

COMMONWEALTH OF PENNSYLVANIA

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

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PUBLIC HEARING ON HB 1469

\* \* \* \* \*

BEFORE: THOMAS R. CALTAGIRONE, Chairman  
Paul Costa, John Pallone, Joseph Petrarca,  
Sean Ramaley, Thomas Petrone, Chris  
Sainato, Nick Kotik, Deberah Kula, Harry  
Readshaw, Ted Harhai, Joe Preston, Marc  
Gergely  
Members

HEARING: Wednesday, October 1, 2008  
Commencing at 10:15 a.m.

LOCATION: 4-H Center, Greene County Fairgrounds  
107 Fairground Road  
Waynesburg, PA 15370

WITNESSES: H. William DeWeese, William Sprenkle,  
Shawn P. Hood, Pam Irwin, John Coyne

Reporter: Season D. Keller

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CHAIRMAN:

We'll start with testimony from our leader, H. William DeWeese.

REPRESENTATIVE DEWEESE:

Thank you, Mr. Chairman. I apologize. I was not completely aware that I would be testifying, and my comments will be brief and to the point. We have had a dialogue almost my entire career about the efficacy of private prisons versus public incarceration facilities. And the legislation continues to percolate in Harrisburg session after session. And as a member who is privileged to have many, many hundreds and hundreds of men and women employed in the corrections industry in our Commonwealth, I thought it was appropriate to have this meeting and hopefully drive a spike in the heart of the idea of private prisons.

I have had anecdotal and factual commentaries from friends in leadership assignments in other states amongst the 50, including some very, very dubious and occasionally horrific stories of what happens when the profit motive is put at the zenith of consideration for people that are incarcerated. So

1 with men and women who are guards, men and women who  
2 are teaching and counseling and working in the  
3 commissaries and warehouses and the training  
4 facilities within these big facilities --- in my own  
5 50th District, we have both SCI Greene and SCI Fayette  
6 and we're anticipating a third facility in SCI German.

7           But timing, especially when legislation  
8 does, again, this session come before, I thought that  
9 those who are privileged to serve in the next session  
10 of the assembly would benefit from these  
11 deliberations. And I certainly welcome my colleagues  
12 from the world of the Judiciary Committee in  
13 particular and other members of the Assembly who are  
14 here with us today, who are focused on this issue. So  
15 I know you drove to Berks County, which is  
16 approximately 260 miles away, and many others ---  
17 looking around, if you're privileged to represent  
18 Greene or Fayette County, as Deb Kula and I are, we  
19 realize that no matter where you are in the  
20 Commonwealth, you've probably driven a long way to get  
21 to our venue here.

22           So welcome to the Chairman, welcome to  
23 the Committee. Anecdotally and collaterally, it's a  
24 very, very exciting element of democracy that you and  
25 I have not always agreed on everything, but we've

1 certainly agreed on this. And we have a good meeting  
2 commencement today. Thanks again for being here.

3 CHAIRMAN:

4 Thank you. And for the record, if the  
5 members would please introduce themselves, starting  
6 with Deb for the record?

7 REPRESENTATIVE KULA:

8 Deberah Kula, 52nd District, Fayette and  
9 Westmoreland Counties.

10 REPRESENTATIVE KOTIK:

11 Nick Kotik, 45th Legislative District,  
12 Allegheny County.

13 REPRESENTATIVE SAINATO:

14 Chris Sainato, 9th Legislative District,  
15 Lawrence and a small section of Beaver County.

16 REPRESENTATIVE PETRONE:

17 Thomas Petrone, 27th District,  
18 Pittsburgh, Allegheny County.

19 REPRESENTATIVE PRESTON:

20 Joe Preston, 24th Legislative District,  
21 Allegheny County.

22 REPRESENTATIVE DEWEESE:

23 Bill DeWeese, 50th District, Greene,  
24 Fayette and Washington Counties.

25 CHAIRMAN:

1 Tom Caltagirone, 127th District, City of  
2 Reading, Berks County.

3 REPRESENTATIVE RAMALEY:

4 Sean Ramaley, 16th District, Beaver and  
5 Allegheny Counties.

6 REPRESENTATIVE PALLONE:

7 And we saved the best for last, John  
8 Pallone, 54th Legislative District, southern Armstrong  
9 County and northern Westmoreland County.

10 CHAIRMAN:

11 Thank you. We'll next hear from the  
12 first testifier, Mr. William Sprenkle, Executive  
13 Deputy Secretary of the Pennsylvania Department of  
14 Corrections.

15 Paul, come on up here. We had another  
16 late arrival, Representative Paul Costa.

17 REPRESENTATIVE COSTA:

18 Good morning.

19 CHAIRMAN:

20 Your District is?

21 REPRESENTATIVE COSTA:

22 Right outside the City of Pittsburgh,  
23 eastern suburbs, Allegheny County.

24 MR. SPRENKLE:

25 Good morning, Mr. Chairman and the

1 Committee. I thank you for the opportunity to provide  
2 testimony today concerning the privatization of public  
3 services. The privatization of public services has  
4 been a topic of debate for decades. Advocates claim  
5 that private providers can deliver many essential  
6 services with greater efficiency and effectiveness  
7 than can public agencies. Indeed, privatization  
8 efforts often hinge upon calculations of cost savings  
9 resulting from turning public functions over to  
10 private or non-profit entities.

11           Opponents of privatization argue that to  
12 the extent that private providers ever achieve  
13 economies over public providers, they do so primarily  
14 by slashing wages and benefits for workers and cutting  
15 the quality of services delivered to taxpayers. They  
16 also point out that where privatization occurs in  
17 essential functions such as policing, corrections and  
18 other public safety areas, there occurs a dangerous  
19 delegation of authority from public servants to  
20 profit-minded entrepreneurs.

21           The larger public debate over the merits  
22 of privatization, though important, is beyond the  
23 scope of my testimony today. Instead, I will focus on  
24 privatization within the domain of Corrections. The  
25 management of prisons has become a lucrative business

1 opportunity for private prison providers across the  
2 nation, such as the Corrections Corporation of  
3 America, known as CCA, and The GEO Group,  
4 Incorporated, formerly known as Wackenhut Corrections  
5 Corporation. Looking at prison privatization  
6 nationwide, 7.2 percent of all federal and state  
7 inmates at midyear 2006 were housed in privately  
8 operated prisons, up ten percent from the year before.

9           This represents 111,975 inmates held in  
10 private custody. This does not include offenders who  
11 may be held in facilities where services are partially  
12 provided by private firms. As of 2006, 31 states and  
13 the federal government housed at least some of their  
14 inmates in private facilities. Indeed, the private  
15 prison industry held enough inmates to constitute the  
16 fourth largest prison system in the country, behind  
17 California, the Federal Bureau of Prisons, and Texas  
18 respectively.

19           While advocates of prison privatization  
20 offer many arguments in favor of privately run  
21 facilities, I would like to focus on three rather bold  
22 privatization claims. One, that private providers can  
23 operate prisons in a more cost effective manner than  
24 can the state. Two, that private providers can  
25 deliver better treatment services and ultimately



1 produce greater reductions in recidivism. And most  
2 importantly, three, that private providers can  
3 maintain safety and security at least as well as a  
4 state run prison. The evidence suggests that these  
5 claims are largely overstated, and in fact, are not  
6 supported by solid scientific evidence.

7           First, the best evidence available about  
8 the cost of public versus private prisons indicate  
9 that overall there is no financial advantage to  
10 privately run prisons. A major review of nearly three  
11 dozen studies on this question found that there was no  
12 statistical difference in the cost of private and  
13 public prisons. More important factors driving costs  
14 were the size, the age and the security level of the  
15 prison.

16           Second, there have been few rigorous  
17 studies comparing the recidivism rates of public  
18 versus private prisons. Much of the data that does  
19 exist comes from the state of Florida, and various  
20 attempts to analyze it have produced conflicting  
21 results. A major review of the existing research,  
22 however, concluded that there is no statistically  
23 meaningful difference in recidivism rates between  
24 public and private prisons. Closely related to this  
25 finding about the impact of services delivered in

1 private prisons is the strong concern that they often  
2 rely upon poorly paid staff, suffer from high turnover  
3 rates, and tend to take the more manageable inmates  
4 into their systems, leaving the more difficult and  
5 disruptive inmates for publicly run facilities.

6           Third, and most importantly, there is no  
7 support for the claim that privately run prisons are  
8 safer and better managed than public prisons. A  
9 review of the research conducted by the Federal Bureau  
10 of Justice Assistance found, among other things, that  
11 private prisons have lower security staffing levels,  
12 which undoubtedly contributes to any cost savings that  
13 may be produced, and more staff and inmate assaults  
14 than do public prisons.

15           Management problems have been noted in  
16 every state that operates private prisons. Such  
17 problems are perhaps best illustrated by significant  
18 management failures that occurred recently in three  
19 states: Colorado, Louisiana, and Tennessee. These  
20 states have heavily participated in the prison  
21 privatization movement with each having multiple  
22 privately owned and operated prisons. While findings  
23 may be mixed about effectiveness, quality of treatment  
24 and services, and facility management, overall, the  
25 data documents significant problems encountered in

1 these states that cannot be overlooked.

