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Prison and Jail
Overcrowding
in
Pennsylvania

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A Report to the
Prison and Jail Overcrowding Task Force



August, 1983

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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Preface

On behalf of the Prison and Jail Overcrowding Task Force Steering Committee, I am pleased to submit to the members of the full Task Force this comprehensive report on prison and jail overcrowding in Pennsylvania.

The Steering Committee urges that the Task Force use this report as a working paper around which difficult decisions regarding initiatives to alleviate our overcrowding problem can be framed. To assist the Task Force members in these most important deliberations, the Steering Committee has studied and assessed available options to address the problem, and has included in this report a package of recommended initiatives which, if implemented by the Commonwealth, can provide a sound approach to alleviating our overcrowding problem.

Anthony J. Scirica

Anthony J. Scirica
Chairman, Prison and Jail
Overcrowding Task Force

95866

U.S. Department of Justice
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PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Prison and Jail Overcrowding Task Force

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SECTION I: INTRODUCTION

Overcrowding has been blamed for violence and poor conditions in our prisons. And, if present trends continue, a drop in prison populations is not expected until the mid-1990's. Given the ever growing problem, and the scarcity of resources, we need to take a systematic approach to deciding which offenders should use valuable prison space.

In September 1981, the Pennsylvania Commission on Crime and Delinquency (PCCD) convened a one-day forum to discuss, in an informal setting, the overcrowding problem and ways to address it. Those participating in the discussions included judges, district attorneys, public defenders, citizens, as well as state and county prison administrators. The forum examined the nature and scope of the prison and jail overcrowding problem, considered the factors contributing to the problem, and explored some of the possible approaches to dealing with it.

Now, in response to an ever-increasing awareness of the consequences of consistently overcrowded correctional facilities, the PCCD announced in March 1983, the establishment of a Prison and Jail Overcrowding Task Force.

Members of the Task Force have been chosen because of their qualifications and backgrounds, and the Task Force will produce a final report which will present specific recommendations and implementation strategies to address overcrowding as it exists today and, perhaps more importantly, in the future.

Judge Anthony Scirica has been appointed chairman of the Task Force, and Dr. Alfred Blumstein has placed the resources of the PCCD at the disposal of the Task Force. The PCCD staff has supplied the background material and staff support for this effort.

A Task Force Steering Committee was appointed by Dr. Blumstein and has been meeting since April 1983 to conduct prefatory work for later Task Force efforts. Initial meetings were educational and informational in nature. Extensive use was made of available data regarding correctional populations, existing programs, and projected impacts and costs of potential recommendations. Later meetings involved deliberations of possible options to alleviate overcrowding.

As a result of this process, the Steering Committee developed a detailed knowledge of prison and jail overcrowding, its contributing factors, and the complex task of developing practical, lasting solutions to the problem. The Steering Committee dealt with constraints on options to address the problem such as economic resources, objectives of the criminal justice system, and the political milieu in which the correctional system and its administrators must operate.

The initiatives to alleviate overcrowding recommended by the Steering Committee to the Task Force which are contained in this report

are based upon a sound foundation, which takes into consideration the system-wide origins of correctional overcrowding and the subsequent need for system-wide solutions. The recommended package of initiatives is practical in that it reflects realistic impacts of proposed programs as well as cost data. The recommendations are not all inexpensive, but are cost-efficient when compared to other alternatives. The Steering Committee does not propose that by implementing these initiatives, there will be a cost-savings, but certainly costs through imprisonment will be avoided by implementing some of these initiatives.

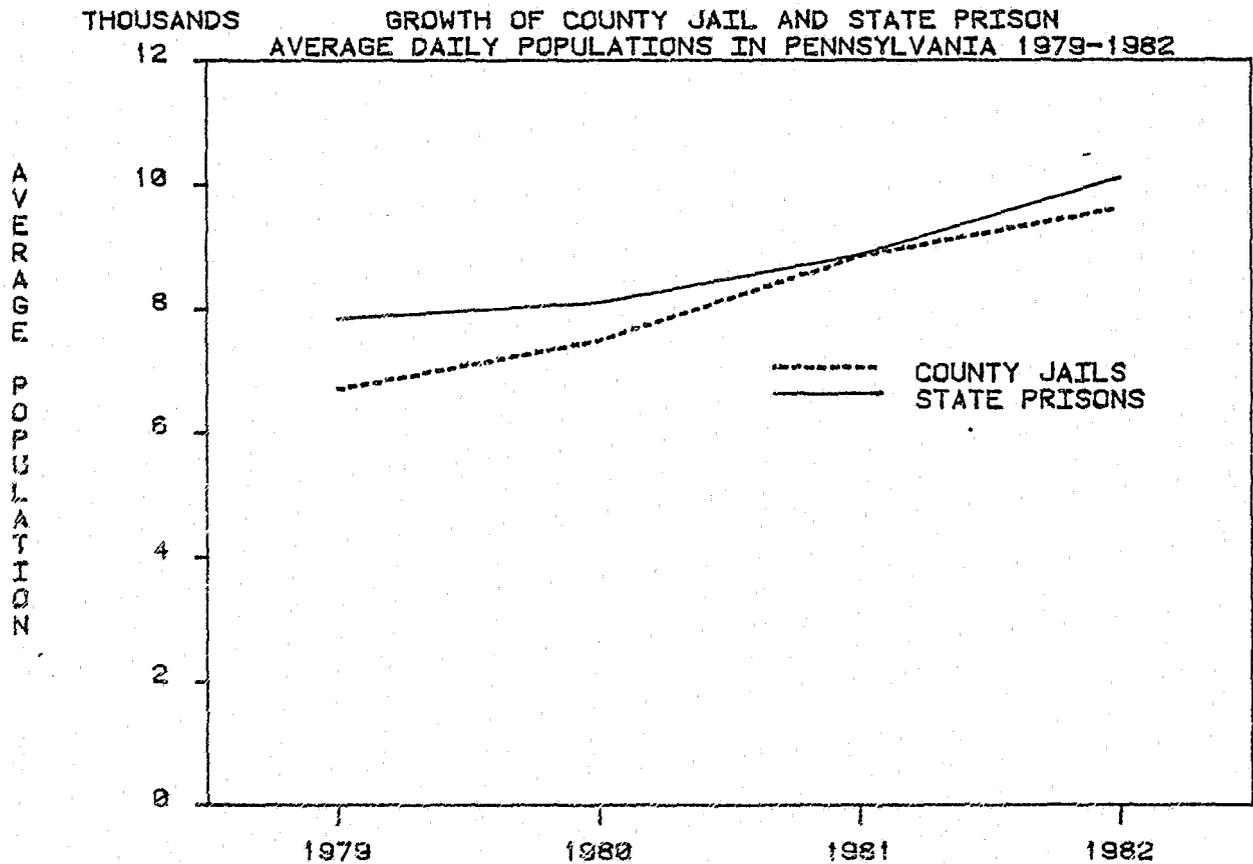
This report to the Task Force represents the first step toward long-term management of correctional overcrowding. The Task Force needs to provide its perspectives on the recommended initiatives and move toward consensus of solutions to the overcrowding problem. We must work together to implement these initiatives.

After an initial meeting of the Task Force to deliberate the recommended initiatives in this report, the Task Force will continue to be involved in the oversight, monitoring, and evaluation of the implementation of the recommendations proposed in this report. It is important that these kinds of system-wide solutions to the overcrowding problem be developed and coordinated through a body which represents all facets of the criminal justice system. The Task Force should be in a position to provide ongoing reports and recommendations to the Governor, the Legislature, and local public officials.

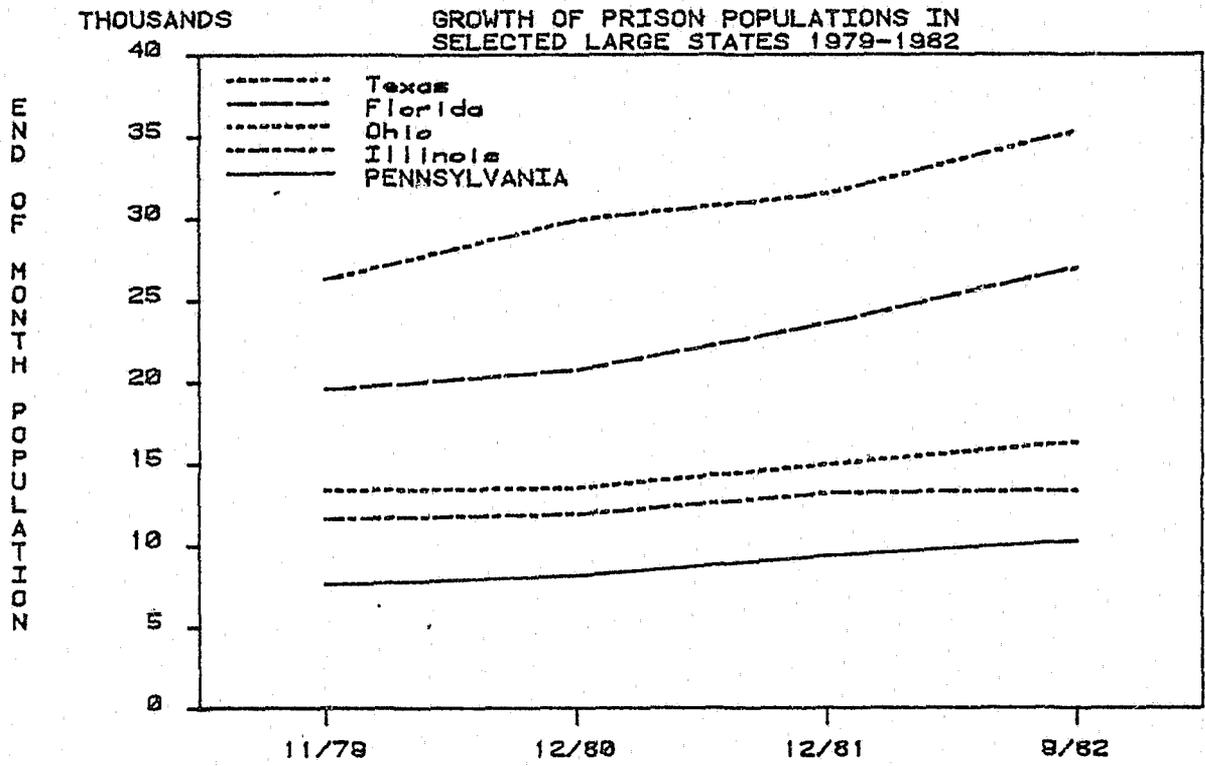
SECTION II: Overview of Pennsylvania's Correctional System

A. Pennsylvania's Relationship to the National Overcrowding Problem

The past four years have been marked by major and continuing increases in Pennsylvania's county and state incarcerated populations. From 1979 to 1982, the county jail population grew from 6,714 to 9,622, an increase of 43 percent. The state prison population grew from 7,851 in 1979 to 10,118 in 1982, an increase of 29 percent. Both of these population increases are based on Average Daily Population, that is, the average number of prisoners present per day.



Although our incarcerated population has grown substantially, we have not experienced the huge growth in the sheer number of prisoners experienced by other large states.



These populations are month end populations and include all sentenced inmates with at least a one year sentence.

As of September 1982, Pennsylvania ranked 41st among all states (highest to lowest) in incarcerated persons per 100,000 persons of general population. Generally, these rates are calculated using prisoners sentenced for at least one year. Pennsylvania's incarceration rate was 86 per 100,000 while the national average was 157. This may lead one to believe that Pennsylvania uses incarceration sparingly. However, there are other factors to be considered before reaching this conclusion.

One factor is the crime rate. The crime rate is the Uniform Crime Report Index Crimes reported per 100,000 general population. Index crimes include murder, non-negligent manslaughter, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft and arson. Pennsylvania's 1981 crime rate was 3,683.2 per 100,000 while the national average was 5,799.9. Among all states, Pennsylvania's crime rate ranks 45th (highest to lowest).

The Crime Index offenses account for over 80% of Pennsylvania's state prison population. Therefore, an incarceration rate per 1,000 index offenses might more accurately portray Pennsylvania's relative use of incarceration. Our incarceration rate, based on the index offenses, is 23.5 per thousand while the national average is 28.2. Using this rate, Pennsylvania ranks 31st among all states.

Pennsylvania accounts for 5.4% of U.S. adult population and 4.0% of the correctional population in the U.S. Part of the reason Pennsylvania's

correctional population (incarceration, probation and parole) is below the national average is again due to its lower than average crime rate. Also Pennsylvania has initiated diversion programs such as ARD (Accelerated Rehabilitative Disposition) to divert first-time non-violent offenders from prison. ARD is essentially a short probation period offered prior to disposition.

As the following table shows, Pennsylvania has a higher percentage of its correctional population under supervised release than the national average; however, the probation and parole rate per 1,000 adult population is still below the national average.

	U.S.			Pennsylvania		
	Correc- tional Popula- tion	Percent of Total	Rate per 1,000 Adult Popula- tion	Correc- tional Popula- tion	Percent	Rate
Probation	1,222,000	63%	7.4	53,625	68%	6.1
Parole	223,800	11%	1.3	9,738	12%	1.1
Prison	362,500	18%	2.2	9,365	12%	1.1
Jail	156,000	8%	.9	6,406	8%	.7
TOTAL:	1,965,100		11.8	79,132		9.0

This table is based on data collected by the U. S. Bureau of Justice Statistics. Jail populations are based on the 1978 census of county jails, the latest year comparable data was collected. The rest of the data is as of December 1981.

It seems that at least when compared to the nation as a whole, Pennsylvania has used incarceration judiciously. However, the adoption of mandatory sentencing laws and sentencing guidelines gives us reason to suspect that incarcerated populations in Pennsylvania may rise substantially. In the rest of this section, we will examine Pennsylvania's correctional system, and the factors that have led to the present overcrowded conditions.

B. Confinement Policies

1. Place of Confinement

The place of confinement for a person sentenced to incarceration is determined by the following sentencing rules.

All persons who have been sentenced to maximum terms:

- (1) of five years or more shall be committed to the Bureau of Correction;

- (2) of two years to five years may be committed to either the Bureau or the county jail in the jurisdiction of the court; or,
- (3) of less than two years shall be committed to the county jail except that if space is available as designated by gubernatorial proclamation, they may be committed to Bureau regional correctional facilities.

2. Detentioners

Not all persons incarcerated in our prisons and jails are sentenced inmates. The unsentenced group is comprised of persons arrested and awaiting disposition of charges against them. Some of these people make bail and are incarcerated only until they can meet bail requirements. The rest remain incarcerated until their case is disposed of in the courts.

The confinement of detentioners is primarily the responsibility of the county jails, and in fact accounts for 70% of county jail population. The other 30% of county jail population, and Bureau of Correction population is the sentenced population.

C. Facilities and Their Capacities

1. State Facilities

As of July 31, 1983, the Bureau of Correction housed the following populations in its facilities:

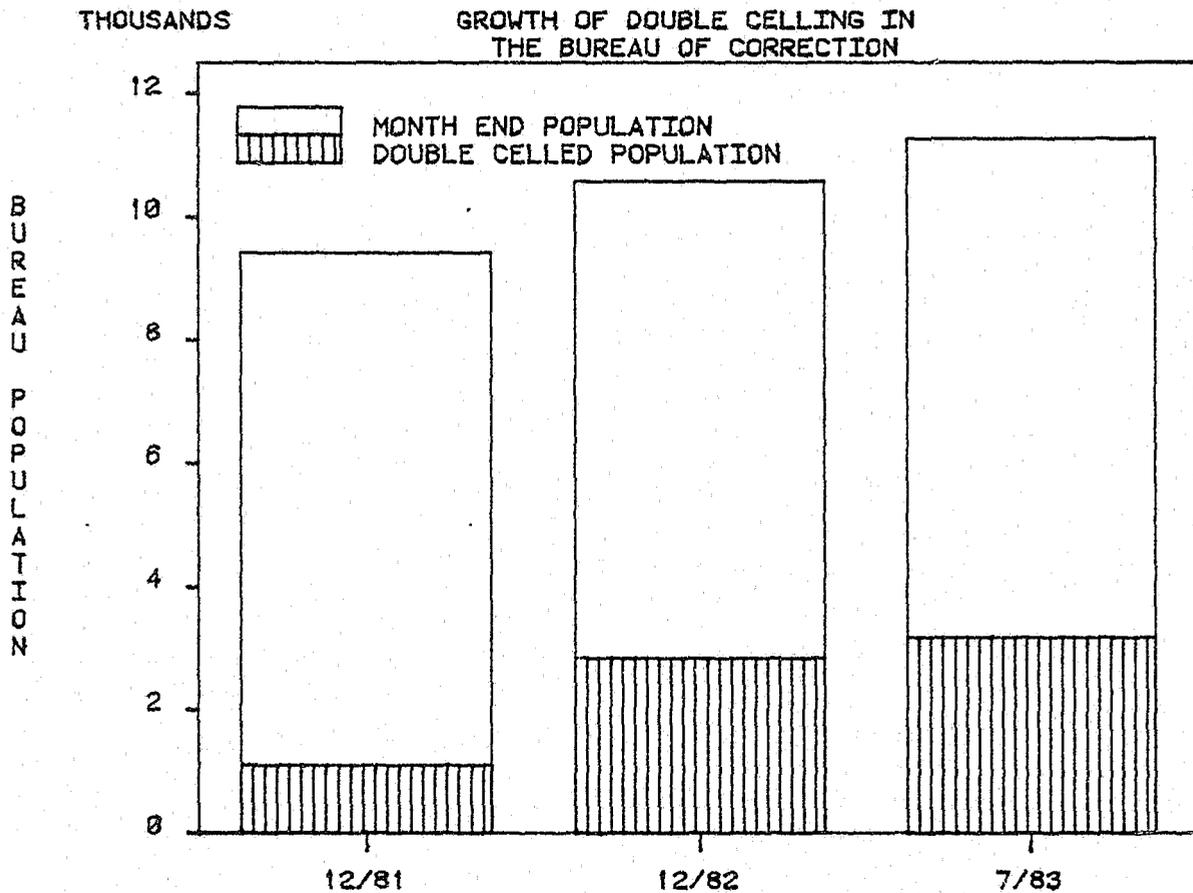
<u>Facility</u>	<u>5-31-83 Population</u>	<u>Capacity</u>	<u>Percent of Capacity</u>	<u>Year Built</u>
SCI Camp Hill	1,799	1,456	123	1941
SCI Dallas	1,428	1,052	135	1960
SCI Graterford	2,277	2,039	111	1929
SCI Huntingdon	1,612	1,171	137	1889
SCI Muncy	390	308	126	1920
SCI Pittsburgh	1,390	1,170	118	1882
SCI Rockview	1,321	1,043	126	1915
SRCF Greensburg	372	191	194	1969
SRCF Mercer	368	200	184	1978
Community Service Centers	316	325	97	-
TOTAL:	11,273	8,955	125	-

Additionally, due to the continuing increase of the state inmate population, the Legislature in the spring of 1982 appropriated monies for new construction and renovation of Bureau of Correction facilities. The anticipated outcome of this appropriation will increase capacity in the state system by 2,880 cells. New construction at the Graterford, Greensburg and Mercer facilities will add 830 cells. The renovation and construction at Retreat and Cresson State Hospitals will add 850 cells.

The addition of permanent cells within the physical plant of Dallas will increase capacity by 200, and new construction in Schuylkill (Frackville) and Huntingdon counties will add 1,000 cells. While this will increase the current capacity from 8,955 to 11,939, the anticipated completion of the new construction is 3 to 5 years away.

Therefore, the Bureau of Correction has, in the meantime, taken measures to temporarily ease overcrowding. One of these measures - the acquisition of modular housing units - has provided 476 beds. In addition, the Bureau began double-celling in June of 1981. As of July 1983, there are 3,180 inmates double-celled.

The following graph depicts the growth in this reactive response to overcrowding:



2. County Facilities

As of May 31, 1983, there were 10,014 inmates being held in Pennsylvania's 66 county facilities. The most recent figures indicate a capacity for 9,946 inmates.

County jails are much more diversified in their size of inmate populations and corresponding capacities. The following table points out that 34 jails (over 50%) incarcerate less than 50 inmates, while 9 county jails incarcerate 60% of the statewide jail population.

