitimate beef, are any institutions doing
21 that? What do you know about that and what are your
22 views?

23 MR. WEABER: I'll give you an example in
24 New Jersey only because it's separated by a river,

1 they have an office of the inmate advocacy that
2 before the officer of public advocate was disbanded.
3 They had been actively looking at those kinds of
4 systemic problems within prisons and investigating
5 them, finding out if this problem is something that
6 happened throughout the institution or throughout
7 the system. Was it because of a policy, a
8 regulation, lack of training, was there some other
9 kind of deterrent that was missing, and if necessary
10 they would mediate, go to the Department of
11 Corrections, bring it to their attention, try to
12 resolve it. If it couldn't be resolved then they
13 would litigate.

14 So, yes, the office of inmate advocacy
15 would be one example, another government agency
16 coming in when there was information brought to
17 light to investigate. And that's always, that's
18 always very helpful to allow people to know that
19 there are organizations with powers of investigation
20 and enforcement to come in and oversee.

21 REPRESENTATIVE MANDERINO: In New Jersey
22 that's a state function but it's separate from the
23 Department of Corrections, or is that within their
24 department?

1 MR. WEABER: Right, it is separate. That
2 was a wing that is part of the department of
3 correction, but the office of inmate advocacy is
4 separate. But in terms of the, what might help give
5 information to legislature and also to the
6 department would be to have, to have the citizens
7 advisory counsel as provided for in Senate Bill 652
8 that would have an 11-member group appointed by the
9 government that would advise and recommend programs
10 that we excused today, problems that are emerging.

11 REPRESENTATIVE MANDERINO: But that bill
12 doesn't talk about, that's not a place where an
13 individual with a complaint would bring it and have
14 it be able to be investigated?

15 MR. WEABER: Correct, there is no
16 investigative powers involved in that bill.

17 REPRESENTATIVE MANDERINO: Thank you.
18 Thank you, Mr. Chairman.

19 REPRESENTATIVE BIRMELIN: Representative
20 Bebko-Jones.

21 REPRESENTATIVE BEBKO-JONES: Thank you,
22 Mr. Chairman.

23 First of all, I want to thank both of you
24 for coming today. And I for one certainly

1 understand the problem of transportation. I think
2 when you just look at the panel here, I'm from Erie
3 County and I travel to Harrisburg every week when
4 we're in session, and it's a six-hour drive from my
5 district to the state capital. So I can relate to
6 the problems that the folks that have their family
7 members in this particular institution have. We
8 also deal with it, the same situation here in Erie
9 County.

10 Now, we have folks that have their loved
11 ones serving in Philadelphia that have to travel
12 from Erie, and they question why their family member
13 is not institutionalized right here in Cambridge,
14 right closer to their home town.

15 Now, when you talk about your Hospitality
16 House in Pittsburgh, I just want to make sure I
17 understand. We have a hospitality house here in
18 Erie but it's a hospitality house that is more or
19 less a shelter, provides all kinds of services. I
20 know on several occasions transportation might be
21 one of them, I don't know. Do you network in any
22 way with the hospitality services of families here
23 in Erie or Erie County?

24 MR. CLATE: We do network with, I believe

1 you have under United Way family services here in
2 Erie County. And, in fact, we get people from Erie
3 to take them down to Pittsburgh Hospitality House.
4 And basically that's how we network. But we're not
5 related to the agency that you're speaking of. This
6 is an independent group, it's a hundred years old.
7 We're ten minutes away from downtown Pittsburgh. We
8 do have other organizations that share space at the
9 house that, those organizations cater to the needs
10 of the inmates or the inmates' families. We try to
11 provide a safe space or an opportunity, an
12 opportunity for positive family relationships to
13 occur. We realize that not all families are
14 perfect.

15 But right now we are, we're networking
16 with some folks up in Erie, United Way Agency, and
17 if they have a need they call me. We have people on
18 death row in Pittsburgh, the families are here in
19 Erie and they have a terrible time coming down to
20 Pittsburgh and dealing with, you talk about
21 complaints -- had an officer and a family member get
22 into some sort of a shouting match in the middle of
23 the visiting room with a man who's maybe in a non
24 contact visit watching helplessly behind glass. I

1 think what happens that when that kind of instance
2 occurs in a visiting room with a family member
3 that's even, maybe not traumatic, but it's possible
4 you're creating even a security problem within the
5 institution. Because what is that inmate going to
6 do? He can't do anything because there is glass,
7 what is he going to do on the inside?

