



Prison system 10: Now is the time for prison reform in Pennsylvania

Published: Wednesday, March 02, 2011, 8:00 PM Updated: Thursday, March 03, 2011, 5:13 PM

PN By **DONALD GILLILAND, The Patriot-News**

If only Nixon could go to China, maybe only Tom Corbett can fix our prisons.



View full size

JOHN C. WHITEHEAD/The Patriot-News

A prisoner in "R" block at the State Correctional Institution at Camp Hill works by window light Thursday, Jan. 6, 2011.

In fact, Gov. Corbett may represent Pennsylvania's best chance in a generation to become a prison reform state like Texas, instead of leading the nation in new inmates.

Consider this:

Corbett is a law and order governor and former attorney general.

He's got a Republican-controlled legislature, and a law-and-order Republican senator backing the effort.

And enough time has passed to see that

the reforms in Texas and Michigan have really worked.

Even in Pennsylvania, alternative programs have been a success, according to Brian Bumbarger, director of Penn State's Evidence-based Prevention and Intervention Support Center.

The problem has not been results, it's been money: state support for these small-scale reform efforts was cut by nearly 90 percent under the Rendell administration.

"They struggle along on a patchwork of grants and bake sales and car washes," says Bumbarger. "We don't need to reinvent the wheel. We just need to find a way to get adequate funding."

Tom Corbett knows about that, too. At the height of Pennsylvania's investment in evidence-based programs, Corbett oversaw the allocation of funds as chairman of the Pennsylvania Commission on Crime and Delinquency.

"Governor Corbett was an unabashed supporter of this approach," says Clay Yeager, who worked with Corbett in the Ridge Administration and later went on to serve as President and CEO of Nurse Family Partnerships. "He understands the value of investing wisely. There could not be a better person in that position at this time."

Even many Democrats agree — this is the moment.

"I don't think there's been a governor in the last 30 years more suited to address this issue," says Auditor General Jack Wagner.

Ten days ago, Corbett canceled the planned construction of a prison in Fayette County.

It was an encouraging sign but a misleading one.

It shows that evidence-based reforms have begun to bear fruit in Pennsylvania, but it's a temporary lull according to Kathy Gnall, director of planning, research, statistics and re-entry for the Department of Corrections.

"The reality is our projections still call for growth," she says.

"Seven states in the nation over the last decade have been able to bend their growth curve and lower the crime rate. We are not there. We have not bent the curve. We've just slowed the growth."

Now the state is building "only" three new prisons.

The only way to stop and even reverse the prison boom of the last 30 years — and to ease the increasing burden on taxpayers — remains justice reinvestment.

So, what's there to stop it?

Not necessarily the money. This year's projected \$4 billion budget deficit is daunting, but prison reform in Texas was driven by a desire to cut costs, and Michigan's reform was enacted during a deficit year.

Three groups of people historically tend to slow or block attempts at reform.

The first two often work closely together: district attorneys and victims' rights groups.

"We're on the ground," says Ed Marsico, Dauphin County District Attorney and head of the Pennsylvania District Attorneys Association. They've seen first-hand the harm done.

Victims are dealing with that harm and suffering as well, says Carol Lavery, the state's Victim Advocate.

"A lot of people say prisons are crowded with drug offenders," she says. "They may have been charged with a drug charge, but you have to look at what occurred. Was it truly a drug offense? How is it viewed by the victim?"

Lavery says victims' responses run the gamut from retribution to forgiveness, but for most, the first thing they say to her is, "I want to ensure this doesn't happen to someone else."

Dauphin County has actually been a leader in justice reinvestment — at least to the extent that there is money for it.

While the number of offenders coming before Dauphin County's adult courts has recently increased from 5,000 to 6,000 per year, the county prison population has actually gone down thanks to drug courts, mental-health courts, intermediate punishment and electronic monitoring.

In fact, neither DAs nor victims' groups are against reform. They just want a seat at the table when the



Enlarge

JOHN C. WHITEHEAD, The Patriot-News

View of the laundry facility at the State Correctional Institution at Camp Hill.

Fixing Pennsylvania's broken prison system gallery (21 photos)

details are hammered out.

"Prosecutors are practical," Marsico says. "We're in the system. We deal with it every day. We know we can't lock everybody up."

"Often, people are afraid victims will fight everything — but no," Lavery says. Sometimes victims can be the biggest supporters. So many of them do believe in making their communities safe and healing the offender, but they must have the opportunity to have a part in the process.

"Victims often don't want incarceration — they want their money," she says. The question is, will the victim ever really get it? Often times no, Lavery says, and that's an area for reform as well.

The third group of people who tend to slow or block reform exist as much in theory as in reality: voters who hate anyone "soft on crime."

Any politician advocating reform has one eye over his or her shoulder. It's so much easier to rest comfortably in the ideological ether of "get tough on crime."