2           One of the more egregious incidents  
3 occurring in a privately-owned facility included a  
4 riot which took place in Colorado in 2004. The  
5 facility was significantly damaged and multiple  
6 injuries were reported. Investigations of the  
7 incident revealed troubling findings about security  
8 protocols and related issues that prison staff failed  
9 to address including inconsistent completion of forms  
10 on reportable incidents, emergency plan compliance and  
11 response team staffing and training, use of ambulance  
12 and emergency room services for routine medical care,  
13 mental health and medical treatment staffing ratios,  
14 tracking of security threat group intelligence and  
15 gang activity report filings, accuracy of quarterly  
16 reports, case manager attrition, and inmate grievance  
17 processes.

18           Even though the Colorado Department of  
19 Corrections cited the private facility with numerous  
20 violations prior to the riot, prison management did  
21 not address these critical problems which contributed  
22 directly to the riot.

23           Troubling findings were also revealed  
24 with the state of Louisiana's experiment with prison  
25 privatization. When compared side-by-side, its state

1 operated prisons out performed privately owned and  
2 operated prisons on several important measures. For  
3 example, it was determined that the state operated  
4 prisons had fewer escapes, had fewer reported  
5 aggravated sexual misconducts, and were more effective  
6 at monitoring and controlling substance abuse amongst  
7 inmates. An audit of one privately-owned juvenile  
8 facility revealed serious oversights concerning the  
9 physical conditions of the prison and staff treatment  
10 of inmates, including findings that prison staff were  
11 physically abusive, that substance abuse was rampant,  
12 and that the conditions inside the facility were  
13 dangerous and even life-threatening.

14                   Finally, findings about cost  
15 effectiveness and other outcomes within a CCA-operated  
16 prison in Tennessee also called into question the  
17 advantages of private institutions compared to state  
18 or publicly operated facilities. An independent audit  
19 of CCA and two comparable state run facilities  
20 revealed that all three institutions received  
21 statistically identical scores across a variety of  
22 performance measures. Moreover, this study concluded  
23 that there were no cost savings produced by the CCA  
24 facility.

25                   Another study by the Bureau of Justice

1 Assistance reported that CCA facilities in Tennessee  
2 and elsewhere reported the average daily cost per  
3 prisoner as \$30.51. This company, in turn, billed  
4 clients like the state of Tennessee an average of  
5 \$42.72 per prisoner, which put CCA's costs at about 20  
6 percent higher than similar facilities operated by the  
7 state. Additionally, the study revealed more assaults  
8 and security issues in privately operated facilities  
9 than state run institutions.

10 More detail on these cases can be found  
11 in the Appendix to this testimony. But the point  
12 remains that prison privatization, while promising  
13 great cost savings, efficiency and effectiveness of  
14 operations, operates on the very weak foundation of  
15 evidence about its effectiveness and raises many  
16 issues regarding public safety and delegation of  
17 public authority to private entities. This is not to  
18 say that the use of vendor-provided services has no  
19 role in corrections.

20 The Pennsylvania Department of  
21 Corrections has for years contracted with private and  
22 non-profit providers for various services in the  
23 day-to-day operations of our prisons. Presently, we  
24 contract for about half of our outpatient alcohol and  
25 other drug treatment services, and all of our AOD

1 services at our dedicated treatment prison, SCI  
2 Chester, are provided by a vendor. We also contract  
3 for various other treatment services, such as our new  
4 parenting program. In addition, 36 of our 49  
5 Community Corrections Centers statewide are operated  
6 by vendors.

7           In the area of medical services, we  
8 contract for physician services at all of our  
9 institutions. We recognize that private and  
10 non-profit providers can make valuable contributions  
11 of specialized and highly complex treatment and other  
12 services needed in a complex correctional system.

13           The Department of Corrections concludes  
14 that at this point, though, the privatization of the  
15 entire prison operations in Pennsylvania would  
16 undermine the solid reputation for safe, secure and  
17 orderly and effective prison management that has been  
18 established by the corrections professionals in the  
19 Commonwealth. I thank you and welcome any questions  
20 you may have.

21           CHAIRMAN:

22           Thank you, Bill. We have been joined by  
23 additional representatives that are going to introduce  
24 themselves for the record. Your name and your  
25 District?

1                   REPRESENTATIVE HARHAI:

2                   State Representative Ted Harhai, 58th  
3 Legislative District, Westmoreland and Fayette  
4 Counties. Thank you.

5                   REPRESENTATIVE READSHAW:

6                   Representative Harry Readshaw, Allegheny  
7 County.

8                   REPRESENTATIVE PRESTON:

9                   Joe Preston, 24th District.

10                  REPRESENTATIVE COSTA:

11                  I already --- Paul Costa, 34th District.

12                  CHAIRMAN:

13                  Questions? Any ---? Why does this issue  
14 --- especially when you look at Colorado and  
15 Tennessee, why does the issue just keep rearing its  
16 ugly head when the data contravenes the argument?

17                  MR. SPRENKLE:

18                  Excellent question, and the only answer  
19 that I can think of is because we have staunch  
20 proponents for profit-making reasons out pushing the  
21 issue.

22                  CHAIRMAN:

23                  Any other questions?

24                  REPRESNTATIVE PALLONE:

25                  Yes. I have one question, and I don't

1 know if you can say or not. But if you can't, don't  
2 worry about it. But do you know if the three states  
3 that you noted, Louisiana, Tennessee and --- what was  
4 it, Connecticut?

5 MR. SPRENKLE:

6 Colorado.

7 REPRESENTATIVE PALLONE:

8 Colorado. Do you know whether or not the  
9 partisan politics is Republican or Democrat?

10 MR. SPRENKLE:

11 I don't know.

12 REPRESENTATIVE PALLONE:

13 You don't know? Just curious. Thank  
14 you.

15 MR. SPRENKLE:

16 Uh-huh (yes). Not much politics at the  
17 jail. There might be a little bit of politics, but  
18 not ---.

19 CHAIRMAN:

20 Anything else? We'll thank you for your  
21 testimony. We'll next move to Harry Gillespie, Warden  
22 of Greene County Prison. He's not here? We do have  
23 his testimony, and we'd like to submit that for the  
24 record. Roy Pinto? Is Roy here?

25 MR. HOOD:



1 Give testimony?

2 CHAIRMAN:

3 Yes, sir. You're filling in?

4 MR. HOOD:

5 Yes, I am.

6 CHAIRMAN:

7 Go right ahead, sir.

8 MR. HOOD:

9 Roy is chairing the medical committee.

10 My name is Shawn Hood. I'm a business agent for the  
11 Pennsylvania State Corrections Officers Association.  
12 Our organization represents over 11,000 state  
13 employees from Department of Corrections, as well as  
14 the Department of Public Welfare. Our organization  
15 has chosen to attend this committee hearing this  
16 morning to show our continued support of House Bill  
17 1469. As we are all aware, House Bill 1469, if  
18 passed, will provide all Pennsylvanians with a  
19 continued sense of confidence in the secure housing of  
20 the Commonwealth's incarcerated offenders and  
21 adjudicated mental patients.

22 The PSCOA consistently maintains the  
23 belief that there are fundamental services such as our  
24 Military/National Guard and law enforcement agencies  
25 that should be controlled and operated by state

1 government. As correctional and forensic security  
2 employees, we are tasked with the care, custody and  
3 control of the inmates and forensic patients under our  
4 supervision. Our membership consists of several job  
5 classifications with the training, experience, and  
6 expertise to provide a level of service that inspires  
7 continued public trust in the safe and secure  
8 operation of our Commonwealth facilities.

9           Privatization would unnecessarily and  
10 irresponsibly jeopardize that public trust by placing  
11 the operation of our Commonwealth facilities in the  
12 hands of for-profit organizations. Historically  
13 speaking, corrections and forensics combined with  
14 for-profit operations has lead to disastrous outcomes.  
15 Serious bodily injury, death and escape have been the  
16 consequences of the misguided decision to retain  
17 for-profit organizations to operate these types of  
18 facilities.

19           The most commonly cited rationale for  
20 privatization is alleged cost saving. However, these  
21 alleged cost savings do not ring true. For example,  
22 as recent as last month in Delaware County,  
23 Pennsylvania, a for-profit organization withdrew  
24 halfway through a two-year, \$38 million contract  
25 extension, leaving the local government to fend for

1 itself. Where are the cost savings in paying for  
2 services that are not performed?

3           Privatization failures throughout the  
4 United States have been widely documented. In fact,  
5 the national trend in corrections is to return to the  
6 public sector because for-profit operations lead to  
7 less secure facilities, as well as more legal  
8 liability due to lawsuits stemming from inadequate  
9 medical treatment, substandard food service and  
10 inhumane inmate treatment from untrained,  
11 inexperienced and under compensated staff. Escape  
12 rates are consistently higher in privately run  
13 operations, which also suffer from high employee  
14 turnover, understaffing, inadequate training,  
15 unqualified and inexperienced staff, inmate abuse and  
16 poor inmate services.

17           In closing, our Commonwealth facilities  
18 should be regulated and operated by state government.  
19 It's a public trust that belongs in the hands of the  
20 Commonwealth that answers to its citizens and not in  
21 the hands of a private company that ultimately answers  
22 to its shareholders. We wholeheartedly endorse a  
23 permanent moratorium of any prison privatization  
24 efforts, including our three secure units which house  
25 mentally ill criminals. Our Department of Public

1 Welfare has wisely decided against pursuing this  
2 option for the same reasons I've just addressed.  
3 Thank you for your time and attention in this matter.  
4 I am willing to entertain any questions that you may  
5 have.