8 REPRESENTATIVE BEBKO-JONES: And I
9 certainly support the theory with the families, and
10 I just want to again touch on the video conferences
11 that we have all made comments on.

12 And I think that is very critical. But
13 what I'm facing is, especially with women that are
14 incarcerated, they have no say of where their
15 children are to begin with. Some of them have no
16 idea where their children are while they are in
17 prison. How in God's name are we going to
18 communicate that mother and child to keep that
19 relationship going until mother is released? You
20 know, some moms might know that their child is in
21 custody, foster care somewhere, the courts are
22 involved. But no one, I don't see where there is
23 any line of communications starting from the court,
24 the judge down to the parole officer down to foster

1 care, custody care, the prison, whatever, nobody
2 seems to want to give anyone any communication. Or
3 if you call they say, because of the law I can't
4 tell you. Because of the law I don't know. And as
5 a result we have a child here in limbo of where mom
6 is, or dad, with no communications. How do we or
7 how do you think we can correct all of this? Just
8 simply by a video conference? How do we have this
9 video conference if we don't have the child or that
10 particular agency doesn't want to share that
11 information? I think, you know, I get frustrated a
12 whole lot with this issue also. Because never are
13 my questions ever answered.

14 MR. WEABER: I can make an attempt because
15 in answering your question is that there are enough
16 children that we know that have mothers who are
17 separated that are suffering the pain of separation,
18 we need to deal with those first. And then we need
19 to go and look at parental rights and either when
20 they're terminated or in a period of suspension and
21 the child is in placement we are dealing with that.
22 But there are enough families right now today that
23 we could deal with several hundreds, we can open up
24 Philadelphia, Pittsburgh, Harrisburg, Scranton,

1 Erie, and still have families that would flock to
2 them to deal with the issues that are ongoing with
3 young children in crises or have a problem and need
4 mom as a decision maker.

5 So that's the first part of the answer.

6 And the second is we need to do what
7 Pittsburgh Hospitality House does is network.
8 Michael had brought together a girl named Shorty who
9 visited for the first time in eight years with her
10 parent. And because of Hospitality House she was
11 able to come and spend a visit on two different days
12 and stay at Hospitality House and feel comfortable
13 in meeting a parent that she hadn't seen in eight
14 years. They're the kinds of cooperation and
15 services that we need to bring to bear on the
16 problem.

17 I admit it's very frustrating. There are
18 a lot of rules and regulations on confidentiality
19 and termination of parental rights which is quite
20 frustrating.

21 REPRESENTATIVE BEBKO-JONES: And I think,
22 you know, your program is excellent. But again, I
23 come back to where their hands are tied, or the
24 agency's hands are tied when it comes to reuniting a

1 child and mom or dad. And whether we like it or
2 not, you know, perception is everything in this
3 country, perception is everything. And I think when
4 we had the special session on crime and we just,
5 because as I said, throw away the key, lock them all
6 up, we don't care. We don't care if our tax dollars
7 go up, we just want everybody locked up. We
8 mandated all of the sentencing to keep everybody
9 locked up, and then we found out, you know, and I
10 believe one of you said this in your testimony,
11 where 70 or 75 percent of the nonviolent criminals
12 are in prison and they have an alcohol and drug
13 problem and what do we do about that.

14 You know, I'm not saying that these folks
15 should not pay the price for their crime they
16 committed, absolutely. But we are not dealing with
17 the real problem, gentlemen, that put these folks in
18 prison to begin with. When you look at different
19 case histories of most of the folks that are
20 incarcerated, and especially women, 87 percent have
21 alcohol and drug problems. We don't take care of
22 it, I don't believe any way, within the prison
23 institution itself. There is many programs, I
24 believe, that exist in the institution. We don't

1 have any kind of mandatory drug and alcohol
2 treatment in the prison. We have AA meetings, you
3 know, these women tell me, yeah, someone comes in
4 every Tuesday and Thursday night from 7:00 to 9:00
5 and tells us not to -- well, you know, we
6 can't, we're just recycling all of these folks that
7 society wanted us to lock up.

