

Criminal Justice Study Part 2 Incarceration and Re-Entry

League of Women Voters
Of Pennsylvania
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Criminal Justice Committee

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Criminal Justice Study

- Adopted by LWVPA Convention, June, 2015
- “Study of the criminal justice system, with the intention of creating a PA position on criminal justice, focusing on timely hearings and appropriate bonding, effective counsel from arraignment through sentencing, alternatives to incarceration, appropriate sentencing guidelines, the privatization of prisons, the use and misuse of prison labor, and conditions in our prisons”

Prison Conditions

- Solitary Confinement
- Medical Care
- Sexual Abuse
- Prison Labor

Solitary Confinement

- ◉ 7.5' by 6' cells
- ◉ Limited phone calls
- ◉ Limited visits
- ◉ Restriction on use of TV and radio
- ◉ Limits on number of books
- ◉ One hour a day of exercise

Solitary Confinement

- Used to protect prisoners from other inmates.
- Used as punishment.
- UN considers solitary confinement for more than 15 days torture.
- UN considers solitary confinement cruel and unusual punishment for juveniles or those with mental illness.

Solitary Confinement

- Bureau of Justice estimates 20% of prison inmates and 18% of those in jail have been held in solitary confinement.
- African-Americans are 2.5 times as likely to be in solitary confinement.
- Lesbian, gay, bisexual, and transgender 10% more likely to be in solitary confinement.

Solitary Confinement

- Between 23 and 31% of mentally ill prisoners held in solitary confinement.
- Prolonged solitary confinement is psychologically damaging.
- Estimated 1,970 prisoners in PA in solitary confinement in September 2015.

Solitary Confinement

- In 2013 Disability Rights Network of PA brought suit against PA Department of Corrections (DOC) for keeping mentally ill inmates in solitary.
- Suit settled in January 2015. Procedures instituted to divert inmates with mental illness to treatment units and make other changes.

Mentally Ill Inmates

- DOC established Office of Mental Health Advocate.
- DOC trained 500+ inmates to provide support and counseling to other inmates.
- DOC Crisis Intervention Team training to provide correctional officers with understanding of how mental illness may affect inmates.
- All DOC employees trained in mental health first aid.

Solitary Confinement

- At end of 2015, fewer than 150 mentally ill inmates in solitary confinement in PA, down from 850 before new procedures instituted.

Consensus Questions

34. Pennsylvania should track use of solitary confinement by prisoner characteristics, length of confinement, and purpose of confinement.

1 2 3 4 5

35. Policies and procedures should be developed by DOC to assure transparency and accountability related to assignment of inmates to administrative segregation, including those offenses which will result in the use of solitary confinement, reasonable notification and opportunity for administrative hearing.

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36. All inmates, even those without previously diagnosed mental illness, should have frequent and regular psychological evaluations throughout their incarceration in solitary confinement.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

37. Pennsylvania should not place a prisoner in solitary confinement for more than 15 consecutive days.

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38. Pennsylvania should not put juveniles or mentally ill prisoners in solitary confinement.

1 2 3 4 5

39. Corrections officers working with mentally ill prisoners should be supervised by mental health professionals.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Medical Care

- US Supreme Court affirmed inmates' constitutional right to adequate medical care.
- Some of inmates' medical care in Pennsylvania has been privatized.
- Medical services have to meet the requirement of "adequate care" regardless of who is providing them.

Medical Care

- Inmates have more health problems than general public.
 - HIV/AIDS rates 4 to 5 times higher
 - 17 times more likely to have tuberculosis
 - 10 times more likely to have Hepatitis C

Geriatric Care

- Between 1995 and 2015 number of state and federal prisoners over 55 rose 282%.
- Cost of caring for elderly men and women can be 5 times greater than for younger inmates.

Consensus Questions

40. All inmates should have access to good quality medical care and should be monitored to ensure good health.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Sexual Abuse

- Sexual abuse widespread in prisons.
- Perpetrators motivated by determination to exercise power and control over another person.
- Particularly at risk are women, juveniles, LGBT, and mentally ill inmates.