<u>Number of Inmates Held</u>	<u>Number of Jails</u>	<u>Percent of Statewide Jail Population</u>
500+	4*	42%
300-499	5	18%
200-299	6	15%
100-199	5	7%
50-99	12	10%
50	34	8%

*Includes 3 Philadelphia Facilities

It has been estimated that 30 county jails are in need of renovation or total replacement. Thirty-seven of these facilities were built prior to 1900. Thus, overcrowded conditions exist, in many cases, within antiquated physical structures. (See page 9).

As of May 1983, the county jail system was at 101% of capacity with 16 jails at or over capacity. This, despite the fact that many jails have been forced to utilize all existing space.

Currently, there are 13 county jails in the "action" stage of either building a new facility or expanding the old structure. In addition, 6 counties are in the planning stage of building or expanding:

COUNTY JAIL CONSTRUCTION

<u>Action Stage</u>	<u>Planning Stage</u>
Blair (N)	Adams
Bucks (N)	Allegheny
Chester (E)	Lackawanna
Cumberland (N)	Northampton
Dauphin (E)	Philadelphia
Delaware (E)	Schuylkill
	Wyoming (N)

(N) = New Facility

(E) = Expansion of existing facility

Of the 13 counties involved in the action stage, it is expected that capacity will increase by approximately 880. Because each county is at various stages of planning, it is difficult to determine expected completion dates.

COUNTY JAIL SUMMARY INFORMATION

County	5/31/83 Pop.	Reported Capacity	% Capacity	Year Built	County	5/31/83 Pop.	Reported Capacity	% Capacity	Year Built
Adams	44	52	85	1947	Lancaster	307	310	99	1850
Allegheny	620	640	97	1888	Lawrence	39	76	51	1964
Armstrong	39	59	66	1871	Lebanon	151	157	96	1980
Beaver	95	91	104	1962	Lehigh	260	275	94	1867
Bedford	32	35	91	1895	Luzerne	225	233	96	1868
Berks	260	319	82	1931	Lycoming	107	77	139	1867
Blair	91	111	82	1868	McKean	23	56	41	1880
Bradford	30	26	115	1871	Mercer	51	64	80	1976
Bucks	283	266	106	1884	Mifflin	31	50	62	1856
Butler	76	97	78	1956	Monroe	70	29	241	1862
Cambria	115	173	66	1890	Montgomery	381	310	123	1851
Cameron	2	6	33	1867	Montour	22	34	65	1892
Carbon	29	68	43	1869	Northampton	212	210	101	1873
Centre	37	44	84	1964	Northumberland	90	104	86	1876
Chester	335	292	115	1959	Perry	10	12	83	1900
Clarion	15	24	62	1873	Phila.	3,573	2,889	124	--
Clearfield	89	100	89	1981	Holmesburg	1,338	1,259	106	1876
Clinton	22	37	59	1851	Deten. Centers	805	807	99	1963
Columbia	40	76	53	1876	Use of Correction	1,247	823	151	1927
Crawford	52	76	68	1849	Pike	16	16	100	1895
Cumberland	99	100	99	1753	Potter	12	14	86	1863
Dauphin	301	255	118	1956	Schuylkill	67	93	72	1854
Delaware	453	509	89	1931	Snyder	15	21	71	1885
Elk	1	19	5	1885	Somerset	47	59	80	1981
Erie	194	227	85	1975	Sullivan	0	0	--	1895
Fayette	47	77	61	1883	Susquehanna	20	24	83	1867
Forest	0	0	--	1895	Tioga	15	28	54	1860
Franklin	79	130	61	1972	Union	19	25	76	1972
Fulton	0	0	--	1851	Venango	27	32	84	1905
Greene	14	27	52	1980	Warren	38	49	78	1980
Huntingdon	29	33	88	1979	Washington	97	115	84	1898
Indiana	32	61	52	1973	Wayne	26	25	104	1934
Jefferson	19	15	127	1927	Westmoreland	48	60	80	1976
Junata	24	24	100	1980	Wyoming	9	10	90	1843
Lackawanna	147	149	99	1880	York	261	271	96	1979
					Total	10,014	9,946	101%	

Unlike the state system, it is not possible to determine the number of inmates double-celled at the county level. This is primarily due to the fact that county jails have traditionally held a substantial number of inmates in already established multiple cells. Approximately 30-35% of county jail capacity is multi-cell.

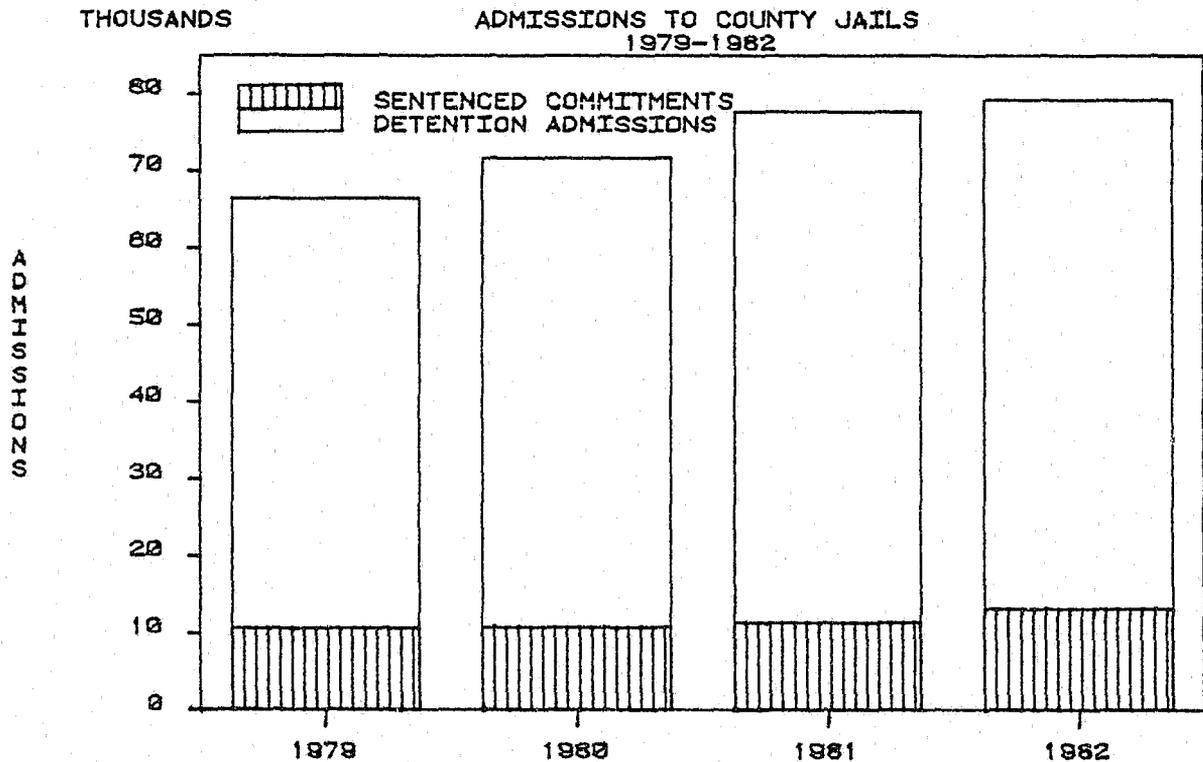
D. Factors Affecting the Size of the Incarcerated Population

1. Major Contributing Factors

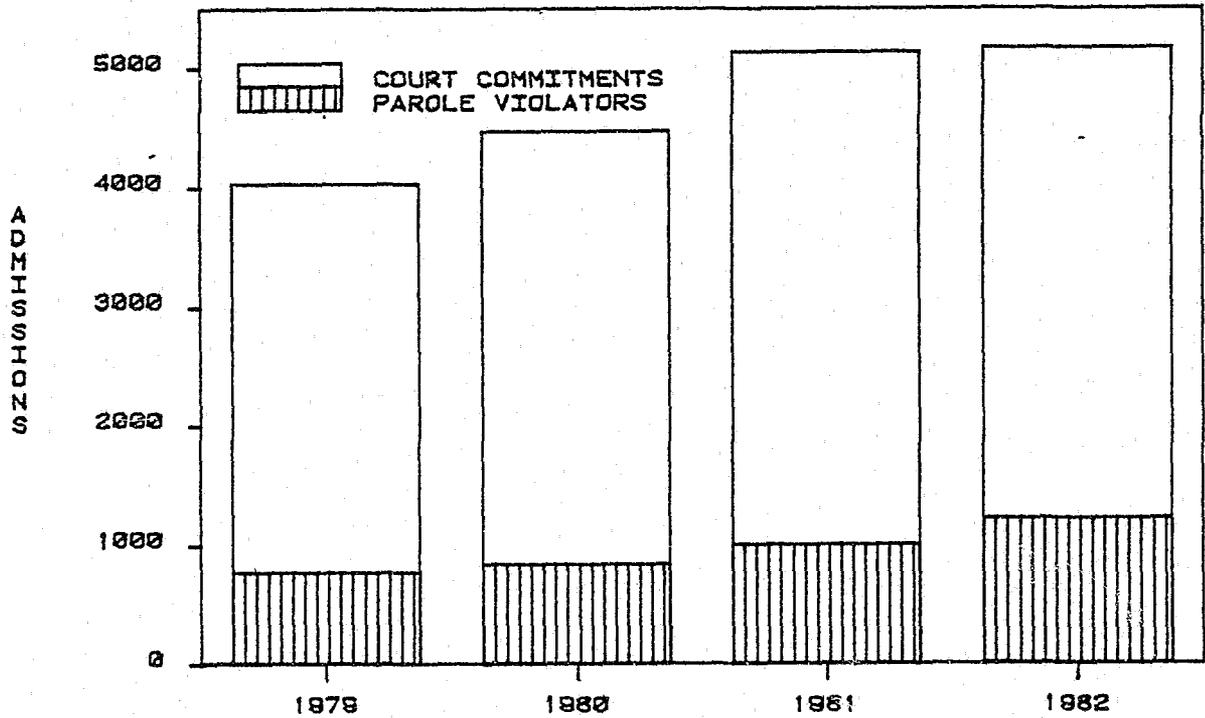
The population in prisons and jails is a product of persons admitted and their time served in prison. Time served is determined by sentence length and release method for those sentenced to incarceration. For detentioners time served is determined most often by release method. Those making bail will be released when they meet bail requirements. Those unable to make bail will be incarcerated until the court disposes of their case. To determine what factors have contributed to increased population, we will examine Admissions, Time Served, and Release of jail and prison inmates.

a. Admissions

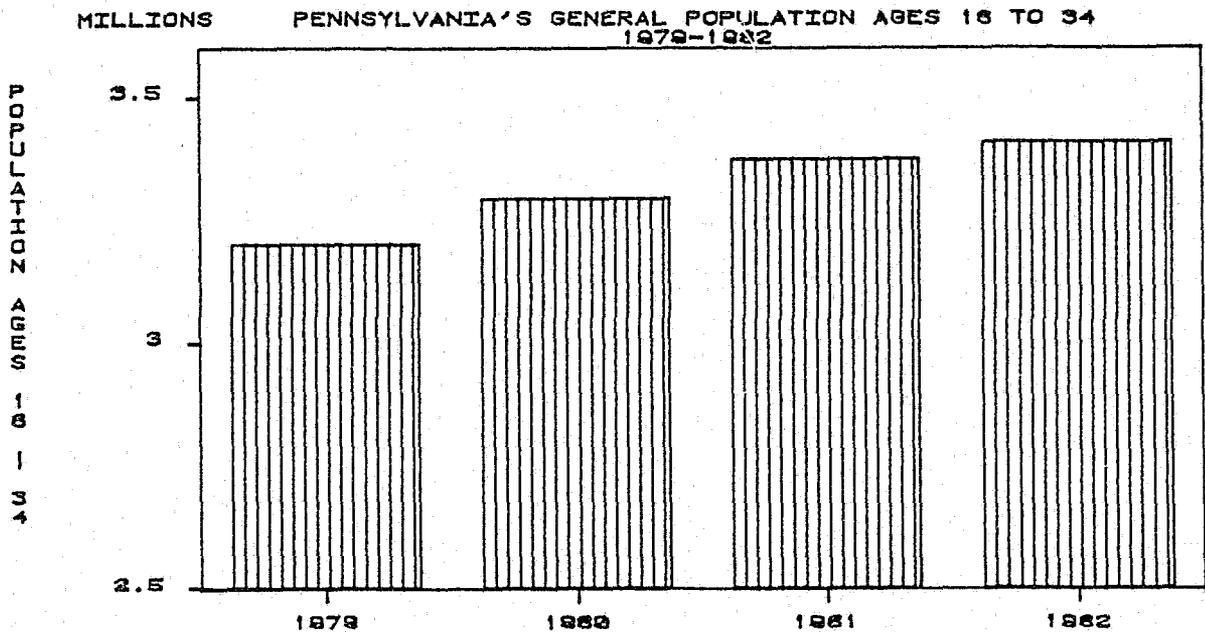
Admissions to both county jails and state facilities have been rising steadily since 1979, although from 1981 to 1982, the rise in admissions leveled off somewhat.



STATE PRISON ADMISSIONS 1979-1982



This rise in admissions was not unexpected due to a rise in the crime prone age group in Pennsylvania. This age group of 18-34 year olds has grown faster than the general state population as a whole. Therefore, not only is this group numerically larger, it also is a larger portion of the total population. As can be seen in the graph below, the growth of this age group parallels the growth in admissions even to the point of leveling off somewhat in 1982.



While the general population of the 18-34 age group increased 6% from 1979-1982, the number of commitments within this group increased 31%. The commitment rate per 100,000 population (18-34) rose from 329.1 to 410.0. When comparing the total adult commitment rate in 1982 (193.2) to the rate of the crime prone age group (410.0), it is clear that this group not only represents a large portion of commitments, but more 18-34 year olds are going to prison and jail than previously.

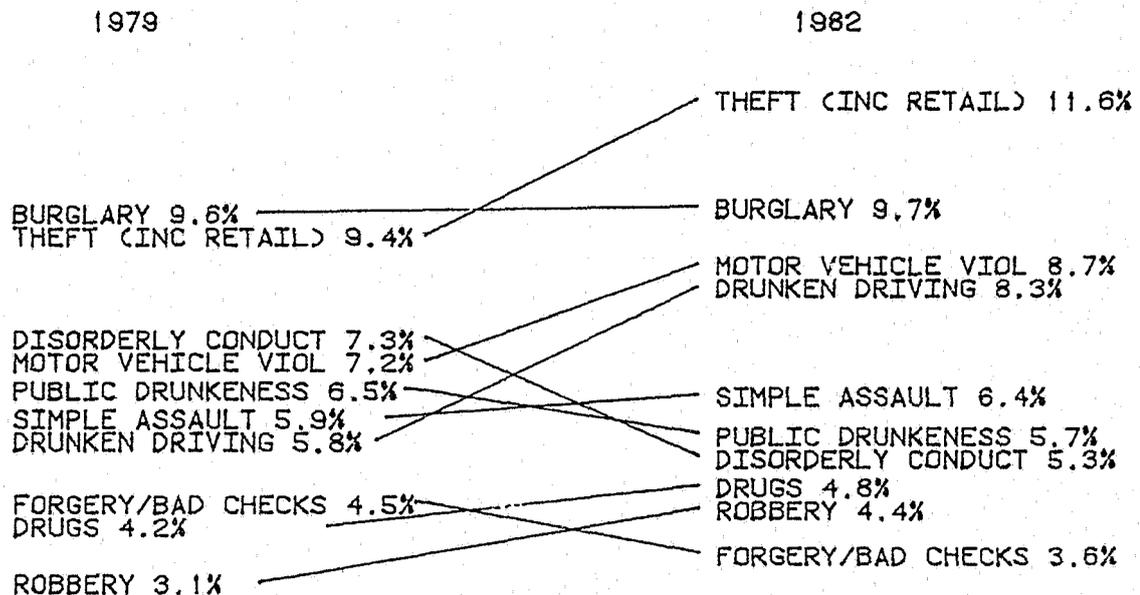
Even though we expect this age group to peak in size shortly, the increased commitments plus the introduction of sentencing guidelines and mandatory sentencing laws are expected to cause a further increase in commitment rates and result in further prison population growth.

1. County Jail Admissions

While admissions to county jails have risen by 20% since 1979, the increase from 1981 to 1982 (2%) was the smallest such increase since 1979. This leveling off is due to a decrease in detention admissions. These admissions represent the largest portion of total jail admissions. Sentenced admissions, on the other hand, increased 15% from 1981 to 1982.

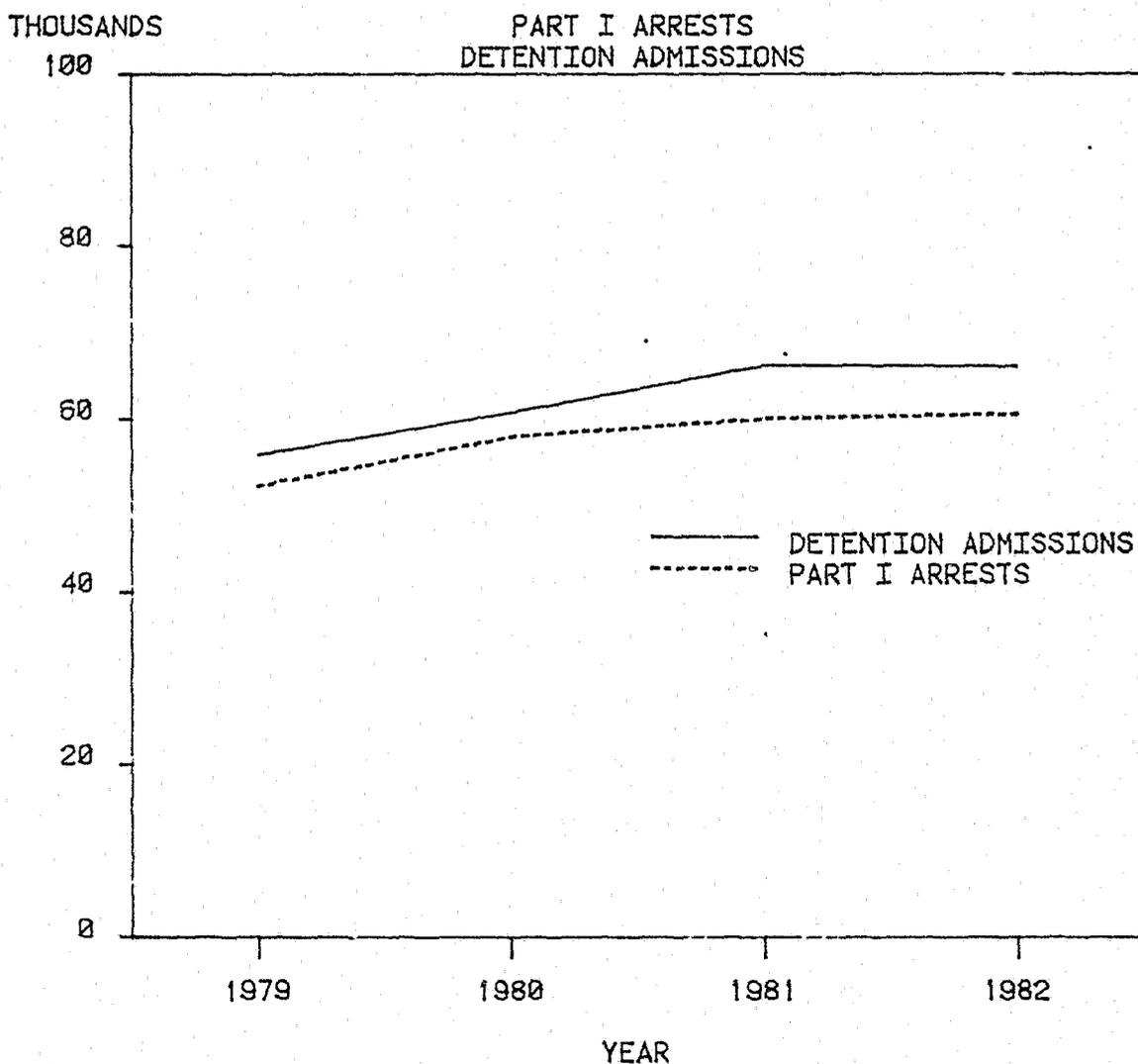
We analyzed sentenced admissions by offense to determine if the increase reflected any notable changes in offense distribution. The table below shows the most predominant offense types as a percentage of all sentenced admissions for years 1979 and 1982.