6 CHAIRMAN:

7 You know, I'm curious about the plan  
8 because we've toured several of the prisons this past  
9 year. As John knows, we toured Camp Hill and SCI  
10 Chester and a few others. The ongoing training, I  
11 don't think many people are aware of this as far as  
12 the officers. They just don't pick somebody off the  
13 street, put them in a prison and say, you're now a  
14 corrections officer. It's not that simple. Could you  
15 give an example of ---?

16 MR. HOOD:

17 Camp Hill.

18 CHAIRMAN:

19 What do you do there?

20 MR. HOOD:

21 Upon initial hire, they go for a four or  
22 five week course at the Academy. Mr. Strump  
23 (phonetic) was very instrumental in developing a  
24 training academy, which offers anything from use of  
25 force to inmate manipulation, first aid and a wide

1 variety of issues. Upon completion of trainings,  
2 they'd return to the facility. And for the  
3 corrections officers, they go through a one-year  
4 course, where you're to be seen on a daily basis by a  
5 training sergeant, who again reiterates all that was  
6 trained at the Academy and just the fundamentals of  
7 the correctional environment.

8 CHAIRMAN:

9 So there is ongoing training that could  
10 tell you ---?

11 MR. HOOD:

12 That's just to maintain your employment.  
13 If you're unsuccessful in that first year, obviously,  
14 you could lose your employment before that.

15 CHAIRMAN:

16 Who does that compare with the privates?  
17 Because, you know, we've heard some horror stories  
18 about some of the privates, that they don't have  
19 anywhere near the similar kind of training that your  
20 officers get before they're put in an institution.

21 MR. HOOD:

22 From what I understand, it's very  
23 minimal, and it stops at the employment. Once you  
24 gain employment, the training ends.

25 REPRESENTATIVE PALLONE:

1           Actually, that was my question. I had  
2 the same question you did. What kind of training do  
3 your officers receive? And do these private  
4 facilities, do they have to train? Are they required  
5 to meet a minimum requirement?

6           MR. HOOD:

7           Like I said, I've never been a private  
8 sector employee in a corrections setting. But just  
9 again, to reiterate what I had said, what's offered at  
10 the Academy, and that's all dealing with the result  
11 of ---.

12          CHAIRMAN:

13          How long is the Academy?

14          MR. HOOD:

15          Depending on the classification you are,  
16 I believe it's four or five weeks.

17          CHAIRMAN:

18          And the corrections officers?

19          MR. HOOD:

20          It's five weeks.

21          CHAIRMAN:

22          John?

23          REPRESENTATIVE PALLONE:

24          And if you know the answer, fine. If you  
25 don't, I understand, too. But in terms of

1 pre-employment screening --- and I probably should  
2 have asked Mr. Sprenkle maybe. What do the  
3 prospective employees go through before they even get  
4 the opportunity to go a ---?

5 MR. HOOD:

6 That's an excellent question. We're  
7 required to pass a background check by the State  
8 Police, as well as local agencies. Anything that may  
9 have come up on your name --- to be able to clear that  
10 prior to employment.

11 REPRESENTATIVE PALLONE:

12 Is there any psychological screening ---?

13 MR. HOOD:

14 You take an exam that, I guess, it ---  
15 maybe --- I don't know, psychiatrist, psychologist?  
16 But it I guess it gives you bars. Like if you're  
17 overly oppressive, it'll give you indication of that.  
18 I don't know, again, how that works, but ---.

19 REPRESENTATIVE PALLONE:

20 Is there a physical exam, as well?

21 MR. HOOD:

22 There is, yes.

23 REPRESENTATIVE PALLONE:

24 Both agility and strength, as well as  
25 medical clearances?

1                   MR. HOOD:

2                   Again, yes.

3                   REPRESENTATIVE PALLONE:

4                   Thank you. Thank you, Mr. Chairman.

5                   REPRESENTATIVE PETRONE:

6                   Mr. Hood, could you enlighten us as to  
7 why substance abuse remains so high in the prison  
8 system? What steps could be taken regarding problems  
9 for the staff or inmates?

10                  MR. HOOD:

11                  The mission statement in the Department  
12 of Corrections, basically what we're trying to do is  
13 to rehabilitate someone and prepare them to reenter in  
14 society. That, unlike the private sector, I mean,  
15 it's expensive for all those programs and whatnot and  
16 make them available and make them mandatory for that  
17 matter. And actually, there is a lower cost for the  
18 Department of Corrections for those, and obviously,  
19 our recidivism rate shows that.

20                  REPRESENTATIVE PETRONE:

21                  Is there a much greater need for  
22 treatment ---?

23                  MR. HOOD:

24                  I'm sorry?

25                  REPRESENTATIVE PETRONE:



1                   Is there a much greater need for  
2 treatment for people with this problem? Is it  
3 inadequate presently, or is it ---?

4                   MR. HOOD:

5                   I don't know.

6                   REPRESENTATIVE PETRONE:

7                   Are we doing enough?

8                   MR. HOOD:

9                   I mean, it --- I've been employed since  
10 1990. It's come a long way since then. I mean, again,  
11 I don't know what the statistics are, but we had a  
12 large number drug abusers or drug-related crimes. So  
13 we have quite a bit. I guess, there's never enough.

14                  CHAIRMAN:

15                  Any other questions Members? No? Sir,  
16 thank you very much for your testimony.

17                  We do have testimony here from Gary  
18 Lightman, which you have in front of you. He couldn't  
19 make it here today. But we do have the ACLU, and if  
20 you would like to present your testimony. Pam?

21                  MS. IRWIN:

22                  Good morning, Chairman Caltagirone and  
23 members of the Committee. Thanks for inviting the  
24 American Civil Liberties Union to today's hearing. My  
25 name is Pamela Irwin, and I'm the community organizer

1 for the western reach of the state. I work out of our  
2 Pittsburgh office. We didn't carpool today, so maybe  
3 we should have, but maybe next time.

4           Founded in 1920, the ACLU is one of  
5 America's oldest civil rights organizations. We have  
6 a nationwide membership of about 600,000 people. And  
7 I'm here today on behalf of the 18,000 members of the  
8 ACLU in Pennsylvania. House Bill 1469 states that  
9 there will be no private prisons in Pennsylvania. The  
10 exceptions are those private prisons that were  
11 operating in 1985 and those that are operating when  
12 this bill goes into effect.

13           The ACLU supports House Bill 1469 and  
14 opposed the privatization of prisons. The decision to  
15 incarcerate a person is a critical and serious public  
16 policy decision. The statement our government makes  
17 when incarcerating a person is that that person's  
18 actions were so grave that his or her liberty must be  
19 taken. This is a responsibility that requires  
20 oversight and accountability. Today, there are 46,000  
21 people incarcerated in state prisons in Pennsylvania.

22           The Commonwealth prison population is  
23 four times larger now than it was just 30 years ago.  
24 And as a result, Pennsylvania must have three new  
25 state prisons by 2012. And the Department of

1 Corrections estimates that if current trends continue,  
2 the Department will be back to full capacity just five  
3 years after these prisons open.

4           Facing this budgetary increase, it can be  
5 tempting for public officials to hand over correction  
6 responsibilities to private companies. However,  
7 corporate entities have an obligation to their  
8 stockholders to pursue profit, while the government  
9 has an obligation to the people to pursue sound public  
10 policies to keep our communities safe and healthy.

11           The top priority of a prison should be  
12 maintaining a safe and secure facility. The second is  
13 surrounding community encouraging rehabilitation and  
14 establishing productive instructional programs to  
15 reduce recidivism. Private industries have little  
16 financial incentive to meet Constitutional standards  
17 and legislation in Congress that the ACLU supports is  
18 indicative of the lack of accountability in private  
19 prisons.

20           The Private Prison Information Act, HR  
21 1889, would require private companies who run federal  
22 prisons to release information about their operations  
23 in accordance with the Freedom of Information Act.  
24 Any federal agency operating a facility is requested  
25 to follow the FOIA. But under law, the corporations

1 that run facilities with federal prisoners do not have  
2 the same obligations to be open and transparent. The  
3 low bar of openness for private prisons creates an  
4 atmosphere where anything goes, and no one knows about  
5 it.

6           There are multiple examples of private  
7 prisons run amuck. GEO group built and operated the  
8 Delaware County Prison. GEO's work at Delaware County  
9 Prison has included the settlement of wrongful death  
10 lawsuits, releasing the wrong inmate three times, and  
11 firing employees who are involved in criminal  
12 activity. In May, a television news report revealed  
13 that GEO guards in a detention facility in Texas  
14 sexually assaulted female detainees and threatened to  
15 report them if they did not accept the guards'  
16 advances. GEO's records of this situation do not have  
17 to be revealed publicly, and a GEO spokesperson denied  
18 knowledge of the incident when questioned by a  
19 reporter.

20           In San Diego, Corrections Corporations of  
21 America ran an integration detention center in which  
22 detainees lived for years in dangerously overcrowded  
23 conditions. Some detainees slept on plastic slabs  
24 over by the toilet. CCA's prison in Youngstown, Ohio  
25 was so poorly run that the company had to settle

1 inmate lawsuits that cost \$1.65 million. A report  
2 from the Department of Justice found that CCA's staff  
3 was inexperienced and poorly trained. As a result,  
4 the staff used excessive force against inmates. After  
5 two stabbing deaths, several escapes and  
6 medically-related deaths, the company settled the  
7 inmates' lawsuits.

