

THE PHILADELPHIA PRISON SYSTEM

Prison Population Report and Recommendations to The Mayor Elect of Philadelphia Michael A. Nutter

by
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9 November 2007



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The mission of the Philadelphia Prison System is to provide a secure correctional environment that adequately detains persons accused or convicted of illegal acts; to provide programs, services, and supervision in a safe, lawful, clean, humane environment; and to prepare incarcerated persons for reentry into society in a frame of mind that will facilitate their becoming law abiding citizens.

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INTRODUCTION

The Problem

Philadelphia’s next Mayor faces significant challenges relating to crime and criminal justice. One of the greatest is jail crowding. There are, however, a number of strategies which can be undertaken (some already underway) to address this problem. This report sets out that plan. It acknowledges—as have major reports—that they City cannot build its way out of the jail crowding crisis and that strategic crime reduction operations and better criminal justice system management are needed.

Background

The Philadelphia Prisons System (PPS) is a large urban jail system. With nearly 36,000 admissions last fiscal year and an average daily population of over 9,000 inmates we are one of the nation’s largest. The PPS reached a record high of 9,258 inmates on 9 October 2007. A look at other large city/county jail systems in the U.S. reveals that Philadelphia has

	Population	Inmates	Citizens per Inmate
Cook County (Chicago)	5.3 million	9,800	540
Los Angeles County	9.9 million	21,000	471
New York City	8 million	14,000	571
Philadelphia County	1.4 million	9,100	153

one of the highest rates of incarceration:

Since 1991, the Prison’s budget has increased 173%. Between 2002 and 2006, the City’s revenues increased by an average of 5%, but the Prison’s budget grew by 7% (Fig. 13/pg. 19). The Prison’s budget is consuming an increasing proportion of the City’s budget, a point emphasized by the PICA Board in their recent review of the City’s five-year plan. The Prison’s population, and subsequently it’s budget, need to be contained, or other City departments will suffer.

Former New York City Prison Commissioner Michael Jacobson said it best in his book *Downsizing Prisons* when he indicated that a progressive stance on corrections is favored by Americans by 54% over the conservative ‘get tough’ position at 39%. The progressive argument that most Americans favor, which we at the PPS endorse is that:

“It’s time for a balanced, commonsense approach to crime. We need tough laws to hold people accountable for their actions, and we must prevent crime by dealing with the causes. Let’s require offenders to work and take basic education classes, so they can get jobs and become law abiding citizens when they’re released. We should place nonviolent drug offenders in mandatory treatment programs, and use prisons to keep violent criminals off the streets. And let’s invest in after-school programs, and teach personal responsi-

bility and moral values to young people, to prevent crime before it occurs.”

We also need to remember that, at some threshold level crowding violates the U.S. Constitution and presents significant legal liability for the City. In the worst case scenario, the Courts will fine the City and order releases of prisoners. I was lead counsel in both the Federal and state prison crowding cases for many years and general counsel for the PPS when the City settled over 30 years of court supervision in 2001. We have been managing on our own since then—and we want to keep it that way. In order to keep the City safe and at the same time reduce the Prison population, we need a progressive and intelligent plan, in following with the already articulated plan of the new administration.

There are examples of jurisdictions that tried to build their way out of overcrowding. I know of no examples where this has worked. We do know that in Idaho, Tennessee, Mississippi and most glaringly California, these efforts were a failure. After putting resources into building these facilities, crime increased because, in-part, attention and resources were relying too heavily on incarceration instead of more effective means of crime reduction; we should not expect Philadelphia to be an exception. At the same time, New York City, the State of New York, San Diego County, the City of Boston, the Commonwealth of Massachusetts, Connecticut, Maryland, Texas and Delaware all have seen decreases in the prison population and a decrease in crime. These jurisdictions are not anecdotal examples; they represent specific instances of how incarceration should, and should not, be the driving crime reduction strategy.

Where we are

Currently, the inmate population will level off at around 9,000 inmates until spring 2008. At that time, the population will begin to rise from a higher base than last year. *Without immediate, comprehensive action, it is extremely likely we will be sued in the summer—and will increase the risk to the life and safety of inmates and employees in the system.* It is important to keep in mind that crowding is not solely about inmates; the safety and security of 2,300 City employees are at risk.