8 Because when they're released from these
9 institutions we're releasing them back to what put
10 them in there because we didn't take care of the
11 initial problems. And I think we have to look at
12 where we're putting our dollars at here and it
13 should be at the front end of the problem. And I
14 think you'll find out it's always DNA, it's always
15 DNA, no matter what the crime is. And we don't do
16 anything about it. And continuing that is what is
17 always my frustration when I deal with any of these
18 hearings and wanting advisory boards.

19 The other question I have to ask you, you
20 talked about one of your -- okay, Senate Bill 652,
21 and I believe you talked about this at prior
22 hearings that I was not at.

23 Now, is that Senate Bill, 652, the same as
24 Senate bill -- if you're aware of -- 413, that seems

1 to me is basically the same thing. It's
2 establishing an advisory council to be known as the
3 advisory council. Maybe this is on the needs of
4 incarcerated folks and their children. Now, are
5 these two separate bills going on in the Senate? Do
6 you guys know?

7 MR. WEABER: I believe they're separate.
8 I know there was one pre filed with the last session
9 that became 652, but 413 with children --

10 REPRESENTATIVE BEBKO-JONES: This is where
11 the governor appoints 23 members of the majority and
12 minority leader --

13 MR. WEABER: Yeah, they're separate bills.

14 REPRESENTATIVE BEBKO-JONES: They're
15 separate bills. Do we need these separate bills, in
16 your opinion? I mean, if we're going to have one
17 citizen advisory council on corrections to go in to
18 the different problems that exist in the prison, do
19 we need another one? I guess I'm saying to just
20 specifically deal with children of incarcerated
21 people?

22 MR. WEABER: I don't know. To me they're
23 all situations, just as you have a subcommittee on
24 crime and corrections there may be one way to try to

1 merge the two, I'm not, I haven't seen an analysis
2 on the current bill.

3 REPRESENTATIVE BEBKO-JONES: So you're not
4 familiar with this bill?

5 MR. WEABER: I'm familiar with it. But I
6 haven't seen an analysis on it, but I don't know if
7 you would merge the two and have concerns with the
8 kind of issues that you're intending.

9 REPRESENTATIVE BEBKO-JONES: That's all I
10 really have to say. Thank you very much.

11 REPRESENTATIVE BIRMELIN: Representative
12 James.

13 REPRESENTATIVE JAMES: Thank you,
14 Mr. Chairman, I just have two questions.

15 One in terms of the earned time, I wasn't
16 clear your position on earned time based on the
17 current bill because I had introduced the bill some
18 time ago but it was voted down. What is your
19 position on the current bill?

20 MR. WEABER: The current one we would like
21 to see a bill drafted that would provide credit for
22 people who have satisfactorily completed a program
23 of work, education, and have that rewarded for some
24 kind of reduction so we could support that kind of a

1 bill.

2 REPRESENTATIVE JAMES: Are you aware that
3 there is not enough work, and that maybe some people
4 on the list and that maybe can't work?

5 MR. WEABER: And that's something that
6 needs to be addressed because I noticed in our
7 prison policy there is a prescription for disaster
8 the kind of discusses when people don't have work
9 what is the real problem.

10 REPRESENTATIVE JAMES: The other thing you
11 talked about Representative Josephs raised the
12 question in reference to sexual harassment and
13 talking about how can we resolve or deal with some
14 exclusions on that. One thing in my experience I
15 found that as relates to those kind of problems the
16 bureaucracy tries to isolate it and maybe only deals
17 with one individual or person who may be accused and
18 not deal with the people who help, there could be
19 staff and all their officers or whatever. And I
20 think if you're going to really impact on dealing
21 with sexual harassment the discipline has to go
22 further than just the person who commits the
23 offense. It has to deal with, the supervisor should
24 be disciplined, any other staff person should be

1 disciplined. And I think that way you have a real
2 impact on the sexual harassment.

3 Thank you, Mr. Chairman.

4 REPRESENTATIVE BIRMELIN: Thank you.

5 REPRESENTATIVE GANNON: A quick question.

6 Are you aware of the problem the State of
7 Florida had with their earned time statute?

8 MR. WEABER: No.

9 REPRESENTATIVE GANNON: Okay. That's all
10 I have.

11 REPRESENTATIVE BIRMELIN: Gentlemen, thank
12 you very much. Appreciate it.

13 MR. WEABER: Thank you very much,
14 appreciate the opportunity.

15 REPRESENTATIVE BIRMELIN: We're running
16 about an hour late so I apologize to our next two
17 testifiers, Linda Wilson and Sheila Sillman, both
18 from the Erie County Prison. If they would come
19 down.