OFFENSE DISTRIBUTION COUNTY JAILS



As shown, Burglary and Theft continue to be the largest offense group. Two offense groups showing the most substantial increases were Theft and DUI.

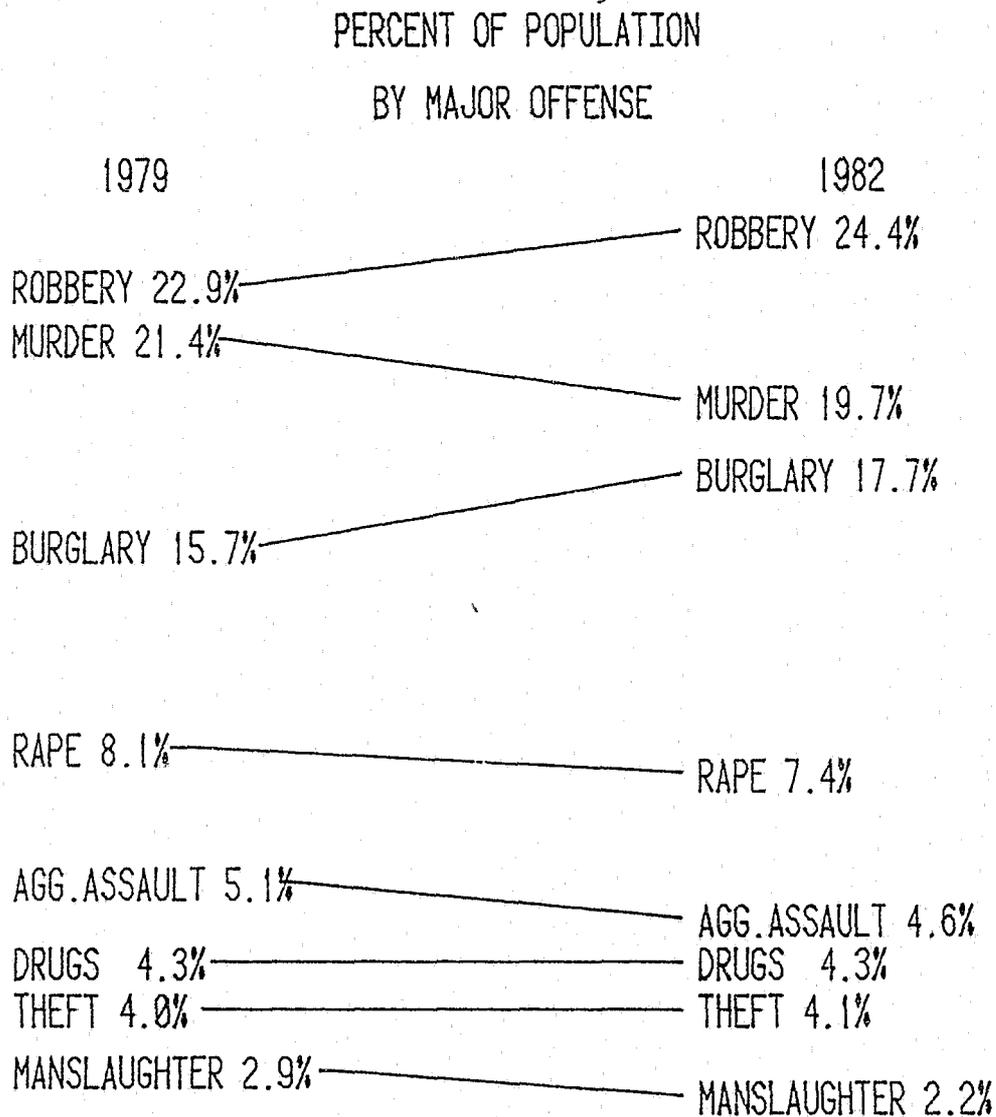
Detention admissions have leveled off after showing substantial increases in 1980 and 1981. The primary reason for the leveling off of detention admissions can be found in adult arrest figures for Part I offenses. Detention is a direct result of an arrest and those arrested for Part I offenses are more likely to be detained. The number of adults arrested for these offenses showed large increases in 1980 and 1981, but rose only slightly in 1982. Stated in other terms, the trend of Part I arrests since 1979 have mirrored detention admissions. Both indices have most likely peaked.



2. State Prison Admissions

Admissions to the Bureau rose 28% from 1979 (4,033) to 1982 (5,167). The major admission method to the Bureau is court commitments, which account for over 75% of admissions. There have been no significant changes in the demographic characteristics of admissions, age, sex, race, and offense distributions were very consistent for admissions from 1979 through 1982.

However, there has been a slight shift in offense distribution of the Year End Population in the Bureau. The following table depicts this shift.

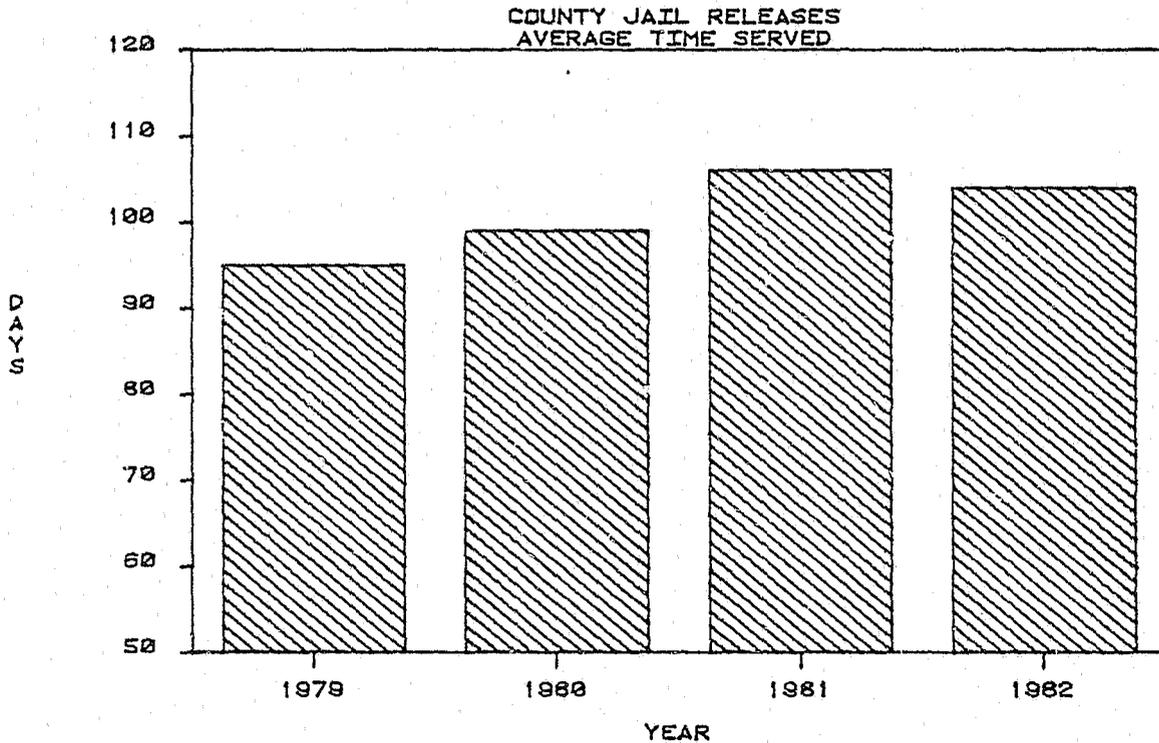


While these offenses account for over 75% of commitments, they account for nearly 85% of population in the Bureau at any given time. Since there is no change in offense distribution evident in commitments but a slight change in population, it leads us to believe there has been some change in Time Served in prison, for certain offense types.

b. Time Served - Release from Correctional Facilities

1. County Jails

One function of county jails is to house inmates with short-term incarcerative sentences. Approximately 95% of all sentenced releases in 1982 spent less than one year in jail. While the average time served has increased steadily from 1979 to 1981, there was a slight decrease in 1982. The average time served figure for this past year was 104 days.



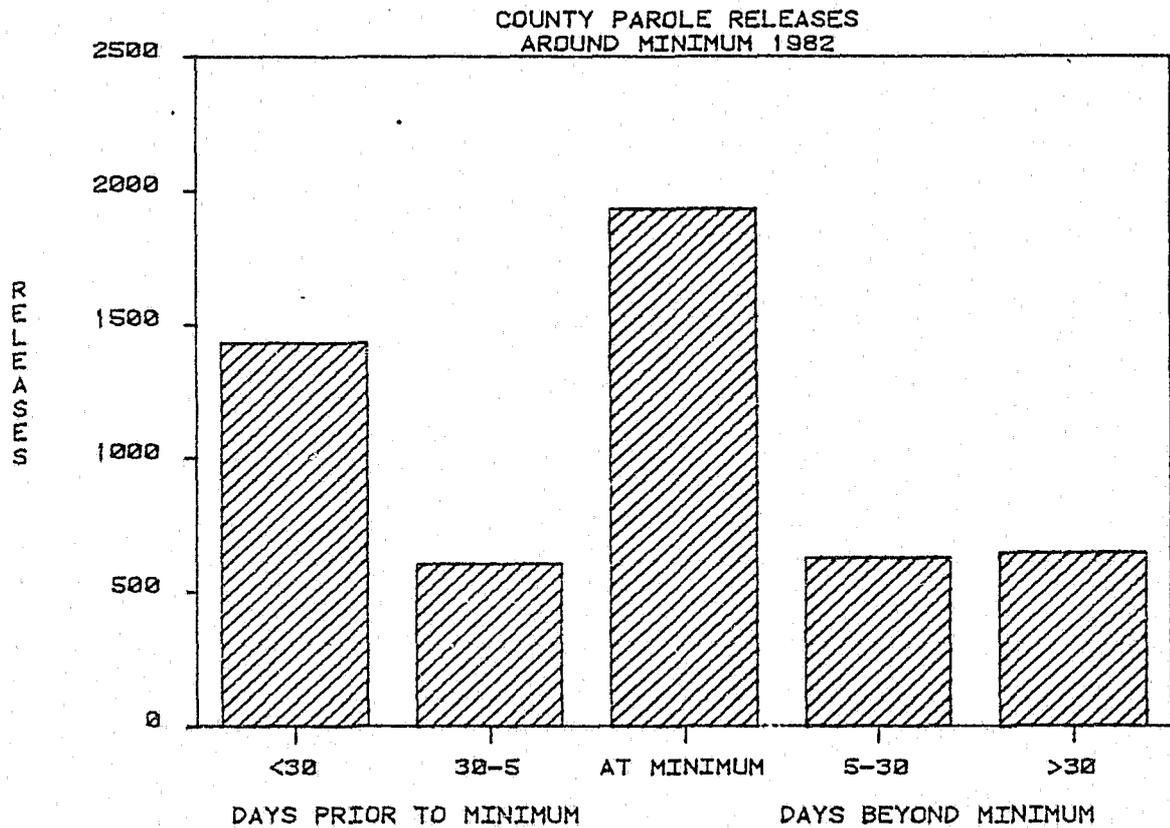
There are various methods of release from county jail. In looking at time served figures for each release type from 1980 to 1982, we find a substantial decrease in time served for county paroles as well as state paroles from county jails.

<u>Type of Release</u>	<u>Average Time Served by Release Type in Days</u>		
	<u>1980</u>	<u>1981</u>	<u>1982</u>
State Parole	388	381	368
County Parole	141	141	130
Exp. of Max.	54	53	48
Court Order	68	71	69
Fines and Costs	8	8	7
District Justice Order	20	21	21

The decrease in average time served for county paroles is of particular significance in that the majority (47%) of releases are within this category.

This is probably the result of an increase in sentenced admissions by the court. Of significance when discussing county paroles, is the fact that the courts retain the power to release these inmates at any time prior to their minimum term.

The following graphic shows county parole releases at and around the minimum term.



As shown, the majority (76%) of these releases occur at or before minimum term. In addition, the proportion of inmates released prior to

minimum increased by 6% over 1981 figures. It is possible that the courts have reacted to overcrowding by utilizing their early parole discretion.

2. State Prisons

In the Bureau we have seen that the rise in admissions has contributed to the rise in population. If time served was also rising, it would magnify the growth caused by increased admissions. As the chart below illustrates, the Average Time Served (ATS) for all Bureau inmates has decreased from 1979 to 1982. If we exclude those sentenced to Regional Facilities, ATS was up slightly in 1980 and 1981 but decreased in 1982.

	<u>Average Time Served (months)</u>			
	<u>From Bureau Reception Date</u>			
	<u>79</u>	<u>80</u>	<u>81</u>	<u>82</u>
All Bureau Inmates	22.6	22.1	22.1	21.2
Excluding Regional Inmates	25.5	26.6	26.8	25.7

The changes are not really that significant, but it is notable that overall time served has not really contributed to the population growth.

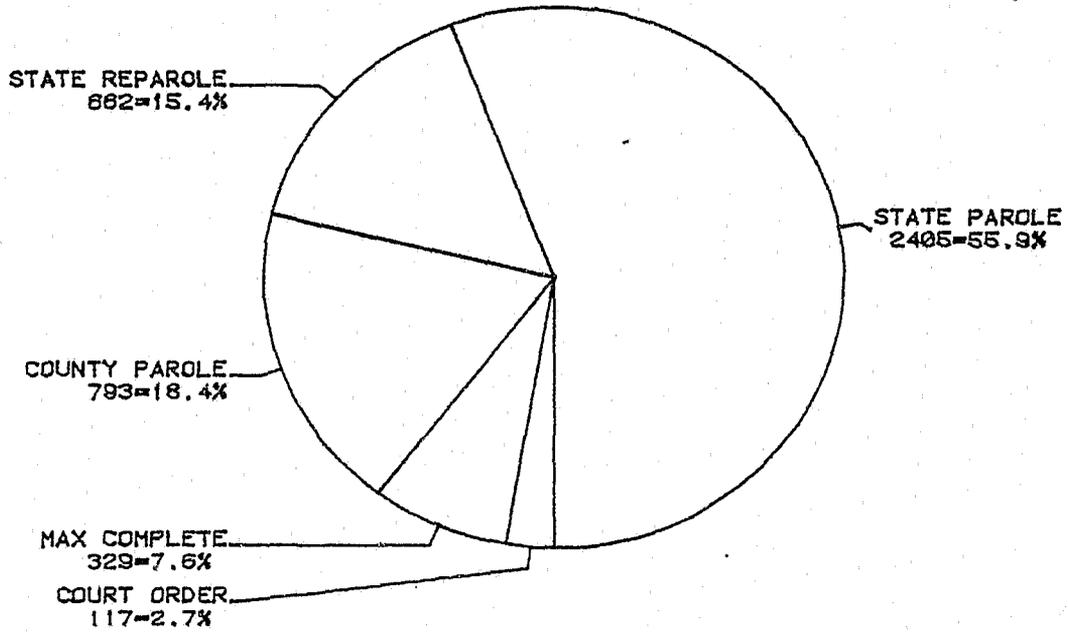
A good indication of what time served will be in the future is the average minimum sentence of those persons committed during the year. A rise or fall in time served is usually preceded by a like increase or decrease in the average minimum. As can be seen below, the average minimum has also dropped, both with and without regional commitments. This average minimum does not include lifers as they do not have a minimum sentence.

	<u>Average Minimum Sentence (months)</u>			
	<u>of Court Commitments Received</u>			
	<u>79</u>	<u>80</u>	<u>81</u>	<u>82</u>
All Bureau Commitments	32.4	32.3	29.3	29.6
Excluding Regional Commitments	39.9	40.3	35.4	35.2

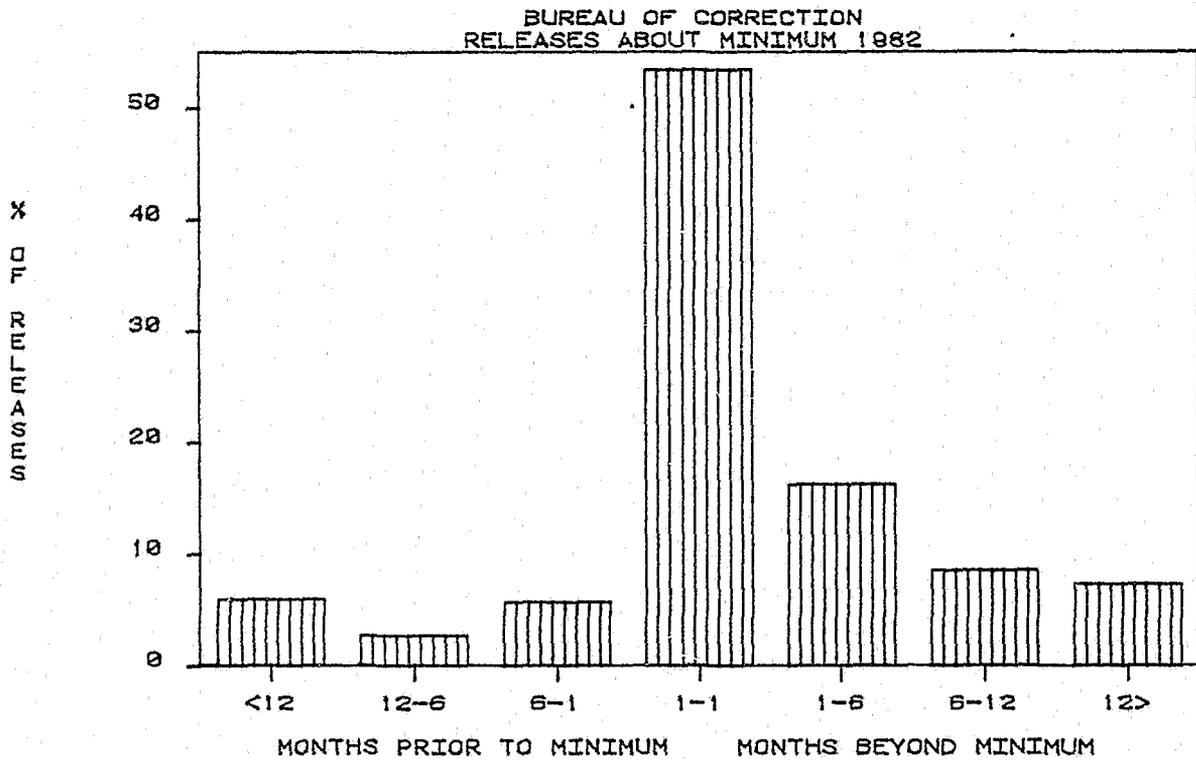
These declines in Average Time Served and Average Minimum seem to indicate some easing in the population growth, however, these trends may be reversed by new sentencing laws, specifically mandatory sentencing, which calls for mandatory minimums of five years for certain violent offenses involving firearms or a prior violent conviction.

The minimum sentences for prisoners sentenced to the Bureau is a major factor in determining time served. The reason minimum sentence is such a major factor and maximum sentence is not is the release method. As the following graph shows, nearly 90% of Bureau releases are via parole.

BUREAU OF CORRECTION RELEASES
BY METHOD OF RELEASE 1982



If we examine releases about the minimum as in the graph below, we see that nearly 70% of all releases occur within 30 days past the minimum.



As we would expect after examining this graph, the majority of the prison population is not presently eligible for release. Of the 10,572 inmates in Bureau facilities as of December 31, 1982, only 1,326 were beyond their minimums.

Overall, releases from the Bureau have been increasing since 1980. Of course with a larger population we would expect an increase in releases if releases occur at the same rate. If we take the December 31, 1982 population past minimum (1,326) and those within one year of their minimum (3,103), we have 4,429 inmates at year end 1982 who will be eligible for release within the next year. Comparatively, 3,334 inmates at year end 1979 were eligible for release in 1980.

2. Special Contributing Factors

a. Lifers

Though releases have been increasing, there is an increasingly larger portion of the Bureau population ineligible for release; lifers. In 1982, Bureau data indicated that 10.2% of year end population were lifers. The following table shows the year end lifer population for years 1976 through 1982:

<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
650	707	756	826	878	962	1074

There has been considerable discussion on lifers due to the present Administration's less frequent use of commutation. The only way a life prisoner can be released is through a commutation of his life sentence; this commutation essentially sets a minimum after completion of which the lifer can be considered for parole. The present commutation policy has curbed releases of lifers. Prior to 1979, there were about 30 commutations per year of lifers; since 1979, there has only been about one per year.