Sexual Abuse

- US Justice Department study indicates that guards are responsible for half of the sexual assaults.
- In 2014, PA prisoners reported 299 allegations of sexual misconduct. 9 were substantiated.
- An additional 201 complaints of sexual harassment were filed. 1 was substantiated.

Prison Rape Elimination Act (PREA)

- Federal law passed in 2012.
- All states must have zero-tolerance for sexual harassment and sexual assault.
- Must collect and report data on prison sexual violence.
- Must conduct risk assessment and screening of inmates to keep apart potential aggressors and potential victims.

Prison Rape Elimination Act (PREA)

- Must discipline and prosecute corrections staff who perpetrate sexual abuse against an inmate.
- Must hold corrections administrators accountable for the occurrence of sexual violence in their facilities.

Prison Rape Elimination Act (PREA)

- As of October, 2015, 18 PA Department of Corrections facilities successfully passed the PREA audit with only one in corrective action.
- 17 facilities have audits scheduled with all facilities being audited by the end of August 2016.

Ombudsman Office

- Ombudsman programs exist in some states but not in Pennsylvania.
- Ombudsman programs are used to ensure the protection of prisoners' constitutional rights and to correct systemic problems.
- Ombudsman programs are independent from the Departments of Corrections and are impartial in their investigations.

State Commissions

- Some states have established state commissions separate from the Department of Corrections to provide oversight of prisons.
- Commissions have power to subpoena witnesses and compel testimony.
- American Bar Association recommends establishment of entities to monitor and report publicly on prison and jail conditions.

Consensus Questions

41. The PA Department of Corrections should continue to fully implement PREA directives without regard for the availability of incentive funding to do so.

1 2 3 4 5

42. All prospective employees of the criminal justice system should be screened to determine a history of prior sexual abuse or harassment, attitudes and understanding of the dynamics of sexual abuse or harassment.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

43. Counseling for victims of sexual violence and harassment should be confidential and conducted by an independent organization with experience and expertise in the field of sexual violence.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

44. Pennsylvania should create an office of ombudsman to investigate abuses within prison/jail walls.

1 2 3 4 5

45. Pennsylvania should create a state commission, independent of the Department of Corrections, to oversee prison/jail conditions.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Prison Labor

- Effective rehabilitative prison labor has two defining characteristics:
 - The skills and experience gained must be useful for post-release employment.
 - Employment during incarceration is directly related to a documented decline in recidivism.

Prison Labor

Business education and computer technology classes offered at three of Pennsylvania's prisons do not meet industry-recognized certification requirements.

Prison Education and Training

In November 2015, DOC awarded \$1 million grant from the US Dept. of Ed. to restructure the delivery of educational training and workforce programs in an effort to better prepare offenders to obtain and retain employment once released from prison.

Program will target adult offenders aged 25 and younger.

Justice System Improvement Act

- Passed in late 1970's.
- Allowed private industry to contract with prisons for labor.
- Goods made by inmates are banned from interstate commerce unless inmates are paid wages comparable to those in the private sector.

Prison Labor

- PA prisoners earn between 19 and 42 cents per hour.
- With production bonuses, may earn up to 70 cents more per hour.
- Many inmates owe fees and fines, as well as restitution, while incarcerated.
- Recently released prisoners often owe costs of parole requirements (such as monitoring).

Consensus Questions

46. Inmates should be paid for their labor at least 25% of minimum wage with earnings kept in prisoners' accounts.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Re-Entry

- In PA, average minimum sentence of inmates who are not sentenced to life is 7 years.
- Average maximum sentence is almost 16 years.
- Re-entry to community and family may be difficult.

Re-entry

- Job applications often have boxes to check if you have been convicted of a crime.
 - Recently prohibited on federal forms
 - Prohibited by Mayor Nutter for Philadelphia employees
- May not even get an interview if the box is checked.
- Some jobs require “clean” background checks, i.e. no convictions.