20 For Carleen Davis and Ernest Bristow,
21 don't leave. Stick with us.

22 Ladies, if you would introduce yourselves
23 for the court reporter and TV camera so we know who
24 you are.

1 MS. SILLMAN: I am Sheila Sillman, I am a
2 provider for the female offenders at the Erie County
3 Prison, I'm an independent contractor.

4 MS. WILSON: My name is Linda Wilson, I am
5 a counselor.

6 REPRESENTATIVE BIRMELIN: Are you both
7 going to be providing testimony?

8 MS. SILLMAN: Yes. Let's do the one that
9 is in front of you directly.

10 THE VIDEOGRAPHER: The brown one is not
11 working, the brown one for the PA system isn't
12 working.

13 REPRESENTATIVE BIRMELIN: Forget the brown
14 one, use the black one.

15 And if you would, Linda, when you speak
16 would you make sure you're speaking into it so we
17 can hear you?

18 You may procedure.

19 MS. SILLMAN: Thank you so much for
20 inviting us and we appreciate the opportunity to be
21 here before you. I have presented before you a
22 packet, first of all, introducing who we are and our
23 concerns. And also for myself I have given the
24 first packet of a handouts of an 8-week life skills

1 program, and it starts with self esteem. But the
2 top paper includes the 17 topics, the total number
3 of hours devoted to each topic, and a little bit on
4 the bottom about how I performed this life program.

5 And then so that you could hear from the
6 people that we're all trying to speak for, I have
7 gone through my files and the first top sheet is
8 written by a woman who was incarcerated last year,
9 found herself in an alcohol blackout and found
10 herself in our restricted housing unit the next
11 morning which is what we would typically term as the
12 hole. She wrote this, and I asked her permission to
13 be able to take and make a copy of which I have
14 done. I think it depicts the despair that a female
15 fears when she walks in.

16 If you pull the packet apart you'll find
17 it's the second stapled portion. Then after that I
18 have made a copy of some artistry that one of our
19 women has done. She was a state's inmate that was
20 housed at our county facility for two full years.
21 And then after that is a page written by a woman
22 inmate who ended up here at Cambridge Springs. And
23 then the last two forms are evaluations of my
24 program. I didn't put it there so much to toot my

1 own horn, but more or less for you to hear the needs
2 from these women as well as to give you another
3 voice from them as well.

4 Because we are a county facility we
5 receive every entry level in to the criminal just
6 system. We have pretrial as well as parole
7 violations as well as those who are sentenced, not
8 just for the county but also now we're seeing more
9 state inmates.

10 My job is to provide programs for these
11 women while they're here, and I must admit to you
12 that coming to jail can be quite a sobering
13 experience. And when a woman walks through the
14 doors and finds herself being separated from her
15 family, and her job is at stake, as well as making
16 up and realizing the choices that brought her here
17 she is ready for treatment. Now the Erie County
18 prison is very proactive safety, but the safety and
19 security of the associates, the staff and the
20 inmates is our number one concern. After that
21 treatment is offered, and for the women we have
22 right now at our level we have some drug and alcohol
23 programs that are offered through the community like
24 AA, NA, that's one hour a week. We have a local

1 advocate group called the Greater Erie Action
2 Committee known as GECAC that comes in once a week,
3 does drug and alcohol testing. We also have within
4 the house of our own staff offering management
5 groups, drug and alcohol support groups. My group
6 which I've organized under a new foundation, and
7 then the only educational offer that we have the
8 women is the GED program. And when a woman comes in
9 I sit down with her and I explain to her the groups
10 that are offered to her because it's the old, you
11 lead a horse to water and if they want to drink then
12 they drink.

13 One of the issues that we have realized is
14 the longer terms that we are finding the women
15 coming in for. As you can see with my group it's 8
16 weeks, so roughly the groups run between 8 to 10
17 weeks. But we're finding that incarceration is
18 running higher than the normal for the county level
19 which used to be, I'm guestimating about three
20 months, we're now running in to six months. And we
21 just max'ed out on a state sentence for two years.
22 So our programming needs to be more extensive as far
23 as term, longer term.