Where to go

This report sets out recommended strategies for better managing the prison population. These are based on:

- Other jurisdictions' successful efforts;
- Empirical evidence;
- Published best practices.
- Historical experience in the City of Philadelphia and expert knowledge of staff
- Studies Commissioned by the PPS

This report is not a comprehensive solution. It is a blueprint for change that no doubt will be modified as we gain further knowledge and experience. It is only continuous efforts—and the monitoring of those efforts—that will allow this City to be able to cope with the large flow of inmates into the Philadelphia Prison System.

EXECUTIVE SUMMARY

KEY POINTS

- Trying to build more prisons to keep pace with crime and crowding will not work.
- The prison is 62% past design capacity.
- The operation of the Courts, Police, Probation and Parole all affect the Prison's population.
- An inmate's length of stay (LOS) is the most significant contributor to the current crowding.
- The Philadelphia Prison System has no discretion on how many inmates are sent to its jurisdiction or when they leave.
- Any strategy that addresses crowding must first take into account reducing the current crowding **and** mitigate or eliminate the 3-4% annual growth.

KEY ELEMENTS

- Understanding the problem in context.
- Deputy Mayor for Criminal Justice System Management (CJSM).
- Public Safety Cabinet with the PPS as a Member.
- Formal Criminal Justice Advisory Board with staff (CJAB).
- AXIOM Information System.
- Reentry Inside & Outside the Walls with Centralized Control in the PPS.
- Employees and Procedural Functions of the Current Deputy Managing Director for Criminal Justice Population Management under Supervision of the PPS.

INITIATIVES IN PROGRESS

- Day Reporting.
- Encouraging First Judicial District Efforts to Consolidate Cases on Multiple Hold Defendants.
- Mental Health Diversion Alternatives/Mental Health Court.
- Support and Propose Legislation.

POPULATION TRENDS

The Philadelphia Prison System is at a crisis point in its history. On 9 October 2007, at 9,258 inmates, our population was at its highest level in our 320 year history. As things stand now, we do not expect the population to return to the intended in-house Prison design capacity of 6,150 beds or cease the need to lease space from third parties.

The PPS is 62% past its design capacity. The following chart (Fig. 1) demon-

Fig. 1	Facility	Design Capacity	PPS Population on 9 October 2007	% of Design Capacity Exceeded
	Alternative and Special Detention	192	272	42%
	Curran-Fromhold Correctional Facility	2016	2930	45%
	Detention Center	792	1351	71%
	House of Corrections	1280	1628	27%
	Philadelphia Industrial Correctional Center	650	1101	69%
	Riverside Correctional Facility	768	861	12%
	MOD III	100	93	-7%
	CCC	NA	239	NA
	Cannery	0	121	100%
	Holmesburg Gym	0	80	100%
	600 University Avenue Liberty Management	192	175	-8%
	2815 N. 17th Street Liberty Management	160	225	41%
	Lehigh Avenue	120	90	-25%
	State DOC	NA	90	NA
	Monmouth County	NA	132	NA
	Lehigh County	NA	26	NA

strates this situation by facility.

Despite all investments in adding capacity, such as the opening of Curran Fromhold Correctional Facility (CFCF) and Riverside Correction Facility (RCF), the City has not been able to get ahead of the inmate population growth. For example, since 2004 the PPS increased operational capacity by about 1,800 beds. (Fig.

