

CONTAINING PENNSYLVANIA OFFENDERS

THE FINAL REPORT OF THE
PENNSYLVANIA COMMISSION ON
CRIME AND DELINQUENCY
CORRECTIONS OVERCROWDING
COMMITTEE



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Following the October 25-27, 1989 riot at the Camp Hill State Correctional Institution, Governor Robert P. Casey and members of the House Judiciary Committee, Representatives Thomas Caltagirone and Lois Hagarty, asked the Pennsylvania Commission on Crime and Delinquency (PCCD) to offer suggestions for dealing with prison overcrowding. In response to these requests, PCCD formed a small but very knowledgeable committee of individuals whose perspectives cover the entire criminal justice system. "Containing Pennsylvania Offenders" is the result of the committee's efforts.

The committee studied the issues and discussed a wide range of alternative solutions to the overcrowding problem. The primary goal of the committee's deliberations was to identify a balanced approach to overcrowding in the entire correctional system while continuing to ensure public safety.

The committee's final report contains a comprehensive description of the overcrowding problem, an analysis of the factors contributing to the problem, and a comprehensive package of recommendations on how to alleviate overcrowding. The committee believes that implementation of its recommendations as a package will enable the Commonwealth to deal effectively with overcrowding in the correctional system.

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ACQUISITIONS

The significant contributions to the committee of former Commissioner of Corrections David S. Owens, Jr. are acknowledged.

I. Introduction

Pennsylvania's increased reliance on incarceration to effect public safety has resulted in a prison and jail crowding crisis. Even though a decade of construction has increased our institutional capacity* by 51%, construction has not kept pace with our incarceration policy. However, the simple truth is that it is highly unlikely that any governor or general assembly will advocate the kind of expenditures necessary to safely and humanely institutionalize all the offenders sentenced to prison and jail. It is just too costly. For example, during the past decade, if prison construction had kept pace with incarceration, we would have built another 7,100 cells to house our 20,500 state inmates at an additional cost of about \$530,000,000 to build and an additional \$105,000,000/year to operate. And to meet our conservative projections of prison populations for 1993 of 25,000 inmates, the capital and operating cost increase would be roughly another \$340,000,000 and \$70,000,000/year respectively.

It is important that the population of our prisons and jails be brought into compatibility with their capacity. The Commonwealth's clear and strong desire to punish and contain its offenders imposes an obligation to pay the cost of accomplishing this desire. Either state and local policymakers must pay the costs of confinement, or they must develop and implement a mixture of actions adding some capacity and reducing populations by returning to the community those who can be responsibly returned.

This report supports and calls for some new construction but more importantly calls for a re-examination and restructuring of the use of our limited prison and jail space. Our objective is to provide secure confinement for those offenders who continue to be violent and pose a risk to society, and to provide the opportunity for those who do not constitute a violent or high risk to be held in facilities and programs more commensurate with their security needs and in preparing them to live a crime- and drug-free life.

Ninety percent of all offenders will eventually return to our communities. This report advocates the development of a range of options for the court and correctional officials to employ, so that offenders can be closely monitored and moved along a continuum extending from maximum security in a state prison at one end to community service and monetary fines at the other. In between are options such as medium and minimum fenced prisons, halfway "in" or "out" residential facilities, intensive and regular probation or parole supervision, and work release. Drug treatment and meaningful work and self-help programs need to be developed and integrated throughout this continuum.

State and local corrections must be viewed as one system in developing strategies to resolve overcrowding. A total system approach is particularly important because of the pervasive drug problem which affects our entire society and the consequent emphasis on arresting, prosecuting and imprisoning offenders who commit drug crimes, or other crimes while under the influence of drugs.

Without adequate capacity to hold the large increase in offender populations, overcrowding results, and this condition contributes to greater stress on both prisoners and correctional staff. This stress increases the likelihood of incidents like the recent riot at the Camp Hill State Correctional Institution and serious incidents at other State Correctional Institutions and county prisons.

We need to restructure state and local responsibility for offenders by expanding the punishment options available between the traditional probation and incarceration extremes for low risk non-violent offenders without compromising public safety and to accomplish an effective reduction in the incarcerated population. The recommendations presented in this report offer a balanced perspective of the punitive and rehabilitative functions for the criminal justice system. Several of the recommendations are intended to reduce the number of offenders who return to the system as recidivists by increasing treatment services, providing treatment space in institutions, providing intensive supervision, and providing necessary support staff.

The relationship between public safety, recidivism and drug abuse is significant and, as will be noted often in this report, drug abuse is a major new contributor to crowding in the correctional system. Public safety is a primary consideration in our recommendations and we believe we can improve public safety by reducing criminality through the development and expansion of intervention programs aimed at lowering recidivism among low risk offenders, especially through reduced drug use and by reserving sufficient maximum security cell space for those who would persist in their criminality.

*Since mid-1980 the Department of Corrections has been housing more inmates than its facilities were designed to accommodate based on the nationally recognized one-person/one-cell principle. The PCCD Committee supports this principle and uses it as the standard for measuring capacity in this report.

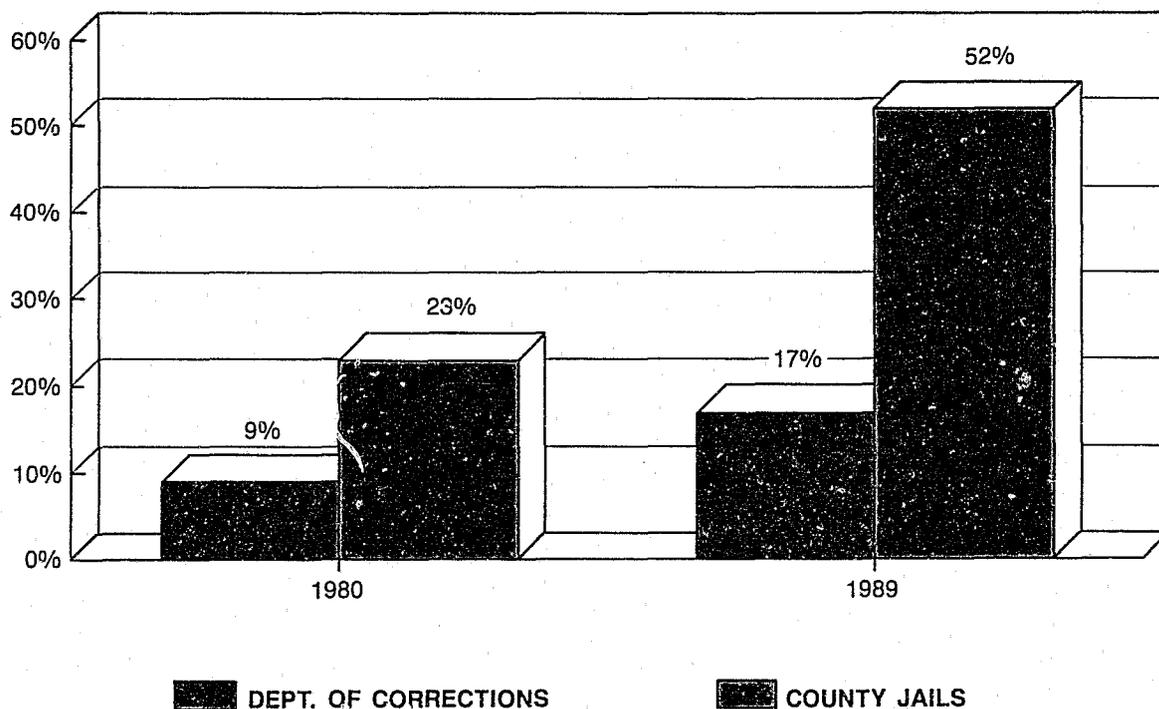
II. Pennsylvania's Correctional Population Has Grown Dramatically During The Last Decade

In 1983, the Pennsylvania Commission on Crime and Delinquency's (PCCD) recognition of the potential seriousness of correctional overcrowding led to the formation of a Prison and Jail Overcrowding Task Force. The Task Force's 70 plus members included state legislators, judges, state and local correctional administrators, and academicians. In February 1985 the Task Force released its final report that examined the causes of overcrowding and made recommendations aimed at alleviating the problem. In 1987 the Governor's Interdepartmental Task Force on Corrections, and in 1988 the Legislative Budget and Finance Committee each released reports that emphasized the overcrowding problem and echoed many of the same recommendations on overcrowding presented in PCCD's 1985 report. We note that the Governor's Commission to Investigate Disturbances at the Camp Hill Correctional Institution in its final report of December 21, 1989 also makes recommendations to deal with overcrowding. Very little has been done to implement any of the recommendations to alleviate overcrowding contained in these reports.