24 Because we are now, I'm saying a

1 transition between time of term we for the longest
2 time would not allow ourselves to dig too deep in to
3 these women because of their position of being
4 pretrial or parole violation or moving on to a state
5 sentence. You have to be very careful you don't
6 open them up so far that you can't help put them
7 back together, so that if they leave that they're so
8 jumbled up they're not able to make sense of what
9 treatment they just had. It's a very careful line
10 that we must be able to walk.

11 I work under our director of treatment,
12 Dr. James O'Keefe so we are constantly maintaining
13 this perspective. Now, today as I left the county
14 prison we have 42 women that are housed there, and
15 their ages range from 19 to 58. So that let's you
16 know the various age groups as well as the numbers.
17 Their choices of activities are very limited because
18 it is a county facility. It is nothing like
19 Cambridge Springs where you have these wonderful
20 grounds and the different things you can do.

21 The issues and the needs that we see
22 because of longer term is, of course, we offer drug
23 and alcohol, we offer life skills, we offer anger
24 management. And then we start to go down and see

1 domestic violence. I believe it was you and
2 yourself pointed out, educational and vocational
3 issues. Right now we do have a grant that we are
4 working on to be able to build a building to be able
5 to offer vocational training. But we would also
6 like to see concerning like commercial foods and
7 viable occupations for computer, education, because
8 minimum wage just doesn't cut it.

9 I just completed a budgeting program with
10 women and we went over how much minimum wage
11 actually gets you, even if you do a 40-hour week.
12 And one of the women spoke up and said, I've been
13 selling drugs, this is never going to make it for
14 me. You can make big money as we're all very
15 familiar with on the streets selling the drugs. And
16 so they have got to have something to be able to at
17 least know that they're going to be able to live on,
18 or the temptation is going to be greater than the
19 consequence.

20 Also for us we see parenting as the
21 gentlemen before us, the issue of the bond breaking.
22 My hope is to some day have a facility on site where
23 we can have childcare, day care type of things set
24 up for contact visits where instructors are right

1 there working with them. Of course, the institution
2 is interested in security, we could all work those
3 things out. Those are issues that are really
4 sidelined compared to the dollars that are needed
5 for these things.

6 Because of time, allow me to, I'll wind
7 myself down because Linda has quite a list. But I
8 want you to please remember that when we are, I
9 guess, coming before you for funds, that the public
10 as Ms. Jones was talking about, screaming we've got
11 to lock them up, we're looking for tougher
12 sanctions. But about 80 percent of our women are in
13 there for drug and alcohol issues which means that
14 they're going to be reentering society anywhere
15 between three months to two years. We cannot keep
16 them forever. And if we as a group can reeducate
17 the public on the needs of the women and the benefit
18 of helping these women who really do want help, they
19 would be so much better off as a group.

20 Because of the limited ability to be able
21 to take a woman from the facility and reenter them
22 in to associate, there is like no bridges in
23 between. It's very difficult to spend two years
24 being told what to do, two years not even being able

1 to put on your salad what you want, and then you
2 find yourself out in to society.

3 And in closing allow me to share with you
4 my personal philosophy in working with these women.
5 I see them like a glass vase filled with water. And
6 at the bottom of that vase is the sediment of life
7 of their choices, the mud and the muck and the mire.
8 And when they come in to us and they have an
9 opportunity to allow that stuff to settle, and when
10 I get them in to my groups I warn them that you're
11 going to be feeling these emotions and these past
12 experiences stir within their heart. And the
13 negative senses are going to start all over again,
14 and I encourage them don't quit. Because we're
15 going to take you and pour you through the sieve of
16 treatment and hopefully together we'll be able to
17 pull the junk out, one by one, piece by piece,
18 whether it's victimization or alcohol or drugs. And
19 as we do that we're going to recycle your life.

20 And when we are able to reinvest in one
21 another from our personal experiences in to a third,
22 there really is hope. And we're here looking at the
23 big picture. But I take it individual by
24 individual. And many times we don't hear about the

1 ones who don't come back. And the woman who wrote
2 to whom it may concern has not returned.

3 MS. WILSON: As I said, I'm a counselor at
4 the Erie County Prison and I deal with mostly
5 counseling and working with the inmates that are
6 getting ready to get out of jail, making sure that
7 everything is met that the court has ordered.

