



PSCOA Legislative Update

Pennsylvania State Corrections Officers Association

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The following information was received today from our lobbyists, the Winter Group, and is being sent out for our membership's information. We ask that you share this information with all members of H-1.

On Thursday, February 18, 2010 the Pennsylvania Department of Corrections and the Bureau of Probation and Parole appeared before the House Appropriations Committee to request additional monies from the budget. Below is the summary of the budget hearing with Dept. of Corrections.

House Appropriations

House Appropriations Budget Hearing with Corrections & Probation and Parole

1:00 p.m., 2/18/10, Room 140 Main Capitol

By Mike Howells

The committee held a budget hearing with Department of Corrections (DOC) Secretary Jeffrey Beard and Bureau of Probation and Parole Chairwoman Catherine McVey.

Members in attendance included Chairman Dwight Evans (D-Philadelphia), Minority Chairman Bill Adolph (R-Delaware), and Representatives John Siptroth (R-Monroe), Matt Bradford (D-Montgomery), Scott Conklin (R-Centre), Jake Wheatley (D-Allegheny), Bill Keller (D-Philadelphia), Tim Briggs (D-Montgomery), Mario Scavello (R-Monroe), Gordon Denlinger (R-Lancaster), John Evans (R-Erie), Mauree Gingrich (R-Lebanon), Glenn Grell (R-Cumberland) Bernie O'Neill (R-Bucks), John Galloway (D-Bucks), Dave Millard (R-Columbia), Doug Reichley (R-Lehigh), Kathy Manderino (D-Philadelphia), Deberah Kula (D-Fayette), Dave Reed (R-Indiana), and the chairs of the Judiciary Committee, Tom Caltagirone (D-Berks) and Ron Marsico (R-Dauphin).

Chairman Evans asked for a breakdown of the \$137 million requested increased for the DOC budget. Secretary Beard stated \$85 million of that amount is for contractual salary and benefits increases, a portion is for increased inmate housing, \$10 million is for medical care, and the rest is other expenses related to the management of an increasing prison population. He said the total comes out to more than the requested \$137 million, but the department is delaying the opening of additional housing units, filling non-overtime positions and other measures to save money. Chairman Evans asked what would happen to DOC if the final budget is \$30 million dollars less than the request, for instance. Secretary Beard said it would "severely and negatively" affect the department's ability to operate safe and secure prisons. He said DOC has delayed as much as it can in a number of areas, and needs the budget increase. Secretary

Beard added that if the funding is not provided, the department would have to terminate programs that would increase inmate idleness, leading to greater security risks in prisons, and would also increase recidivism rates among parolees, which ultimately means more people will return to the system. Secretary Beard said in Pennsylvania, inmate education programs save \$12 for every dollar spent. He said it saves money down the road, and pointed out the \$1.9 million requested for education is really only enough to ensure the department does not have to resort to layoffs of existing staff.

Chairman Evans asked how much Probation and Parole is asking for in its budget request. McVey said the Bureau is requesting \$103 million; an increase of 8.5% from last year. She said most of the extra funds will be used to hire additional agents needed to handle growing numbers of parolees. McVey pointed out the Bureau is still ramping back up to its numbers prior to the two-month moratorium on paroles declared by Governor Rendell in 2008. At this point, she said, 1,000 individuals are being paroled per month, and 800 released. What is not used for staff will be used to pay for costs carried forward by the Bureau, McVey added.

Continuing, McVey speculated that if the requested funds are not provided, the Bureau's agent to parolee ratio - currently at 1:70 - will increase further. She said the desired ratio is between 1:60 and 1:65, which is also roughly the national standard. McVey pointed out that the Bureau tries to keep different ratios for different kinds of offenders, with serious offenses garnering greater attention. She continued that if the necessary funding is not there, by June of 2011 there will be 34,000 parolees in the system and not enough agents to adequately supervise them. She said the Bureau could manage, but it would not be a safe or effective system. "We are at the tipping point," she said. Secretary Beard remarked that as far as DOC is concerned, "We are beyond the tipping point."

Chairman Evans questioned if by "outsourcing" prisoners to Michigan and Virginia, Pennsylvania taxpayers are saving jobs in those states. Secretary Beard warned that budget cuts may mean DOC would be forced to cut down on moving inmates out of state, and contribute to greater overcrowding in commonwealth prisons. He warned against risking the kind of overcrowding that in the late 1980s incited a number of prison riots, including one in Camp Hill. Secretary Beard emphasized the goal should be to cut inmates, not funding.

Minority Chairman Adolph said "something is definitely wrong" with the state system of justice causing such extreme prison population growth. He asked what the cost is of housing an inmate in-state as opposed to out-of-state in Michigan or Virginia. Secretary said the cost averages are \$62 per day out-of-state and \$87 per day in-state, but cautioned the select inmates being moved out-of-state are medium security risks, whereas the in-state average takes into account the much more expensive high security offenders. He said the overall cost averages of other states is roughly the same as Pennsylvania. Minority Chairman Adolph contended that Chairman Evans' use of the term "outsourcing" is inaccurate, as the situation is really one of prisoner transfers. He asked how many staff are maintained by the department in view of its 51,000 inmates. Secretary Beard said DOC has more than 16,000 employees.