Though this policy has contributed somewhat to the increased lifer population, the major cause seems to be an increase in lifers committed. From 1960 through 1970 the average number of lifers committed per year was 25.4. From 1970 through 1980 this average rose to 77.7 per year. In 1981 and 1982 there were over 100 lifers committed each year.

To understand what has changed, we examined court disposition data. This data shows a definite change in the use of life sentences has occurred.

The following table profiles this increased use of the life sentence.

Percent of Total Criminal
Homicide Defendants Processed
Receiving Life Sentences

<u>1970</u>	<u>1972</u>	<u>1973</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
2.7%	5.6%	3.2%	25.2%	18.5%	30.9%	28.9%

A continuation of this increased use of life sentences and the very limited use of commutation can only lead us to believe that lifer population in the Bureau of Correction will continue to grow.

SECTION III: The Multitude of Available Options to Alleviate Overcrowding

A. The Scope of the Overcrowding Problem

American prisons and jails are becoming increasingly overcrowded, leading to the increased possibility of riot and disorder, and the early release of prisoners to make room for incoming offenders. Overcrowding is by far the most critical problem facing corrections today. The influx of prisoners is literally crippling the ability of already antiquated facilities to accommodate offenders in any sense of safety, humaneness, or decency. To house the increasing numbers of persons sentenced to prisons, some states are using tents, hallways and pre-fabricated buildings. Many states are double and triple celling and are reopening old facilities that had previously been closed due to antiquity and disrepair.

B. Establishment of the PCCD Prison and Jail Overcrowding Task Force and Steering Committee

In Pennsylvania, as we have seen in the previous section of this report, both our state and county systems are over capacity and crowding will continue to be a problem as our facilities are stretched beyond their design capacity.

Recognizing the serious nature of the overcrowding problem, the PCCD in March 1983, announced the establishment of a Prison and Jail Overcrowding Task Force. A Task Force Steering Committee was appointed and charged to give thought to the structure, proposed activities and membership of the Task Force with a general criteria that it be broadly representative of criminal justice, governmental and citizen interests. The Steering Committee was charged to think through the many initiatives possible to alleviate the overcrowding problem that is beginning to overcome our prisons and jails, and to formulate a tentative blueprint for action. The Steering Committee appointments are:

Anthony J. Scirica, Montgomery County Common Pleas Judge
(Steering Committee Chairman)
Alfred Blumstein, PCCD Chairman
Walter Cohen, Secretary, Department of Public Welfare
D. Michael Fisher, State Senator
Abraham Gafni, Court Administrator, Pennsylvania Supreme Court
Royal Hart, Warden, Beaver County
Fred Jacobs, Chairman, Pennsylvania Board of Probation and Parole
Glen Jeffes, Acting Commissioner, Bureau of Correction
John Kramer, Executive Director, Pennsylvania Commission
on Sentencing
Richard Lewis, District Attorney, Dauphin County
Michael O'Pake, State Senator
Arthur Wallenstein, Warden, Bucks County

C. Deliberations by the Task Force Steering Committee

The Steering Committee met in April 1983 to plan its course of action. A packet of information was prepared for the Steering Committee to demonstrate the problem of overcrowding the Commonwealth is experiencing in both its state and county prison systems. Also, the Bureau of Correction's Commissioner reported that until the Bureau of Correction receives additional new cells, everything is being done to utilize all facilities to their fullest extent. However, due to overcrowding, correctional administrators are experiencing a multitude of problems. Such problems include staff stress, diminished living conditions for inmates, and increased costs. Support functions such as food services, medical programs, counseling, visiting and recreational activities are also overtaxed.

At its initial meeting, the Steering Committee identified some of the major problems and issues in need of attention, their complexity, and areas in need of additional analysis. It was recognized that there are many possible alternatives available to reduce the overcrowding problem, but a base of political support is necessary for any of the methods to be effectively deployed. There was a strong recognition of the need for constituency building by the Task Force. The Steering Committee concluded that it should prepare a package of recommended initiatives for the Task Force to consider at its initial meeting and that work should commence on identifying these initiatives.

The Steering Committee recognized that complex problems are likely to require complex solutions, and proposals for the alleviation of prison crowding have varied widely. Not surprisingly, different proposals appear to reflect different philosophies with respect to the goals of corrections.

Some other states have responded to the problem in an apparently straightforward way: they have built new and larger institutions. This is an expensive and time-consuming alternative and one which has not often worked. Those jurisdictions which have attempted this approach have found a new capacity was reached or exceeded shortly after construction was completed.

In addition to construction, many alternatives have been suggested. How do correctional policymakers choose from these options? What are the constraints on their solutions? These are questions the Steering Committee proceeded to tackle.

The Steering Committee met again in June 1983 to pursue the structure, involvement, and membership of the Task Force, and to narrow the range of initiatives that should be pursued. Briefing papers were prepared exploring the full range of options. These papers succinctly stated the reasons why a particular strategy should or should not be an initiative to be recommended to the Task Force. By narrowing the range of initiatives for the full Task Force to consider, it was felt that we would maximize our chances of success in dealing with the problem.

D. Options to Alleviate Overcrowding

Mechanisms which may affect changes in prison crowding can be grouped into three general areas: (a) those that affect the number going in; (b) those that affect the length of stay of those incarcerated; and (c) those that increase the capacity of facilities. Options under each of these broad categories vary in their cost, implementation strategy, and public acceptance. The Steering Committee felt that the Task Force should focus its discussions and efforts on major areas of intervention and possible change in which it has the potential for the greatest impact.

The following wide variety of options were deliberated by the Steering Committee:

<u>Type of Intervention</u>	<u>Option</u>
A. Options Affecting Number Going In	1. Non-incarcerative Sentencing a. Decriminalization b. Community Service & Restitution
	2. Reduce Detention Population through Revised Bail Practices
	3. Defer Sentencing until Space is Available
	4. Media and Public Education
	5. Jail Population Analysis and Technical Assistance
B. Options Affecting Length of Stay of Those Incarcerated	1. Intensive Supervision Program
	2. Emergency Release
	3. Good Time
	4. Expanded Community Placement
	5. Clemency
	6. Sentence Review for Disparity
C. Options to Increase Capacity	1. Finance the Renovation/Expansion of Facilities
	2. Harden Capacity-Establish Population Limits
	3. Temporary Capacity Expansion
	4. Additional Regional Correctional Facilities
	5. Staff Training

Many of these options would require the commitment of sizeable resources. Therefore, the Steering Committee needed to sort through these options and select a balanced approach to the problem while recognizing that it should consider a packaged system-type approach to solving the overcrowding problem. In most instances, the Steering Committee was clear on which options should be recommended to the Task Force and those that should not. However, several proved to be more of a problem.

For example, the emergency release option was discussed and studied in great detail by the Steering Committee before its decision to not include it as a recommended initiative. This option would require a

population limit; a "cap". When this limit is exceeded, inmates would be released according to a pre-designed plan of priorities. Data analysis was conducted for the Steering Committee which demonstrated that the impact of this option would be "one shot" in nature and the incarcerated population would be likely to return to previous levels within several months. For instance, analysis showed that such an emergency release policy providing for the release of inmates within 30 days of their minimum, would have reduced the Bureau of Correction inmate population by less than 3% (as of December 31, 1982). And since most of these inmates would have been released in another month, the population would return to previous levels in a month. An additional difficulty with the option was identified as the need to define the capacity of each institution, when it is likely that capacity has already been exceeded.

Another example of an option that was considered but is not included in the final list of recommended initiatives is the use of executive clemency. This option pertains to the authority of the Governor to commute sentences. When a sentence is commuted, an inmate is released earlier than anticipated, usually to parole supervision. In some states, clemency has been used regularly as an early release mechanism.

The use of clemency would particularly affect inmates in the Bureau of Correction sentenced to life imprisonment. This lifer population has been an increasingly larger portion of the total prison population and now accounts for approximately 10% of the population. Therefore, it could be assumed that the Bureau of Correction's population could be reduced significantly by increasing the use of clemency for these individuals.

However, as was the case with emergency release, data analysis indicated that most of these lifers have served a relatively short period of time and that even if we were to commute and parole those having served 15 years or more, we would only decrease the Bureau of Correction population by less than 1%.

As was the case with emergency release and commutation options, the Steering Committee was presented with a detailed analysis of all options which included the implementation strategy, potential impact, and cost of each. The Steering Committee used this information and often requested more information in arriving at a package of recommended initiatives. The Steering Committee met several times to work through the menu of options, and eliminated, revised, combined, or added options as necessary.

In addition to the data analysis conducted on each possible option, the Steering Committee also took into consideration in its deliberations what measures have been taken to date to deal with the overcrowding problem. For instance, at the local jail level, thirteen counties are currently in some stage of increasing their institutional capacity. At the state level, the Bureau of Correction is moving to add the legislatively authorized 2,880 new cells. However, since this construction will not be completed until 1986-1988, the Bureau of

Correction has taken numerous steps to temporarily ease the overcrowding problem. The greatest temporary relief has come from the acquisition of modular housing units placed in prison facilities. Also storage and basement areas have been converted to cell space wherever possible, and the Bureau of Correction initiated double celling of inmates as of June, 1981 and presently has 3,180 inmates double-celled.

E. The Need to Act

The Steering Committee agreed that only through a comprehensive criminal justice system approach can practical and successful solutions to prison and jail overcrowding be developed. The responsibility for both the problem and the implementation of solutions needs to be shared by all members of the criminal justice system, and the Steering Committee has taken this approach in recommending the following package of initiatives for intervention.

The recommended package is the result of several months of intensive work on the part of the Steering Committee. They have evaluated as comprehensively as possible the recommendations which follow. Insuring the safety of the community; providing a suitable deterrent to, and sanction against, criminal behavior; and providing humane incarceration were all concurrent objectives in the Steering Committee's deliberations. The full Task Force now needs to review, analyze and deliberate the options in detail. The Task Force members should strive to emerge at the end of its first meeting with a consensus on strategies to pursue, and alternatively have consensus on those not to pursue. Also, it is expected that the Task Force may suggest further exploration of certain options by the Steering Committee.

SECTION IV: Recommended Initiatives to Alleviate Overcrowding in Pennsylvania's Prisons and Jails

A. Policy Initiatives to Alleviate Overcrowding

Mechanisms which may affect changes in prison and jail crowding can be grouped into three general categories: a) those that affect the number going in; b) those that affect the length of stay of those incarcerated; and c) those that increase the capacity of facilities. Strategies under each of these broad categories vary in their cost, implementation strategy, and public acceptance.

Acknowledging that we have an overcrowding problem, we need to address the problem at the state and local levels and across components of the criminal justice system using strategies in each of the categories referred to above. It will not solve the problem if we only apply temporary band-aids on certain problems affecting, for example, only admissions, or certain problems affecting only the capacity of our facilities. Rather, our approach must be comprised of various intervention strategies which constitute a systems approach to alleviating prison and jail overcrowding.

From a broad menu of possible options to deal with overcrowding, the Steering Committee has developed a package of strategies believed to be most feasible in terms of practicality, cost and potential for impact.

This approach to the overcrowding problem enables us to create a multi-faceted program which will reduce the number of persons in our correctional system while protecting the public safety. We believe that the following set of initiatives can achieve the desired result and have a positive and longlasting impact on the size of our state and local prison populations. The initiative matrix summarizes these major initiatives for system changes that the Steering Committee has identified to alleviate overcrowding.

Overcrowding, considered in the system context portrayed by our selection of initiatives, requires joint decision-making regarding the future purpose and goals of the system. These initiatives demonstrate the strong interrelationship of all criminal justice agencies in both the creation and the potential solutions to the prison and jail overcrowding problem. The initiatives are not under the control of corrections by itself.

If the recommended initiatives are implemented in a manner which maximizes their effectiveness on the incarcerated populations, the need for additional prison and jail space can be kept to a minimum. Conversely, if the alternative programs are not fully funded or not utilized strictly for those otherwise incarcerated, the need for additional beds will increase.

Speaking in extremely broad terms, the approaches to be weighed by the Task Force might be characterized as follows:

Initiate the Recommended
Alternative Programs

County
Jails Will reduce ADP by about
20% at a cost of about
\$2,000,000.

State
Pris
ons Will reduce ADP by about
10% at a cost of about
\$700,000.

Initiate the Recommended
Construction

Will reduce ADP overcrowding by
about 12% by adding/and or
renovating 1800 cells (or beds)
at a cost of about \$70,000,000
to \$80,000,000.

Will reduce ADP overcrowding by
about 3% by adding about 600
cells (or beds) at a cost of
\$4,000,000 - \$7,000,000.

MATRIX OF RECOMMENDED INITIATIVES TO ALLEVIATE OVERCROWDING IN PENNSYLVANIA'S PRISONS AND JAILS

	INITIATIVE	POTENTIAL IMPACT	REQUIRED ACTION FOR IMPLEMENTATION	POTENTIAL COST
A. Initiatives Affecting Who Goes to Prison/Jail	<p>1. <u>Revised Bail Practices</u> - Enable more defendants to obtain pre-trial release on bail and revise practices regarding the use of detainers in limiting pre-trial release.</p> <p>2. <u>Jail Overcrowding Technical Assistance</u> - Provide systematic technical assistance to all components of a county's criminal justice system.</p> <p>3. <u>Alternative Secure Housing for Mentally Ill Inmates</u> - Develop/expand regional forensic units to house mentally ill county jail inmates, and expand the use of Farview State Hospital for mentally ill inmates in State Correctional facilities.</p>	<p>By revising bail practices and release procedures for inmates with detainers against them, the county jail ADP could be <u>reduced by 10-15%</u>.</p> <p>Average time served in detention can be reduced primarily through such action as revised bail practices, speedier processing, and giving priority for trial to detentions. It is expected a <u>5-10% reduction in ADP</u> could be accomplished.</p> <p>Approximately 6% of the State Prison and County Jail population need forensic services, of which 2% are considered committable and 4% are not committable but do require mental health treatment services. Using 1982 ADP population figures, approximately 384 county and 404 state inmates are unable to participate in the correctional program due to mental illness, but remain in correctional facilities.</p>	<p>A multi-faceted approach including: (a) promulgating bail decision guidelines, (b) offering technical assistance to implement pre-trial services, and (c) revising probation/parole practices regarding the use of detainers.</p> <p>In selected counties, teams composed of the key decision-makers/actors in the system would be formed. The purpose of the team is to address the jail overcrowding problem by using a systems approach in making administrative and programmatic changes. The PCCD would provide the necessary technical assistance to make this happen.</p> <p>To meet the need for regional forensic units there are a number of vacant state-owned buildings (mostly on present State Hospital grounds) that could be renovated and adapted to the needs of this population of inmates. For state inmates consideration should be given to removing the "cap" at Farview. This facility reportedly could house up to 510 mentally ill inmates (present "cap" is 225). Also additional staff would be required and the issue of being able to legally segregate and care for these inmates would need to be addressed.</p>	<p>Costs would vary from county to county depending on their present situation. Generally costs may range from <u>\$25,000 to \$200,000 per county</u>.</p> <p>Costs will vary depending on the extent of the problem in each county. If PCCD were to work, for example, with 5 selected counties, the cost may total about <u>\$200,000</u>.</p> <p>It is estimated that to renovate Farview to accommodate an additional 240 inmates the cost would be approximately <u>\$9,000,000</u>. The regional units are even more difficult to estimate but an example is a typical contract for mental health services at a County Jail which costs approximately \$2,800,000 per year for services that include a 64 bed psychiatric unit plus outpatient care.</p>

MATRIX OF RECOMMENDED INITIATIVES TO ALLEVIATE OVERCROWDING IN PENNSYLVANIA'S PRISONS AND JAILS

INITIATIVE	POTENTIAL IMPACT	REQUIRED ACTION FOR IMPLEMENTATION	POTENTIAL COST	
<p>B. Initiatives Affecting the Length of Stay in Prison/Jail</p>	<p>1. <u>Intensive Parole</u> - Provide for the early release, to very intensive supervision, of those inmates eligible for a first state parole who are past their minimum eligibility date, and state technical parole violators who are recommitting to prison for a violation of parole conditions without a new criminal charge.</p>	<p>The Bureau's Average Daily Population (ADP) could be <u>reduced</u> by approximately 300 or <u>3%</u>.</p>	<p>A new PBPP parole classification and some changes in the Board's parole policies.</p>	<p>Additional funding would be required for the Parole Board to establish new intensive units (<u>About \$315,000</u>).</p>
	<p>2. <u>Intensive Probation</u> - Provide for the release of certain non-violent offenders to a period of intensive probation supervision after serving a relatively short period of incarceration (30 days) in the County Jail.</p>	<p>Statewide we could expect the Jail ADP to be <u>reduced by 4%</u>, or approximately 380 sentenced inmates.</p>	<p>Implement pilot programs in conjunction with the PCCD jail technical assistance initiative. Selected inmates would be released to a six month period of intensive supervision, after serving 30 days of their sentence, and then placed in regular probation supervision for the remainder of their sentence. Probation subsidies would be required to implement the program and revised probation practices would be necessary.</p>	<p>Statewide the <u>cost could be about \$700,000</u> to establish the required intensive supervision units.</p>
	<p>3. <u>Intensive Supervision</u> - Provide for the release of selected non-violent inmates in detention to intensive supervision under the probation department.</p>	<p>Statewide we could expect the jail ADP to be <u>reduced by about 4%</u>, or approximately 380 detentioners.</p>	<p>Same as the intensive probation initiative. Probation subsidies would be required to implement the program.</p>	<p>Statewide the <u>cost could be about \$550,000</u>.</p>

MATRIX OF RECOMMENDED INITIATIVES TO ALLEVIATE OVERCROWDING IN PENNSYLVANIA'S PRISONS AND JAILS

INITIATIVE	POTENTIAL IMPACT	REQUIRED ACTION FOR IMPLEMENTATION	POTENTIAL COST
<p>4. <u>Good Time</u> - Reduce the length of stay of inmates in state facilities through the use of a good time credit earning system to advance an inmate's parole eligibility date through reductions in the minimum sentence.</p>	<p>Using House Bill 650 as a guide it is estimated the Bureau would experience a reduction in its ADP of approximately 200 inmates (about 2%) the first year the good time system is in effect, and another 4% decrease in the second year of operation.</p>	<p>Determine the necessity, role and impact of a good time policy on prison overcrowding, the judicial community and the Parole Board.</p>	<p>The Bureau will experience additional administrative costs and parole supervision costs may increase somewhat.</p>
<p>5. <u>Good Time</u> - Reduce the length of stay of sentenced inmates in County Jails by accelerating their eligible release date based on compliance with jail rules.</p>	<p>Statewide we could expect the ADP to be reduced by 3%, or about 280 inmates.</p>	<p>This provision could be tied to proposed legislation for "state" good time, or more appropriately the county courts could be advised of the advantages of good time and provided with appropriate guidelines to enable them to implement the policy.</p>	<p>There will be some administrative costs involved in the computation of good time credits, but these should not be excessive.</p>
<p>6. <u>Intensive Pre-Release (Expanded Community Placement)</u> - Provide for the increased placement of inmates in Community Service Centers (CSC). Generally, they would spend the first half of their pre-release program in the CSC and the second half under intensive supervision.</p>	<p>The ADP could be reduced at a minimum by about 170 inmates, or 1.5%, or by as much as 2%.</p>	<p>Inmates who meet pre-release requirements and who are considered a good prospect for release would serve time in either a CSC or under Intensive Pre-Release Supervision, or both. This could be accomplished, for example, using back-to-back furloughs.</p>	<p>Three or four new CSCs costing about \$600,000. The use of juvenile detention facilities no longer being utilized as such could be investigated. The PBPP does not presently have the authority to supervise inmates it does not parole and the Bureau does not have the staff resources and would require additional funds.</p>