8           If Pennsylvania hires corporations to  
9 manage prisons, those corporations will undoubtedly  
10 try to influence the deliberations of this committee.  
11 Every session the Judiciary Committee considers  
12 legislation. While we expect the Legislature to enact  
13 laws that are fair and reasonable, private correction  
14 companies have a profit motive for increasing the  
15 number of inmates, as well as keeping the inmates that  
16 they've got in prison. These companies could very  
17 well lobby you to expand Pennsylvania statutes for  
18 their own financial gain.

19           House Bill 1469 ensures that the  
20 Commonwealth places a cap on private prisons in  
21 Pennsylvania and closes out the profit-driven motives  
22 of corporations, the lack of accountability and the  
23 transparency of these companies in the private  
24 sectors. Thank you for the opportunity to testify  
25 today and I'll take any of your questions.

1                   CHAIRMAN:

2                   Thank you, Pam. We've been joined with  
3 another representative from western Pennsylvania. Do  
4 you just want to introduce yourself for the record,  
5 Joe.

6                   REPRESENTATIVE PETRARCA:

7                   Yes. Joe Petrarca from Westmoreland  
8 County. Thanks.

9                   CHAIRMAN:

10                  Questions? Tom? No? Okay. Thank you.  
11 We would like to recall John Coyne who deals with us  
12 up in the House. And do you want to join John, Bill?  
13 John Coyne is the legislative liaison, Department of  
14 Corrections. That's your official title; right, John?

15                  MR. COYNE:

16                  Yes.

17                  CHAIRMAN:

18                  We want to make sure that that's recorded  
19 properly for the record. And I know that you probably  
20 need that also for the story from the press. And  
21 that's C-O-Y-N-E, John. John, could you give us a  
22 little bit of an overview and a thumbprint on what's  
23 been going on with the Department? Because we do have  
24 three new prisons that are going to be under  
25 construction shortly, and some of the operations that

1 are taking place with the Department.

2 MR. COYNE:

3 Okay. As you know, Mr. Chairman, several  
4 months ago, a capital budget passed which had to have  
5 listed in it the proposed new prisons. The Department  
6 initially put in for three new prisons. And you know,  
7 right now the capital budget is ---. The one right  
8 now has begun --- or not begun, but the one that's  
9 actually full is the one at SCI Rockview prison we  
10 already had. The second prison we're very interested  
11 in building is in Fayette County. That would be the  
12 second state prison in Fayette County.

13 Right now the Department of General  
14 Services is looking at property in German Township.  
15 My understanding is there's two or three sites the ---  
16 to see if they would be, you know, amenable to having,  
17 you know, a prison built there. If not, this is still  
18 in the capital budget. It was mentioned Fayette  
19 County would be the location of the prison. So we are  
20 still also looking --- if German Township didn't work  
21 out, they're still Fayette County. There would be  
22 another prison looked at there.

23 Right now this is in the hands of DGS for  
24 putting in plans to review the areas. And then the  
25 next step is they would put together a construction

1 manager, who is the way to go, I guess, in  
2 Pennsylvania, looking at design built for a prototype  
3 prison. And their position would be that they would  
4 go forward. Right now, ever since --- you know,  
5 before that packet of bills the Legislature just  
6 passed, House Bills 4, 5, 6 and 7, it was anticipated  
7 we would definitely need three new prisons by 2012 to  
8 accommodate the population as it's rising.

9           The hope of the package of bills is to  
10 deal differently with the less serious offenders in  
11 conversion programs and things like that. And we  
12 would only have to build two new prisons. So Rockview  
13 and hopefully SCI Fayette County will be the second  
14 one. And we have moved forward in that direction. So  
15 that's basically where it is right now.

16           CHAIRMAN:

17           I think, for the members here, we just  
18 dealt with the budget, and having just a few years  
19 experience up on the hill and watching this --- along  
20 with Bill and I, he had been former chairman of the  
21 House Judiciary --- watching the development and  
22 growth of our prison population from 6,000 to 7,000  
23 way back when with 12 or 13 facilities, and today  
24 having, what is it, 27 facilities at a cost of over  
25 \$1.3 billion with \$46,000 ---.



1                   MR. COYNE:

2                   The budget is about \$1.6 billion.

3                   CHAIRMAN:

4                   \$1.6 billion, last year's was \$1.3  
5 billion. This year is \$1.6 billion. Plus the three  
6 prisons, what's the ballpark, \$850 mil?

7                   MR. COYNE:

8                   For the three prisons, yeah.  
9 In the budget each one is slotted for \$200 million.  
10 So it's \$200 million, plus the operating cost annually  
11 for any prison is about \$50 million. So I mean,  
12 you're looking at a significant --- each prison, the  
13 building itself would be close to \$200 million.

14                   CHAIRMAN:

15                   And the overcrowding --- and that's the  
16 other point. You know, having toured some of the  
17 facilities this past summer, there is somewhat of an  
18 overcrowding condition going on in almost all the  
19 prisons. And that's true at the county level as well  
20 as the state level; correct?

21                   MR. COYNE:

22                   That's right. It's not just the state  
23 prisons, but the county prisons. We have many two to  
24 five state sentenced inmates going to a county jail.  
25 I think what the legislation is doing is allowing the

1 state to pick up those two to fives in three years,  
2 based on the fact that we'd be building other prisons.

3 CHAIRMAN:

4 You know, the other interesting point  
5 that I think needs to be shared with the members is  
6 that in the institutions that we visited, they were  
7 telling us that the number of mentally ill approaches  
8 somewhere around 20 percent or close to that figure in  
9 most of those facilities. And at the time of  
10 sentencing, the Judges have no alternative --- and  
11 we've heard this from the Judges that we've met with  
12 over this past summer. They can't put them anywhere  
13 else because they've committed some type of criminal  
14 offense.

15 So they incarcerate them in our prisons,  
16 even though they know that that's not the best setting  
17 for them. And they continue to be repeat offenders.  
18 And since we don't have mental health facilities of  
19 any account to put these people in, they incarcerate  
20 them in our prisons, only to act out even more and  
21 commit more offenses. Or when they do get out, they  
22 seem to come back into the situation all over again.  
23 Is that not the case, John?

24 MR. COYNE:

25 Absolutely, yes.

1                    CHAIRMAN:

2                    Yes.

3                    MR. COYNE:

4                    The mentally ill --- the Department  
5 constantly is trying to adapt to deal with the  
6 mentally ill conditions of people that --- and you see  
7 them going to institutions, as you did, that we even  
8 have a --- there's been a real concerted outlook to  
9 start dealing with those who are acting out --- who  
10 ended up in the restricted housing units that you hear  
11 about --- is that checking those who have real mental  
12 health issues. Because again, it was a real --- that  
13 tends to happen, and realizing that the long-term  
14 housing units for those who are mentally ill is  
15 probably not the best situation. So actually, we  
16 ended up creating a new unit. We have a special needs  
17 unit in every prison. In some prisons now, we have  
18 secured special needs units, so that we can have a  
19 secure area, where these people probably should not be  
20 in the general population because of the way they act  
21 out. And they could hurt others or hurt themselves.  
22 So now rather than putting in restricted housing,  
23 they're in a secured setting. So that's always being  
24 done in the Department. It's always looking at new  
25 ways to deal with our population, which as you might

1 guess, is very complicated. It's not a simple thing  
2 like something on TV, where just these are the bad  
3 guys, period. You know, there's a lot of information  
4 involved. And as Representative Petrone asked about  
5 the drug and alcohol issue, I mean, 70 percent of our  
6 inmates have some kind of drug and alcohol problem.

7           It doesn't mean that's what brought them  
8 to prison. But it shows you the relationship between  
9 that issue. There's 70 percent. I mean, that's a  
10 huge amount when you think of it, but that's what  
11 we're dealing with. And very often, the mentally ill  
12 get involved with that because that becomes how they  
13 medicate themselves.

14           CHAIRMAN:

15           Yes, sir.

16           REPRESENTATIVE PALLONE:

17           Just a question about the mental health  
18 issue. If 20 percent are suffering from mental  
19 illness of some sort, would it be financially better  
20 off, as well as for their well-being to have a  
21 separate facility, say centrally located in the state,  
22 as opposed to each facility having a special unit for  
23 that? Would that be something --- does it make sense  
24 to do that, or is it just too costly? Or would it be  
25 better to segregate those people in a separate

1 facility and put money into that facility to take some  
2 of the extra cost out of that?

3 MR. COYNE:

4 Well, my sense is by making a  
5 consolidation, it would probably be more expensive.  
6 Let me give you a for instance. We just recently  
7 studied the possibility of consolidating our inmates  
8 that have some type of a cognitive impairment,  
9 including dementia. And it appears preliminarily that  
10 it would just be more expensive. And we're not real  
11 certain that that would significantly improve the  
12 quality of our services.

13 As John mentioned, I think, it's pretty  
14 important to keep in mind that at all of our  
15 facilities, we have mental health providers. We have  
16 in many of our facilities, mental health units with  
17 mental health professionals running those operations.  
18 We put a lot of emphasis and resources into the issue  
19 of treating those with mental illnesses.

20 REPRESENTATIVE PALLONE:

21 What's the average cost per year per  
22 inmate?

23 MR. COYNE:

24 About \$33,000.

25 REPRESENTATIVE PALLONE:

1           So it's costing us \$33,000 bucks per head  
2 to keep somebody incarcerated, and that's not  
3 including ---. That's breaking down ---.