The minority chairman asked for the average length an offender spends on parole. McVey said the average is five years, and the range is anywhere from 12 months to 20 years. Minority Chairman Adolph asked how many of the state's 31,000 parolees violate their parole. McVey said an average of 21% violate parole in the first year, and 46% commit recidivism within three years.

Secretary Beard said same the situation is the same in many states. He noted some, like New York, are moving faster in turning around inmate population growth by rolling back their drug laws.

Minority Chairman Adolph reported one of his constituents has been in jail for 93 days for driving under the influence (DUI), because of issues over obtaining paperwork from New Jersey. He asked if the state still relies on US Mail for such paperwork. McVey said both regular mail and email are used, but court documents must be sent by US Mail. She said an interstate compact is in place requiring its use.

Minority Chairman Adolph asked for details regarding the use of technology to monitor parolees. McVey said the Bureau is working towards more automation of parole administration, and is adopting what is known as the Automated Offender Management System. She said there has not yet been a move towards advanced devices that can monitor a person's sweat and gauge blood-alcohol content, but parolees' movements are tracked electronically. In addition McVey reported the Bureau is working on getting laptops for its agents.

Minority Chairman Adolph asked if, "in one word," the biggest issue related to prison overcrowding is drugs. Secretary Beard agreed drug-related sentencing is a major driver in prison population growth.

Noting a concern from one of his constituents, Rep. Siptroth asked when the suspended incentive-based transfer policy will be reinstated. Secretary Beard said DOC might be in better shape to resume the program once it has moved its selected inmates out-of-state. He said at this point there is "literally no room" to move inmates around the state. He estimated late spring into early summer for resumption of the policy. Secretary Beard noted part of the problem is the fact that roughly 40% of the prison population comes from the Philadelphia area and surrounding counties, while most of the facilities are in the western part of the state.

Rep. Scavello asked what the cost is per inmate in the county prison system. Secretary Beard said it averages \$55 per day, and ranges from \$50 to \$65. He added the county prisons do not take on federal prisoners. Rep. Scavello asked if there has been any thought towards expanding the county prisons. Secretary Beard said the only way to get a large expansion of capacity is to send prisoners out-of-state. Rep. Scavello opined that DOC's use of stimulus money to help pay for some of its operating expenses is dangerous and may pose a "huge problem" in the next budget.

Chairman Evans asked if the source of funding for the Department, whether it is stimulus money or state funds, makes a difference to DOC's mission. Secretary Beard indicated it does not. Chairman Evans suggested it is the responsibility of the legislature to determine funding sources for the state departments. Rep. Scavello contended the point is that something will need to be planned for when the stimulus funds run out and the operating expenses continue to exist.

Rep. Conklin asked if DOC intends to address the wage compression issue facing its employees. Secretary Beard, noting the issue is that some sergeants may begin to make more than their lieutenants because of union-contracted raises, is being looked at by DOC. He said the bigger issue is the lack of money in the state budget, and pointed out that as a result wage compression will continue to exist at this point. Rep. Conklin asked for confirmation that the department's most dangerous criminals will not be moving out-of-state. Secretary Beard confirmed only medium security inmates will be moved. He added Michigan and Virginia, under the terms of the agreement, will pay for their transport and will conduct four exchanges a year. He said the only time Pennsylvania will need to pay for transportation is for unplanned medical or legal issues.

Rep. Conklin asked for an update on prison expansion holdups at various facilities in the state. Secretary Beard said DOC is looking at the situations at SCI Rockview and SCI Graterford.

Rep. O'Neill asked how many DOC employees, of the 16,000 overall, are actually involved in direct security of inmates. Secretary Beard said there are roughly 9,300 correctional officers in the department. Rep. O'Neill asked how many are needed to ensure the safety of each officer. Secretary Beard opined the current complement is sufficient at the moment. Rep. O'Neill inquired if officers are ever left alone while on duty. Secretary Beard confirmed some officers in infirmaries and housing blocks are sometimes alone.

Rep. O'Neill questioned why there was a "drastic" increase in officer assaults in the last year. Secretary Beard contended it was not a drastic increase, and said many are "throwing" incidents that took place in restricted housing units (RHUs). He noted the rate of assaults is down since 2002-03. Rep. O'Neill asked what services are provided to officers who are assaulted, beyond basic medical care. Secretary Beard

said a lot of benefits are available, including various paid leave programs and psychological help if needed. He added inmates who commit assault against an officer are almost always transferred.