Re-entry

- Previously incarcerated may not be eligible for Pell grants.
- Not allowed in public housing after conviction of certain crimes.
- No credit history, so no credit available.
- Housing may be hard to find; security deposits and monthly rent required.
- Required to pay fees for parole services, drug testing, etc.

Re-entry

- Pennsylvania lifted a ban on providing welfare benefits, food stamps and Medicaid for former prisoners.
- The Work Opportunity Tax Credit gives \$3,000 per year in federal tax breaks to employers who hire a former prisoner.
- The Federal Bonding Program provides an insurance policy to protect companies who hire former prisoners.

Re-entry

- Pennsylvania Commission on Crime and Delinquency reentry coordinator works with agencies and non-profit service providers to help released offenders.

Consensus Questions

47. Pennsylvania should enact “ban the box” legislation, removing the conviction question from job applications, following the recommendations of the U.S. EEOC best practice guidelines.

1 2 3 4 5

48. The Pennsylvania Department of Labor and Industry should actively promote awareness and participation by PA businesses in the Federal Bonding Program.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

49. The PA Department of Labor and Industry should actively promote awareness and participation by PA businesses in the Work Opportunity Tax Credit (WOTC) Program.

1 2 3 4 5

50. Pennsylvania should enact “ban the box” legislation removing the conviction question from public housing applications, with the exception of registered sex offenders and individuals who were convicted of manufacturing or processing controlled substances in a public housing facility.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

51. Pennsylvania should prioritize funding for appropriate transition and reentry programs for former inmates.

1 2 3 4 5

52. Pennsylvania should provide tax incentives or development money for low-income housing that reserves a percentage of units for ex-prisoners under close supervision.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

53. State and local governments should work with the private sector to create holistic community approaches toward reintegrating former prisoners.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Economics

- Cost of incarcerating an inmate in Pennsylvania in 2014 was \$36,608.
- May be understated because some costs are not entered into the DOC budget (corrections officers' health insurance, in-prison health care costs, state pensions, etc.)
- Real cost closer to \$45,000

Economics

- Spending has grown 1,882% since 1980, a rate six times faster than spending on public education.
- Pre-imprisonment costs fall on counties and municipalities (and on those accused).

Economics

- The bulk of the money spent on the criminal justice system is in keeping individuals in jail/prison.
- Less money is spent on alternatives to incarceration that might reduce recidivism.
- Less money is spent on helping released prisoners readjust to becoming productive members of society.