MATRIX OF RECOMMENDED INITIATIVES TO ALLEVIATE OVERCROWDING IN PENNSYLVANIA'S PRISONS AND JAILS

INITIATIVE	POTENTIAL IMPACT	REQUIRED ACTION FOR IMPLEMENTATION	POTENTIAL COST	
<p>C. Initiatives Affecting the Capacity of the System</p>	<p>1. <u>Additional Correctional Facilities - Establishing facilities in the areas of the state having the most need.</u> Since a large portion of the prison and jail population is from the Southeast part of the state, it may be an appropriate starting point.</p>	<p>A Regional Correctional Facility would have the most impact on county jail populations (a potential pool of about 1,000 county inmates and 100 state inmates). A medium security institution would have the most impact on state prison populations (a potential pool of about 250 county inmates and 750 state inmates).</p>	<p>Establish a Regional Correctional facility (like Greensburg) to which judges could sentence directly, or a medium security State Correctional Institution (like Rockview) to which inmates would be assigned from the Bureau's Diagnostic and Classification Centers. Another alternative would be Regional facilities which would accept inmates only with maximum sentences of between 2-5 years (there are presently 811 of these inmates in County Jails and 1,423 in State facilities).</p>	<p>A Regional Correctional facility would cost the Bureau an additional \$6,000,000 for a 500 bed facility (mostly former county inmates), or an additional \$3,000,000 for a 500 bed medium security institution (mostly former state inmates). Renovation of existing, but unused, DPW facilities also should be explored which should reduce the costs.</p>
	<p>2. <u>Finance Renovation/Expansion of Existing Jails - Providing the funds to make substantial improvements to antiquated and aging physical structures.</u></p>	<p>There are approximately 30 facilities needing expansion and/or renovation. To relieve their overcrowding would require over 1,000 additional cells. The cells would of course reduce the problem on a one-to-one basis.</p>	<p>A mechanism needs to be created by the state to provide financial assistance to the counties. A body could be established to receive and review applications for assistance, and to receive and distribute funds. Legislation would be required to provide for correctional subsidies. The funds could be tied to certain minimum standards, including perhaps the establishment of community corrections systems.</p>	<p>To add the additional cells and provide appropriate housing conditions would cost at least \$50-60,000,000 not including operating costs.</p>
	<p>3. <u>Temporary Expansion - The temporary expansion of cell space, as an alternative to total replacement, primarily in the form of modular housing units which could be in place quickly and at reduced costs.</u></p>	<p>The greatest need for additional housing is in southeastern Pennsylvania with 4 county jails exceeding their capacity by about 800.</p>	<p>Funding would need to be made available to enable counties to purchase these units or the state could purchase them and make them available to the counties.</p>	<p>To house about 700-800 inmates in modular units would cost about \$18,000,000 for construction.</p>

B. Recommended Task Force Initiatives To Alleviate Prison and Jail Overcrowding

1. Initiatives Affecting Who Goes to Jail

a. Revised Bail Practices

Strategy - Statewide statistics indicate that approximately 70% of all inmates admitted to local jails during the last several years are detained (not sentenced) inmates. If Pennsylvania were to follow in the footsteps of other states which have amended their bail statutes and laws to permit preventative detention (allowing the courts to deny bail to persons found by clear and convincing evidence to present a danger to the community), this percentage along with the absolute number of detentioners would no doubt increase. Since all defendants are entitled to bail except for those charged with capital offenses, the fact that there is a sizeable detention population indicates that problems may exist with bail practices, and this limits the number of persons granted pre-trial release. Despite the fact that non-financial types of bail (ROR, nominal) are permitted for many individuals (approximately 42% of those arrested each year), those given financial forms of bail (cash, % cash, property, surety) quite often are not financially able to post the amount required. More defendants may be able to obtain pre-trial release if their bail is less tied to ability to pay, or if there is greater use of ROR and nominal bail.

Another matter which should be investigated is the use of detainers and their role in limiting pre-trial release. Usually detainers are lodged against defendants who are rearrested while already on probation/parole (criminal detainer) or because of some probation/parole rule violation (technical detainer). A probation/parole violation hearing must then be held to dispose of the detainer if it is not done at the time of the defendant's preliminary hearing (for defendants charged with new offenses). Available information suggests that defendants who eventually are released with detainers lodged against them spend more than double the amount of time in detention prior to release than those defendants with no detainers lodged. This phenomenon should also be studied for its relationship to local jail overcrowding statewide.

According to analysis of data in the recently completed PCCD study of persons in detention status, we have established that by revising bail practices and release procedures for inmates with detainers against them, the county jail ADP could be reduced by 10%-15%.

Implementation - It is doubtful that altering the current bail rules would change bail practices. The current rules reflect modern pre-trial release philosophy and stipulate the use of release on recognizance (ROR) and provide for the use of percentage bail (10% cash). The rules could be revised to

require more liberal release standards, but such broad-based measures may produce adverse effects, such as those experienced in Philadelphia. The court-ordered population reduction measure proved to have a high failure to appear and rearrest rate for bail held detentioners who were released.

Therefore, changing bail practices requires something more than altering the current bail rules that were issued by the Pennsylvania Supreme Court in 1973. New revisions would not guarantee that current bail decisions would change, since the current guidelines already reflect modern pre-trial practices. To effect changes in routine bail practices, a catalyst is needed. It is suggested that the Task Force approach this through the following:

- Promulgating basic bail decision guidelines;
- Offering technical assistance to implement pre-trial services (which would administer the guidelines);
- Recommending legislation to establish pre-trial services (including start-up costs); and
- Recommending revisions in probation/parole policies regarding the use of detentioners.

Two important elements which would need to be studied as part of this issue, especially if recommendations for greater use of pre-trial release are advocated, are the need for data on failure to appear (FTA) and subsequent crimes committed by persons on bail for original offenses. Unfortunately, data on these two phenomena do not exist statewide and this information would be critical in determining whether more defendants should be released.

Impact - Promulgating general guidelines, without the other suggested strategies, presents the same problem as revising current bail rules. It is doubtful that there would be actual impact on bail decisions, especially at the preliminary arraignment stage.

However, if the guidelines can be developed, subject to local alterations, and if select counties will agree to implement the guidelines with technical assistance, it is reasonable to predict that the ADP in county jails could be reduced 10%-15%. With the assistance of the Task Force, the PCCD could carry out this initiative.

Cost - It is suggested that if legislation is recommended by the Task Force to initiate implementation, it should include financial incentives. Legislation for pre-trial services was proposed in 1979, and this may be a good place to start for proposing new legislation.

Generally, administering the guidelines will cost anywhere from \$25,000 to several hundred thousand dollars in any one county. Obviously, this depends on what exists, what is needed,

and what the county wishes to do. The Correctional Economics Center of the ABA prepared a cost study of pre-trial programs in 1974 wherein a mean annual budget of \$148,000 is reported for all agencies surveyed.

The actual development and implementation of guidelines and pre-trial services could be accomplished through PCCD staff assistance and expert help from recognized authorities. PCCD costs to offer this service would be approximately \$10,000 per year to assist five counties. (This is a very general figure and it depends on the type and depth of assistance.)

b. Jail Overcrowding Technical Assistance

Strategy - Technical assistance to county jails may take many approaches. For years the PCCD funded jail programs and pre-trial release programs with success. But, all too often the results revealed that the intended impact, especially in the area of overcrowding, was not met. Often this could be attributed to such programs working in a vacuum. Therefore, for technical assistance to be effective, a systems approach must be taken.

Using a systems approach in criminal justice is often advocated but seldom implemented. Each component of the system, police, courts and corrections, tends to go about its business without routinely and actively involving the other components or sub-components. For example, how often does county probation, as a court function, work on ways to speed up the county parole process with the county jail?

But, the criminal justice field is a system, not well integrated oftentimes, but nonetheless a system. If more persons are arrested, then more are arraigned. More arraignments mean more detentioners and court cases. More court cases mean more possible inmates for the correctional facilities. Change one of these stages and all the other stages are affected.

Implementation - Implementing any approaches to reducing overcrowding, be they administrative changes, new programs or legislative changes, cannot effectively be done by only one component of the system. The court, of course, is critical in supporting and making overcrowding reduction work, but the entire system must be involved. This especially is the case for jails, since each component has an impact on the size and nature of the jail population.

A systems approach may effectively implement such changes. There are two basic challenges in developing a true systems approach. First, the key actors of the system must agree to regularly meet as a team. These include at least one of the trial court judges, at least one member of the minor judiciary, and the district attorney, the chief public defender, the warden, the chief probation officer, a county commissioner/supervisor, and any other significant persons deemed necessary, such as the sheriff, the court administrator, director of pre-trial services, representatives of the police, etc.

The other basic challenge, after there is agreement to meet on a regular basis, is for members to function as a team; to come to consensus on issues and strategies. The purpose of the team is to determine the county's response to crime by developing a philosophy, a mission, goals, objectives and a plan. Jail overcrowding can be addressed by using a systems approach in making administrative and program changes.

Basically, nine steps are included in the program. Generally, this involves interesting the county and getting the local leadership involved; collecting, analyzing and reporting data; discussing recommendations and developing a plan; and, implementing and monitoring projects.

This operation requires about 9-12 months in each county, although it is not 9-12 work months. A five person team can manage working with three counties at one time.

The technical assistance program may be staffed by PCCD. Currently, the Pennsylvania Commission on Crime and Delinquency is working with Lancaster County. Previously, the PCCD in conjunction with the Pennsylvania Prison Society provided technical assistance to three counties: Lycoming, Dauphin and Lackawanna.

Impact - The following is an evaluative summary which presents the results of the PCCD technical assistance program to date. The summary concentrates on Lycoming and Dauphin Counties and briefly reports on Lackawanna County.

The reported accomplishments to date in Lycoming County include:

1. Average time served by pretrial inmates prior to release on bail was reduced from almost 21 days to slightly over 17 days.
2. The ADP of pretrial inmates at the county prison was reduced from 24 to 19.
3. The average number of sentenced or convicted-awaiting-sentence inmates remained about the same at 18.
4. The project sought to arrange alternative bail releases (other than traditional cash bail) for 90 persons per quarter. For the third and fourth quarters respectively 110 and 150 alternatives were arranged.
5. The project also sought to reduce the average number of days served (prior to trial) for inmates who did not make bail. This was reduced from 135 days in 1980 to 90 days during the last half of the project (June - September 1982).

In Dauphin County the project was initiated under the District Attorney's Office. The District Attorney for Dauphin County, indicated that, "the Prison Reduction Program has provided for an improved system of bail reduction for non-violent, non-serious offenders, which is also of assistance in managing the prison population".

Based on data compiled by the project and analyzed by the PCCD, it was found that the average time served (ATS) in detention before release on bail was reduced. Comparing the study months in 1981 and 1982, ATS dropped from 7.41 to 5.86 days.

One of the functions of the Dauphin County Program is to effect bail reductions and the lifting of detainers. It is possible that time served decreases are, to some degree, a result of these actions. Another promising trend is the number of unsentenced commitments, which from night court, in October 1982 was down 35% from August 1982. This reduction was effected by the night court volunteer program set up in September 1982 as a component of the Jail Reduction Program. While it is too early to statistically state the casual relationship between this program and decreasing commitments, there has been a real reduction in the number of commitments to the jail from the night court.

In Lackawanna County data collection and analysis indicated that a key problem was the delay in preliminary hearings. As a result, a project has been established for a central preliminary hearing site which is being coordinated by the Court Administrator's Office. Construction of the hearing rooms was completed and case processing, although not without problems, reportedly is helping to process persons through the system quicker.

Cost

The \$25,000 to \$30,000 spent in each of the three assisted counties has been a minimal cost for the achieved impact. Generally, average time served was reduced (for the study period) for pre-trial inmates, alternative bail releases were increased and unsentenced commitments from night court was reduced. In part, this resulted in the pre-trial population being reduced. In Dauphin County, for example, 2,346 inmates in 1981 to 2,175 inmates in 1982 (a 7% reduction).

c. Alternative Secure Housing for Mentally Ill Inmates

Strategy - Mentally ill persons who are detained or sentenced to a correctional facility not only add to overcrowding, but also create management problems. Extra security and separate housing are necessary, as well as staff to provide therapeutic services. The special service needs of this subpopulation would be best met if alternative secure housing can be provided.

Approximately 6% of the state prison and county jail population need forensic services. Of these, approximately 2% are considered committable under the 1976 Mental Health Procedures Act, and approximately 4% are not committable but need mental health treatment services.

Therefore, using 1982 average daily population figures, approximately 384 county inmates and 404 state inmates are unable to participate in the correctional program due to mental illness, but remain in correctional facilities.

Implementation - To address this need, it is suggested that regional forensic units be developed/expanded for county jail inmates; and, that use of Farview State Hospital be expanded for state level inmates.

For county needs, there are a number of vacant state-owned buildings that possibly could be used for custodial forensic services. There are possibly 36 buildings available in 12 locations around the state, ranging from 3,100 to 132,000 square feet. Most of these buildings are on state hospital grounds and their use, therefore, may be very adaptable to mentally ill correction populations. Funds for renovation will be necessary.

For state needs, Farview potentially could house up to 285 additional Bureau of Correction inmates. Even though there is a current capacity ceiling of 225, this facility reportedly could house up to 510 mentally ill inmates.

Further, identifying alternative bed and care space for these populations is only part of what is needed. Having the necessary psychiatric staff and being able to legally segregate and care for mentally ill inmates who are not committable under current law are also significant problems.

Impact - There are two main issues in developing more forensic care facility spaces and services: 1) for inmates committable under the Mental Health Procedures Act (MHPA); and 2) for inmates who are not committable under the MHPA but are not able to participate in the correctional program due to mental illness.

It is suggested that the immediate action of the Task Force concentrate on increasing the bed spaces at Farview and reducing the time it takes to transfer state inmates to mental health forensic care. Secondly, developing a plan for regional forensic care for county inmates is suggested. And, thirdly, it is suggested that basic legislative changes in the MHPA, concerning inmates who are not committable, be explored and recommended.

Impact, primarily will be geared toward the 788 inmates (384 county and 404 state) who are not committable.

Cost - Examples of costs (in 1981 dollars except as noted) for various types of services to mentally ill inmates are as follows:

- . Costs to operate a mental health service unit in a state correctional institution = \$517,176 plus any necessary construction. Such a unit is capable of providing mental health service to a general population of 1,000 inmates; e.g., the State Correctional Institution at Graterford would need two units.
- . Renovate Farview State Hospital to accommodate an additional 240 inmates = \$9,000,000 (1978 physical plant renovation cost).
- . Two examples of costs to contract for mental health services at a county jail =

- \$2.8 million per year for services that include a 64 bed psychiatric unit plus outpatient care for a jail with an ADP of 1,100 - 1,200; and,
- \$84,550 per year for outpatient mental health services (including crisis and short and long term counseling) for a jail with an ADP of 200-225.

2. Initiatives Affecting the Length of Stay in Prison

a. Intensive Parole

Strategy - This initiative would affect those inmates eligible for a first parole by the PBPP who are past their minimum eligibility date, and Technical Parole Violators who are recommitted to prison for a violation of state parole condition(s) without a new criminal charge. Essentially, this would involve a very high level of supervision which would allow for an earlier release of these inmates.

Implementation - Implementation of this policy requires a new parole classification and some changes in the Parole Board's policies regarding these offenders. The new classification would provide a much higher level of supervision, about 4 or 5 face-to-face contacts per week. This intensive supervision would allow some Technical Violators to remain under supervision and allow other Technical Violators and higher risk, first parolees to be released earlier.

Impact - For the analysis of inmates beyond their minimum, we chose those inmates released on first parole more than 60 days beyond their minimum and within 18 months beyond their minimum. Since this group did eventually obtain parole, we assumed that with the availability of intensive parole, these inmates would have been released 60 days beyond their minimum.

For Technical Violator reparaoles, we assumed those reparaoled within 6 months of recommitment could have remained in parole with intensive supervision, and those released between 6 months and 18 months after recommitment would serve between 90 days and 6 months. Those beyond 18 months were assumed to have served 6 months less than presently served. The following indicates the reduction in the average daily population (ADP) by each group and the total of all groups, along with percentage decrease in the 1982 ADP.

Population Decreases Expected with
Implementation of Intensive Parole

Technical Parole Violators

First Paroles	Less than 6 months	6-18 months	18 or more months	TPV Total	Total	Percent Decrease
204	27	65	12	104	308	3.0%

As we can see, the majority of the impact is due to first paroles. Since these individuals have no detainers and have not been unsuccessful on parole the main focus of Intensive Parole could be on this group.

Cost - Since this program requires very small caseloads and very intensive supervision, there will be costs in placing the program into effect. The Parole Board would require additional funding to establish intensive units. From examining intensive supervision in other states, we have set an agent caseload volume for intensive supervision at thirty-five parolees. Present caseload levels in the Parole Board are about 70 cases per agent at a cost of \$1,100/year per parolee. If caseloads halve, cost per parolee may double to \$2,200/year. With an average of 9 new parole agents to cover 308 new intensive parolees, total yearly cost would be about \$315,000 (average "cost" of new agent x 9 agents).

b. Intensive Probation

Strategy - This initiative involves the release of certain non-violent offenders to a period of intensive supervision, after serving a relatively short period of incarceration (30 days).

This is a viable means of reducing the county prison population in that (a) a substantial number of non-violent offenders are currently spending less than five months, on the average, in jail, and it is feasible that intensive supervision might substitute for the bulk of that time without any greater risk to the community; and (b) this can be accomplished without undermining the punitive aspects of incarceration.

Implementation - A pilot project, as a component of the PCCD's technical assistance program might be started in a county whose jail is overcrowded. This program would be run by the county probation department and come under the auspices of the Common Pleas Court.

Inmate selection for the program would be based on established criteria which would include a history of non-violence. An inmate's eligibility for the program would be determined during the sentencing process.

After serving 30 days of his jail sentence, the inmate would be released to intensive supervision for 6 months and then placed under regular supervision for the remainder of his sentence.

A review of existing programs in other states indicates that an intensive caseload should not exceed 35-40 people, and that 4-5 face to face contacts per week is the standard.

If a pilot project were successful then a statewide start-up program might be implemented. It would be each county's responsibility to record detailed information concerning, for example, the number of admissions to the program as well as the relative success rate of the clientele. Data collection and self-monitoring of the program would be a criteria for funding.

Impact - We must first determine the 1982 ADP of the sentenced jail population (since this information is not otherwise available). There were 12,371 sentenced releases (all methods) in 1982 and the average time served

was 104 days. We applied this time served value to all sentenced admissions (12,951) to obtain an ADP of 3,706.

Using the ADP as base, we then selected certain non-violent offenders who were incarcerated for at least 30 days of their sentence and who were paroled by the county.

The following offenses, from all sentenced releases, were selected.

<u>Offenses</u>	<u>Admissions</u>	<u>Releases</u>
Theft	991	888
Retail Theft	482	443
Bad Checks	327	319
Receiving Stolen Property	307	294
Forgery/Fraud	131	121
Criminal Mischief	340	322
	<u>2,578</u>	<u>2,387</u>

Of these releases, there were 1,103 inmates meeting our criteria (42% of all releases). We applied this percentage to the offense - specific admission total and estimated that there were 1,191 such admissions. The average time served of the 1,191 was 146 days.

The ADP of this group was 476. If these individuals had been released after 30 days, the ADP would have been 98.

<u>ADP</u>	<u>IMPACT ADP</u>
476	98

If an intensive probation program had been in effect, the statewide ADP of 9622 (1982) would have been reduced to 9,244 - a 4% reduction.

Cost - Since this program requires very small caseloads and very intensive supervision, there will be costs in placing the program into effect. Probation subsidies would be necessary for local probation offices to establish intensive units. The average salary of a probation officer in Pennsylvania is \$20,000 (including benefits). Based on our impact analysis and the acceptable intensive caseload number (35), it is estimated 30-35 officers would need to be hired statewide. It is estimated that this cost would be \$700,000.

c. Intensive Supervision (Detentioners)

Strategy: As with the initiative for sentenced inmates, this strategy employs a period of intensive supervision in lieu of jail for non-violent inmates. The difference here is that the target population would consist of those awaiting trial. The major assumption is that judges might be receptive to releasing these defendants (R.O.R., bail reduction), knowing they would be supervised until trial or disposition.

Implementation: Generally, the implementation of such a program would closely follow that proposed for sentenced inmates, and could be part and

parcel of the same package. Again, a pilot project would begin in a selected county, administered by the probation department under the direction of the Common Pleas Court.

Selection criteria for the program would be the same as for sentenced inmates. A probation officer would be assigned to review cases that fit the selection criteria, but are unable to post bail. The officer would then recommend, to the court, that bail be reduced or that R.O.R. be granted. The defendant would be placed in the program until case disposition. It is estimated that the time between case review and release to the program would be within 30 days.