The major cause of overcrowding at the time of the 1985 PCCD report was the increase in the number of offenders being sentenced to incarceration. Part of the increase was attributed to a growth in the number of 18-to-35 year-olds in the general population of the state. These "baby boomers" had reached the age at which they were most likely to be involved in crimes that lead to incarceration. However, the "crime wave" caused by the sheer size of this crime-prone age group also resulted in several changes in sentencing policy in Pennsylvania. Those changes included the adoption of sentencing guidelines and mandatory sentences for certain violent offenders in 1982. Late in 1982 the Legislature also passed mandatory sentences for drunken drivers which became effective in 1983.

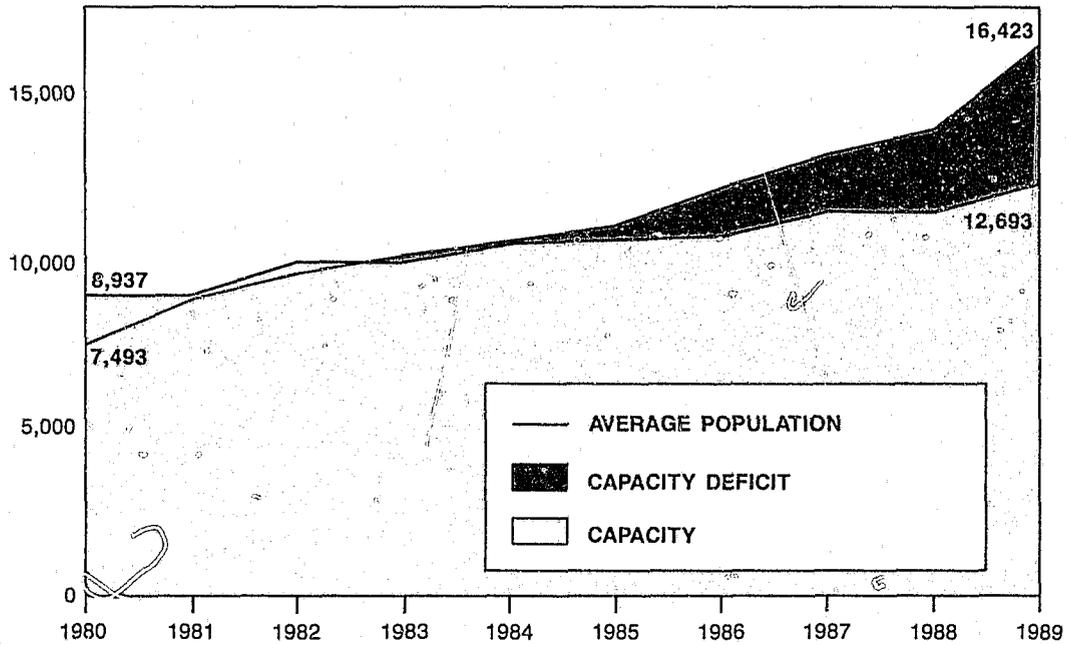
Crowding has been felt most significantly in our local and state correctional facilities. The percentage of convicted offenders sentenced to these facilities has grown dramatically during the decade.

FIGURE 1:
PERCENT OF CONVICTED OFFENDERS
SENTENCED TO THE DEPARTMENT OF
CORRECTIONS & COUNTY JAILS 1980 & 1989

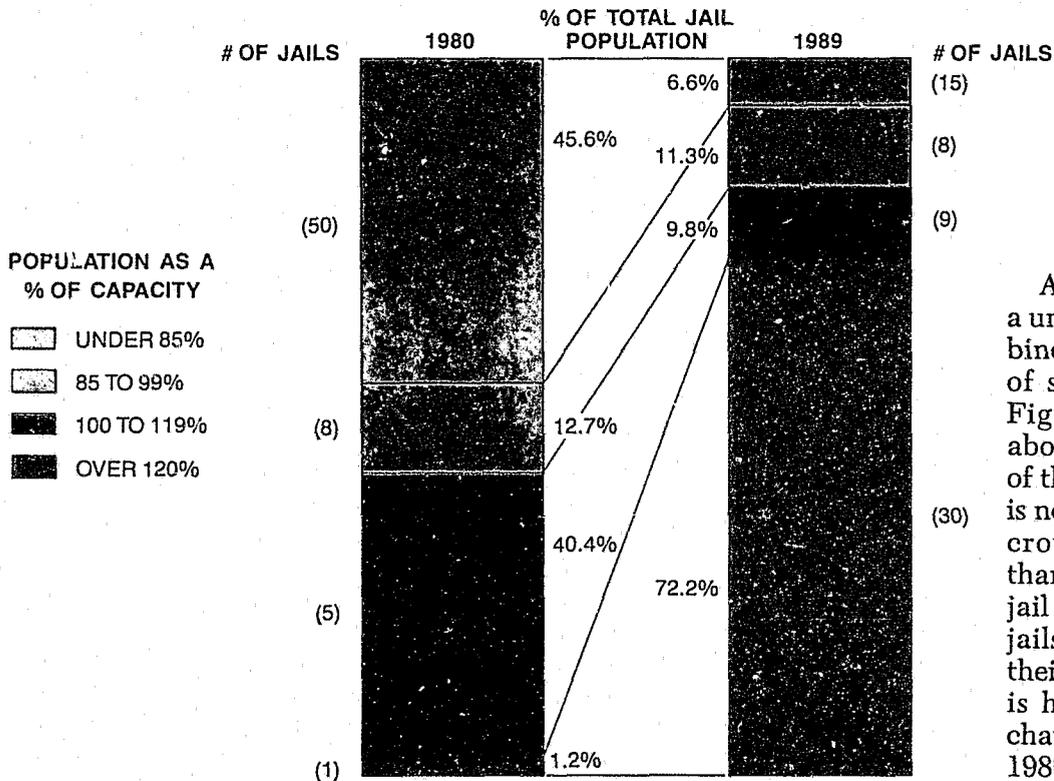


Many of the county jails in the Commonwealth have been crowded since the early 1980's. Figure 2 compares the populations in the county jails to their rated capacities.

**FIGURE 2:
COUNTY JAIL AVERAGE DAILY
POPULATION (ADP) & CAPACITY
1980 THRU 1989**



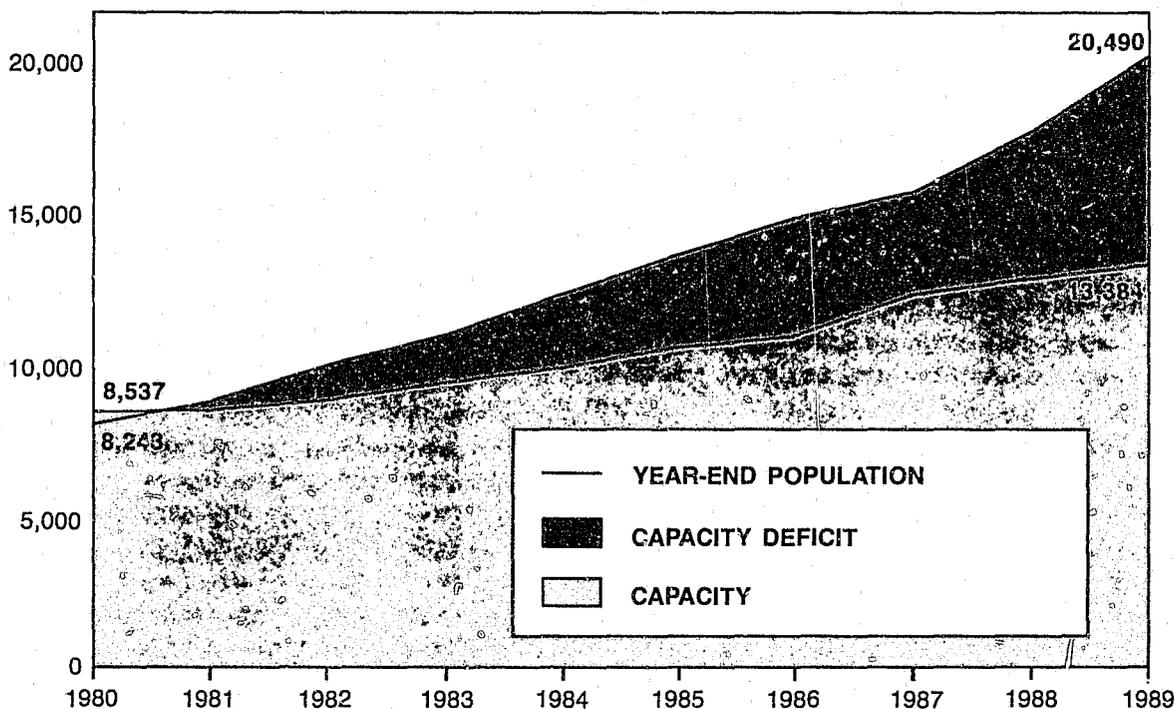
**FIGURE 3:
CROWDING IN COUNTY JAILS**



Although the jails are not a unified system, their combined population is 129% of statewide capacity. In Figure 3 we can see that about three-quarters (72%) of the state's jail population is now confined in the most crowded jails, and more than eight out of ten (82%) jail inmates are housed in jails which are at or over their capacity. Also shown is how this situation has changed significantly since 1980.