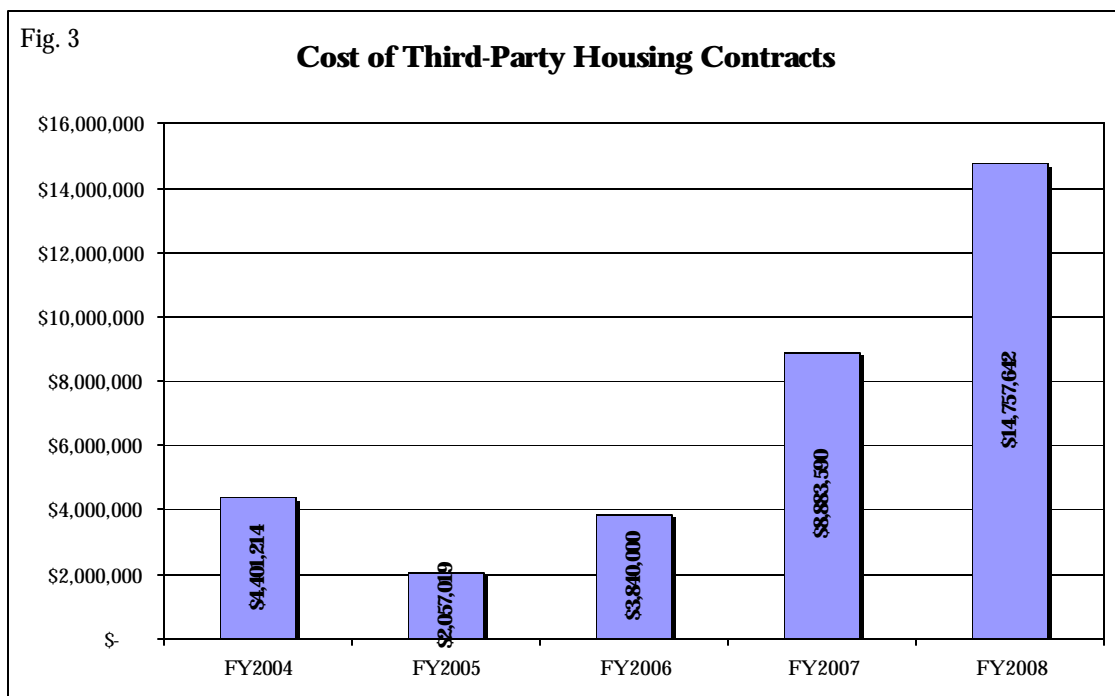
2 shows the number of beds per facility.)

In order to return City owned facilities to original design capacity, we would need a new prison to house over 2,800 inmates based on the population on 9 October 2007.

Any long-term plan must also keep up with what we expect, based on past trends, to be a 3 to 4% growth rate in the inmate population using current census

Fig. 2

NUMBER OF BEDS ADDED TO THE PPS SINCE 2004	
Facility	Max Number of Beds Added
RCF	768
I-Dorm	60
Holmesburg Gym	80
Triple Cells—CFCF	302
Triple Cells—RCF	102
Triple Cells—HOC	276
Lehigh Ave	120
Monmouth County	150
Lehigh County	32
Total	1890



data. At a 3 to 4% growth rate, by 2017 the City will need a total of 13,000 beds in its Prison System without addressing the *current* overcrowding problem at all. As an alternative, leasing bed space to keep up with the 3 to 4% growth rate has its own challenges, not the least of which would be the millions of dollars spent in procuring these contracts. (Fig. 3 is presented for a year by year breakdown of leasing costs). Leasing has other obstacles, such as the lack of availability of local beds; many other jurisdictions are facing their own population problems; and the lack of long term assurances that the needed space will be available.