That attitude, says GOP Sen. Stewart Greenleaf, is where most of the resistance is — and he admits he was a major practitioner.

Fear of losing the next election does more to impede reform than all the DAs and victim advocates combined. They're actually in favor of justice reinvestment done right.

"We do need to spend the money, which in the long run hopefully will be less," says Marsico, who called the programs in Texas and Michigan wise. "If I were king, I would do that."

"Where people are incarcerated because that's the only place they can get treatment, how much sense does that make?" Lavery says. "When are we going to get to the point where we really have the level of services locally that the people who need treatment get it?"

And how about lawmakers and the voters?

"It's an educational process for everybody involved," Greenleaf says. "This is not liberal or conservative, it's just the right thing to do. Many of the people in my caucus ... see it right away."

This year, Greenleaf is pushing for a bolder stroke in Pennsylvania.

He wants to spend more than \$100 million to expand evidence-based treatment programs at the local level, re-entry and parole programs, and problem-solving courts.

But the devil is in the details, and getting Pennsylvania's 253 lawmakers together on an issue can be like getting cats to march in a parade.

As Pennsylvania lawmakers begin to face the prison crisis, the folks in Texas have some advice for them.

The first rule: as they grapple with a big deficit this year, resist the urge simply to cut.

Four years before the 2007 Texas reform, the state cut in-prison treatment programs to save money. It did the opposite.

The prison population began to rise almost immediately. In fact, those cuts were a significant factor in the projected increase of 17,700 inmates going into the 2007 session.

Instead, Texas experts say, focus on long-term gains rather than quick fixes.

"It's real simple," Texas Sen. John Whitmire says. "When you're tough, I'm just here to say be smart. Tough alone won't get you there. Look for policies that are cost effective and that improve public safety. A heavy dose of common sense. Don't be afraid of change."

Demand evidence-based strategies as opposed to ones that just sound good. Don't fund programs that don't work.

"Don't waste money on having a guy come back (to prison) two or three times," Whitmire says. "That frees up money to keep the bad guys locked up as long as you want. The policy you have is preventing the next crime It's the ultimate corrective plan."

Surround yourself with smart people.

It helps to be "more interested in facts," says Rep. Jerry Madden, the engineer. "Don't shower me with ideas ... I love ideas but give me facts."

Good data was one of the keys to reform in Texas, says Michele Deitch, a senior lecturer in the University of Texas at Austin's LBJ School of Public Affairs.

"Tony Fabelo had been working in Texas for 20 years and had tremendous credibility with legislators," says Deitch.

"It's so important to have good data," she says. "Then people coalesce around information rather than assumptions, myths and anecdotes. You look and see what the data shows. The data tells you where you need to focus."

"Good data also allows you to be bipartisan and make deliberative, informed decisions," says Deitch. "It breaks down a lot of the posturing."

There are experts who have those facts, including the Council of State Governments Justice Center where Tony Fabelo now serves as director of research, the Northpointe Institute for Public Management where the architect of Michigan's reforms, Dennis Schrantz, is senior policy analyst, and The Pew Center on the States.

What's more, Pennsylvania's Department of Corrections does "very good" data collection, says Ed Latessa at the University of Cincinnati.

"The research unit at PA DOC is very strong," he says.

But expert advice isn't enough.

Fabelo has already been to Pennsylvania — in 2007. When he presented his findings, few lawmakers even attended.

Legislative leaders must demand work from their colleagues.

"I made them work their butts off," Madden says of his committee. "We let everybody participate, we answered everybody's questions."

Look beyond the reform committee early — both Madden and Whitmire kept their appropriations committees in the loop and had allies there making sure money would be available for their programs.

Getting lawmakers from opposite parties to work together takes leadership.

"Some days, I wish I was on Natural Resources or Education. It is stressful," Whitmire says. "Part of the frustration comes from being so absolutely certain I'm right and not being able to get other people to go with me. You have to compromise. And some days it drives me nuts."

Bringing in both liberal and conservative think tanks was a key to bipartisan support in Texas.

"There were pieces of the puzzle that came from all sides," says Madden, "[plus] it provides important political cover ... if both think tanks support it."

Above all, the unlikely duo from Texas say: don't worry about appearing "soft on crime."

Madden, the Republican, faced a primary challenger after he led prison reform and was accused of being soft on crime.

"We should be spending [the public's] money wisely and making people safer," Madden says. "It's not just throwing money at problems. Most everybody realized what we were doing was not soft."

He won handily.

Whitmire, the Democrat, is the longest serving member of the Texas Senate. He's one of only three still in the Legislature who voted for the death penalty in the 1970s.

"Think [reform] through," he says. "Be smart. Act on it. And defend it."

© 2011 PennLive.com. All rights reserved.