

**COMMENTS OF THE
PENNSYLVANIA STATE CORRECTIONS OFFICERS ASSOCIATION**

**Before the
HOUSE LABOR RELATIONS COMMITTEE
and
HOUSE JUDICIARY COMMITTEE**

Joint Public Hearing on HB 1469

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Good Morning. My name is Roy Pinto, and I am Vice President of the Pennsylvania State Correction Officers Association. On behalf of the PSCOA and our more than 10,000 members, I want to thank you for your leadership and service to the people of Pennsylvania. Let me also thank you for your commitment to keeping Pennsylvania and its communities safe for our families. I also want to commend you for having this joint hearing today.

In a little while, you will hear testimony from my colleague, fellow PSCOA Vice President Percy Poindexter. Mr. Poindexter has been a Forensics Security employee for over twenty years and is here to shed more light on an attempt that is taking place right now to begin privatizing elements of our corrections system.

I am here today to address the general topic of prison privatization and shed some light on the records of privateers compared with their public service counterparts.

Our position on privatization is simple: Evidence clearly shows it just doesn't work for public safety and we oppose it.

When you are talking about the critical custody and control functions of Corrections Officers and employees, you just cannot replace these frontline, well-trained, highly seasoned professionals with a profit-driven company who just happens to be the lowest bidder.

In fact, throughout the nation, the trend in corrections departments is returning to public sector employees after too many incidents of botched assignments in the private sector. Of course, for-profit companies are just that – for profit. We don't fault them for this approach in the normal business world, but the pressure to produce a fat bottom line has no place in our state prison system.

Evidence clearly shows this to be true. For-profit operations lead to less secure state hospitals and prisons because what ultimately drives the decision-making is profit – not security.

The following is an “apples-to-apples” comparison for you. In a study made of the escape records in private prisons versus public prisons in California here are some sobering results:

2004 - Private Population	-- 140,000;	Total Escapes -- 41
2004 - Public Population	--160,000;	Total Escapes -- ZERO
2003 - Private Population	-- 140,000;	Total Escapes -- 29
2003 - Public Population	-- 160,000;	Total Escapes -- ZERO
2002 - Private Population	-- 140,000;	Total Escapes -- 24
2002 - Public Population	-- 160,000;	Total Escapes -- ZERO

Further, comprehensive, thorough evidence suggests for-profits don't create the savings some might think.

The Arizona Department of Corrections retained MAXIMUS, Inc., a nationally recognized professional personnel services firm to evaluate the department's private prison costs.

In their study, titled “Report on the Evaluation of Arizona Department of Corrections' Operating Per Capita Cost,” this independent third party noted that the costs to operate identical beds in public facilities were **8.5% to 13.5% less** than comparable in-state private beds. Furthermore, utilizing publicly-run prisons in Fiscal Year 2003 and 2004 would have resulted in **savings of \$3.5 to \$5.3 million to Arizona state taxpayers.**

These statistics certainly shed a new light on this issue that bears further study in Pennsylvania. But if you believe that privatization of state services is a long way off, think again.

We are here today because the state Department of Public Welfare has already formally requested bids from private companies to take over the entire operation of three secure, segregated units that contain our state's most dangerous, mentally ill criminals.

The stated objective in the DPW proposal can only be read one way: Do it cheaper! While we can all agree taxpayers deserve the leanest government services possible, putting Pennsylvania communities at risk and disrupting services that have worked without incident for many years just isn't the way to achieve this goal. The Rendell administration's intention to privatize the care, custody and control of mentally ill criminals is more than just bad public policy – it puts public safety at risk.

In order to understand why these facilities have not experienced a single escape attempt, it's necessary to learn about the people that work there.

The Forensic Security Employees (FSEs) train extensively across several disciplines, including security and psychiatry. It is extremely dangerous work and the risk and incidence of serious injury are high. FSEs have suffered severe and career-ending injuries in the line of duty. It takes time, dedication, specialized skills and decades of institutional knowledge and experience for these men and women to perform their jobs successfully. It is safe to say, these are some of the bravest public servants we have in Pennsylvania. And they have the scars to prove it.

The public knows little about FSEs and the three secure units inside our state hospitals because their record has been exemplary: **As I indicated, there has only been one successful escape from any of these facilities since the creation of FSEs decades ago.** In Pennsylvania, the record of the FSEs and, indeed, all Corrections personnel are second to none.

While we patrol the toughest blocks in the state every single day, our incident rates, escape rates, and costs relating to lawsuits filed against the Commonwealth are lower than all surrounding states. We service county, state, and federal inmates. These types of inmates could be disastrous in a correctional setting without proper care and treatment but the current record speaks volumes for the system as it exists today.

I can certainly hear the call that may come from some of our critics, so let me address their argument directly. Yes, the PSCOA is concerned

about the job security of the 253 Forensic Security Employees threatened by this RFP, but we are also public servants. Like you, we are more concerned with the fundamental responsibility of government to protect its citizens.

The PSCOA maintains there are items that should always be a function of government, such as the military, law enforcement and the custody of the criminally insane, just to name a few. We owe it to all citizens of this commonwealth to protect them, and we also owe proper treatment and care to those who need it.

I believe DPW is claiming they can save \$20 million in privatizing the FSEs. That sounds great. However, further thought and research will reveal there are only three ways to even approach this number:

- 1) cut the service you are providing;
- 2) cut the number of people who provide the service; and
- 3) cut staff who administers the service.

When you are talking about dangerous inmates and the safety of our communities, these options are unacceptable.

If costs are high in our current system, we should be looking at ways to create savings without abandoning a philosophy that has led to only one escape since its inception. Let me say it again for emphasis: one escape.

Want to save money? Norristown FSEs racked up 55,000 hours of overtime in the last six months alone. If DPW had heeded our call to simply hire only a few more FSEs, they could have substantially eliminated this expense. Instead, they want to change the entire system.

The solution here is better management – not outsourcing.

The 235 people who work in these units do an outstanding job for all of us and should not be pushed aside because privateers have poured money into political war chests or because DPW can't get its overtime problems under control.

PSCOA firmly believes this privatization effort by the Rendell administration should be stopped in its tracks. We also believe – and this should concern every member of the legislature – that this is just the beginning of more prison privatization schemes that are neither cost-effective nor good public policy.

Thank you again for your time and leadership. I would be pleased to answer any questions you have.