



**Testimony of**

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**Before the Senate Policy and Judiciary Committees**

**Public Hearing on the Proposed State Correctional Institution Closures**

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My name is Dave Freed, and I am the District Attorney of Cumberland County and the Chair of the Communications Committee for the Pennsylvania District Attorneys Association. On behalf of my colleagues, I appreciate the opportunity to speak with you this morning.

For district attorneys, the salient issue surrounding the proposed prison closures is public safety. We must therefore ask: How will these proposed closures affect the safety of our communities? Considering the fact that the decision to close prisons appears to be driven primarily by finances, we should very carefully consider this question.

I am not here today with answers, but a series of questions that reflect our inquiry into these issues. I hope that many of these questions will be answered during this hearing or shortly thereafter.

Programming:

- *Will prison closures negatively affect prison programming?*
  - Treating the criminogenic needs of offenders is crucial to reducing recidivism. Some of the prisons being considered for closing have prisoners in their mental health units or special needs units. Others offer specialized services, such as addiction treatment or sexual offender treatment. If these SCIs are closed, how will those important services be absorbed?
- *Will there be an interruption in services provided for our prisoners in need of treatment, including the drug addicted, mentally ill or special needs prisoners?*
  - What will happen with regard to day-to-day drug and alcohol treatment, as well as cognitive behavioral therapy that occurs in our prisons? Will there be any disruption in therapy or medication? Will there be longer waiting lists for these programs? And if the answer is no, we would like concrete answers as to how that will be accomplished. An interruption in addiction treatment or mental health care can have negative consequences for both those prisoners receiving services and others in the prison population. It also increases the probability of recidivism: a drug-addicted inmate will likely commit new crimes if he or she is released while still addicted and without the guarantee of adequate treatment in the community. The diminution of prison treatment services will necessarily mean less public safety.
- *Does the closure of prisons affect the ability of the Department to expand or improve treatment services?*
  - The Department has made great reforms to provide treatment for prisoners with mental illness or disabilities. According to the DOC website, the Department of Justice recommended the DOC continue and expand its efforts to improve the care for offenders with mental health issues. Will the closure of prisons and

potential for overcrowding negate these efforts? Is there a plan in place for continued improvements?

#### Correctional Officer Safety:

- *Will the safety of our Correctional Officers be jeopardized?*
  - Will our correctional officers be adequately protected? Not only does prison closures mean a major upheaval for their employment, requiring them to transfer to a potentially unfamiliar prison, but now they will be required to oversee an even bigger population. Being a correctional officer is a dangerous job. The risks, both physical and mental, are enormous. We are grateful for the important and hard work these officers do on a daily basis. What affirmative steps will the Department of Corrections be taking to make sure our officers are protected?

#### Changing Prison Population:

- *Will the DOC be prepared if the prison population increases overall?*
  - Consider that nationally the violent crime rate is rising. According to the FBI, when comparing the number of violent crimes reported during the first six months of 2016 to the same figures for the first six months of 2015, aggravated assaults increased 6.5 percent, murders increased 5.2 percent, rapes increased by between 3.5 and 4.4 percent depending on the definition used, and robberies were up 3.2 percent. Violent crime increased 1.2 percent in the Northeast. Nationally, murders were up in most of our major cities. Also according to the FBI, violent crime was up in Allentown and Pittsburgh and down in Philadelphia and Erie. This is not to say we are predicting a massive crime wave, but we cannot ignore troubling trends that could possibly lead to a shift in prison population.
  - Additionally, there needs to be proper space and security for violent offenders. This has been a major effort for justice reinvestment. Especially when we consider that the Legislature should really be restoring our mandatory minimum sentences for violent offenders, like child rapists, those who commit armed robberies, and major heroin dealers (not mere users) perpetuating the opioid epidemic. When that time comes, there will be a greater need for beds for these violent offenders. Is the DOC considering this need?

#### Board of Probation and Parole:

- *Will there be an increase in pressure on the Parole Board to release more offenders?*

- While this pressure may just be implicit pressure, will this send a message that the Board should be paroling more or revoking parole less?

It may be that the PBPP is already facing that pressure when it comes to violent offenders, both in terms of the initial parole decision and the decision to recommit. In the past two weeks, we learned from an article in the Philadelphia Inquirer about a violent offender whose parole was not revoked despite many red flags: cocaine and PCP abuse, porn addiction, missed drug and alcohol treatment appointments, as well as sexual compulsion therapy sessions. The offender was charged last month with the murder of a 32-year-old woman in Delaware County, as well as the sexual assaults of four women in Philadelphia. According to the article, the offender is a suspect in two other homicides.