Figure 4 compares the population in the Department of Corrections to its rated capacity. As with the county jails, significant growth has occurred during the decade.

FIGURE 4:
DEPARTMENT OF CORRECTIONS
YEAR-END POPULATION & CAPACITY
1980 THRU 1989



For the most part, the implementation of sentencing guidelines and mandatory sentences resulted in tougher sentences for many offenders. The majority of these offenders would have received some correctional sanction prior to the new sentencing practices, but are now receiving longer sentences or are being sentenced to a more restrictive correctional environment (i.e. sentenced to the Department of Corrections instead of county jail or to county jail instead of probation).

The mandatory sentences for Driving Under the Influence (DUI) offenders resulted in these offenders receiving tougher sentences. The impact of DUI offenders on county jails has been well-publicized but the number of DUI offenders under county probation supervision has also risen by over 450% since 1980, adding about 40,000 new offenders to the correctional population.

In general, these sentencing changes have led to an increase in the number of offenders under correctional supervision and a redistribution of them within the system. Table 1 shows that when DUI offenders under probation supervision are excluded, the correctional population has shifted toward tougher sanctions. In 1989, 28.0% of this population was incarcerated compared to 20.9% in 1980. Again excluding the DUI offenders on probation, the total correctional population grew by 73% (75,806 to 130,902). The incarcerated population grew by 132% (15,796 to 36,640), and the probation and parole population grew by 57% (60,010 to 94,262).

**TABLE 1:
DISTRIBUTION OF CORRECTIONAL POPULATION
1980 vs. 1989**

	1980		1989		% Growth
	#	% of Subtotal	#	% of Subtotal	
DOC	8,243	10.9%	20,490	15.6%	+149%
County Jails	7,553	10.0%	16,150	12.3%	+114%
PBPP	14,014	18.5%	17,616	13.4%	+ 26%
Co. Probation (excluding DUIs)	45,996	60.7%	76,646	58.5%	+ 67%
Subtotal	75,806	100%	130,902	100%	+ 73%
Co. Probation DUIs	7,770	—	43,763	—	+463%
TOTAL	83,576	—	174,665	—	+109%

The increase in the number of DUI offenders on probation represents an addition to the total correctional population. When DUI offenders are included, the total correctional population has more than doubled (+109%) from 83,576 in 1980 to 174,665 in 1989.

III. Factors Driving Recent Correctional Population Growth

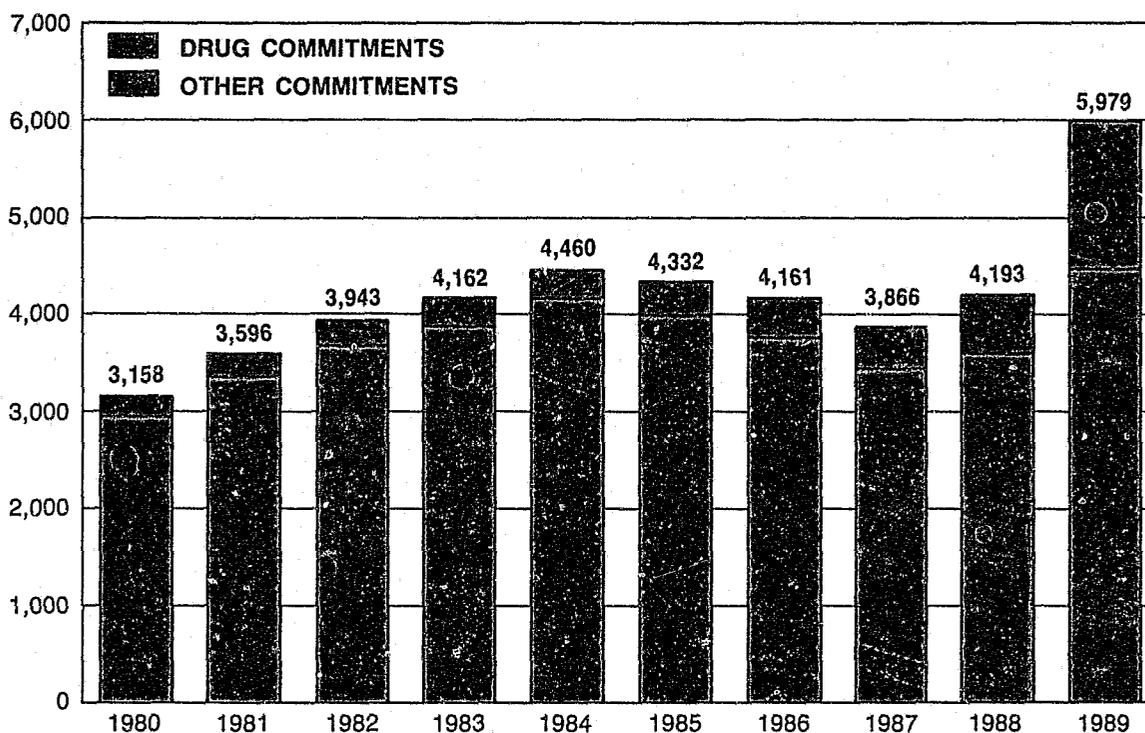
The number of people in the crime-prone age group in Pennsylvania was expected to, and has been declining since the mid-1980's. If sentencing and release policies remained the same as they were when PCCD's task force released its 1985 report, it was expected that state prison population would peak at about 16,200 inmates in 1989 and then slowly decline. However, correctional populations grew faster in 1988, and then again in 1989 than ever before and there is no population decline expected in the foreseeable future.

The growth in the correctional population since 1985 is the result of the following situations: (1) more offenders being sentenced to correctional sanctions, (2) those offenders remaining under correctional supervision longer, (3) more offenders with substance abuse problems, and (4) more of the same offenders "recirculating" in the correctional system.

(A) CHANGES IN SENTENCING AND INCARCERATION PRACTICES

After an initial increase in commitments, seen as a reaction to the mandatory sentences and sentencing guidelines implemented in 1982, new court commitments to the DOC declined from 1984 through 1987. However, in 1988, new commitments rose 8% over the 1987 commitments and 1989 commitments rose dramatically and increased by 43%. Figure 5 shows new court commitments to the Department of Corrections (DOC) for 1980 through 1989. In 1989 court commitments totalled 5,979, nearly 55% more than just two years ago.

**FIGURE 5:
COURT COMMITMENTS TO
THE DEPARTMENT OF CORRECTIONS
1980 - 1989**



The growth in court commitments experienced in 1988 and the even greater growth seen in 1989, is a combination of stricter enforcement of drug laws and new mandatory sentences for drug violations. From 1980 to 1984 drug arrests in the state grew by only 3%; from 1984 to 1988 drug arrests grew 87%. There were 436 drug commitments to the DOC in 1987, 610 in 1988, and based on the first half of the year, an estimated 1,520 expected in 1989. From 1987 to 1989, drug commitments grew by over 200%.

The growth in drug offender sentences to the DOC is similar to the growth experienced in county jails in the mid-1980's as a result of tougher DUI enforcement and sentences. From 1982 to 1984, DUI sentences to county jails rose nearly 500% from 1,055 to 6,286. DUI sentences to county jails are still rising and in 1988 totaled 9,621.

From 1981 to 1985, the majority of the growth in county jail admissions was the result of increased sentenced admissions. The increase in Driving Under the Influence sentences represents two-thirds of the recent growth in sentenced admissions. However, as can be seen in Figure 6, sentenced admissions accounted for less than 25% of all county jail admissions in 1988. County jails also house offenders awaiting trial or sentencing. Since 1985, the growth in admissions has been equally split between pretrial defendants and sentenced offenders.

The DOC population growth occurred despite the decrease in court commitments from 1984 through 1987. The 1984 to 1987 decrease in commitments has been offset by an increase in minimum sentence lengths for offenders entering with a new sentence.