4           MR. COYNE:

5           That's just amounts, your total budget  
6 allocated across the inmate population.

7           REPRESENTATIVE PALLONE:

8           And in terms of your growth in five-year  
9 patterns, five years ago, ten years ago, what kind of  
10 growth are we seeing?

11          MR. COYNE:

12          You mean cost?

13          REPRESENTATIVE PALLONE:

14          No, in numbers of inmates.

15          MR. COYNE:

16          It consistently goes up. I don't know.  
17 Well, it was about 125, now it's closer to about 150  
18 net increase per ---.

19          REPRESENTATIVE PALLONE:

20          Per month?

21          MR. COYNE:

22          Per month.

23          REPRESENTATIVE PALLONE:

24          Across the unit now?

25          MR. COYNE:

1 Right.

2 REPRESENTATIVE PALLONE:

3 And how many, if any, privately owned or  
4 privately run prisons do we have in Pennsylvania?

5 MR. COYNE:

6 I think there's one in Delaware County.

7 CHAIRMAN:

8 Delaware.

9 MR. COYNE:

10 Okay. And that's a county prison, so we  
11 don't have any private state prisons in Pennsylvania.

12 REPRESENTATIVE PALLONE:

13 And so the reference to Delaware County  
14 is a county facility, not a state facility, so those  
15 statistics don't impact you at all?

16 MR. COYNE:

17 Right.

18 REPRESENTATIVE PALLONE:

19 Okay. I was misinformed there then.

20 CHAIRMAN:

21 What is the mandatory sentencing  
22 tradition in our state over the last 10, 15, 20 years?  
23 And help me. When did it launch, in 19 --- late '80s?

24 MR. COYNE:

25 Yeah, I think it was late '80s, early

1 '90s.

2 CHAIRMAN:

3 I'm assuming that is the major impact on  
4 the growth, the mandatory sentencing, but I'm not  
5 sure. So can you talk about mandatory sentencing and  
6 its impact on our numbers?

7 MR. COYNE:

8 Well, I mean, it definitely has. I mean,  
9 there's no doubt that sentences have increased,  
10 especially in the midst of the late '80s up to the mid  
11 '90s, when it was to get tough on crime. And  
12 especially drug and alcohol offenders, I think there  
13 was a big push for mandatories on what today --- I  
14 think 15, 20 years ago, people were much more  
15 skeptical about treatment, about --- you know, if you  
16 looked at that as coddling drug and alcohol offenders.

17 And I think we got to the point --- and  
18 of course, mandatories were down, and that's how we  
19 dealt with drug and alcohol problems. We made a  
20 couple laws, thinking if we locked them up for longer  
21 periods of time and stuff like that, then we would be  
22 able to deal with it. They would learn. And  
23 unfortunately, it didn't work that way. People came  
24 to prison for the part two offenders, who really  
25 weren't ---.



1                   CHAIRMAN:

2                   Part two?

3                   MR. COYNE:

4                   Part two meaning those less serious  
5 offenses, not violent offenses, not your assault  
6 people. These are people basically who are property  
7 offenders, drug and alcohol offenders, the people that  
8 were impacted by the legislation. That would be  
9 called part two offenders. So a lot of them would be  
10 pulled in with these mandatories. And so we were  
11 putting them into prison, and that's what's driving  
12 the population. I mean, if you look at the numbers  
13 coming into the system, it's not those serious  
14 offenders that are driving up our population. It's  
15 those less serious offenders.

16                   And actually, we've learned over the  
17 years that locking them up for longer periods of time,  
18 if anything, is detrimental. I mean, it really  
19 doesn't work. I mean, you're not dealing with the  
20 factors. You're not dealing with the issues that  
21 brought them to prison. And that's why we support so  
22 much the drug boards, the mental health boards, the  
23 problem-solving --- anything you can do to divert  
24 these types of people early on, and get them what they  
25 need versus just locking them up.

1           Now, some should be locked up, but a  
2 great number of them could be dealt with a little  
3 differently. Both in the end saving --- making  
4 communities safer because you're dealing with the  
5 issues that brought them here. And there's less  
6 chance that they'll recidivate as well as you're  
7 saving money. And you know, we're not putting them in  
8 prison because the whole thing, I mean, doesn't work  
9 as well. You're not dealing with the issues that  
10 brought them there.

11           That's why in prisons today, we have a  
12 lot of programs. We try to put together educational  
13 and correctional programs that --- especially for  
14 jobs. Rather than just giving arts and crafts and  
15 doing things that really don't --- I mean, the  
16 secretary is very big on it. If it doesn't work, then  
17 let's move on. In other words, if this is a job  
18 training that's not going to get someone a job, then  
19 what's the point?

20           So we're trying to give things that will  
21 make people get back into the community and that will  
22 help them to stay the community without recidivating.  
23 So I mean, all of us are focused on that. We always  
24 say that everything should be focused in that  
25 direction, all of our vocational programs and

1 treatment programs. That's what the whole point is.  
2 It's not to coddle, but it's to make a difference, so  
3 that they won't come back.

4 CHAIRMAN:

5 Will the day ever come when some of these  
6 two to five year sentences are done with state  
7 correctional officers overseeing work crews, where  
8 they would never come into the facility full time?  
9 They might be in a halfway setting, and they would  
10 spend the day picking up litter? I mean, there's  
11 enough litter in Pennsylvania for 46,000 --- 46,000,  
12 because you don't want the rapists and the murderers  
13 and the aggravated assault people out there. But why,  
14 in your view, has that never been an alternative, that  
15 some of these two to fives --- or even fewer --- I  
16 guess, is that the minimum to go to a state facility,  
17 two to five?

18 MR. COYNE:

19 Yes.

20 CHAIRMAN:

21 Well, why aren't some of these people  
22 just picking up litter 12 hours a day?

23 MR. COYNE:

24 Well, they are. I mean, we have litter  
25 crews and work crews throughout the state who are

1 coming out ---.

2 CHAIRMAN:

3 It just seems like --- and it just seems  
4 like --- and I'm privileged to have two of these  
5 facilities within my jurisdiction. And it just seems  
6 like there could be so much more. But maybe I'm --- I  
7 don't know what I'm ---.

8 MR. COYNE:

9 Well, we have to be careful who goes out.  
10 I mean, ---

11 CHAIRMAN:

12 Of course.

13 MR. COYNE:

14 --- we can't ---.

15 CHAIRMAN:

16 Of course.

17 MR. COYNE:

18 I know that --- actually I've heard it  
19 many times a week from the secretary and the  
20 superintendents, to check their inmates to send work  
21 crews out there. But the major factor is always  
22 security.

23 CHAIRMAN:

24 Yes. Okay.

25 MR. COYNE:

1           There cannot be any doubt that the people  
2 you're letting out are people that you are comfortable  
3 with. I mean, we have eight people on a work group  
4 picking up litter, and you have the one, quote,  
5 maintenance man working with them, supervising them.  
6 I mean, you know, this isn't --- again, we're not ---  
7 this isn't like Cool Hand Luke. And we can have guys  
8 with the rifles, and they're watching them. These are  
9 people we feel comfortable with that are out there.  
10 And you very seldom hear about anyone like that, you  
11 know, taking off. And that's because that's a very  
12 --- because, you know, something like that, you know,  
13 there's a lot of knee jerk reaction to stuff.  
14 Something like that, one guy runs off or does ---

15           CHAIRMAN:

16           Yeah.

17           MR. COYNE:

18           --- something, and that's the end of that  
19 program.

20           CHAIRMAN:

21           Yeah.

22           MR. COYNE:

23           And I think we have to be politically  
24 conscious of that at the same time.

25           CHAIRMAN:

1           Absolutely, absolutely.

2           MR. COYNE:

3           So we have that same reality also.

4           CHAIRMAN:

5           Thank you. It's your turn ---.

6           REPRESENTATIVE HARHAI:

7           Mr. Chairman, if we can talk about that,  
8 those DOC people, they came in. They had one guy  
9 monitoring them, an officer. And I --- what if these  
10 guys run? He said, they have six months left.  
11 They're not running anywhere. And if they run, let  
12 them run. Everything that they pick up, everything  
13 they come back in is all checked out.

14           And also, they have a great program. It  
15 works very, very well. And I've utilized that, too,  
16 throughout my district in Westmoreland County and  
17 Fayette, where there are prisoners or inmates that  
18 have a skill. They built a ramp for a lady who has  
19 multiple sclerosis. They fixed a home, a porch for  
20 another person who didn't have the financial  
21 wherewithal. They could pay for the materials, but  
22 they couldn't afford the labor, so they would come up  
23 with roughly \$3,000 or \$4,000, pay for the materials,  
24 and the DOC would come in.

25           And this program is becoming more and

1 more popular, and it's working very, very well. Plus,  
2 at the same time, I think it's going to show, how many  
3 people who know a trade can we get to do this? So  
4 it's worked very, very well with these men. Both of  
5 those programs work very, very well. We have them  
6 cutting trees and different things. It's a tremendous  
7 job. And I've experienced it firsthand, so I know.  
8 They continue to use that --- I've been out of local  
9 politics seven years. And they continue to use the  
10 same program, and it works very, very well; not had  
11 any incidents at all.

12 MR. COYNE:

13 These inmates know that that's a  
14 privilege, and that's something ---.

15 REPRESENTATIVE HARHAI:

16 Well, they long for it, to get back to  
17 work and try to be, I guess, better citizens within  
18 the confines of the walls, so they can be one of the  
19 chosen ones to go out, to be out.