Impact: Our impact analysis is based on a PCCD study of detentioners in twelve county prisons during 1981. Because there is no comprehensive data on the statewide detention population, we had to apply results of the study to the total population.

Our offense selection was the same as the sentenced inmate analysis (theft, receiving stolen property, retail theft, forgery/fraud/bad checks and criminal mischief).

From this population, we selected those who were detained until disposition and then released; either at disposition or after further county jail incarceration. There were 131 cases and their average time incarcerated was 151 days.

These 131 inmates represented 7.56% of the 12 county detention population (1,731) on the given days of the study. We applied this percentage to the 1982 estimated detention population ADP of 5,916 (statewide) and estimated that the 1982 ADP of the selected detentioners was 447.

The next step involved obtaining an estimate of 1982 detention admissions for this group. As already stated, the detentioner study showed this group to have spent 151 days incarcerated.

A. We calculated a turnover rate to estimate admissions.

$$\frac{365 \text{ (days in year)}}{151 \text{ (avg. days served)}} = 2.42$$

Assuming representativeness over the year, this group of 131 detentioners would "turnover" (be admitted) 2.42 times.

$$131 \times 2.42 = 317 \text{ yearly admissions for 12 counties}$$

B. There were 20,647 admissions for trial, in the 12 counties, in 1981. Thus, the selected admission group represented 1.53% of total detention admissions (for trial).

$$\frac{317}{20,647} = 1.53$$

C. We applied this percentage to the 1982 statewide admissions for trial (61,200).

$$1.53\% \times 61,200 = 936 = \text{estimated admissions, for the selected group, in 1982}$$

D. We then estimated the ADP of this group if they had spent 30 days in jail and then would be released to intensive supervision while awaiting disposition.

$$\text{ADP} = \frac{936 \text{ (selected admissions)} \times 30 \text{ (days incarcerated)}}{365} \\ (77)$$

E. The base ADP of 447 would have been reduced to 77.

$$447 - 77 = 370 \text{ (reduction in ADP)}$$

F. We estimate that the 1982 ADP of 9,622 could have been reduced to 9,242, a 3.80% (or 4%) reduction, if an intensive supervision program had been in effect.

Cost: Since this program requires very small caseloads and very intensive supervision, there will be costs in placing the program into effect. Probation subsidies would be necessary for local probation offices to establish intensive units. Dividing the acceptable intensive caseload (35) into the yearly statewide caseload (936), it is estimated that 27 probation officers would be required at a cost of:

$$27 \times \$20,000 \text{ (average salary)} = \$540,000$$

d. Good Time

Strategy - It is claimed that good time credit earning systems can be used to facilitate the reduction of prison overcrowding through an increase in the rate of earning good time credits against court imposed sentences. The general rule is that good time deductions advance an inmate's parole eligibility date through reductions in the minimum sentence. Therefore, the direct impact of good time is a reduction in the prison population due to early release.

Arguments have been advanced that the institution of a good time law would reduce prison overcrowding. A relatively high rate of earning good time credits against the minimum would accelerate releases to parole supervision and result in a decrease in the amount of time served thereby reducing the ADP due to the accelerated turnover in inmates.

Implementation - The Overcrowding Task Force is an excellent body to deliberate what kind of good time policy, if any, may be best for Pennsylvania. The Task Force would consider the advantages (population control, reduce overcrowding, motivation for inmates to participate in programs) and other issues that require further clarification (good time may not necessarily guarantee early release on parole, revocation of good time, retroactivity of the policy) of different good time policies.

This becomes even more important when taken in the context of our new sentencing laws. With the passage of mandatory sentencing and sentencing guidelines, high level discussions need to occur to determine the restructuring of our sentencing statutes and how these laws fit together with others such as good time and/or parole abolition. The Task Force could address the fundamental purposes of sentencing responsibilities. Given that we already have some new sentencing laws, the Task Force should determine the necessity, role and impact of good time not only on the prison overcrowding issues but also on the judicial community (in terms of its effect on the power of sentence decision-making) and on the Parole Board (which oversees the release process). And, at the same time, the Task Force should give consideration to the Bureau of Correction's need to use good time as an incentive for positive behavior by inmates. The Task Force must insure that any good time proposal take all of this into consideration.

There are a number of complex areas that need to be addressed in developing a good time policy. For example, how much good time is given, and whether it is subtracted from the maximum or minimum have a significant impact on time served, and therefore, on prison population. Adjustments can be made to increase the amount of time off the sentence that can be earned for avoiding disciplinary infractions, for participating in work or study, for other good behavior, etc.

Given all these possible alternatives, the calculation of the impact of a good time policy is very complex. The following details the Good Time Policy proposed in the Governor's Parole Reform Bill H.B. 650; it is this policy we will analyze:

Section 34.3. After the effective date of this act, any offender serving a sentence of imprisonment shall be awarded good time after each month spent without infractions of any rules and regulations established by the Commissioner of Correction for offenders incarcerated in institutions operated by the Bureau of Correction or by the inspectors, sheriffs or other persons having charge of county jails or prisons for offenders incarcerated in such institutions. Good time shall be computed as follows:

- (1) Three days for each month during the first year of incarceration.
- (2) Four and one-half days for each month during the second year of incarceration.
- (3) Six days for each month during the third and fourth years of incarceration.
- (4) Seven and one-half days for each month during the fifth through ninth years of incarceration.
- (5) Ten days for each month during the tenth and subsequent years of incarceration.

Proportionate amounts of good time shall be granted to offenders with less than one month remaining on their minimum term. The Commissioner of Correction shall issue rules and regulations which state the types of conduct for which good time may be withheld for those inmates incarcerated in institutions operated by the Bureau of Correction. The inspectors, sheriffs or other persons having charge of county jails or prisons shall issue rules and regulations which state the types of conduct for which good time may be withheld for inmates incarcerated in such facilities. An inmate charged with infraction of such rules and regulations shall receive written notice of the charge and the reasons for it and shall be afforded a hearing. Only the good time for the month in which infractions were committed may be withheld for those infractions. Good time shall be awarded at the end of each month if no infractions have been charged during that month, and good time once granted shall not be revoked for subsequent infractions. No good time shall be awarded for time served prior to the effective date of this act, but good time for time served after the effective date shall be computed in consideration of the total time the offender has been incarcerated. An individual serving a life sentence shall not accumulate good time, unless the sentence is reduced by computation. In such cases, good time shall be earned after the date the term is set. Good time shall then be computed according to the schedule specified in this section and in consideration of the total time the offender has been incarcerated. Inmates who have been returned to prison by the Revocation Board or by the sentencing judge for violations of post-release supervision shall not be eligible for good time.

Impact - Previously we had estimated the impact of this good time policy under the following assumptions:

- (1) The parole decision will essentially remain the same and those released will serve the same amount of time as they are presently, less good time earned;
- (2) Good time will affect only first parolees;
- (3) Only those paroled by the Pennsylvania Board of Probation and Parole will be affected; and
- (4) Good time had been in effect for the full time of incarceration of these inmates and they all received full good time credit.

The results of our original impact estimate indicated that under these assumptions the good time policy would have lowered 1982 Average Daily Population (ADP) of the Bureau from 10,118 to 9,220 or by 8.9%.

However, due to assumption (4), it would take several years for this impact to be fully felt. We have now changed assumption (4) to produce a new impact

estimate based on the example of a January 1, 1982 implementation of good time. Since those earning good time would only earn it from this date on, the immediate impact is considerably less. Assumption (4) had an inmate earning good time for the full length of his sentence. If an inmate was previously released in December 1982 after serving 5 years without good time, he would have been released in April 1982 with full good time credit for all five years. If he did not start earning good time till January 1, 1982, he would have earned good time in 1982 at the five year rate, but he would not have earned good time for time served prior to January 1982, thus he would have been released in October, decreasing overall good time impact. With a January 1982 implementation, ADP would have decreased by 190 or 1.9% in 1982. In the second year we could expect a decrease of just over 4% from ADP due to good time. By the third year about 80% of releases will have earned full good time. By the fifth year nearly 95% of releases will have earned full good time.

Cost - There will be some minimal increases in administrative costs related to record keeping on good time.

e. Good Time Policy for County Inmates Paroled by Court of Common Pleas

Strategy - The intent of good time for county inmates would be to accelerate their eligible release date, based on compliance with jail rules and regulations - i.e. "good behavior". The standard eligibility date of release, as with state inmates, is the minimum term of sentence. Although the Court has discretion to release an inmate earlier than the minimum term.

Implementation - Any good time action directed toward county jail inmates should be based on a flat number of days per month, rather than an accelerated formula. The primary reason for this approach is that 96%-97% of sentenced inmates are released after serving one year or less. Thus, an accelerated formula (the longer you stay, the more good time you earn) would not be applicable, and the threat of the loss of good time credit under an accelerated formula, as an intended disciplinary measure, might ring hollow.

The implementation of good time for counties could be tied to the proposed state good time legislation and, as a result, be legislatively mandated. However, good time is presently being used in several counties and legislation may not be required to implement good time usage in more counties. Instead a more appropriate approach may be through the local courts, and with or without state guidelines. While this approach might be more expeditious, it might also be less formal and uniform than legislative action, but it could be something the Task Force could implement immediately by advising counties of the advantages of good time and providing them with appropriate guidelines.

The following proposal and subsequent impact analysis, is an example of a good time policy which could be implemented at the local level:

- 1) Any person sentenced to the county jail by the Court of Common Pleas and who shall come under the supervisory jurisdiction of the county upon release, shall be awarded good time credit at the rate of 7 days per month;

- 2) Good time credit will be automatically awarded in compliance with a statewide policy of good behavior;
- 3) A good time release date shall be set, based on the original minimum date (plus any credit given for time served);
- 4) The inmate shall be notified of his good time release date within 10 days after sentencing; and
- 5) Good time will be revoked, upon infraction. This revocation shall be cumulative and based on a loss of 4 days per month served.

Impact - We selected those county inmates who were released from a sentence, by the Court, in 1982. Only those who served at least 30 days, and had served at least 90% of their minimum term, were selected. The first criteria eliminated District Justice sentences or fine and costs. The second criteria ensured that the impact analysis would not include those inmates released in counties (Chester, Lancaster, Lehigh and Montgomery) that already have good time policies.

The selection process resulted in analysis of 3,323 releases. Based on a flat good time of 7 days per month, and assuming no infractions, the 1982 sentenced ADP would have been reduced by 282 inmates. This amounts to a 7.6% reduction in the sentenced ADP and a 3% reduction in the total ADP.

Cost - There are no direct costs attached to this proposal. However, there may be costs related to the computation of the good time credit, or to developing any necessary legislation.

Addendum - An example of the application of the good time formula is given here. In addition, the impact of an infraction is also included. The rationale behind a cumulative loss of good time is, basically, that the shorter the time to be served is, the less the impact of the loss of good time. Cumulative loss of good time may result in better control of inmates. Stated in other terms, the deeper an inmate is in his sentence, the more costly an infraction would be. It should be noted that, even with the cumulative loss of good time, the release date is still much earlier than the original release date.

Example: A sentence of 5 months is given and the number of days to be served, from the effective date, is calculated.

Original 150 days to be served

The number of days to be served, with good time applied, is calculated.

Good Time $\frac{30}{37} \times 150 \text{ days} = 122 \text{ days to be served}$
and a release date set;

Let's assume an infraction occurs on the 100th day of incarceration. The inmate would lose 4 days per month, based on the day of infraction, and this would be added to his good time release date.

New Time with Infraction $\frac{4}{30} \times 100 \text{ (days served)} = 13 \text{ days}$

122 days + 13 days = 135

f. Intensive Pre-Release (Expanded Community Placement)

Strategy - The group affected by this initiative consists of inmates who will be under state parole jurisdiction as first parolees and meet current pre-release requirements of the Bureau (at least one-half minimum served, plus at least 9 months in the Bureau). Also, no detainer may be present.

Implementation - Inmates who meet pre-release requirements and who are considered a good prospect for release would serve time in either a Community Service Center (CSC) or under Intensive Pre-Release Supervision, or both. This could be accomplished under present legislation by granting back-to-back furloughs to a CSC or requiring furloughed inmates to report for intensive supervision to a parole officer. Intensive supervision would entail 4 or 5 face-to-face contacts per week.

This initiative would require two additional requirements: (1) an inmate must reach pre-release status at least thirty days prior to parole eligibility in order to participate and (2) participation would not begin prior to 90 days from parole eligibility date. Generally, inmates would spend the first half of their pre-release program in a CSC and the second half under intensive supervision. Individual cases could be decided on merit and the half and half rule need not be hard and fast. It is necessary that participants in this program are very likely to be paroled at minimum to avoid extended stays in CSCs or under intensive supervision.

Impact - To select the group eligible for the above program, we chose inmates who met all of the above criteria. We choose those inmates released on first state paroles in 1982 who had no detainers and were paroled within 30 days of their eligibility date. The choice of those paroled within 30 days of eligibility indicates that they are good release risks. We assumed all would qualify and participants would average half of their time in CSCs and half under intensive supervision. We did not include those presently placed in CSCs.

Using the above criteria, in 1982 the Bureau's ADP would have been reduced by 171 or 1.7%. As mentioned, we included only those presently being released within 30 days of parole eligibility, generally only the best risks, and did not include any adjustments to the present CSC program.

Success of the program could lead to inclusion of somewhat higher risk inmates and even aid them to meet parole requirements such as securing a residence or employment. Other adjustments to the plan, such as increasing length of participation could enhance the impact (i.e., increasing participation length to 120 days would lower ADP by 216 or 2.1%). These adjustments would, however, increase the cost of implementing the program.

Cost - Using information from other states which have intensive supervision programs, we have estimated caseload for agents at 35. Since this is half the average caseload for present parole supervision, intensive pre-release supervision would cost about twice as much as current parole supervision (\$1,100/year per parolee).

According to the Bureau's 1982 Annual Statistical Report, operating costs are nearly identical for inmates in prison and those in CSCs, \$11,900/year per

inmate. However, with increased use of CSCs, we are essentially expanding capacity. The new construction cost estimated by the Bureau for a new facility at Frackville is about \$45,000 per cell. Additional beds in a CSC would cost about \$7,500 per bed. If half of this group is placed in CSCs, 3 or 4 new CSCs are needed (each with a capacity of 20-30). Expanding CSC's capacity by 85 is about \$3 million cheaper than new prison space for 85 inmates. It has been suggested that purchasing CSC space instead of leasing would be cheaper in the long run. Start-up costs would be higher but operating costs could be greatly reduced. Presently, the need for CSCs would be the greatest in the southeast.

A means of reducing costs could be the possibility of converting vacant county juvenile detention facilities for use as CSCs. The uses are similar and conversion costs should be minimal. In 1982 only 58.4% of capacity was used, excluding Philadelphia which is still fully utilized. At least one juvenile facility has closed and at least two others are expected to close this year. The use of juvenile detention facilities has been declining for the past 3 years.

Addendum - The Intensive Pre-Release policy described in this initiative refers to the pre-release supervisor as a parole agent. Presently a Parole Board agent does not have the authority to supervise such a person. However, the following legislation currently authorizes the Bureau to operate pre-release:

§ 1051. Establishment of Pre-Release Centers

The Bureau of Correction, Department of Justice, shall have the power and its duty shall be to establish with the approval of the Governor such prisoner pre-release centers at such locations throughout the Commonwealth as it may deem necessary to carry out effective prisoner pre-release programs therefrom.

§ 1052. Release Plan for Prison Inmates

(a) The Commissioner of Correction may transfer any person incarcerated in any pre-release center or in any pre-release center located in any State or Regional Penal or Correctional Institution under the supervision of the Bureau of Correction who has not been sentenced to death or life imprisonment, to any pre-release center under the supervision of the Department of Justice.

(b) Any person transferred to and confined in a pre-release center may be released therefrom temporarily with or without direct supervision at the discretion of the Bureau of Correction in accordance with rules and regulations as provided in Section 3 of this act, for the purposes of gainful employment, vocational or technical training, academic education and such other lawful purposes as the bureau shall consider necessary and appropriate for the furtherance of the inmate's individual pre-release program subject to compliance with subsection (c) of this section.

(c) A person who has not served his minimum sentence shall not be transferred to a pre-release center unless (i) more than twenty days have elapsed after written notice of the proposed transfer, describing the person's individual pre-release program, has been received by the sentencing judge or in the event he is unavailable, the sentencing court and prosecuting district attorney's office and no written objection by the judge containing the reason therefor has been received by the bureau; or (ii) the judge withdraws his objection after consultation with representatives of the bureau; or (iii) approval of the proposed transfer is given by the Board of Pardons.

A person who has served his minimum sentence may be released by the Bureau of Correction only after notice to the judge that the privilege is being granted.

Notice of the release of each person shall be given to the State Police, the probation officer and the sheriff or chief of police of the county, and the chief of police of the municipality or township of the locality to which the individual is assigned or of his authorized destination.

§ 1053. Establishment of Rules and Regulations; Penalties

The Bureau of Correction shall establish rules and regulations for granting and administering release plans and shall determine those inmates who may participate in any plan. If any inmate violates the rules or regulations prescribed by the bureau, his release privileges may be withdrawn. Failure of any inmate to report to or return from the assigned place of employment, training, education or other authorized destination shall be deemed an escape under the provisions of section 309 of the act of June 24, 1939 (P.L. 872), known as "The Penal Code."

This legislation was originally passed in 1968 as a work release plan. In 1970 it was amended to allow for release for other purposes. The version above was enacted in 1974 and added the procedure for release approval by the sentencing judge or court.

Prior to 1974, the Bureau operated an "Out Residency" program that involved release of pre-release inmates to a residence other than a Community Service Center. An opinion by the Attorney General in December 1974 indicated that this "Out Residency" program may have exceeded the legislative authority to "temporarily" release pre-release inmates for "specific purposes". Due to that opinion, use of "Out Residency" has ceased.

Opinions may differ on the need for legislative action to employ the Pre-Release initiative we outlined. We feel the authority is present for the short term (45 days) we proposed.

As we mentioned, the supervision authority for this group currently lies not with the Parole Board, but with the Bureau. In the outline of initiative, "parole agent" would presently be more accurately termed a

"pre-release supervisor". This supervisor would work out of the Community Service Center and for the Bureau, or the law would need to be changed to enable supervision by the Parole Board.

As we have outlined in the initiative, present authority of the Bureau appears to be sufficient, but any expansion of the Pre-Release program may require additional legislation.

The Bureau will need to promulgate regulations and requirements for this program based on present laws and past experience with "out residency". However, the Bureau does not presently have the manpower to supervise these individuals on pre-release and therefore there would be additional costs if the Bureau were to institute the program.

3. Initiatives Affecting the Capacity of the System

a. Additional Correctional Facility

Strategy - This initiative represents a means of capacity expansion by establishing facilities located in areas of the state having the most need. The southeast accounts for a large portion of our prison and jail population and is especially in need of additional capacity.

Present sentencing rules for institutional confinement are as follows:

All persons who have been sentenced to maximum terms:

- (1) of 5 years or more shall be committed to the Bureau of Correction;
- (2) of 2 years to 5 years may be committed to either the Bureau or the county jail in the jurisdiction of the court; or,
- (3) of less than 2 years shall be committed to the county jail except that if space is available as designated by gubernatorial proclamation persons may be committed to Bureau facilities.

Implementation - One alternative would be the establishment of a Regional Correctional Facility (RCF), to which judges could sentence offenders directly if the minimum sentence is 6 months or greater and the maximum is 24 months or less. These parameters could be adjusted but are generally the requirements used presently in the Bureau's other RCFs.

Another alternative would be a medium security State Correctional Institution (SCI) which would receive inmates assigned by the Diagnostic and Classification Centers (DCC). All commitments to the Bureau except RCF commitments are assigned in this manner. To be sentenced to a DCC, an inmate generally must have a minimum of one year or more and a maximum of 2 years or more. Generally, medium security inmates' minimums range from 1 to 5 years.

Another possible alternative would be that all persons sentenced to maximum terms of 2 years or more but less than 5 years would be committed

to Regional Correctional Facilities to be operated by the Bureau of Corrections.

Under present policy the two Regional Facilities (RCFs) operated by the Bureau generally accept direct commitments to the regionals of inmates with a minimum sentence of at least 6 months and a maximum of 24 months or less. These commitments must be from counties designated to be served by the respective Regional.