8 As Sheila had said, over the past few
9 years our population has increased and they are
10 there a longer time. We have is a lot of --
11 Sheila's life skills program have been a big plus
12 for the girls. The GED, we have more inmates
13 leaving with their GED than we ever did before
14 because now we have an on-site testing program which
15 is really good. But we would like, like I said,
16 more programs, especially in the vocational area.

17 Now, the female offender has different
18 needs and different problems than the inmate, the
19 male inmates. The female inmates have small
20 children at home and they're being separated from
21 their children and this bond is broken. We'd like
22 to see something done so that maybe we could
23 increase the bond.

24 REPRESENTATIVE BIRMELIN: Excuse me, I'm

1 sorry to interrupt, some of the members are having a
2 hard time hearing you.

3 REPRESENTATIVE MANDERINO: That won't help
4 you.

5 REPRESENTATIVE BIRMELIN: That's only
6 going to the camera.

7 MS. WILSON: Sorry.

8 I was talking about some of the female
9 offenders with their children, they leave their
10 children at home, they're separated from their
11 children, this is very stressful to them.

12 We also have multiple agencies involved
13 that provide services such as the Children and
14 Youth, GECAC which provides our drug and alcohol, we
15 have probation and parole. We also have family
16 services just to name a few. But many times they
17 work for the inmate but they don't work together,
18 and that is one of the things that we would like to
19 see more togetherness as to passing of information.

20 Female offenders who are pregnant, the
21 medical issues that we have to deal with them.
22 Housing of female offenders when they're released.
23 A lot of times we have to try to find housing for
24 those who don't have any housing. Increase in drugs

1 and drug addictions and the mental health issues
2 that we have to deal with also.

3 Some of the needs which require a variety
4 of sources and agencies which become available or
5 become involved in their rehabilitation. Some of
6 the housing issues, housing for pregnant women,
7 women between the ages of say 15 to 21, though 21
8 and older as far as finding housing for them if they
9 need when they're getting out. Temporary housing
10 for women who just don't have any place to go, maybe
11 lost their home being due to incarceration. Housing
12 for women that need drug rehabilitation who also
13 have children, or women who just have children who
14 don't have a place to go.

15 I did some calling this afternoon to find
16 out, we don't have too many facilities in Erie, some
17 of them don't accept women at all, some of them have
18 very limited space which only provide maybe six
19 spaces for women or maybe only two families there
20 are able to go in, maybe. And some of these women
21 aren't battered, they just don't have any place to
22 go. Some of them the criteria we just can't meet in
23 that they're in jail, such as the lady that was here
24 in the Mercy Center. Many of the places don't want

1 somebody who's court ordered to go in to a facility
2 like that because they feel that the reasons why
3 they're going in is not for rehabilitation but just
4 to get out of prison. But that doesn't mean that
5 they don't want the help just because maybe that is
6 one of the reasons they do want to go in to a center
7 is because they want to get out of prison, but maybe
8 they want the help too.

9 Community programs to ease the stress of
10 placing some of the girls back in to their family
11 situations, of getting them back in to the daily
12 life of being out. We need supportive services from
13 the community. We need parenting programs that
14 continue in to the community to help them continue
15 with what maybe Sheila has started on the inside.
16 Programs to assist the children in being able to
17 accept their parent back in, they haven't seen their
18 parent it could be up to 11 and a half months some
19 of them stay, they haven't seen this parent and now
20 this parent is coming back to their life and they
21 need to adjust to that, and it's hard.

22 I deal with a lot of families and the
23 incarcerated person has a hard time with not having
24 their family member there, but so do the children,

1 and the husbands also have a hard time dealing with
2 it.

3 Increase in educational programming. We
4 need more vocational skills and training, more
5 community volunteers maybe to participate if we have
6 a work release program to take these people to train
7 them. We have increased opportunities for contact
8 visits would be nice. We would like to get
9 something started which we don't have which would
10 get the children and the parents involved again and
11 get a bond going again.

12 Now, along with the inmates we have 20 to
13 30 percent of the female inmates who are also mental
14 health issues that they're dealing with as well as
15 with just being incarcerated. And these are severe
16 enough to need medication just to help them maintain
17 a, you know, a stable condition. And a person under
18 normal circumstances has a hard time dealing with
19 incarceration so now a mental health person who also
20 has the added issues of mental health and what goes
21 with that are required more individual and more need
22 of treatment, more individual attention to minimize
23 the decompensation that's due to the stress involved
24 in being incarcerated.