Rep. Wheatley expressed concern over the ever-increasing prison population in Pennsylvania. He said transferring inmates out-of-state is a bad policy because it damages the ability of family ties to help eventual reintegration into society. He asked where the inmates moved to Michigan and Virginia will be counted as living for the census. Though not sure, Secretary Beard speculated they will be counted as part of the other states' populations.

Rep. Wheatley asked what the most effective ways would be to change the system to avoid unsustainable population increases. Secretary Beard outlined a series of recommendations presented in his written testimony. Among them, he said nearly 3,600 inmates entered the prison system in 2008 with less than a year to serve. However because of the need for processing and programming, they served an average of 143% of their sentenced time. Secretary Beard said that ideally, many of those people could be moved directly to community corrections for community-based treatment.

Secretary Beard also suggested that for county Intermediate Punishment (CIP) Boot Camp, Recidivism Risk Reduction Incentive (RRRI), and State Intermediate Punishment (SIP), eligibility criteria should be reviewed with certain ineligible offenses removed. In addition he said a portion of the thousands of technical parole violations that occur should be diverted to other programs rather than re-imprisonment.

Rep. Wheatley asked about the effect of the governor's 2008 moratorium on paroles. McVey said it has slowed down releases and had a "chilling effect" on paroles. She added the Bureau knows what to do to be more effective in cutting down recidivism, and simply needs the resources to get the work done. Rep. Wheatley asked if the necessary resources exist in communities if convicts are increasingly shunted there. Secretary Beard opined that if the funding is made available, the resources will be there.

Rep. Reichley observed that the commentary thus far in the hearing would indicate that the government is responsible for the increased pressure on the prison system. He said people are making decisions to put them there. He added he is disturbed by the "rhetoric" that separating dangerous people from society is a waste of money. He asked for details on DOC's aged prison population. Secretary Beard said more than 8,000 inmates in the state system are over 50 years old, and that number is growing. He said it is a "tough group" that includes the worst of the state's murderers and rapists. Secretary Beard pointed out that is not the segment of the population that there is a push to redirect out of the system. He noted drug dealers and DUIs are more likely candidates for alternative treatment, and said 9,200 people are in prison for some kind of drug offense. Rep. Reichley suggested the possibility of repurposing state hospitals, such as the one in Allentown, to handle those kind of individuals. Secretary Beard admitted he does not know the availability of Allentown State Hospital, and said that while it is a possibility, the cost of turning such places into proper prisons is very expensive, and costs a lot in terms of staffing resources.

Rep. Manderino pointed out that reforms to drug laws in Michigan and New York have halted prison growth with no resulting increase in crime rate that she is aware of. She said she hopes the legislature "gets serious" about requiring prison impact statements attached to judiciary bills, so it becomes clear that lawmakers who vote for them to avoid being seen as "soft on crime" are in fact exposed as being "tax and spend" legislators. She asked if the requirement causing thousands of year-or-less inmates to serve 143% of their sentence is a statutory or regulatory one. Secretary Beard indicated it is a regulatory issue, but said statutory changes could solve the problem more quickly.

Rep. Manderino, noting the importance of family contact in the eventual reintegration of convicts, said she has received reports of inconsistent telephone charges at prisons, and asked if there is a uniform policy in place. Secretary Beard said DOC has a contract with a company called GTL to provide phone service, and said the rate structure should be the same across the state's facilities. He said there is a commission that Pennsylvania makes, which is distributed to various places including the inmate general welfare fund.

He said that although more expensive than a home phone line, the prison phone system is about half the cost of a regular public telephone.

Rep. Evans asked for details on the department's medical care line, and asked why it has a 7% increase. Secretary Beard said \$7 million of the increase is for salary and benefits, while the rest is generally tied to the ever-present growth rate of the general prison population. Rep. Evans asked if enough is being done to reduce the prescription drug costs of prisoners. Secretary Beard said DOC contracts with Diamond Drugs to provide prescription drug services, and said 40% of medical costs are for HIV/AIDS treatment. Rep. Evans asked if DOC is having troubling hiring and retaining nurses, and for an update on overtime usage. Secretary Beard said he hasn't heard of any hiring problems, and reported overtime hours were down 13% last year.

Rep. Grell asked for opinions on proposed legislation that would eliminate a second parole for repeat violent offenders. Secretary Beard pointed out it would eventually impact the system and lead to an added increase in the prison population. McVey, acknowledging the legislation would require a minimum 25 year sentence for repeat violent offenders, said it would indeed increase the inmate population.

Rep. Caltagirone said Secretary Beard's recommendations are "right on target," and added he wishes county judges would make greater use of the alternative sentencing options available to them. He commented some are unaware that such options even exist. He asked Secretary Beard to provide statistics on how much could be saved if every recommendation was implemented.

Chairman Evans announced that as a result of the hearing and the secretary's recommendations, a task force will be established consisting of both chairs of the Judiciary Committee, as well as Representatives Manderino, Wheatley, Denlinger and Reichley, to study the issues in greater depth.