**FIGURE 6:
ADMISSIONS TO COUNTY JAILS
1980 - 1988**

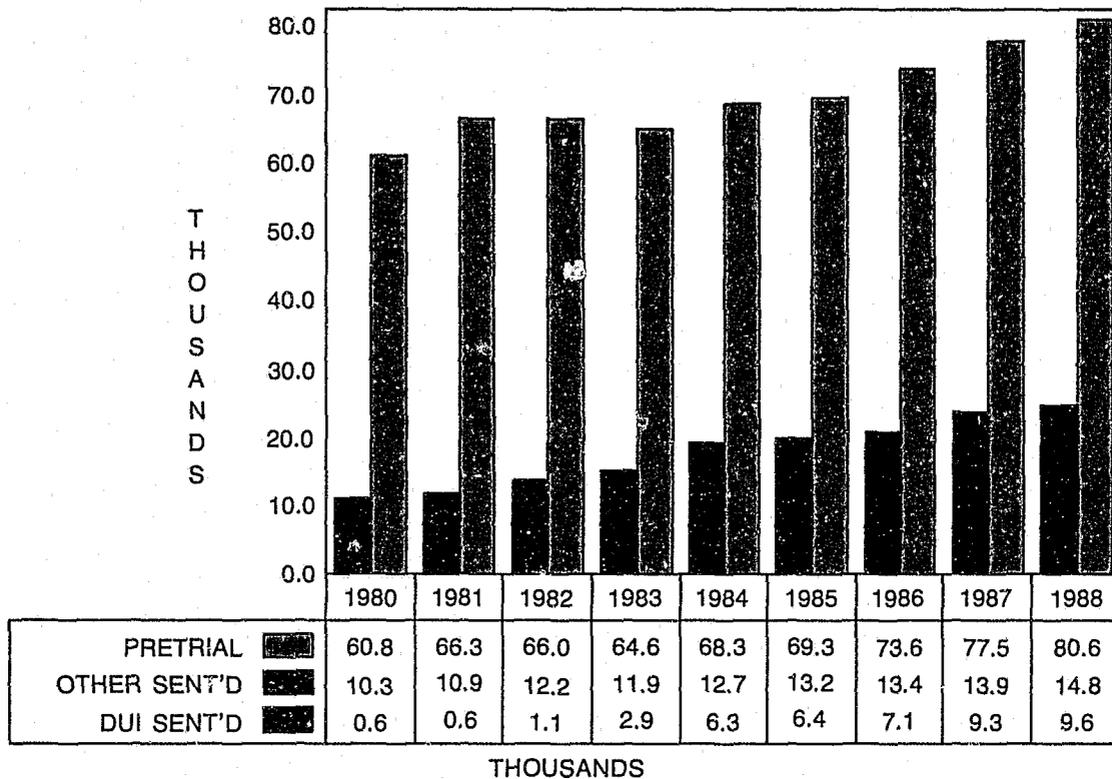
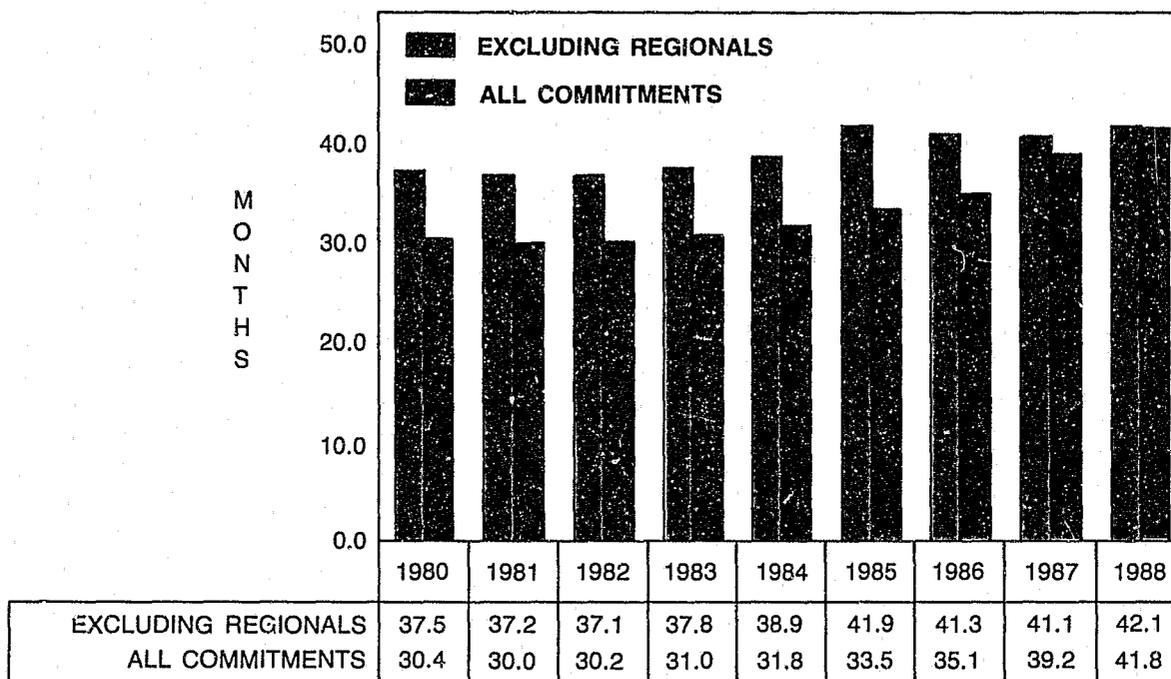


Figure 7 shows that the average minimum sentence of new court commitments has been growing since 1981. Part of the reason minimum sentences have increased is that court commitments to the DOC's Regional Correctional Facilities have declined drastically since 1985. In 1986 the Greensburg Regional was converted to a state correctional institution and admissions to the Mercer Regional have been limited due to overcrowding at that facility. Regional facilities accept offenders with maximum sentences of less than two years while state correctional institutions accept only offenders with maximums greater than two years. Also based on a recent PCCD survey, there are over 1,300 offenders now being held in county jails with maximum sentences of at least two, but less than five years. These offenders could have been sentenced to the DOC. The reduction in the number of these shorter term inmates from the DOC population has caused the population in county jails to rise and the average sentence of DOC inmates to increase. However, Figure 7 also shows that even when we factor out regional facility commitments, the average minimum sentence has increased. The increase in the average minimum from 37.5 months in 1980 to 42.1 months in 1988 has in effect accounted for approximately 1,200 additional inmates to the average daily population growth since 1980.

DOC inmates are not only receiving longer minimum sentences, they are serving more time beyond the expiration of those minimum sentences. Prior to 1985, the average offender spent very close to 100% of his minimum sentence in the DOC. The average offender is admitted to the DOC with almost six months credited towards their minimum sentence due to pre- or post-trial detention in a county jail. So even though not all prisoners were released immediately upon completion of their minimum, the average prisoner served an equivalent of his minimum in the DOC. Since 1985, that percentage of minimum served has grown to over 125%. The additional 25% of minimum served means that the average inmate now serves six months beyond his minimum release date. This additional time served accounts for 1,500 inmates added to the DOC average daily population.

**FIGURE 7:
AVERAGE MINIMUM SENTENCE
FOR COURT COMMITMENTS TO THE DOC
1980 - 1989**



Although the number of DOC inmates granted parole by the Pennsylvania Board of Probation and Parole (PBPP) has been increasing since 1980, the percentage of the population of eligible inmates paroled has significantly declined. In 1980, 79.4% (or 2,179) of the DOC inmates considered for parole were granted parole. This percentage declined rather steadily through 1986 when 64.3% (or 2,539) of those considered were granted parole. In 1989, 65.8% (or 3,355) were granted parole.

This decline in the parole granted rate is in part due to a larger portion of DOC inmates not being granted parole at the expiration of their minimum. Rather, in an increasing number of incidences, parole is granted at a subsequent review. From 1986 to 1989 the number of paroles granted at minimum rose 29% from 2,012 to 2,598, while paroles granted at subsequent review rose 44% from 527 to 757. Also, the average time from refusal at minimum to review has increased from six months in 1981 to nine months in 1989 for several reasons. The DOC will recommend an inmate for parole who has six months without misconducts, but will not consider the same inmate for furlough or other pre-release programs unless there is a nine month period free of misconducts. Citing the need for consistency, the PBPP now requires nine months free of misconducts as one criterion for parole. Also, overcrowding and the lack of program resources within the DOC has lengthened the review period so that inmates can successfully complete programs. The result is that inmates paroled from the DOC are serving more time in the DOC beyond their minimum sentence and therefore contribute significantly to the rising percentage of minimum served in the DOC.