1 Some of the problems that we've found is
2 the ability to obtain psychiatric appointments
3 within a reasonable length of time that their
4 medication is needed. To be able to get maybe
5 medical assistance prior to them getting out.
6 Parole sometimes has been delayed because we cannot
7 get the psychiatric appointment to be able to get
8 the medication and so these inmates sits, the girls
9 sit there because we can't get the things in place
10 and get them together to be able to get them out.
11 And when substance abuse is also involved in there
12 it makes it even harder to deal with because then
13 we're dealing with mental health and the issues of
14 the drug abuse and the issues with that.

15 We have one program which is the Stairways
16 program in Erie County, which they do deal with the
17 mental health and the drug abuse and they have a
18 good deal of programs. But what they have is a unit
19 for men but they don't have anything that equals
20 that for women. And there is a lot of instances
21 when they do take people that aren't incarcerated,
22 they take someone from the street, a homeless
23 person, someone from a mental health institution
24 prior to taking our inmates from the jail. So this

1 makes them stay longer. We might have a bed and
2 they get bumped because somebody from the street
3 needs the bed instead. So then we have these
4 inmates just staying there and they want to be out
5 on their minimum just as much to begin getting the
6 treatment that they need.

7 Some of the needs that we ask for is more
8 community resources, agencies being educated to
9 understand the needs of the female offenders,
10 procedures to establish to make getting some of the
11 things that we need prior to their release such as
12 with drug and alcohol if we want to put somebody in
13 to a treatment a lot of times we can get a medical
14 card prior to their getting out, getting them
15 approved. And then once the date is established
16 they go and the card is activated on the date that
17 they're supposed to go, but we can't seem to do this
18 for mental health people. We can't get the card
19 activated which we can't get the appointment for
20 them to get in to the see the psychiatrist and they
21 can't get the medication. Some of them sit until
22 they max out because we can't get them out of there.
23 It's not like their fault that they're mental
24 health, but it's getting to be a problem.

1 Psychiatric providers in the community
2 must be encouraged to view the mentally ill offender
3 as a priority. And it would be nice to have a
4 halfway house which would meet the needs of the
5 increased female offender.

6 REPRESENTATIVE BIRMELIN: Thank you,
7 ladies, for your testimony.

8 I will call on the committee members to
9 ask questions. And I would like to remind the
10 committee members to ask questions, as tempting as
11 it is to use it as a floor for venting your
12 frustration and giving your political position on
13 things, that extends the length of the hearing and
14 makes it more difficult for those who are yet to
15 testify.

16 So as I call on you make sure you are
17 asking questions and try to make them questions that
18 you feel would be illustrative of the problem and/or
19 of the solutions to those problems.

20 Chairman Gannon.

21 REPRESENTATIVE GANNON: Quick question.
22 What types of mental illness do you predominantly
23 see in the female offender?

24 MS. WILSON: We have some manic

1 depressives, schizophrenia, paranoid schizophrenia.

2 MS. SILLMAN: Major depressive, bipolar.

3 REPRESENTATIVE GANNON: You may not be
4 able to answer that, but do you see those same types
5 of illnesses in the male population? You're just
6 concerned with the female --

7 MS. WILSON: Yeah, it's throughout. I
8 would say most, like 50 percent -- there is a larger
9 male population than the female, of course.

10 REPRESENTATIVE GANNON: My question, I
11 guess you talk to people that handle the male side
12 of the equation also, do they have the same problem
13 with the medications?

14 MS. WILSON: Yes.

15 REPRESENTATIVE GANNON: And getting the
16 appointments?

17 MS. WILSON: Yes, sir, on both sides.

18 REPRESENTATIVE GANNON: Thank you.

19 REPRESENTATIVE BIRMELIN: Representative
20 Manderino.

21 - - - -

22 (Whereupon, there was a discussion off the
23 record between Mr. Preski and the court reporter at
24 which time the court reporter was dismissed from the

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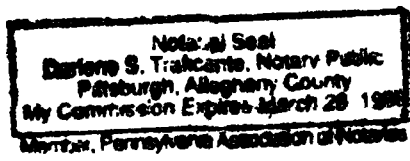
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