20 MR. COYNE:

21 And not only does it teach good skills,  
22 it teaches good work ethics. Some of those guys never  
23 had jobs.

24 REPRESENTATIVE HARHAI:

25 You're not allowed to buy them anything

1 to eat, a pizza, sandwich, whatever. You don't want  
2 to make it too good for them because too many people  
3 want to come out. And that's a problem. So we just  
4 follow the rules and regulations that the prison's set  
5 fourth. The guard is there, and they take care of  
6 business. And an interesting thing, I'd never heard  
7 of it until I went in and asked about it. They did a  
8 tremendous job and still do today.

9 MR. COYNE:

10 Eighty (80) percent, about 80 percent of  
11 our new commitments are unemployed at the time of  
12 incarceration.

13 REPRESENTATIVE HARHAI:

14 Yeah, they --- I mean, some of these guys  
15 have to learn how to sweep. They never used a broom  
16 to sweep.

17 MR. COYNE:

18 Absolutely.

19 REPRESENTATIVE HARHAI:

20 I mean, people think --- these are grown  
21 adults. And they had to be taught how to use a broom  
22 to sweep. Another thing that I had was --- and I  
23 thought yesterday, knowing that we'd be coming here  
24 today. There are 500 teens --- or it's quickly  
25 approaching 500 teens --- are they --- they wouldn't



1 be on death row. They're life sentences teens?

2 MR. COYNE:

3 Yeah. I think it's around 450 that we  
4 have --- who were tried and convicted and got life  
5 sentences as adults.

6 REPRESENTATIVE HARHAI:

7 Are they in the normal, if you would  
8 know, prison population? Are they just thrust in  
9 there? I mean ---.

10 MR. COYNE:

11 You mean those --- the young? We have a  
12 prison, SCI Pine Grove, where we have specifically to  
13 handle young offenders. And just for an answer to  
14 your question, yes, they are segregated from the other  
15 inmates.

16 REPRESENTATIVE HARHAI:

17 How many do we have all together?

18 MR. COYNE:

19 Total, about 230.

20 REPRESENTATIVE HARHAI:

21 Are they ever executed? Have we ever put  
22 anyone to death in the state of Pennsylvania for  
23 the ---?

24 MR. COYNE:

25 Yeah, but it's since about 10 or 12 ---

1 about '98 or '99.

2 REPRESENTATIVE HARHAI:

3 And we have 236 on death row right now?

4 MR. COYNE:

5 About 230, 236, yeah on death row, and  
6 maybe about 4,000 --- or ten percent of the population  
7 are lifers. Ten percent of the population are lifers.

8 REPRESENTATIVE HARHAI:

9 Mr. Chairman?

10 CHAIRMAN:

11 The juvenile population that you have  
12 segregated, do they get moved into the adult  
13 population when they turn 18 or do you phase them in?

14 MR. COYNE:

15 They go through a phase-in program, but  
16 the answer is yes. They are put in with the adult  
17 population, but they're screened in the process of  
18 doing that. I mean, placement of the inmates is  
19 really contingent upon the program. I mean, you might  
20 have a 19-year-old who's very sophisticated, who you  
21 kind of don't want in with the young people, even  
22 though he's young. So I mean, they're always  
23 examining the situation in determining, you know,  
24 where this guy should be. And actually Pine Grove is  
25 specific and has programming to deal with a 16, 17,

1 18-year-old. Then as they get 19, 20, they may stay  
2 there longer. But once they become adults, most of  
3 them move out into the system, especially if they're,  
4 I mean, going to be in the system for a long time.

5 CHAIRMAN:

6 Right.

7 MR. COYNE:

8 That's a whole ---.

9 REPRESENTATIVE PALLONE:

10 And as a first-year law student some  
11 years ago, the debate was between punishment versus  
12 rehabilitation. And you're suggesting that you have a  
13 number of programs that you through the Department  
14 continue to review for effectiveness. Do all 27  
15 facilities that the Commonwealth operates have all of  
16 the same programs?

17 MR. COYNE:

18 No. I mean, there's some that are the  
19 same, but generally, I mean, no. We have a lot of  
20 specialized prisons. We have Laurel Highlands for the  
21 elderly, Pine Grove for the young people, prisons in  
22 Pittsburgh for drug and alcohol. And in the other  
23 prisons, there are some things that are the same, but  
24 it's like the vocational programs. Some might have  
25 some special vocational programs. Some of them might

1 not. You know, we have special needs units in all of  
2 the prisons. I mean, we have secured special needs  
3 units in some of them.

4 REPRESENTATIVE PALLONE:

5 I recently toured SCI Greensburg. While  
6 it's not in my District, it's in my area. And we're  
7 invited annually down for a tour. And the last tour I  
8 was at, he was showing us that he has created his own  
9 department where he is maintaining and/or repairing  
10 the mattresses and pillows throughout the facility.  
11 And I don't know if he's bringing them in from other  
12 facilities or not.

13 And I was curious as to whether or not a  
14 program like that is in every one of the facilities,  
15 or it's just SCI Greensburg doing mattresses and  
16 pillows? And it just seemed like a phenomenal  
17 investment --- or a minimal investment, in fact. They  
18 have a couple sewing machines and couple of racks.  
19 And they were able to --- what he said in terms of a  
20 budget savings in not having to either send them out  
21 or have them purchased new so ---. And that's only  
22 one example. There are ---.

23 MR. COYNE:

24 Yes. Just about every one of our  
25 facilities has programs similar to that.

1                   REPRESENTATIVE PALLONE:

2                   Okay.

3                   MR. COYNE:

4                   Not every program will have a program to  
5 recondition mattresses, but a few of our facilities  
6 do. Actually, SCI Pine Grove was the first to do  
7 that.

8                   REPRESENTATIVE PALLONE:

9                   Okay.

10                  MR. COYNE:

11                  Significant cost savings. From a cost  
12 saving perspective, it's a good program. It's not  
13 such a good reentry program because there's not many  
14 jobs out there, I mean, recovering mattresses. But in  
15 terms of the treatment programs, in every one of our  
16 facilities, we have some capacity to treat all of  
17 those needs. But we tend to concentrate resources at  
18 particular facilities for particular needs. For  
19 instance, at SCI Chester and SCI Pittsburgh, the  
20 emphasis is on rehabilitation.

21                  REPRESENTATIVE PALLONE:

22                  And the rehabilitation training, as well  
23 as the vocational training, is that part of your  
24 budget number of \$33,000 per year? Or is  
25 rehabilitation and vocational training in addition to

1 \$33,000 per year?

2 MR. COYNE:

3 Well, that's the average figure, but you  
4 might have some inmates that cost more. So yeah, that  
5 is included ---.

6 REPRESENTATIVE PALLONE:

7 That's all part of your global budget?

8 MR. COYNE:

9 Yes.

10 REPRESENTATIVE PALLONE:

11 All right. Thank you.

12 CHAIRMAN:

13 Representative Petrarca?

14 REPRESENTATIVE PETRARCA:

15 Question. I know in different prisons  
16 you have different levels of security, I think in  
17 Pennsylvania. Do we have any that are basically a  
18 low-security prison? Or is there any thought to  
19 having exclusively a low security prison for some of  
20 the crimes you're talking about, some of the two to  
21 fives, or the people who are white-collar criminals?  
22 Because I think about Torrance State Hospital in my  
23 Legislative District, they have a number of open  
24 buildings. They've talked over the years of doing  
25 some things there for maybe DUI offenders, things like

1 that. Is there any thoughts of that? Or where are we  
2 with the security levels?

3 MR. COYNE:

4 Well, we have some facilities at security  
5 level two, basically medium security, and three and  
6 then four for the maximum security. The other thing  
7 to keep in mind is that every one of our institutions,  
8 we have it set up where we can handle all the security  
9 level inmates within that facility. In other words,  
10 you have between minimum, medium, max. Okay. But a  
11 number of our facilities are security level two  
12 facilities. For example, SCI Retreat tends to --- the  
13 highest percentage of their population happen to be  
14 custody level two inmates.

15 REPRESENTATIVE PETRARCA:

16 And it wouldn't make sense to have  
17 something for a very low security setting somewhere to  
18 house, you know, ---

19 MR. COYNE:

20 Yeah, actually ---.

21 REPRESENTATIVE PETRARCA:

22 --- big numbers of those kinds ---

23 MR. COYNE:

24 Right.

25 REPRESENTATIVE PETRARCA:

1                   --- of prisoners?

2                   MR. COYNE:

3                   I think the model that we have in place  
4 is probably the most cost effective one.

5                   REPRESENTATIVE PETRARCA:

6                   Okay.

7                   CHAIRMAN:

8                   Representative Readshaw?

9                   REPRESENTATIVE READSHAW:

10                  Thank you, Mr. Chairman. Would you  
11 please explain the daily medical process involved?  
12 Are the inmates taken care of, administered in-house  
13 in sick bay? And what I'm pointing to here is  
14 transportation costs to inmates to medical facilities.

15                  MR. COYNE:

16                  Well, every one of our institutions has  
17 medical providers. And whenever inmates are sick,  
18 certainly they have access to medical treatment. The  
19 issue of outside medical care, the transportation  
20 costs to outside facilities is certainly very  
21 expensive. And we do what we can to minimize the need  
22 for that without compromising the quality of care.  
23 For example, we would significantly increase the  
24 amount of teleconferencing that we're doing with  
25 hospitals. So we're actually doing the treatment or



1 the assessment of the treatment needs via  
2 videoconferencing, which has substantially reduced our  
3 cost for the transportation. So working directly with  
4 their medical provider, I think we're doing a good job  
5 keeping that cost in check, but at the same time,  
6 providing a very good standard of care.