Questions need to be asked about this case and why the Parole Board made the decisions it did. If Parole Board employees followed the protocols in place, and they may have, then I submit that those protocols need to change. If protocols change, that means more violent offenders might go back to state prison. Can the DOC absorb this change, should such a change occur?

- *How does the Department's proposal to merge the two agencies together fit in with the proposed closures?*
  - Will there be added pressure on the Department, if the legislation becomes law, to send even fewer parole violators back to state prison, or in instances when they do, for merely a few days under its swift and certain sanction plan? This is the danger of having an executive agency making decisions about portions of the parole revocation process when that agency is focused on closing budget deficits.

#### Reduction in Community Corrections Center Population:

- *Why has there been such a policy change in the approach toward community correction centers?*
  - According to the Department, it will strive to reduce the population of the community corrections centers by half. This proposal is greatly concerning. For years we have been told that the key to reducing prison population was to shift offenders to the community corrections centers. It was the PDAA, beginning as far back as when Secretary Beard was our DOC Secretary, that expressed concerns that some CCCs were not secure, and we pointed out a study funded by PCCD demonstrating that the outcomes at the CCCs were abysmal. More recently, we have expressed concerns that the CCCs were dangerous and infested with drugs and plagued by escapes. And data from the Council of State

Governments during this phase of Justice Reinvestment demonstrates that right now the CCCs are not achieving reduced recidivism.

For years, community corrections was allegedly the answer to the problems of our correctional system. We were told if we relied on them more, sent more technical parole violators there instead of state prison, and better used them as a place where parolees could go initially, then results and outcomes would be better. But without much detail, the DOC plans on cutting the CCC population by half. Perhaps the DOC has concluded what we concluded years ago: CCCs can do a lot better. I have some simple questions. Why? What changed? What will be different? A far more significant discussion on this issue is required both now, and even after the decision to close prisons is made.

- *What is the proposed plan for offenders released from the community corrections centers?*
  - If the CCC population goes down by half, where will parole violators and some parolees released from prison go? It is estimated that cutting this population in half will mean cutting 3,000 beds down to 1,500 beds. Where will these 1,500 inmates go? Home? To the streets? I can't speak for you, but I can safely say I do not want these offenders in Cumberland County. Chairman Argall, I don't want them in Schuylkill County. I want us – all of us – to figure out how to make sense of this proposed change. It is a significant one, and it, in fact, not only affects this issue, but weighs heavily on the JRI proposals and the proposed merger of Corrections and Parole.

#### Effect on SCI Camp Hill:

- *How will prison closures change the inmate population of SCI Camp Hill?*
  - I would be remiss if I did not mention the potential effects locally in Cumberland County. The DOC says we can expect 1,000 more offenders to be housed in Cumberland County. The DOC says Camp Hill can absorb this increase because of an expansion of available space and because expanding the population by 1,000 will merely bring the numbers to levels about a year ago. But I am frustrated by the lack of information made available to this point. Who are these new offenders coming to Camp Hill? Violent, non-violent, offenders with a short minimum sentence, high-risk, low-risk, medium-risk, or a mix of all or some of these categories? Will this cohort group change over time?
  - I am responsible for prosecuting those who commit crimes in Camp Hill. More people usually means more crimes. Investigating and prosecuting these cases, which are often assaults on guards, staff or other inmates, require a thorough investigation and prosecution. They are costly and time-consuming. I need to know whether I should be asking my Commissioners for more funding to handle these cases.

By all appearances, this decision is a budget-driven decision. It is not about reforming the system. That's fine, but it means we have to cast a very critical eye to the possible consequences. The second sentence in the memo sent by DOC Executive Security Smeal to DOC Secretary Wetzel says, "The most cost effective means to reduce the gap between budget and allotment and anticipated expenditures is to close a prison(s)." It's all about the money. If there was no budget problem, would the closures be occurring? I doubt it, otherwise it would have already happened. We share the goal of reducing prison population and closing prisons—but only at a time when public safety is not sacrificed. So, wouldn't it seem that there has to be an operational down-side to closing two prisons? We need to know what the downsides are.

As you can see, there are an overwhelming number of concerns that should be addressed when considering the closure of two prisons in the Commonwealth. We do not have the answers, but look forward to working with DOC and the Legislature to find them.