



Good morning Chairman Argall, Chairman Boscola, Chairman Greenleaf, Chairman Leach and Members of the Republican and Democratic Policy Committees and Senate Judiciary Committee.

In spite of historic prison population reductions over the past several years, the Department of Corrections' (hereinafter referred to as, "the Department.") budget has continued to increase. At the same time, we are facing the worst budget crisis in decades. These are unprecedented times; times that have led Governor Wolf to challenge agencies to redefine government. Our response to that call, and to the reality of needing to reduce our proposed budget, is to close two prisons and reduce the footprint of both our community corrections system as well as our central office. We do not approach this lightly. This is a result of a deliberate, contemplative process by senior leaders, all life-long correctional experts, to ensure we continue to operate the best correctional system in the country at a significantly lower cost without jeopardizing security.

This process drove us to identify our core values as an organization and develop a solution that preserves our "way of life" if you will. Those core values are to maintain a safe environment for both staff and inmates, maintain our level of programming to continue our population reductions while ensuring that individuals leave our prisons better than they came in. These values are critical to fulfill our responsibility to enhance public safety by reducing the future criminality of the 90% of our population who will return to every county in Pennsylvania.

The choice we face today is should we cut 10% of our staff or close prisons/halfway houses? Our core values/responsibilities require this approach. Over the past several years, we have made significant progress in reducing the number of inmates per facility; in other words, reducing our capacity levels. We have a two-fold capacity definition. Operational Capacity is the ideal capacity. Emergency Capacity is the actual number of beds we have. As long as the Department stays between the ideal and the total maximum beds, we are able to operate safe, secure and efficient institutions. The decision to close prisons yet still retain staff allows us to maintain staffing levels while increasing the operational capacity percentage is the only path to maintain both staff safety and public safety through reducing the likelihood of future criminality of individuals leaving our system.

### **Process**

On January 9, 2013, the Department notified legislators that a decision had been made to close two state prisons: SCI Cresson and SCI Greensburg. Despite a detailed cost-benefit analysis being done internally by the Department, the final decision was made behind closed doors without any analysis from outside agencies, with no transparency and no opportunity for any input from legislators, staff or the community in the decision-making process. Indeed, there was no outside review process. And, the worst part was the fact that staff learned of the closures from social media and other media outlets. It was unacceptable. The Department committed to both the House and Senate that we would develop a protocol for any future facility closure, to provide a more transparent process and prioritize staff notification before all others. This new protocol is captured in the Facility Closure Guidelines document that is included with your packet of information.

Although the notice to close the facilities in 2013 was extremely flawed, the outcomes are good. Only three employees chose not to be placed and elected to be furloughed. The vast majority of staff transferred to a preferred institution without the need to move from their home community. Furthermore, there were no problems with prison overcrowding, as many feared. The Department was now faced with a new reality: population reductions. Prior to 2012, population had been increasing at a rate of 1500 inmates per year, which would have required the Department to build an additional prison every year at a cost of over \$200 million. In 2012, Justice Reinvestment and the resulting legislation, Act 122 had a significant impact on population and this downward trend in population continues, not only in PA, but throughout the country. Policymakers are focused on getting rid of the draconian punishments and now direct their attention to improved outcomes, diversion, treatment, recidivism reduction and rehabilitation.

As the Department prepares for the FY 2017-18 budget, it is clear that drastic reductions in our budget will be needed. The need for these cuts coupled with the Department's continued population reduction, as well as projections for a continued downward trend, led us to the decision that we could safely and effectively close additional prisons. The difference is our process.

We followed the Facility Closure Guidelines. We defined our mission to significantly reduce the budget deficit for the Department by closing a facility or facilities and reducing the number of beds available through contract facilities and county jails based on what is most economically feasible while ensuring the safety and security of staff and the public.

We created the following objectives:

- Ensure that potential facility closure recommendations are made with regard to safety and security of staff, inmates, and the public.
  - Part of the ability to operate safely is consideration of capacity. There are two different capacities that the Department considers: operational capacity and emergency capacity. Operational capacity is the optimum number of inmates housed in a facility. It is not related to safety or the Department's ability to efficiently treat inmates. To be over operational capacity does not mean a prison is overcrowded or that the security or treatment ability is compromised. Emergency capacity is the total number of physical beds located within the State Correctional Institutions at which the Department feels it can operate prisons safely.
- Ensure that all employees are offered the opportunity to continue employment with the Department. Make sure that staff are provided any needed support, i.e., rapid response interaction or SEAP.
- Utilize the systematic process identified in the Facility Closure Guidelines to determine which facilities to recommend for potential closure.
- Ensure the process utilized leads to a fair and sound fiscal policy.
- Seek input from outside agencies, i.e., Labor & Industry, Community and Economic Development, Department of General Services, and Department of Health and Human Services, Office of Administration and the Governor's office to provide relevant and sufficient information to make an informed recommendation to the Secretary of Corrections.
- Be responsible and responsive to all stakeholders

We remain faithful to the above objectives to make sure all factors are taken under consideration and all parties have input.

### **Security /Capacity**

Our number one priority at the Department is safety and security. That is paramount to everyone's best interest – employees, inmates and the community. Over the years we have made tremendous strides to create a safer environment for staff and inmates. Improvements have been made. In fact, the assault rate on staff in 2016 was nearly half (49% lower) than it was 20 years ago in 1996. Security improvements include increased training to staff, filling of CO vacancies, improving the design and technology inside the prisons, violence reduction initiatives, and we are currently in the process of equipping all of our corrections officers with Oleoresin Capsicum (OC spray) pursuant to Act 174.