7 REPRESENTATIVE READSHAW:

8 You know, that teleconferencing --- and  
9 you went right to the point of my question ---

10 MR. COYNE:

11 Right.

12 REPRESENTATIVE READSHAW:

13 --- because I've had legislation for  
14 years concerning teleconferencing. And has this  
15 --- are you doing this more frequently? Is there a  
16 cost savings? Obviously, there is savings on  
17 transportation. And do you see that to be the future  
18 as far as your basic healthcare concerns as opposed to  
19 serious ones?

20 MR. COYNE:

21 Within the last year, the last three  
22 years, we have substantially increased the use of  
23 telenet, partly because of our greater emphasis on  
24 using it for cost savings purposes. But the other  
25 part of that is that we now have more hospitals who

1 are participating in it. At least initially,  
2 hospitals were reluctant to participate. And they  
3 wanted in most instances the inmate actually brought  
4 to the hospital for that type of assessment. So it's  
5 substantially increased. I don't know the cost  
6 savings at this point.

7 REPRESENTATIVE READSHAW:

8 Thank you.

9 MR. COYNE:

10 Uh-huh (yes).

11 CHAIRMAN:

12 We have been joined by Representative  
13 Gergely, 35th District. He will be coming back. You  
14 touched on the prison industries. Could you expand on  
15 that, for the members' benefit, as to some of the  
16 other things that you actually do produce, which  
17 indirectly is a cost savings to the prisons: uniforms,  
18 shoes, other things that I know that you do within the  
19 institutions?

20 MR. COYNE:

21 We have multiple industries. We have a  
22 garment industry where we make inmate clothing, staff  
23 clothing. We have a soap industry. You're certainly  
24 aware of the license plate industry, which has been a  
25 success story for the Commonwealth. Our most recent

1 industry to be developed was in the commissary  
2 distribution. We now have two distribution centers in  
3 the state, soon to have a third one, where we buy our  
4 commissary items from a private vendor.

5           It's brought in to our commissary  
6 distribution center operated by our industries and  
7 it's sent to each of the facilities as a cost-savings  
8 measure. So there's a lot of different industries out  
9 there that certainly provide not just Department of  
10 Corrections, but the Commonwealth as a whole  
11 significant cost savings. When you think about it, I  
12 mean, our inmates are --- you know, we're talking  
13 20-some, 40-some cents an hour, as opposed to the  
14 private sectors.

15                   REPRESENTATIVE READSHAW:

16           Corrections entities right now can  
17 basically only deal with governmental entities, as  
18 well as non-profits. Next year --- I'll just put a  
19 plug in --- we should probably keep an eye on PIE,  
20 which is called PIE, Prison Industry Enhancement,  
21 which is an opportunity for correction industries to  
22 get involved in private enterprise. This is along  
23 with the cooperation that we have with the union,  
24 talking to Bill George. And this is a certificate  
25 that the federal government gives out that allows

1 corrections industries, whether run by county or  
2 state, to be able to license, to be able to work on a  
3 particular private entity industry without impacting  
4 in any negative way on jobs already on the unions that  
5 are working on this. But it's something that we would  
6 --- it's just something to keep an eye on. I think  
7 that's going to be something we're going to be looking  
8 at next year for the first time. The legislature was  
9 introduced by Representative McGeehan this past year,  
10 late in the year. And it's something we'd be  
11 interested in looking at.

12 REPRESENTATIVE PETRARCA:

13 Going back to the problem of substance  
14 abuse, in the '80s when I was on the Appropriations  
15 Committee, I introduced legislation to include a drug  
16 treatment center facility for non-violent offenders on  
17 a voluntary basis. And everybody in the Corrections  
18 Department thought it was a good idea in the '80s  
19 because you needed that separate entity where these  
20 people could be treated, much like you're doing now in  
21 the prison system. A lot of those people that are  
22 there, they go there for the same problems and reasons  
23 that many are in prison.

24 But they can walk away. You know,  
25 they're there on a voluntary basis. And they're

1 supervised. They don't go through the same problems.

2 I just wondered, with all the other  
3 things that we're doing, Mr. Sprenkle, do they still  
4 grow any of their own food, like they used to years  
5 ago?

6 MR. SPRENKLE:

7 Some of our institutions were --- for  
8 example, at SCI Rockview, we had a corn crop last year  
9 and it was very successful. But we really got out of  
10 the farm business per se that these could be operated  
11 by correctional industries.

12 REPRESENTATIVE PETRARCA:

13 It used to be a big thing.

14 MR. SPRENKLE:

15 It used to be a big thing. We had  
16 cattle, we had hogs. Yeah, a big thing ---.

17 REPRESENTATIVE PETRARCA:

18 And then they sustained themselves.

19 MR. SPRENKLE:

20 Yeah, it just became too costly.

21 REPRESENTATIVE PETRARCA:

22 Really?

23 MR. SPRENKLE:

24 Yeah.

25 REPRESENTATIVE PETRARCA:

1 I was just curious. Thank you.

2 CHAIRMAN:

3 Representative Pallone.

4 REPRESENTATIVE PALLONE:

5 Yes. I know that we already touched on  
6 this once about the litter crews, as opposed to the  
7 chain gangs that you read about or see, the Cool Hand  
8 Luke reference with the shackles and whatnot. And I  
9 know that our friends from the ACLU may not appreciate  
10 my next comments. But is it --- do we not use the  
11 inmates more for public works projects because of  
12 potential litigation that might result from injury  
13 and/or other work-related problems or is it only  
14 security risk?

15 MR. COYNE:

16 I think it's a mixture of both. I mean,  
17 I know that there is concern in a situation where they  
18 could be hurt easily, and it's cheap labor in a --- I  
19 mean, there's just certain things that we are very  
20 cautious on, types of areas that would be dangerous.  
21 But I mean, they --- all of these, you know, these  
22 inmates aren't skilled in a lot of things, you know.  
23 We're not going to cause them to be in those types of  
24 situations.

25 Although something that takes inmates and

1 works with them more on working with issues to help  
2 their skills and everything ---. They may be doing a  
3 little more building and stuff like that. But  
4 generally, I think it's kind of mixed thing. We do  
5 have a security there, but I think at the same time,  
6 there would be certain things that we would be leery  
7 about.

8 REPRESENTATIVE PALLONE:

9 Now, we have a group, and I think it's  
10 called the CREW, C-R-E-W, with a logo that looks like  
11 a rainbow that's in our area that comes out and  
12 actually remodels houses and puts, you know, vinyl  
13 siding, windows and whatnot. And I'm not sure --- is  
14 that a state program or a private program using either  
15 county or state inmates?

16 MR. COYNE:

17 It's not one of our programs.

18 REPRESENTATIVE PALLONE:

19 And you're aware that you ---?

20 MR. COYNE:

21 Right.

22 REPRESENTATIVE PALLONE:

23 Because I'm trying to follow because if  
24 we're --- which is a perfect allocation to use, I  
25 think, the inmate population for. Obviously, they

1 have the highest level of clearance because they're  
2 coming out in the community, working on people's  
3 homes. You know, who knows, you know, the liability  
4 exposure that could be with that. But you're not ---  
5 that's not a state program? That's some kind of ---  
6 is it a vendor that has a contract with the state or -  
7 --?

8 MR. COYNE:

9 Yeah, it's ---. Actually, I've seen the  
10 logo that you've described, and I think they have a  
11 newsletter. But our only comparable program would be  
12 the operation outreach. At this point, I just want to  
13 mention this. You know, why so few going out? We've  
14 got to keep in mind --- no surprise to anyone, but one  
15 of the problems with many of our inmates is they lack  
16 motivation. And these outside jobs are pretty prime  
17 jobs. And we want make certain that they earn those  
18 jobs, that they do everything that we expect them to  
19 do, for example, behavior, participate in programming  
20 before we're going to give them the necessary  
21 clearance to be assigned to those jobs.

22 REPRESENTATIVE PALLONE:

23 And a follow up, related or unrelated,  
24 however you wish to determine it, but in the late '80s  
25 and the early part of the '90s, I was an adjunct



1 professor at Westmoreland County Community College and  
2 actually came into SCI Greensburg one night a week and  
3 taught class on behalf of the community college. But  
4 an issue came up with, I guess, financial aid  
5 assistance to the students taking the class that were  
6 inmates. Does that issue remain as a problem in  
7 trying to provide a higher level education for the  
8 inmate population or you know, is that --- that's a  
9 federal --- if I'm not mistaken, it was a federal  
10 funding property with like PHEA or the Pell grants or  
11 something like that. And I don't remember the  
12 details. The program got cut. And there were a  
13 number of us that were at the community college and  
14 came into the prison for one class a week or something  
15 like that.

16                   And we were able to --- you know, we had  
17 a classroom with maybe a dozen student inmates  
18 approximately. And they seemed to be successful.  
19 They studied. They obviously had a lot of time to  
20 study. They knew the material probably too good. But  
21 that program has gone by the wayside to the best of my  
22 knowledge. Is it the funding problem because of the  
23 federal funding cuts? Or is it just a program that  
24 the Department of Corrections has determined, and we  
25 don't want to go that direction any more?