**TABLE 2:
PBPP PAROLE ACTIONS FOR DOC INMATES:
1986 VS. 1989**

Year	Inmates Considered		Inmates Granted Parole		Inmates Released On Parole	
	At Min.	Total	At Min.	Total	At Min.	Total
1986.....	2,973	3,949	2,012	2,539	1,813	2,556
1989.....	3,782	5,100	2,598	3,355	2,316	3,331
% Chg.	+27%	+29%	+29%	+32%	+28%	+30%

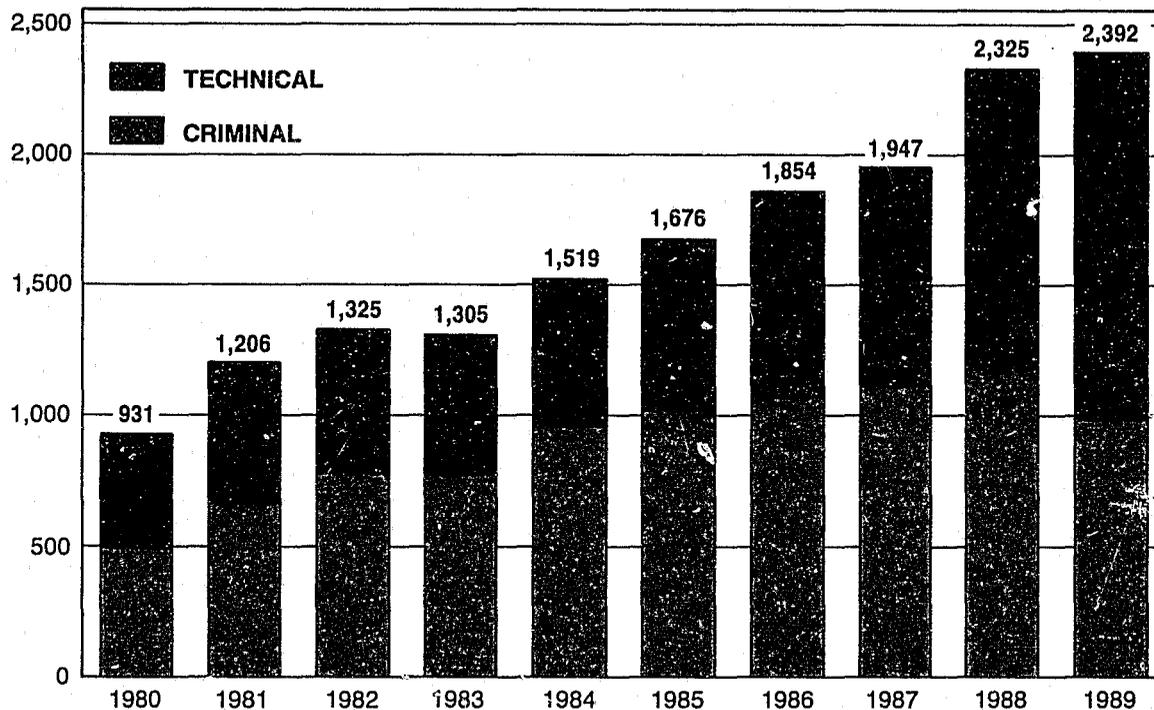
There are several possible causes for the change in time served prior to parole release. Although there have been some changes in the parole guidelines which help determine release, changes in the decisions the Board makes outside the guidelines, and changes regarding time without misconducts, the strongest evidence suggests that the offenders being considered today by the Board are more serious parole risks than those considered several years ago. A higher percentage of those being considered have a substance abuse problem and more have a record of prior parole failure. Also the Board is supervising more reparaoled cases and the failure rates for these individuals is greater than those first paroled.

The limited access to institutional treatment services may be particularly acute for female offenders. The female population in the DOC has grown faster than the DOC's male population. From 1980 to 1989, the female population grew 239% while the male population grew 145%. At year-end 1989, females in the DOC were housed in facilities operating at 164% of capacity while males were housed in facilities operating at 147% of capacity. Furthermore, females are housed in two facilities compared to 12 for males. Since no one institution can offer all the program options available in the DOC, program options are further limited for the female population. As of December 31, 1988, there were 772 females incarcerated in the DOC and 996 confined in county facilities.

(B) PAROLE VIOLATORS AND RECIRCULATION OF OFFENDERS

Although new commitments to the DOC declined from 1984 through 1987, total admissions remained rather constant during that period as a result of more offenders being admitted as parole violators. As Figure 8 shows, the number of parole violators recommitted to prison since 1980 has grown dramatically. The number of technical parole violators returned each year by the Board has been rising significantly. Over the last decade, the percentage of technical violators returned for drug abuse has about doubled (up 93%). Failure to report regularly for supervision (up 39%) and failure to report to required out-patient therapy programs (up 43%) are the other prime parole conditions violated.

**FIGURE 8:
PAROLE RECOMMITMENTS BY PBPP
TO THE DOC & COUNTY JAILS
1980 - 1989**



State parolees who are awaiting a parole violation hearing also contribute to the county jail population. In November 1989 there were over 700 of these offenders in county jails. Approximately 20% of the violators recommitted by the PBPP each year are returned to county jails.

Also, the rate of recommitment per 1,000 offenders supervised, has doubled since 1980. In 1980 there were 52 offenders returned to prison or jail for every 1,000 offenders supervised during the year. Of the 52, 24.2 were returned for technical violations and 27.8 for criminal violations. In 1989, 103.9 offenders were returned for every 1,000 supervised, 61.2 for technical violations and 42.7 for criminal violations.

About half of the violators returned every year are convicted of a new offense. These offenders must serve additional time on their old sentence and then begin serving their sentence for the new offense. The average convicted violator loses 2.3 years of credit towards his maximum sentence. The result of this "recirculation" is that the prison population attributable to parole violators has grown by 240%, from 1,055 in 1980 to 3,567 in 1989. This growth rate is disproportional to the 135% growth in the rest of DOC population and the 26% growth in Parole Board population during the same period. Another indicator of this recirculation is the drop in the rate final discharges issued by the PBPP upon successful completion of parole. In 1980, 188 discharges were issued for every 1,000 offenders supervised. In 1988, that rate dropped to 167 for every 1,000 supervised.

As noted earlier in this report, drug and alcohol offenders have made a significant contribution to the growth of new court commitments. Drug and alcohol problems have also contributed to the rising parole recommitment rates. In 1989, over 70% of the offenders released on parole had a history of drug or alcohol problems.

The growth of correctional populations has been driven by the demographics of Pennsylvania's general population, by changes in sentencing and incarceration practice and policy, and by increased enforcement efforts. And as seen in Table 3, the composition of the DOC population has changed significantly during the last decade. Table 4 reflects the changing composition of the county jail population. Overcrowding is not the result of any one influence but the combined result of several influences. Therefore, a combination of strategies is necessary to solve or at least alleviate the problem.

**TABLE 3:
CHANGING CHARACTERISTICS OF THE DOC POPULATION**

	1980		1989		% Change 80-89
	#	% of DOC Popul.	#	% of DOC Popul.	
TOTAL DOC POP.	8,243		20,490		+149%
(A) Parole Violators	1,050	12.7%	3,567	17.4%	+240%
(B) Drug Offenders	311	3.8%	1,958	9.6%	+530
(C) Offenders age 30 and over..	3,542	43.0%	12,258	59.8%	+246
(D) Offenders with a Maximum Sentence of 2 yrs or less ...	539	6.5%	50	0.2%	- 91%

**TABLE 4:
CHANGING CHARACTERISTICS OF THE COUNTY JAIL POPULATION**

	1980		1988		% Chg. 80-88
	#	% of Pop.	#	% of Pop.	
TOTAL JAIL POP.	7,493		13,917		+ 86%
(A) DUI Offenders	94	1.3%	818	5.9%	+770%
(B) Drug Offenders	170	2.3%	989	7.1%	+482%
(C) Offenders Age 30 and over .	2,274	30.3%	6,089	43.8%	+168%
(D) Offenders with a Maximum Sentence of 2 yrs. or more .	571	7.6%	1,333	9.6%	+133%
(E) Sentenced Offenders	2,279	30.4%	5,477	39.4%	+140%
(F) Pretrial Detentioners	5,214	69.6%	8,440	60.6%	+ 62%

IV. Overcrowding Is The Future Of Corrections

As has been shown, overcrowding has not occurred overnight. However, the recent growth in the Department of Corrections population is evidence that the problem is escalating quickly and that it presents a major threat to institutional security in the next few years.

From 1980 to 1987, the population grew by an average of 1,151 inmates per year. In 1988, the population grew by 1,627 inmates; at that time, the largest annual growth ever experienced in Pennsylvania's state prison population. Projections produced by the Pennsylvania Commission on Crime and Delinquency's Correctional Population Projection Committee as recently as January 1989 forecast an annual growth of 1,766 inmates for 1989. However, the actual 1989 DOC population grew by 2,561 inmates. New projections indicate that in 1990, the DOC population will grow by another 2,000 inmates.

The January 1989 projections indicated that the year-end 1993 prison population would reach 22,600. The Committee's November 1989 projections, which include up-to-date information on the prison population growth experienced in the first half of 1989, indicate that the year-end 1993 population will be between 25,165 and 27,074 inmates.

The majority of the recent growth in the DOC population is the result of increased court commitments for drug law offenders. Based on the increases in drug convictions experienced in the first half of 1989, the Projection Committee has estimated that drug commitments rose 43% from 1988 to 1989. For the first time, the Committee produced two sets of projections: the baseline projection assumes a similar increase in

drug commitments will occur from 1989 to 1990 and that the drug commitment rate will remain at the 1990 level through 1993. The sustained growth projection assumes the growth experienced from 1988 to 1989 will continue each year through 1993. The Committee indicated its projections are conservative and changes in policy and practice could result in a significantly larger correctional population.