This alternative would eliminate that practice and use these Regional Facilities as described above. Inmates with a maximum sentence of less than 2 years would be housed in county jails.

Impact - The type of facility by virtue of admissions procedure and sentence length will impact different systems. RCFs will impact mostly county jails. Using the sentence parameters for a RCF, we find the following populations from southeastern counties eligible for commitment to a RCF:

1982 Inmate Average Daily Population
Eligible for a Southeastern RCF

<u>County</u>	<u>From County Jails</u>	<u>From Bur. of Correc.</u>	<u>Total</u>
Bucks	68	9	77
Chester	74	2	76
Delaware	96	3	99
Montgomery	101	26	127
Phila.	<u>674</u>	<u>57</u>	<u>731</u>
TOTAL	1,013	97	1,110

A medium security SCI will be more likely to affect Bureau inmates than county jail inmates. We applied the sentence parameters for a medium security facility to county jail population for the same counties. The table below indicates county jail inmate population eligible for a medium security SCI.

1982 County Jail Average Daily Population
Eligible for a Medium Security SCI

<u>County</u>	<u>Estimated ADP Eligible</u>
Bucks	33
Chester	43
Delaware	81
Montgomery	8
Phila.	<u>80</u>
TOTAL	245

With a 1,000 bed facility impact to southeast counties would be a possible 245 additional spaces, while the Bureau would benefit from the

availability of the other 755 spaces. It is possible that counties outside the southeast area would have some population eligible for a SCI. However, most county jails outside the southeast region do not keep inmates with sentences over 1 to 2 years.

Regarding the alternative of housing prisoners with maximums of 2-5 years in RCFs, we have examined Bureau of Correction and County Jail files to determine the inmate populations that have maximum sentences of at least 2 years but less than 5 years. As of December 31, 1982, there were 1,423 Bureau of Correction inmates that fit the criteria.

For county jails we estimated population by using 1982 commitments and average minimum sentence for those with a maximum within the range we propose for RCFs. This population estimate is 811 inmates. Therefore, to implement this type of regional system, cell space would be required for a population of about 2,234 inmates (1,423 + 811).

We have also studied Bureau files to determine the population with a maximum of under 2 years. As of December 31, 1982 there were 569 inmates in the Bureau with maximums of under 24 months. Of these 569, 480 were in the present regional facilities. The 89 in other institutions may be there due to security or behavior problems. Since they are not direct commitments to a RCF, they will be allowed to remain in the Bureau for purposes of this impact analysis.

To implement this type of regional system, the Bureau will need to house an additional 331 inmates (811-480).

By using expanded capacity at Mercer and Greensburg, and the new facilities in Schuylkill, Huntingdon, and Luzerne Counties, the only need for an additional facility would be in the southeast. There would be a need for at least 300 beds in this facility. To maintain the "Regional" concept, 500 beds would be more appropriate.

Renovation of unused state facilities may be a cost effective alternative to new construction. We have obtained a listing of unused facilities from General Services. For example, at Norristown State Hospital in Montgomery County, there are presently five facilities vacant which could possibly be used. These buildings range in size from 36,000 to 78,000 square feet.

In Philadelphia County, there are four buildings at the Philadelphia State Hospital (20,000 to 44,000 square feet) which are presently vacant. Also there is a vacant vocational training center (36,800 square feet) in Philadelphia County.

Presently, the Bureau estimates renovation costs at \$30,000 per cell and new construction costs at \$45,000 per cell. As we mentioned earlier, this alternative as outlined would require inmates with maximum sentences of less than 2 years to serve their time in county jails. For most counties involved, this will not cause them to exceed capacity. However, the counties listed below may face overcrowding caused by the transfer of these inmates from a regional facility back to the county jail.

	<u>5-31-83</u> <u>Population</u>	<u>Increase</u> <u>from Regionals</u>	<u>Total</u>	<u>Capacity</u>
Allegheny	620	237	857	640
Erie	194	20	214	227
Mercer	51	17	68	64
Venango	27	6	33	32
Washington	97	23	120	115
Westmoreland	48	51	99	60

Obviously, the overcrowding that would be experienced in Allegheny County overshadows the problems that these other counties may face. Allegheny County is also under Federal court order to reduce jail population in steps that will finally reduce population to 530 by January 1984. Allegheny is presently in the planning stage for a new county jail. Washington County is presently expanding their capacity.

Cost - Construction costs are expected to be about the same for these types of facilities, about \$45,000/cell, or about \$45 million total for a 1,000 cell facility and \$22.5 million for a 500 cell facility. Under the RCF option, the Bureau would probably increase its population by about 750 inmates (from county jails) compared to the SCI option. At 1982 operating costs of \$11,900/year per inmate, a RCF would cost the Bureau \$6 million per year, and the SCI option about \$3 million per year over present operating costs.

With the 2,880 new cells already being added by the Bureau, it is questionable that another 755 cells are needed. The need for additional capacity seems greater for southeastern county jails than for additional Bureau capacity.

With the RCF for 2-5 year maximum inmates, there may also be some additional costs to certain counties. This type of system will more equally divide costs between local and state government statewide. Presently, counties served by a Regional have avoided overcrowding and expansion through use of RCFs. Counties not served by a RCF have had to bear the total costs of increased population.

b. Financing the Renovation/Expansion of Existing Local Jails

Strategy - It is impossible in any discussion of the causes of overcrowding to overlook the need to improve much of our existing local jail space. No standard-setting body has recommended less than 60 square feet of floor space per inmate, yet only 54% of Pennsylvania's local cells (according to the "Survey of State and Federal Adult Correctional Facilities, 1978") meet this standard. Thus, in many jurisdictions provision of adequate space will require substantial increases in the budgets allocated to institutional corrections unless fundamental changes in incarceration policies are undertaken.

Beyond the apparent need for some expansion of capacity, many of our counties are becoming unable to provide safe, secure and humane prison environments because antiquated and aging physical structures are in need

of major renovation or replacement. It is estimated that thirty county facilities in this state need major renovations or total replacement.

Money would be needed to make substantial improvements and the rationale for deciding how best to distribute financial assistance would require extensive analysis and deliberation. Aside from sheer bricks and mortar costs, staggeringly greater operating costs of staffing and programming for security, maintenance, food, health, education and so forth would accrue along with expanding the size of the local prison facilities. These additional costs cannot be overlooked when consideration is given to expanding jail capacity.

Determining how much money would be needed to underwrite the costs of construction/renovation is a monumental problem itself. Current information suggests that it costs approximately \$45,000 per cell for constructing a new facility and renovating costs approximately \$30,000 per cell.

Implementation - As of March 1983, the Bureau of Correction reports that 13 counties are in the "action stage" of jail construction (7 are building new facilities and 6 are expanding an existing facility). Another 6 counties are in the planning stages for new jail construction. Even so, there remain another 24 overcrowded county facilities, a number of which were constructed in the 1800's. Given the state of our county facilities, a mechanism needs to be created by the state to provide financial assistance to the counties to upgrade the condition of their facilities.

There are several possibilities. The first would be the establishment of a body (a Commission) to receive and review applications for assistance, and receive and distribute funds. This body could be the PCCD with guidance from the Task Force. Counties would be required to develop a plan which, in addition to addressing the need for new construction and/or renovation, would present evidence of non-construction initiatives attempting to relieve overcrowding and improve conditions of confinement.

Another alternative would be an Advisory Board (possibly the Bureau, the PCCD, or the Task Force) which would make grants to the counties in the form of correctional subsidies. The state would develop a comprehensive plan for the development, implementation and operation of the program. Counties would need to comply with certain minimum standards, and a formula would be developed for distributing the funds. The subsidy program could include a community corrections component in which the county chooses to set up its own community corrections system. Then, once this choice is made, the county could still commit defendants to state facilities but for each "local" offender committed, there would be a pro-rated subtraction from their subsidy. Sentences to state facilities with a minimum of 5 years or more would be at no cost to the county. This program could be tied in with an intensive probation program (a short-term in the county jail followed by probation). The objective of the program would be to reduce commitments to the state and to reduce commitments to the county jail by supporting community-based correctional services.

Whichever approach is chosen, a survey should be conducted by the Task Force to determine the current status of the county facilities and their

needs. Since the state would mandate the distribution of funds, the Task Force (or its designee) would have to develop a means (a formula) for distributing the funds and a state plan of action. For the development of the state plan, several issues would need to be addressed:

- 1) Should the funding program pay for pre-trial detentioners or solely sentenced inmates? If we operate under the premise that relatively few dollars will be available, it may make sense that the state pay only for the space for sentenced inmates who have to be in jail;
- 2) Should conditions be tied to the funding? For example, should the state establish minimum cell space standards, or require that the county have a work release program to be eligible for funds? It would seem appropriate that the Task Force should establish minimum guidelines in these areas but not stringent requirements; and,
- 3) Should the funds be made available just to improve existing facilities or to also allow for new expansion? With the expected wide variance in the condition and needs of local facilities, it would seem both areas would be appropriate. However, if there are fewer detentioners in the jails and greater use of community programs, the Task Force may wish, at least initially, to limit funding to improving existing facilities.

Whatever strategies are chosen, it should be kept in mind that a jail construction subsidy would need to be sold not as a program to make inmates more comfortable, but as one to increase capacity and make the public safer.

Impact - As of March 1983, we are aware that 6 counties are in the planning stages of jail construction. These counties presently have a reported capacity of about 4,000 and an inmate population of about 4,700 (117% of capacity). In addition, there are another 24 facilities with no recent construction (a number were built in the 1800's) which have a reported capacity of about 1,800 and an inmate population of about 2,200 (118% of capacity). Although we have no readily available data concerning the physical condition of these facilities, we can expect they are in need of renovation solely due to their age and type of use.

Just considering the above 30 facilities, approximately 1,100 additional cells would be required to house their population. The additional cells would of course reduce the ADP, but it would require detailed site analysis to determine what impact renovation of existing facilities may have as there are many different meanings of renovation.

Cost - New construction alone will probably do little to alleviate crowded conditions primarily because it is a time consuming process and may be unaffordable. For example, the additional 1,100 new cells for the

above-mentioned 30 counties would cost at least \$55,000,000 and this figure does not include any operating costs or any other renovations.

The Bureau estimates that cell renovation costs approximately \$30,000/cell. Using the Bureau's 1979 report of 3,755 single jail cells, the figure of 54% of Pennsylvania cells not meeting the 60 square feet of floor space standard, and the \$30,000/cell renovation cost, we can see that renovation for these cells could cost approximately \$60,800,000.

c. Temporary Expansion

Strategy - Increasing the capacity of the correctional system is an effective and direct means to address overcrowding. Generally, capacity enhancement occurs by renovating or expanding existing correctional facilities, converting other existing facilities for correctional use or building new facilities. However, expanding correctional facilities has no impact on the flow of persons into the system. Also, there are significant difficulties associated with utilizing expansion of capacity as a means to alleviate overcrowding due to the substantial costs of new beds and the significant time lapse between recognizing the needs for additional beds and actually having the beds available. However, temporary expansion may avoid such pitfalls.

The temporary expansion of cell space in overcrowded local facilities, should be considered as an alternative to total replacement. It is estimated that 30 county jails need major renovation or total replacement. Twelve county prisons currently are in some stage of increasing their institutional capacity, and most facilities with overcrowded conditions have already expanded their bed capacities within the existing physical plant, i.e., storage rooms, basements, etc.

Perhaps the greatest temporary relief can come in the form of modular housing units. These units have been placed on the grounds of six state facilities (adding 476 beds) and two county facilities (Bucks and Philadelphia House of Correction), providing for 42 beds (Bucks) and 112 beds (House of Correction).

Implementation - Modular housing units have two distinct advantages over conventional construction.

- 1) The cost (minimum security) is about \$21,000 per bed vs. approximately \$45,000 per bed conventional.
- 2) A modular unit can be built and operationalized, depending on the size, within 6 weeks to 6 months.

Maximum security modulars, however, are only 10% to 20% cheaper than building a conventional facility.

Impact - Recent statistics indicate that the greatest need for inmate housing, on a regional basis, is in the southeast. The populations in Philadelphia, Chester, Bucks and Montgomery County prisons exceed their current capacity by 780 inmates.

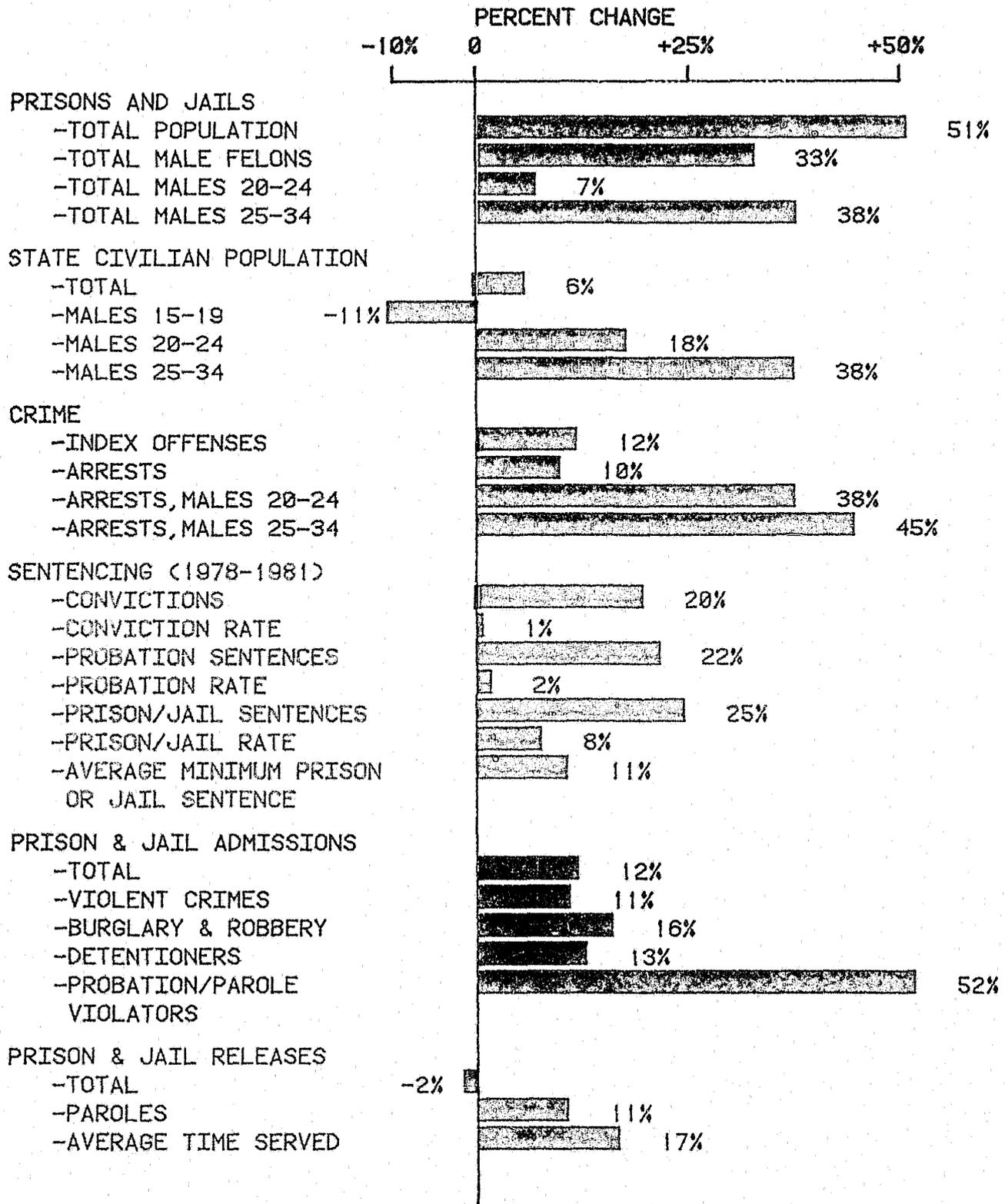
Neither Chester, which is adding on to its facility, nor Montgomery is considering modulars at this time. Philadelphia is currently considering a 250-bed maximum security modular. The direction the Task Force should take on this issue is to determine where funding for temporary expansion would come from. For example, should funding come from a correctional subsidy, or would monies be the responsibility of the county(ies)? Could the state purchase units under contract for the counties, etc.?

Cost - Based on current need, the building of modular units to house 750 inmates would be required. The following are estimated building costs:

250 maximum security facility (1) -	
(250 beds X \$30,000/bed)	\$ 7,500,000
250 minimum security facilities (2)-	
(500 beds X \$21,000/bed)	<u>\$10,500,000</u>
TOTAL:	<u>\$18,000,000</u>

The comparative cost of a 750-bed medium security conventional facility, for example, would be approximately \$34,000,000 (750 beds X \$45,000/bed).

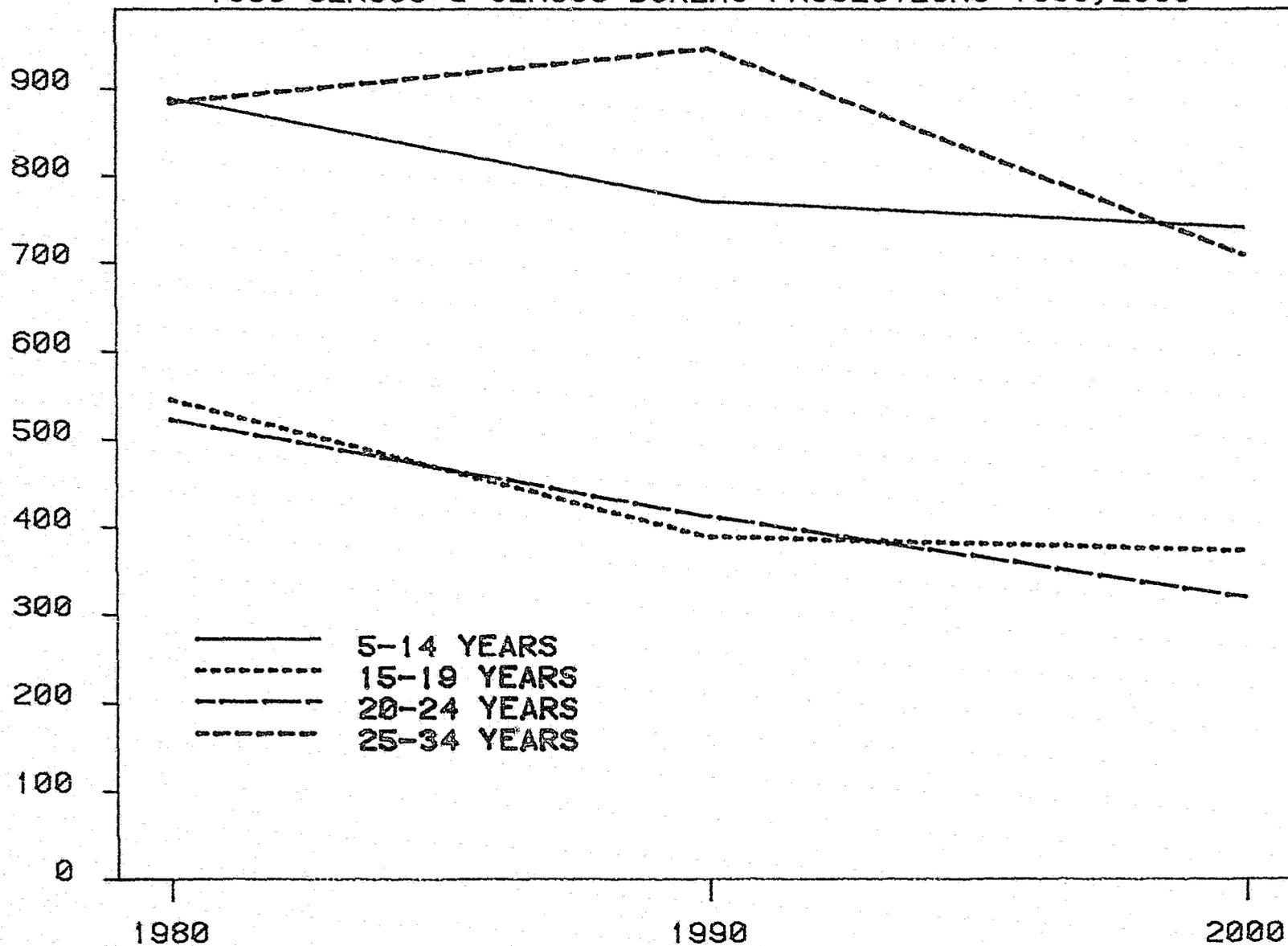
PRISON AND JAIL POPULATION AND RELATED INDICATORS
 (CHANGE FROM 1977 TO PRESENT, EXCEPT AS NOTED)