1                   MR. COYNE:

2                   Well, the prisoners are still doing  
3 something like that. We do have things at the  
4 community colleges. We have some, but it has been  
5 substantially scaled back. The reality is that about  
6 43 percent of our new commitments do not have a high  
7 school diploma.

8                   REPRESENTATIVE PALLONE:

9                   Right.

10                  MR. COYNE:

11                  And it seems to us that the best use of  
12 the taxpayers' money is to concentrate on that  
13 particular target, as opposed to the higher  
14 education-type training. But there is still some  
15 going on, just not the extent ---.

16                  REPRESENTATIVE PALLONE:

17                  So you're looking more at G.E.D. ---

18                  MR. COYNE:

19                  More G.E.D.

20                  REPRESENTATIVE PALLONE:

21                  --- performance than you are advancing  
22 those who may have either high school and/or some  
23 college?

24                  MR. COYNE:

25                  That's correct.

1                   REPRESENTATIVE PALLONE:

2                   And merely because of the numbers? Or  
3 you're just ignoring that population?

4                   MR. COYNE:

5                   Well, I don't think we're ignoring that.  
6 It's just that when you keep in mind in terms of what  
7 our real mission is, you know, it seems to me that the  
8 emphasis on obtaining a G.E.D. is certainly of better  
9 interest to the public than providing an advanced  
10 degree-type of service.

11                   REPRESENTATIVE PALLONE:

12                   It's kind of TV stuff, too, but the last  
13 question is family visiting. Two things. One of the  
14 complaints, at least my District office, we get  
15 oftentimes is that, you know, my son or daughter or my  
16 husband or wife is in whatever facility. But he's  
17 been placed in Chester, and I live in New Kensington.  
18 And you know, we don't get to see him or her as much  
19 because it's a family excursion to get there and  
20 limited hours of visitation, et cetera, et cetera.  
21 And I don't know if that's part of the punishment  
22 piece, or if it's part of the rehabilitation piece.  
23 I'm not sure. But is there any consideration given to  
24 placing an inmate in closer proximity to his or her  
25 family, which also probably makes him or her closer to

1 his former degenerates as well? So you know, there's  
2 a good and a bad that comes with it. But I think in  
3 part of the rehabilitation component, the visiting  
4 with family could be helpful. Is that part of your  
5 placement decision-making?

6 MR. COYNE:

7 Yes.

8 REPRESENTATIVE PALLONE:

9 Or is that not something that we  
10 consider?

11 MR. COYNE:

12 No, it really is. I think initially in  
13 the diagnostic center, placing them is basically done  
14 on programming issues and space and all that stuff.  
15 But once --- we do have rights in policy, and the  
16 inmates are very aware of it. We have an  
17 incentive-based transfer, it's called. And any  
18 inmate, once in the system a year, and if they keep,  
19 you know, their custody level low, and they're well  
20 behaved, they can apply to move closer to home and go  
21 to a prison close to home. So we do support that. We  
22 want that. But it's not based on hardship. We get  
23 tons of requests. And I get them all the time through  
24 your offices, asking for inmates moving because his  
25 parents are sick, or it's too hard for them travel.

1 We base it --- that would be a nightmare because there  
2 are so many and that whole thing. So we put a little  
3 of the onus on the inmate in saying, you know, this is  
4 based on, you know, good behavior. To be fair to all,  
5 let's have a level playing field here. And if you  
6 want to transfer closer to home, we want you to. But  
7 these are the things you have to do to do that. And  
8 it's for them to put in for. They work with their  
9 counselor.

10                   And then, as you can see --- and this  
11 bears itself out for the guys in Chester in Pittsburgh  
12 for those drug and alcohol prisons --- we try to bring  
13 those inmates closer to home. I mean, if you're from  
14 the east, you're over in the east, you're over in  
15 Chester. If you're from the west, we'll try to put  
16 them over there. And then even the centers, those  
17 community corrections centers, the whole point of  
18 those is to transition people back to the community  
19 they're from. In other words, a lot of people get  
20 upset. If you have a community corrections center out  
21 in Bear (phonetic) County, let's say, all of a sudden  
22 the fear is they're going to come from Philadelphia.

23                   REPRESENTATIVE PALLONE:

24                   Okay.

25                   MR. COYNE:

1 Well, we don't do that. The whole point  
2 is to transition them back to jobs, to family and  
3 things like that. So we do do that. It's just that,  
4 again, initially it's a very hard sell. And when I  
5 have a request like if someone comes to the diagnostic  
6 center and says, can you get me closer to home? And I  
7 usually say, well, why don't you just sort of let it  
8 just happen? We do have space issues. We have to  
9 keep our custody levels at all the institutions kind  
10 of at a good level. And then once they're there, they  
11 know what to do. Encourage them, you know, to do what  
12 they're supposed to do, and then they can apply to get  
13 closer to home. And that can happen.

14 One of the things to realize, too,  
15 especially for the southeast more than out here,  
16 there's only Graterford and Chester. The next closest  
17 prison is Camp Hill. And then there's Mahanoy and  
18 Frackville. So there's already a two, two and a half  
19 hour drive --- three hour drive; right? And I'm not  
20 even going to get to Graterford, I mean, because of  
21 the size. But the point is, there are places we can  
22 try to move people closer. But you know, something  
23 has to be on the inmate to kind of do things that will  
24 make that --- they really want it to happen ---.

25 REPRESENTATIVE PALLONE:

1           Is there any deference given to an inmate  
2 with small children, assuming that the crime had  
3 nothing to do with children, you know, pedophile, you  
4 know, abuser ---?

5           MR. COYNE:

6           Not that I know of. I don't think  
7 there's anything that really ---

8           REPRESENTATIVE PALLONE:

9           Whether I ---.

10          MR. COYNE:

11          --- in the beginning, initially.

12          REPRESENTATIVE PALLONE:

13          Whether it's my wife or my kids, I still  
14 have to go through the good behavior ---?

15          MR. COYNE:

16          Yeah. If the guy comes and says, you  
17 know, boy, my kids really miss me. My parents really  
18 need me. I say, well, if you really care, I mean,  
19 start working towards that. I mean, don't ---  
20 probably that enabling is a major thing. You can  
21 imagine how much enabling is a huge part of the inmate  
22 population and persona.

23          REPRESENTATIVE PALLONE:

24          And the last question on the visitation  
25 thing, are the visitations contact visits or are they

1 all with the glass wall or ---?

2 MR. COYNE:

3 They have contact unless, let's say,  
4 you're on the restricted housing unit or something  
5 like that. That's non-contact.

6 REPRESENTATIVE PALLONE:

7 It's like a community room or something  
8 like that?

9 MR. COYNE:

10 Yeah, it's just like this. Most of these  
11 facilities have these with all the chairs. And they  
12 can --- most of the prisoners, it's a five-day  
13 visiting time, usually something like 9:00 to 5:00  
14 people can come. They don't have to schedule ahead of  
15 time.

16 REPRESENTATIVE PALLONE:

17 Do you need an appointment, or can you  
18 walk in and ---?

19 MR. COYNE:

20 They can just come. They have to be on  
21 the inmate's visitor's --- you have to be on their  
22 visitor's lists. But the inmate usually knows they're  
23 coming before, so ---. But they don't have to. They  
24 can just come and you get a chance to see how it  
25 works. It's very --- they get at least a one-hour



1 visit. And that all depends on how many people are  
2 there. In other words, if you have a lot of visitors  
3 that day --- but they at least are guaranteed a one-  
4 hour visit. But the non-contacts, it's usually one a  
5 week. And that's only between the Plexiglas, for  
6 someone in a restricted housing unit. You know, but  
7 that's --- they're not able to have a contact visit.

8 REPRESENTATIVE PALLONE:

9 All right. Thank you. Thank you, Mr.  
10 Chairman.

11 REPRESENTATIVE HARHAI:

12 Gentlemen, I'm curious, either Mr.  
13 Sprenkle or Mr. Coyne, how many federal prisons do we  
14 have in Pennsylvania, four? Am I correct? Is there  
15 four of them?

16 MR. SPRENKLE:

17 I thought there was more.

18 REPRESENTATIVE HARHAI:

19 Rockview, McCain, Allenwood --- I  
20 wondering, what is the federal prison, six ----?

21 MR. COYNE:

22 I think there were only ---.

23 REPRESENTATIVE HARHAI:

24 Well, what's the population of their ---  
25 I was just curious. How many inmates in federal

1 penitentiaries ---?

2 MR. COYNE:

3 Do you want totals, or just within  
4 Pennsylvania or New York or ---?

5 REPRESENTATIVE HARHAI:

6 Pennsylvania, I was curious.

7 MR. COYNE:

8 I honestly don't ---.

9 REPRESENTATIVE HARHAI:

10 You don't have any idea. Okay.

11 CHAIRMAN:

12 All right. I'd like to thank you  
13 gentlemen very, very much for answering these  
14 questions. And my brothers and sisters from western  
15 Pennsylvania, it does you well and made my heart feel  
16 really good that you all showed up there today, and  
17 especially in Bill's District. And I just want to  
18 mention that Ned Balla (phonetic) will be available.  
19 He's from the Washington Observer, from the press, if  
20 any of you would like to talk to him afterwards.  
21 We'll conclude this hearing, and thank you very, very  
22 much.

23 \* \* \* \* \*

24 HEARING CONCLUDED AT 11:38 A.M.

25 \* \* \* \* \*