Governor Casey recently announced new capacity expansion initiatives which would accelerate the DOC's current authorized capacity of 13,384 to 17,449 and would authorize new additions which would increase capacity to 20,449 prison cells by 1993. However, if other initiatives are not undertaken, when all authorized expansion is completed, the prisons will not be significantly less overcrowded than they were in 1989. Table 5 indicates that under present policies prison population will be between 123% and 132% of capacity at the end of 1993, but until all the new capacity is available the cell space deficit will be even more acute in the next few years.

**TABLE 5:
DEPARTMENT OF CORRECTIONS PROJECTED
POPULATIONS AND PERCENT OF CAPACITY**

	Year				
	1989	1990	1991	1992	1993
Capacity*	13,384	15,692	16,308	17,449	20,449
Baseline Projection	20,490	22,512	23,617	24,583	25,165
% of capacity	153%	143%	145%	141%	123%
Sustained Growth Projection ..	20,490	22,512	24,092	25,724	27,074
% of capacity	153%	143%	148%	147%	132%

*These capacity figures include the loss of 416 modular beds at Camp Hill and assume all permanent cells will be repaired.

V. Summary of Findings:

- (1) The extent of overcrowding occurring at our county jails is a significant contributing factor to overcrowding at state prisons. Therefore, any recommendations developed to alleviate overcrowding at the state level must include strategies to assist county facilities.
- (2) When all currently authorized new state construction is completed in 1993, state prisons will not be significantly less crowded than in 1989 if other initiatives are not implemented in conjunction with the construction.
- (3) Substance abuse is a major contributing factor to the increases in new court commitments and parole violators to correctional facilities.
- (4) The parole violator population returned to correctional facilities has increased disproportionately to parole and correctional institution population increases, and is a prominent contributor to the overcrowding problem.
- (5) There is an urgent need in our correctional system to significantly expand the punishment options available between the extremes of probation and incarceration for low risk offenders without unduly reducing public safety.

VI. Recommendations To Alleviate Overcrowding In The Correctional System

A correctional system can enhance public safety by incapacitating and rehabilitating criminal offenders. It can also, through punishment, provide society with a means of exacting retribution and in certain situations deter future crime. No correctional system known can do all of these things with 100% effectiveness at any cost. The key to developing a sound correctional policy is to recognize what the system can do most effectively and efficiently and balance that against the need to provide public safety. For example, prisons can incapacitate offenders very effectively, but not very efficiently at about \$15,000/inmate/year. For certain offenders, society wants that incapacitation provided and is willing to pay for it. Most people would not think it prudent to spend so many of their tax dollars to provide incapacitation of a shoplifter yet would be quite willing to spend the money to incapacitate a murderer. Unfortunately, most offenders fall somewhere between these extremes and the balancing of correctional resources versus public safety needs is not so clear.

The Committee's recommendations to relieve overcrowding in the correctional system have been developed with five objectives in mind. The first is to limit the number of low risk offenders in the DOC's medium and maximum security institutions. We are recommending alternative correctional system options for low risk offenders that will be equally effective in terms of public safety. This will also enable us to use scarce institutional space for higher risk offenders.

The second objective is to implement some reductions in the length of incarceration. We are recommending shorter incarceration for some non-violent offenders and an earned time policy that would allow offenders to earn time off their sentences.

The third objective is to reduce overcrowding in county jails. Strategies aimed at reducing state prison population may at the same time result in increased county jail populations. We do not want to merely shift the problem from one component of the system to another. Pressures on any component of the correctional system will eventually reach the other components of the system.

Our fourth objective is to reduce the impact of recidivists on overcrowding. Substance abuse is having a significant effect on correctional populations and additional services and programs must be developed to remove this influence, thereby reducing recidivism and failure on parole, and as a result increasing public safety.

The fifth objective is to improve correctional system planning. We recommend that sentencing proposals be accompanied by correctional impact analysis so that correctional resources can be matched to demands for those resources.

All of these recommendations are aimed at reducing overcrowding so that our limited traditional correctional resources can be used to safely house our more serious offenders.

RECOMMENDATION 1: Additional Prison Construction Is Needed To Confine Violent High Risk Offenders In The Department of Corrections.

In 1989, the Department of Corrections' population grew by a record 2,561 inmates, reaching 20,490 on December 31, 1989. Projections indicate that substantial growth will continue, and that by December 31, 1993, the population is expected to reach between 25,165 and 27,074 inmates.

Governor Casey recently announced a new, and an accelerated, capacity expansion program which will increase the Department of Corrections' current capacity of 13,384 to 20,449 prison beds by 1993. This expansion of the Department's capacity must be completed as soon as possible.

This additional construction may enable the Department of Corrections to provide the treatment and program space and services necessary to operate safer institutions, but only if alternative housing or other punishment options are implemented for low risk non-violent offenders currently confined in the Department of Corrections.

RECOMMENDATION 2: Expand DOC And PBPP Resources In Order To Increase The Number Of, And The Rate At Which, Eligible Inmates Are Paroled From The Department Of Corrections At The Expiration Of Their Minimum Sentence.

A number of inmates are released from the Department of Corrections weeks or months after the expiration of their minimum sentence, even though parole has been granted, because many are unable to

develop an acceptable parole plan. An expansion of the existing institutional parole staff would help these inmates develop a plan prior to the expiration of their minimum. Also, an expanded parole agent workforce would be necessary to supervise these offenders who would have otherwise remained incarcerated.

We estimate that an additional 45 new parole agents would be needed, 15 for the special institutional units and 30 to provide community supervision for the new releases.

In addition to the insufficient number of agents currently available to supervise the additional parolees, there is also an insufficient number of community options currently available to parolees in need of community resources and treatment services. If more parolees are to be released, there especially needs to be a range of options available to agents for the management of potential substance abusing parolees. Oftentimes today's parole agent is primarily monitoring parolees for rearrest and is not able to provide treatment and prevention services as they are often not available. We need to provide an escalating series of community resources which can be used for parolees who are at risk of being returned to prison. A range of intermediate sanctions such as intensive supervision or electronic home monitoring need to be available. More structured community residential programs are also needed for more effective supervision. In this regard, the PBPP should receive an appropriation to contract with community service organizations (such as the Salvation Army) to work with inmates in developing parole plans. The PBPP now has this authority in law, but to date has not received funding to implement contracts.

RECOMMENDATION 3: Expand The Capacity Of The Pennsylvania Board Of Probation And Parole's Special Intensive Supervision Program For Technical Parole Violators Not Recommitted To Prison.

There is a significant group of offenders who are recommitted to prison for technical parole violations. The existing Pennsylvania Board of Probation and Parole special intensive supervision program should be used to divert those offenders already found guilty of a technical parole violation. The program would provide intensive supervision and enable the board to significantly increase its supervision of technical violators while stopping short of returning the violator to prison. Also, the Board's regular supervision caseloads should be reduced to manageable levels, thereby enabling agents to provide adequate supervision.

We estimate that a total of 70 new parole agents would be needed: 15 for the special intensive supervision program and 55 to bring caseloads and workloads down to manageable levels.

Due to high workloads, our parole system has focused more on monitoring parolees rather than providing the tools to correct their behavior. We need to increase the resources available to agents to assist them in locating and maintaining housing for parolees, developing family and community support, and meeting the special needs (such as drug and alcohol) of parolees.

RECOMMENDATION 4: Implement Earned Time To Allow State Inmates To Be Paroled, And State Parolees To Be Discharged From Parole Supervision, Early If They Exhibit Good Behavior And Participate In Educational, Treatment Or Vocational Programs For Which The Appropriate Resources Are Provided By The Commonwealth. Also, Counties Should Be Authorized By Legislation To Implement Earned Time Programs.

Most offenders, with the exception of those convicted of first or second degree murder, will eventually be released from prison and parole supervision. By releasing most inmates early, a significant reduction in the prison population can be realized. A similar early release from parole supervision would be required to assure that growing parole caseloads do not further strain parole resources.

Legislative action is needed to revise the Parole Act to allow the Pennsylvania Board of Probation and Parole to release offenders prior to the expiration of their minimum term. The Department of Corrections would need to develop standards for granting and revoking earned time. Counties would be authorized to create or adjust present earned time policies or could adopt the state program.

In recent years, state inmates have been serving more time beyond their minimum sentence prior to parole release. If this trend continues, the impact of an earned time program could be negated. Also, for the program to be effective the Commonwealth must provide that educational, treatment and vocational programs are available to inmates.

Several earned time bills have been introduced in the General Assembly, however, they are more limiting than our recommendation primarily because certain offenders are excluded from earning time.

RECOMMENDATION 5: Establish New Minimum Security Facilities Within The Department Of Corrections To House, And Provide Programs For, Selected Low Risk Inmates.

There are low risk inmates currently confined in the Department of Corrections medium and maximum security institutions who may not present a sufficient risk to institutional or public safety to warrant placement in high security institutions. Placing these offenders in minimum security facilities would free space in the higher security institutions for higher risk inmates. Other recommendations in this report also address this issue by suggesting alternative correctional sanctions that would move selected low risk inmates out of the Department of Corrections population. Removing low risk inmates would also provide additional program space and resources for the remaining higher risk inmates and therefore make this population more manageable for Department of Corrections staff.