Looking at current capacity, the Department's male offender Population is **44,836**. There are **6502** vacant beds in male facilities Department wide. The closure of a facility or facilities would decrease the Department's bed capacity by as much as **2841** beds. Currently the Department is operating at 105% of operational capacity, which is the lowest percentage that we have operated since 2011 when our current definition was established. Even after the proposed prison closures, the Department as a whole would be at 111% of operational capacity which is approximately the same percentage after the two previous prison closures in 2013.

The Office of Population Management's (OPM) would be tasked with efficiently placing offenders based on their programmatic, educational, medical, mental health, and security needs. When reallocating the population of the closing facility or facilities, OPM must consider the custody level of the offenders, the security level of the receiving facilities, Security Threat Group (STG) concerns, single cell (Z code) status, mental health needs and the treatment waiting lists. It will be necessary to expand the mental health and programming services at other SCI's in order to absorb the impact of the closure.

### **Population**

A primary contributing factor to the Department's ability to close two prisons is a significant inmate population reduction over the past four and a half years. From June 2012 to December 2016, the PA DOC inmate population has been reduced by 2,456 inmates (from 51,757 inmates in June 2012 to 49,301 inmates in December 2016). This is the single largest period of sustained inmate population reduction in the Department's history.

From a high level overview, there are three factors that contribute to the size of the Department's inmate population at any given time: 1) court commitments, 2) parole violator admissions, and 3) parole releases. Based on this, there are two primary explanations for the PA DOC's current population decline: 1) the 2012 Justice Reinvestment Initiative (JRI) effort which has primarily led to shorter periods of incarceration for technical parole violators among other savings, and 2) a substantial reduction in court commitments of approximately 2,300 inmates since 2013. JRI is responsible for roughly half of the Department's four and a half year inmate population decline, and the reduction in court commitments is responsible for the other half. It is difficult to understand for sure what has driven the reduction in court commitments, but likely explanations include: 1) the elimination of many mandatory minimum sentences as a result of the *Alleyne v. United States* and *Pennsylvania v. Hopkins* court decisions, 2) a

general continued crime drop in Pennsylvania for most crimes, and 3) increased efforts by many major localities to get smarter on crime and safely divert inmates to alternative treatment options.

A logical next question is how we maintain these inmate population reductions and what happens if the trend reverses and the inmate population begins to increase again. Here we must understand that as a system we collectively have a significant impact on the future direction of the Department's population. As we see legislation and policies reduce the inmate population in recent years, other legislation and policies will increase the inmate population in future years if we don't make careful decisions. The good news is that the current inmate population is dropping even faster than the last projections done by the Department. As of December 2016, the Department is already approximately 500 inmates below where we were projected to be at this point. The Department set as a goal to reduce its population by 600 inmates in FY 2016-17, and we have already exceeded that reduction while only halfway through the fiscal year. Thus the current projections are likely conservative given current trends. Current projections show that the Department's population will decrease by approximately 1,000 inmates over the next four years. If the recommendations from the Commonwealth's latest JRI effort are enacted, the Department can expect to reduce its population by approximately an additional 1,000 inmates. Conversely, if the legislature passes new mandatory minimums or brings back the mandatory minimums that were previously invalidated, the Department's population could begin to increase significantly.

### **Budget**

When determining the financial impact of closing institutions a multitude of factors were weighed. First projections were completed to provide the best total cost estimated of the five selected institutions if they were to remain open the entire FY 17-18 fiscal year. The next factor considered was the marginal cost to house the displaced inmates at other locations through the DOC. Next was the absorbance of displaced staff at facilities within a 90 mile radius of the selected institution. Because Corrections loses approximately 60 staff monthly through normal attrition staff at the selected institutions as well surrounding locations will be absorbed in the next few months. To facilitate and hasten the placement process a hiring freeze has been implemented at the five institutions as well as institutions within 90 miles. Other factors considered was a higher retirement rate for staff at the five selected locations, relocation of specialty services such as hemophilic inmates, oncology, medical transports, replacement of Alcohol and Other Drug (AOD) contract program with displaced staff and the mothballing of the facility. Finally where a short term over staffing was probable an overtime reduction calculation was used.

### **Staff Placement**

The Department recognizes that staff will be impacted by any closures. We are committed to mitigating that impact and working with Labor & Industry and Office of Administration to assist the staff through this transition. All staff will be offered a position within the Department. We have implemented a hiring freeze at the five institutions under review and a targeted hiring freeze at several surrounding institutions. We have also frozen hiring at Central Office and have suspended the corrections officer transfer policy. The freezes are intended to reserve vacant positions for displaced personnel. Additionally, we are working with Office of Administration and various labor organizations regarding extra contractual placement agreements for the impacted rank and file staff. It is our hope to have those agreements in place as soon as possible.

## **Conclusion**

The decision to close a facility should be made only after extensive review and consideration of all factors. Although all factors must be carefully weighed, the safety and security of our staff, inmates and the public cannot and will not be compromised. We believe that we have identified and will take into consideration numerous factors that will lead us to the best decision we can make given these circumstances. We have strived to be transparent throughout this process and will continue to be available to provide additional information and be responsive to any concerns that Members or the general public may have.

Thank you