Economics

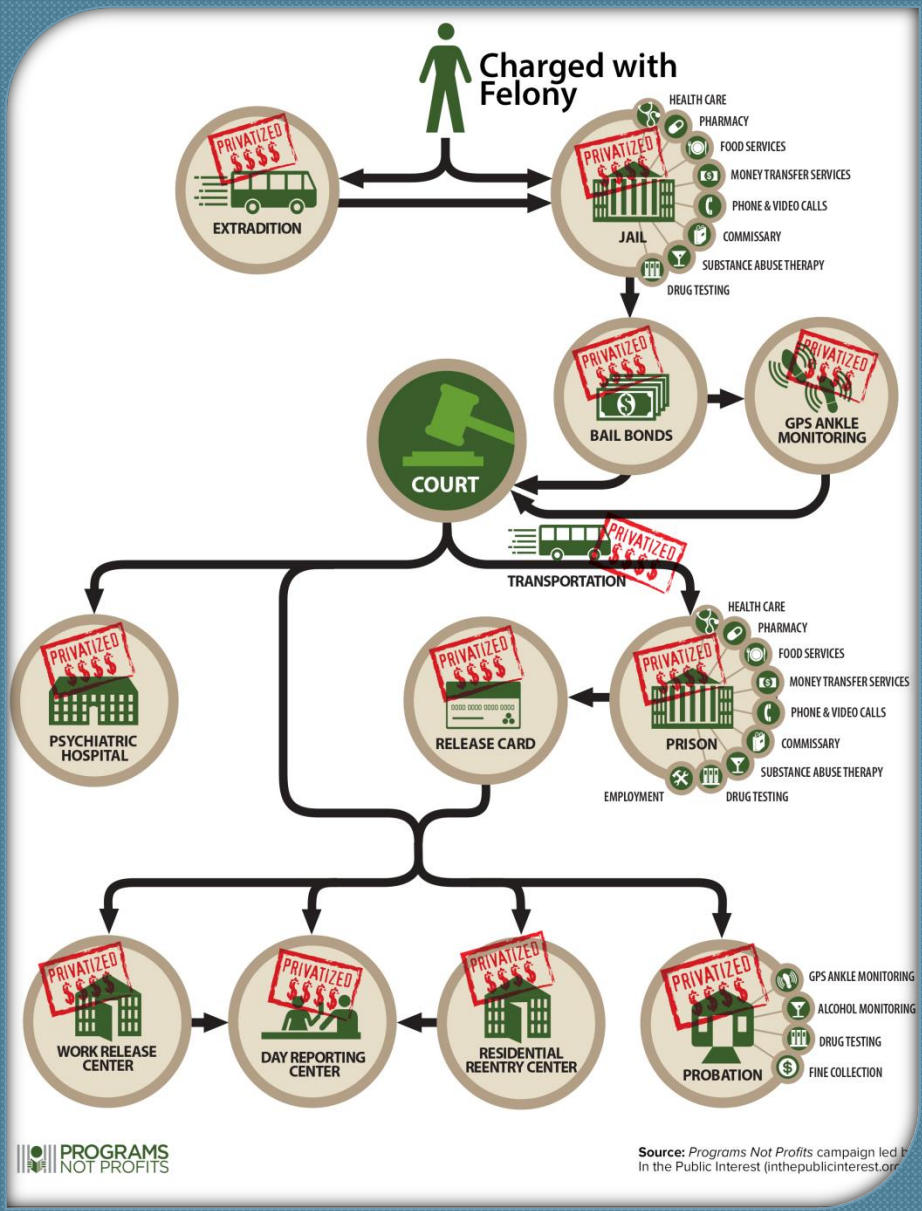
- Most local jurisdictions in Pennsylvania charge fees for various “services.”
 - Booking fees
 - Drug and alcohol testing
 - Room and board
 - Medical and dental costs
 - Court costs
- Varies from one jurisdiction to another.

Economics

- Prisoners are charged for commissary goods – tobacco, personal toiletries, and other supplies at a rate usually higher than available out of prison.
- Prisoners are charged for telephone calls (\$.06 per minute in PA).
- Transfer of money into prisoners' accounts is charged from \$1.75 to \$3.25 depending on amount.

Economics

- Those in Alternatives to Incarceration must pay for these “services”
 - Electronic monitoring
 - Parole supervision
 - Room and Board for weekend prisoners
 - Drug and alcohol testing
- Many of the services are provided by private companies.



Economics

- Released prisoners face many obstacles for re-entry into society.
- Many are unable to find employment or a place to live.
- Owing money for parole services makes it harder to readjust.

Prisons

- Prisons often located in rural areas.
- Sometimes difficult for families to visit inmates because of the distance.
- When prisons close, rural communities lose jobs creating economic hardship.

Consensus Questions

54. Pennsylvania should require fiscal impact statements, prepared by an independent group, to be attached to every bill that proposes to alter sentencing or corrections law.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

Consensus Questions

55. Programs that are effective in reducing recidivism and initial criminal behavior should receive financial support from the state.

1 2 3 4 5

56. Pennsylvania should provide for economic development in areas where prisons close to offset job loss.

1 2 3 4 5

1 = Strongly Disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, 5 = Strongly Agree

End of Criminal Justice Study

Part 2

Thank you for your thoughtful
consideration of these important
issues!