A streamlined process must be developed by which facilities could be obtained and renovated. The Department of Corrections and the Department of General Services would be responsible for identifying and developing the facilities. The Department of Corrections would also need to identify the inmates eligible for the minimum security housing and modify its existing diagnostic and classification system to identify future commitments eligible for this housing.

The Commonwealth needs to investigate opportunities to renovate or redesign existing vacant state-owned facilities, or to acquire and renovate federal facilities to be used as modified Department of Corrections minimum security facilities. Additionally, resources must be provided within the Department to enable the identified low risk inmates to participate in program opportunities directed at assisting them in their reintegration to society. In light of the fact that substance abuse is a major contributing factor in criminal behavior, these inmates should be provided with the opportunity to participate in intensive substance abuse programs.

RECOMMENDATION 6: Establish "Boot Camps" For Selected Low Risk Offenders Received By The Department of Corrections As New Court Commitments.

Similar programs have been implemented in other states with mixed success. These programs use military type discipline and physical activity as a rehabilitation tool for young offenders. By participating in this short but very intensive program, inmates can avoid a longer and probably less productive prison term. The program saves prison space, not only by creating alternate space for the inmates in the program, but especially by shortening their length of stay in prison.

The Department of Corrections would need to modify its diagnostic and classification system to identify potential candidates for the program when they are initially received. Legislation would be needed to allow inmates who successfully complete the program to be paroled at the completion of the program and prior to the normal expiration of their minimum sentence. The Department would need funding to acquire camp sites and to hire and train camp staff.

The boot camp concept is also appropriate at the county level. The camps would be operated by the county jail and would be designed for short-term non-violent offenders and would be followed by intensive supervision in the community.

RECOMMENDATION 7: Establish And Fund Alternatives For The Incarceration And Treatment Of Driving Under The Influence (DUI) Offenders.

In 1988, it cost Pennsylvania counties an estimated \$12,000,000 to incarcerate DUI offenders. Over 95% of this cost was incurred in housing repeat DUI offenders. DUI fine money designated for county corrections amounts to only about \$1,000,000 per year.

Because of their relatively short sentence, and the nature of their crime, most DUI inmates are not prone to escape nor do they pose a threat to institutional security. These inmates could be housed in less secure facilities at less cost than in a traditional jail.

DUI inmates are often repeat offenders and if they continue to drink and drive they pose a threat to public safety after release. Therefore, while these offenders are under the supervision of the criminal justice system, we must provide substance abuse treatment, so that their propensity to repeat the crime is curtailed.

One alternative would require legislation to provide funds and to give the Department of Corrections the authority to develop regional DUI facilities. The legislation should also provide the Department with at least one year's operating expenses to initiate the program. Counties could use the facilities on a fee basis and those fees would be used to fund the facilities on an on-going basis. Companion legislation similar to

House Bill 1706 or Senate Bill 1068 would be needed to provide counties with a subsidy for housing DUI offenders to help cover the fees. The subsidy, however, would need to be four or five times greater than the \$2,100,000 proposed in pending legislation. Actual operation of the facilities would be accomplished through contracts for both custodial and treatment services.

The Pennsylvania Commission on Crime and Delinquency could provide assistance in the selection of the regions and facility size. If funds are allocated, and existing vacant facilities acquired through the Department of General Services, two facilities in the regions with the greatest need could be operational in about one year. Other facilities could be developed according to a region's need, with all facilities operating within two or three years of funding.

Another alternative for DUI offenders would be DUI work camps in which the offender is sentenced to a county operated camp in lieu of county jail. Offenders in the program would perform supervised manual labor on public works (streets, parks, etc.) in lieu of incarceration. The camps would be operated on weekends. Currently, such a camp is being operated in Montgomery County.

RECOMMENDATION 8: Require The Attachment Of Correctional Population Impact Statements To Any Proposed Changes In Sentencing Guidelines, Parole Risk Guidelines, Or Any Legislation Affecting The Sentencing Of Offenders.

In 1982, the General Assembly enacted the first mandatory sentences for offenses other than first and second degree murder. That legislation included an appropriation for the expansion of prison space to house those offenders. Since that time, the General Assembly has enacted legislation to provide mandatory sentences for driving under the influence and a variety of drug offenses. Sentencing guidelines have also been revised since 1982 to provide for longer sentences for certain offenses, and parole risk guidelines are revised approximately every three years. None of the tougher sentencing policies implemented since 1982, and none of the mandatory sentencing bills now awaiting consideration, have included provisions for the expansion of correctional capacity.

Much of the population growth experienced by the Department of Corrections, the Pennsylvania Board of Probation and Parole, the county jails, and county probation departments in recent years has been attributed to mandatory sentences. Combined, the statewide offender population has more than doubled since 1980.

The Pennsylvania Commission on Crime and Delinquency has formed a Correctional Population Projection Committee that includes representatives of the Department of Corrections, the Pennsylvania Board of Probation and Parole, the Commission on Sentencing, and the Office of the Budget. This committee already produces some impact analyses, and distributes the information. Legislation that would require impact analyses as part of the legislative process would assure that the analysis is prepared for all proposed legislation and is available to all legislators. An interval of approximately 60 days should be allowed for this analysis to be completed for the proposed legislation.

Several legislative proposals have already been introduced in the General Assembly regarding impact analysis and might be used as a jumping-off point for our recommendation.

RECOMMENDATION 9: Adjust Sentencing Guidelines To Reallocate Offenders Within The Correctional System In Order To Better Utilize Limited Institutional Capacity. Also, Require That Prison And Jail Population Levels Be Included As A Criteria For Making Future Guideline Revisions.

Offenders targeted for this recommendation present a risk to public safety that is sufficiently low to permit avoiding incarceration in already scarce jail and prison space. For example, a guideline sentence as little as one month shorter than that currently called for would allow certain low risk offenders to receive a county jail sentence rather than state correctional institution confinement.

In order that such a change not congest county jails — indeed in order to provide net relief to crowded jails — the guidelines should recommend non-incarceration sentences for the lowest risk offenders. The overriding rationale behind this recommendation is that our limited prison and jail space must be reserved for the most serious offenders.

As a result of a request from members of the General Assembly, the Sentencing Commission is currently examining its present guidelines and is expected to offer some adjustments to help relieve overcrowding in both state and county institutions. Any such recommendations must also be approved by the Legislature. In addition, the impact on prison and jail resources should be an explicit consideration in any future recommendations for adjusting the guidelines.

RECOMMENDATION 10: Amend The Parole Act To Revise The Provision Regarding The Loss Of Parole Supervision Time Upon Conviction For A New Crime.

The Parole Act presently requires that all time in good standing on parole supervision be added to the maximum sentence date upon conviction for a new crime. This provision applies only to new convictions; parolees who are recommitted for technical parole violations do not lose their time in good standing. The original intent of this provision was to punish parolees for committing new crimes and to provide a deterrent to others who are on parole. The effect of this provision is to extend the maximum sentence date on the original sentence for offenders with new convictions; these offenders also have a new sentence to serve. This lengthens time under parole supervision and time spent in prison for backtime on the original sentence until reparole.

It is our recommendation that new convictions for misdemeanors be treated the same as technical violations and that the law apply to only new convictions for a felony offense rather than all new convictions. This would reduce by approximately one-half the time served by convicted violators recommitted each year.

RECOMMENDATION 11: Provide Assistance To County Corrections To Significantly Expand Local Sanctions For Offenders By: (A) Implementing A Community Corrections Act; (B) Providing State Reimbursements To Counties Housing "State Inmates"; And (C) Providing State Funding Of Community Correctional Facilities Through Bond Issues Or Other Funding.

Many of Pennsylvania's larger county jails are as crowded as our state correctional institutions. There is a significant need to expand the availability of space at the local level by either diverting offenders from the jail and placing them in other community programs, or by increasing the amount of bed space available.

Insufficient intermediate punishment options are available for select low risk offenders committing new crimes or low risk parole violators. In the past, local government has been unable to develop such options due to limited budgets and overcrowded local jails. Currently, incarceration is often perceived as the only viable public safety option.

Community corrections is a punishment option consisting of a highly structured and specific set of correctional programs which target select low risk offenders who would otherwise be incarcerated. This group of offenders represents a minimal risk to public safety. Because of this low risk, they can be housed or supervised in the community without using traditional jail or prison space. Community corrections programs can also allow offenders to maintain community ties and employment that could benefit rehabilitative efforts and allow them to contribute to the cost of their punishment.

A community corrections act, such as Senate Bill 718 which has already been introduced, would provide local punishment options which result in reducing the number of offenders being sent to prison and jail without reducing public safety or increasing crime. The offenders could include substance abusers, parole violators, and work release inmates. Placing low risk offenders in these various punishment options would also provide the maximum opportunity for the incarceration of those offenders posing a more serious threat to public safety.