THOUSANDS

MALE CIVILIAN POPULATION BY AGE GROUPS
1980 CENSUS & CENSUS BUREAU PROJECTIONS 1990, 2000

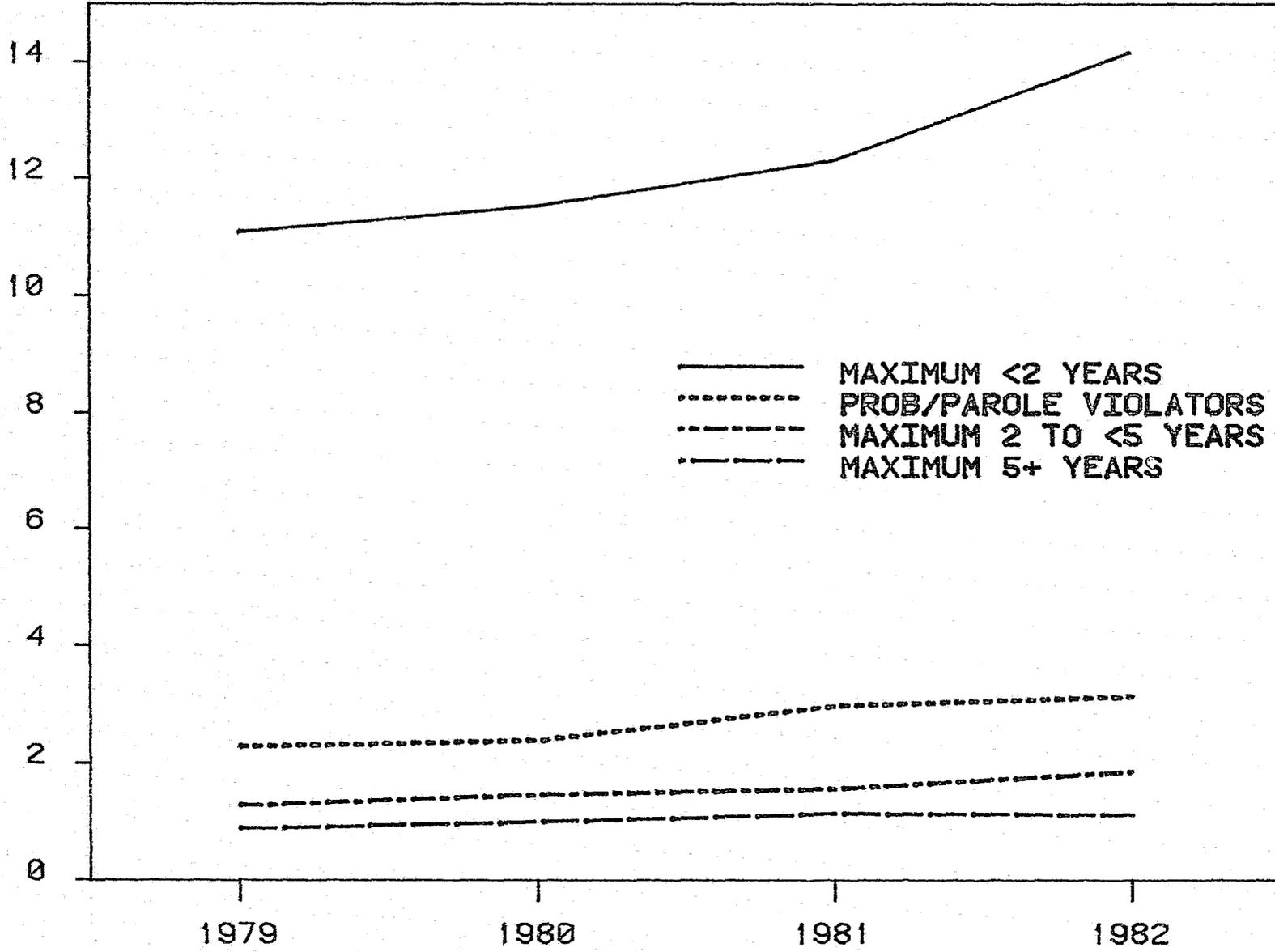
MALE
POPULATION



THOUSANDS

PRISON AND JAIL SENTENCED ADMISSIONS
BY TYPE AND SENTENCE LENGTH 1979-1982

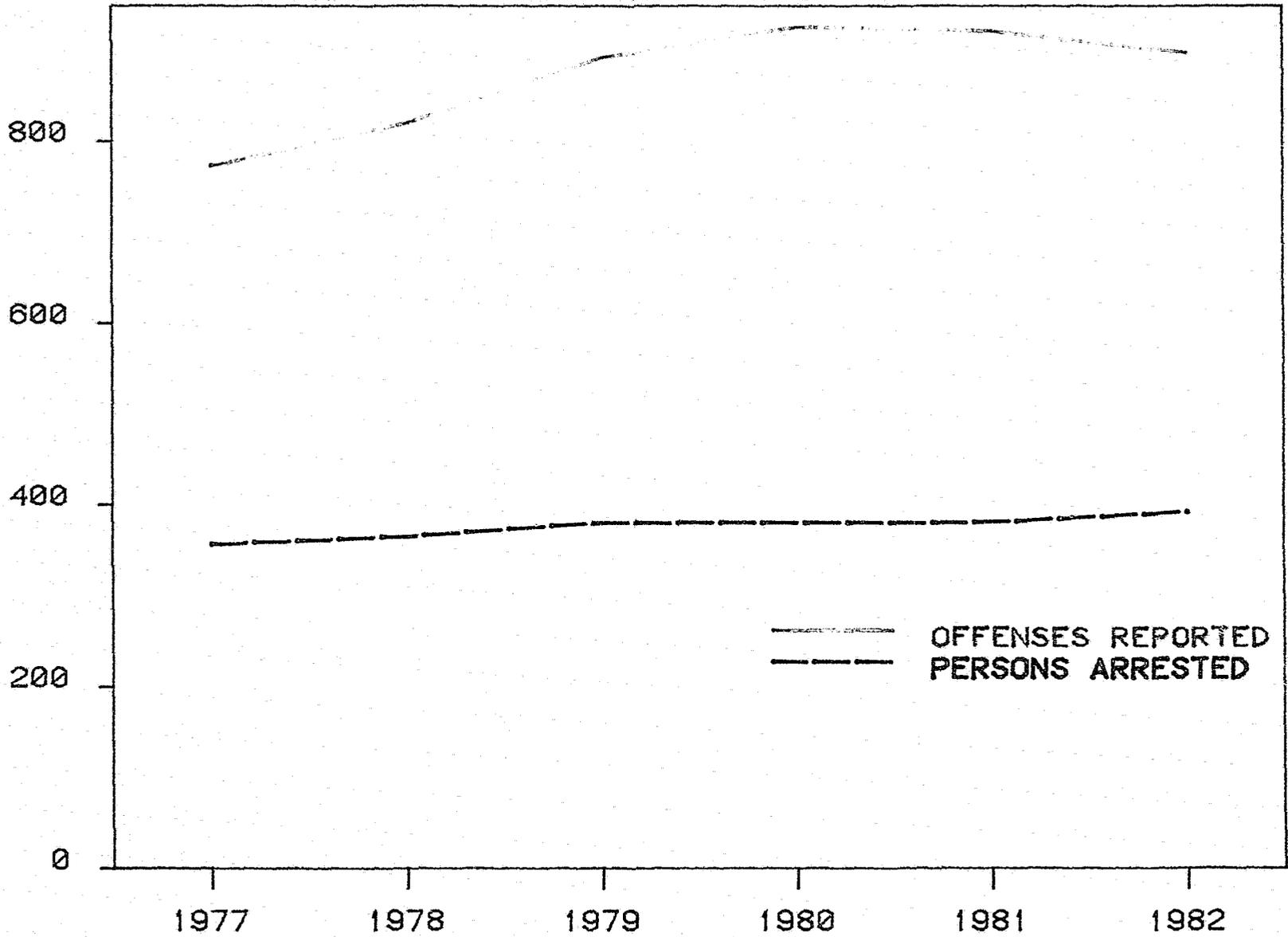
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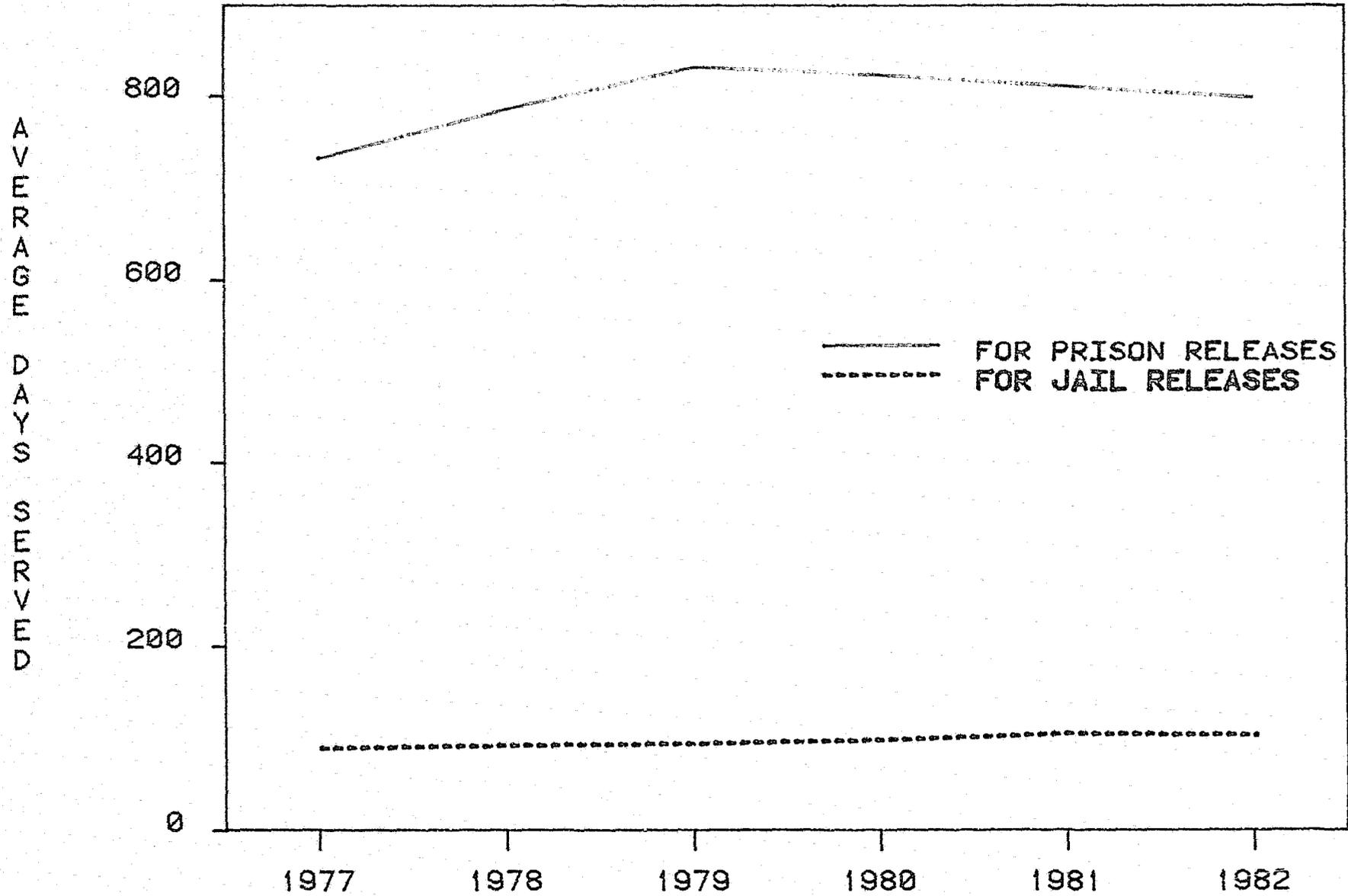
THOUSANDS

OFFENSES REPORTED AND PERSONS
ARRESTED (LESS STATUS ARRESTS) 1977-1982

OFFENSES REPORTED
PERSONS ARRESTED



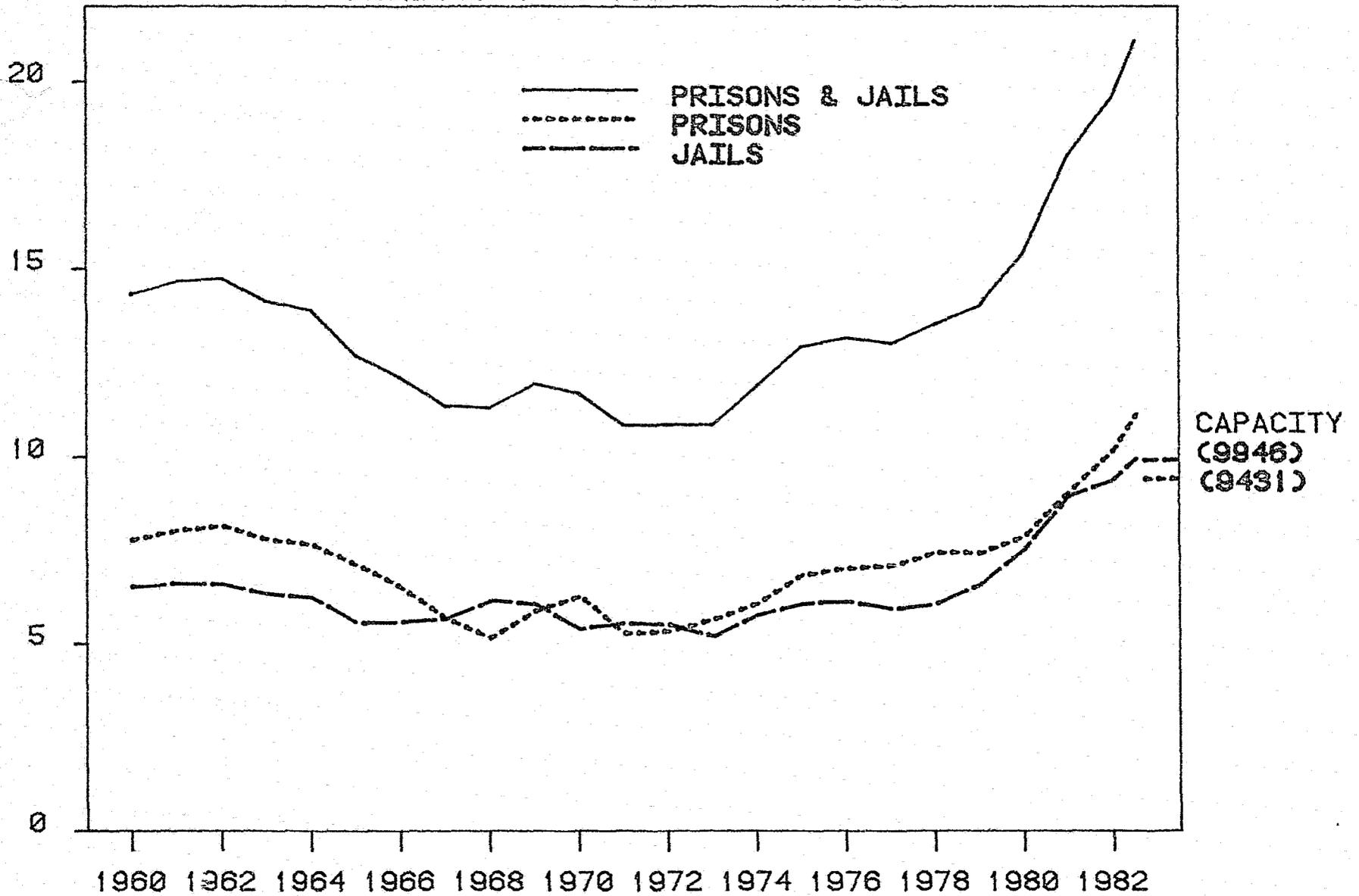
AVERAGE TIME SERVED BY PERSONS RELEASED
FROM PRISON AND JAIL 1977-1982



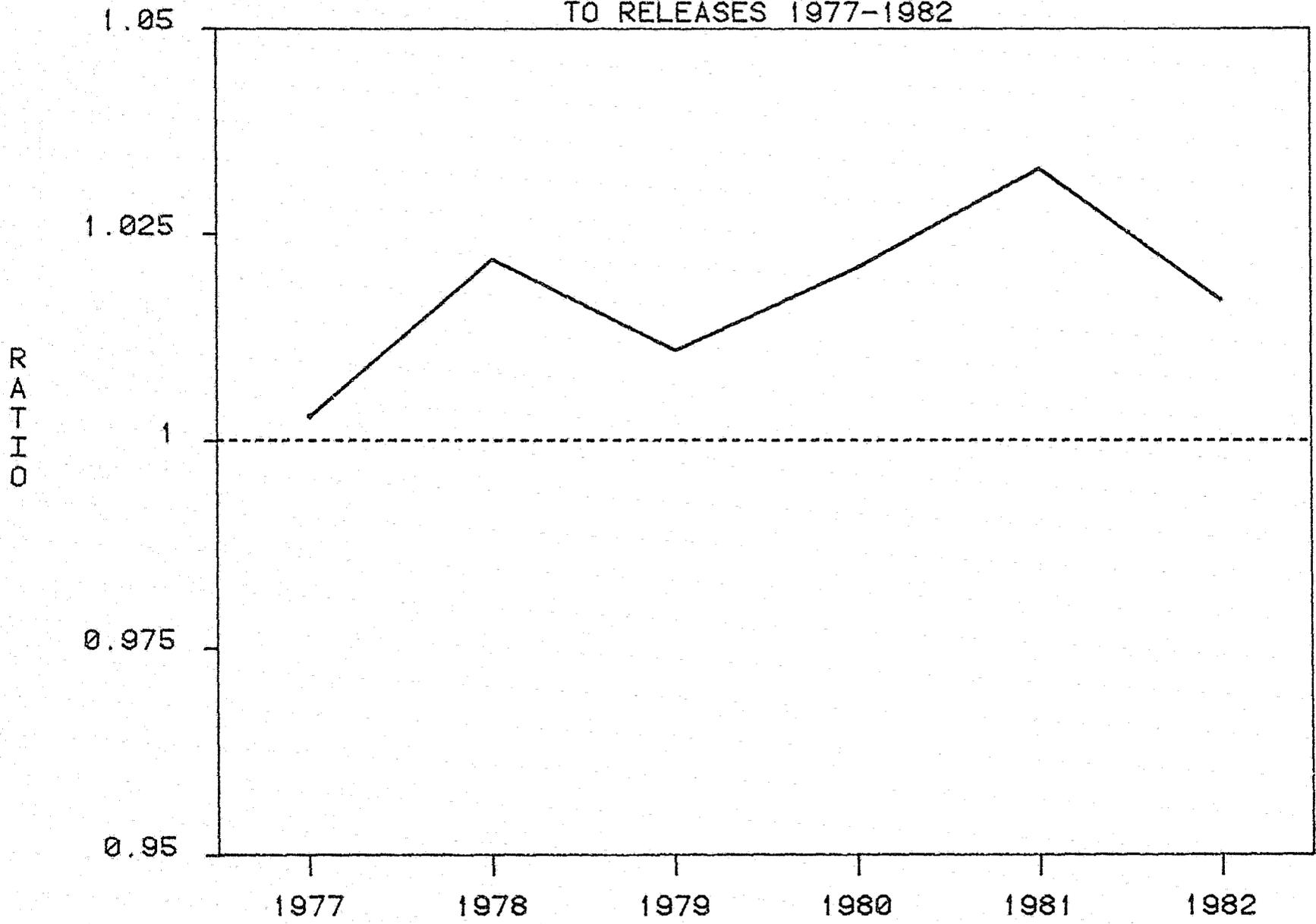
THOUSANDS

MONTH END PRISON AND JAIL POPULATIONS DECEMBER 1960-1982 & JUNE 1983

POPULATION



RATIO OF PRISON AND JAIL ADMISSIONS
TO RELEASES 1977-1982



AVERAGE TIME SERVED BY PERSONS RELEASED
FROM PRISON AND JAIL 1977-1982

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