Community corrections programs would include: intensive supervision, house arrest, electronic monitoring, drug and alcohol treatment, restitution, work release, half-way houses, and community service. Some financial incentive is needed to assist counties in developing the programs. Additional legislation could provide counties with the authority to collect fees for participation from those offenders who are able to pay.

County jails are currently housing over 2,000 "state inmates" who are a significant contributing factor to the local crowding problem. These are inmates who: (a) are serving a maximum sentence of more than two years but less than five years and when released will be under the supervision of the Pennsylvania Board of Probation and Parole (PBPP), or (b) are serving backtime for parole violations or are being held on a detainer for the PBPP.

Judges may sentence convicted offenders with maximum sentences of more than two years but less than five years to either a county jail or a state institution. However, in both instances inmates released are under the supervision of the PBPP, and if they violate the conditions of their parole, they are returned to the facility from which they were released.

We recommend that the Commonwealth provide counties with a per diem for housing these offenders. The reimbursement rate would reflect the actual per day incarceration cost and the funds could be used to provide or expand treatment, educational and vocational programs for inmates.

In addition to these "state inmates," the Commonwealth is also placing additional burdens on county jails through the implementation of mandatory sentencing laws and sentencing guidelines while not providing any assistance or relief. The increased burden has been brought about by an increase in the number of sentences to county jails with maximum sentences under two years, through the switch from probation to incarceration sentences brought about by sentencing guidelines and mandatory sentences for DUI.

Finally, we recognize that some construction may be necessary at the local level and therefore recommend some state funding support for construction. However, only those counties participating in the Community Corrections Act and with an approved plan would be eligible for this funding, and the constructed facilities would have to be used as part of an array of escalating intermediate sanctions (i.e. work release, house arrest, intensive supervision) and the facilities would need to have treatment, educational and/or vocational program services as a major component.

**TABLE 6:
SUMMARY OF PCCD RECOMMENDATIONS:
COST (IN MILLIONS) AND IMPACT**

Recommendations	Impact by 1993	Cost of Implementing Recommendations		Cost of Additional Capacity Required w/o Recommendations		Net Savings Accomplished Through Implementation of Recommendations	
		Capital	Operating/Yr.	Capital	Operating/Yr.	Capital	Operating/Yr.
1) Increase capacity of DOC as announced by Governor	Increase DOC capacity to 20,449	225.0	45.0	225.0	45.0	—	—
2) Increase number of inmates released from DOC at expiration of minimum	Will decrease DOC population by 2,000 and increase PBPP population by 2,000	—	3.3	150.0	30.0	150.0	26.7
3) Expand PBPP's Intensive Supervision Program for technical parole violators	Will divert 400 offenders from DOC population, and increase PBPP population by 400	—	5.4	30.0	6.0	30.0	0.6
4) Implement Earned Time	Will reduce DOC population by 780	—	Minimal	59.0	11.9	59.0	11.9
5) Establish new DOC minimum security facilities	Will divert 1,160 offenders from current DOC facilities and redistribute them to new DOC facilities.	5.8	17.4	87.0	17.4	81.2	—
6) Establish DOC "Boot Camps."	Will divert 400 offenders from current DOC facilities and redistribute them to new camps	0.8	2.4	30.0	6.0	29.2	3.6
7) Establish alternatives for housing and treating DUI offenders	Will decrease DOC population by 150. Will decrease population in county jails by 1,250	7.0	21.0	105.0	21.0	98.0	—
8) Require correctional impact analysis	Will control future potential growth in statewide potential correctional population	—	Minimal	Unknown	Unknown	Unknown	Unknown
9) Adjust sentencing guidelines to better utilize limited institutional capacity	Will reduce DOC population by 1,270. Will reduce county jail populations by 2,600. Will increase county probation populations by 3,270	—	5.0	245.0	49.0	245.0	44.0
10) Amend Parole Act so selected convicted do not lose "street time."	Reduce DOC population by 265. Reduce PBPP population by 530	—	Minimal	20.0	4.8	20.0	4.8
11) Provide assistance to counties to significantly expand local sanctions for offenders	Will divert 350 offenders from DOC and 2,000 offenders from county jails to new local correctional programs	6.0	29.0	176.0	35.0	170.0	6.0
TOTALS		\$244.6	\$128.5	\$1,127.0	\$226.1	\$882.4	\$97.6

Capital expenditures calculated at \$75,000/cell. Operating costs calculated at \$15,000/offender. Costs figures include both state and local costs where appropriate.

VII. Conclusion

Table 7 shows the distribution of the correctional population in 1989 compared to the distribution expected in 1993 if all our recommendations are implemented. As may be observed, the redistribution decreases the percentage of correctional population in traditional DOC facilities and in county jails and places some of that population in new DOC minimum security institutions and primarily in community corrections programs. It also increases the percentage of population under county probation supervision. Aside from the construction program proposed by Governor Casey and supported by this group, implementation of our recommendations will require a onetime capital expenditure of approximately \$19,600,000 and operating expenditures of approximately \$83,500,000 per year. However, if we continue to incarcerate offenders as we are today, in the long run operational costs will be higher since many offenders would be placed in more restrictive and therefore more costly correctional programs. This savings in operational expenditures can be used to expand the programs and services in both institutional and community settings.

**TABLE 7:
DISTRIBUTION OF CORRECTIONAL POPULATION
1980, 1989, AND 1993 WITH AND WITHOUT RECOMMENDATIONS**

	1980		1989		1993 without recommendations		1993 with recommendations	
	#	% of Subtotal	#	% of Subtotal	#	%	#	%
	DOC.....	8,243	10.9	20,490	15.6	27,074	14.8	20,299*
Co. Jails	7,553	10.0	16,150	12.3	25,125	13.8	19,875	11.0
PBPP.....	14,014	18.5	17,616	13.4	20,208	11.1	22,078	12.2
Co. Prob. Without DUIs.....	45,996	60.7	76,646	58.5	109,972	60.3	113,242	62.8
New Correctional Options ...	—	—	—	—	—	—	4,870*	2.7
Subtotal	75,806	100	130,902	100	182,379	100	180,364	100
Co. Probation DUIs.....	7,770	—	43,763	—	62,790	—	62,790	—
TOTAL.....	83,576	—	174,665	—	245,169	—	243,154	—

*The 20,229 offenders refers to traditional institutional population. Another 1,910 offenders, who are part of the 4,870 in new correctional options, will still be under DOC supervision but housed in alternative facilities.

Table 8 summarizes the expected impact on the DOC's population of implementing our package of recommendations. The inmates expected to be housed in the new capacity for minimum security and alternative programs have been subtracted from population. Therefore, Table 8 shows the expected traditional medium and maximum security capacity and the population it would be expected to house under the sustained population growth projection.

**TABLE 8:
DEPARTMENT OF CORRECTIONS PROJECTED MEDIUM AND MAXIMUM SECURITY
POPULATIONS AND PERCENT OF CAPACITY**

	Year				
	1989	1990	1991	1992	1993
Capacity*	13,384	15,692	16,308	17,449	20,449
Sustained Growth Projection WITHOUT Recommendations	20,490	22,512	24,092	25,724	27,074
% of capacity	153%	143%	148%	147%	133%
Sustained Growth Projection WITH Recommendations	20,490	20,650	19,129	20,834	20,229**
% of capacity	153%	132%	117%	119%	99%

*These capacity figures include the loss of 416 modular beds at Camp Hill and assume all permanent cells will be repaired.

**Does not include 1,910 offenders still under DOC supervision but housed in new alternative facilities.

Our recommendations would also bring about a reduction in the statewide county jail population of approximately 600 in 1990 and 5,000 by 1993. This reduction would bring the county jail population close to the current operational capacity of the jail system statewide. However, overcrowding will still exist in some localities due to the age of the facilities themselves or because some jurisdictions may be unable or unwilling to expand community corrections alternatives.

Our recommendations will also result in increased populations for the PBPP and county probation departments, and the continued growth will require an expansion of state and local probation and parole resources. An expansion of resources for community programs and services will become especially vital to probation and parole.

Even with the full implementation of all of our recommendations the total correctional population is expected to grow by another 40 to 50% by 1993. Our recommendations aimed at reducing recirculation and failure on parole will take time to show their maximum effectiveness. While we will see an impact in the next three to four years, the real benefit of these recommendations will be felt during the next five to ten years.

We have concluded that the prison and jail overcrowding problem can be reduced through changes in current sentencing and correctional policies and practices. However, corrections officials will still be faced with housing increased numbers of incarcerated offenders. The localized crowding of county jails, the capacity shortfall of the DOC, and the need to replace some existing facilities can only be addressed by additional construction if we are to maintain public and institutional safety. Our correctional system has grown dramatically as a result of efforts to improve public safety by incarcerating more offenders and for a longer period of time. It is now well past the time that the resources are put in place to manage the burgeoning correctional population at the state and local levels.