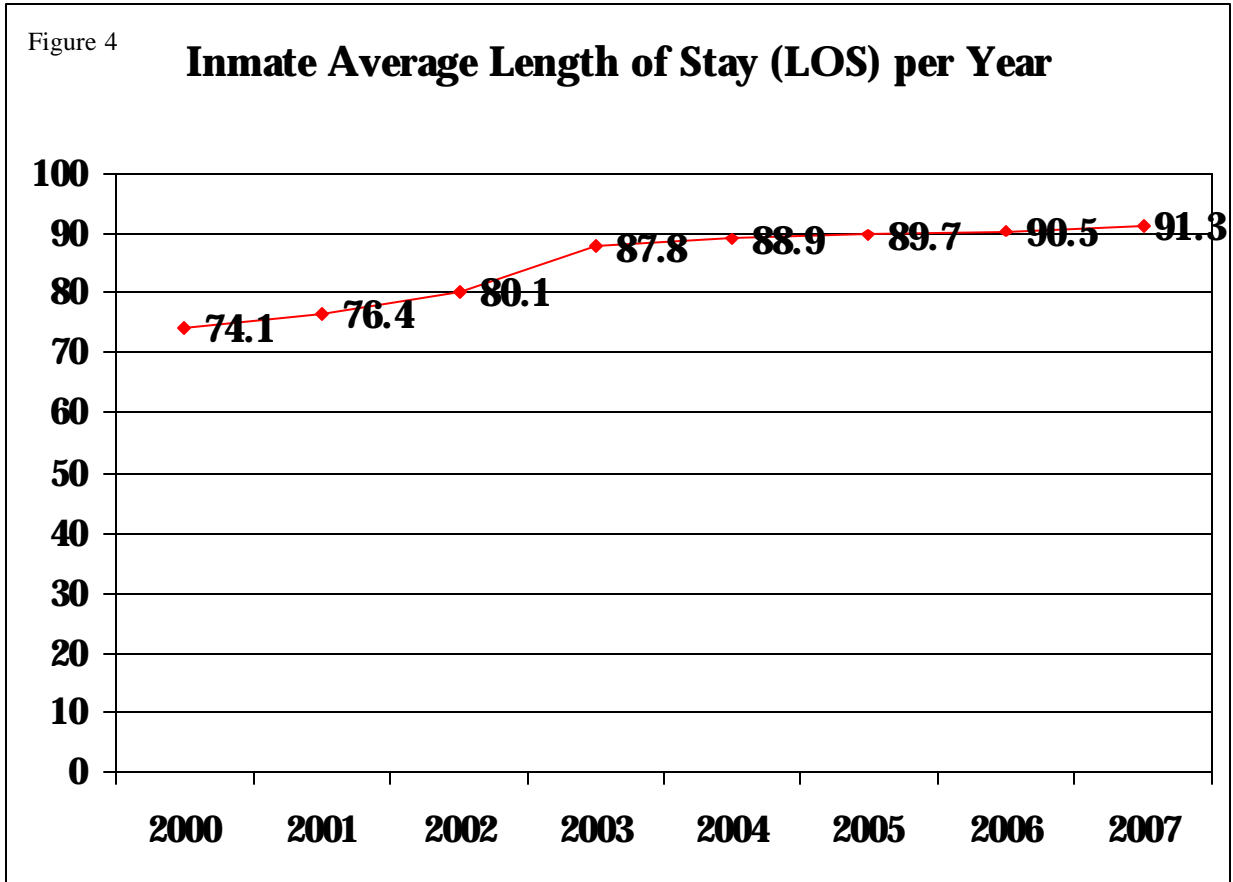
Even if the City could keep up with the growth rate by increasing the Prison's physical capacity, it would not be a worthwhile investment; ten years from now the City would be in the exact same place that it is in today. In addition, it is well known that building more jails and prisons does not result in a decrease in crime.¹ There are however, numerous examples of jurisdictions where a decrease in the prison population preceded a decrease in crime. These include, but are not limited to, New York City, New York State, San Diego County, the City of Boston, the Commonwealth of Massachusetts, Maryland, Texas and Delaware. We cannot build our way out of a prison population crisis or citywide crime problem.

There is no one single reason that the Prison's population is in a state of crisis— there are many reasons. Through rigorous examination of population trends and our current census, we have identified key factors that are the primary causes of the prison population expansion. These are as follows:

- Increased length of stay for inmates (Figs. 4 & 5)
- Increased admissions and decreased discharges (Fig. 6)
- Increased percentage of arrestees sent from the Philadelphia Police Department to the PPS (Fig.7)
- Increased rate of defendants with multiple holds, pretrial detainers, bail related holds, and bench warrants (Fig. 8)
- Defendants not paying bail. (Fig. 9)
- Increased use of confinement for seriously mentally ill defendants (Fig. 10)
- The use of detention has appeared to have increased proportionately as an outcome of the preliminary arraignment stage, while the “riskiness” of the entering caseload has not worsened empirically (Fig. 11)
- Increased caseload in the Municipal and Common Pleas Courts, without

¹Recent research conducted by the Vera Institute of Justice in NYC, as well as others, shows that incarceration does not equal crime reduction.

Population Expansion Factors



The Length of Stay (LOS) for inmates has been increasing. In years past, the LOS was as low as 74 days; now it is about 91 days.

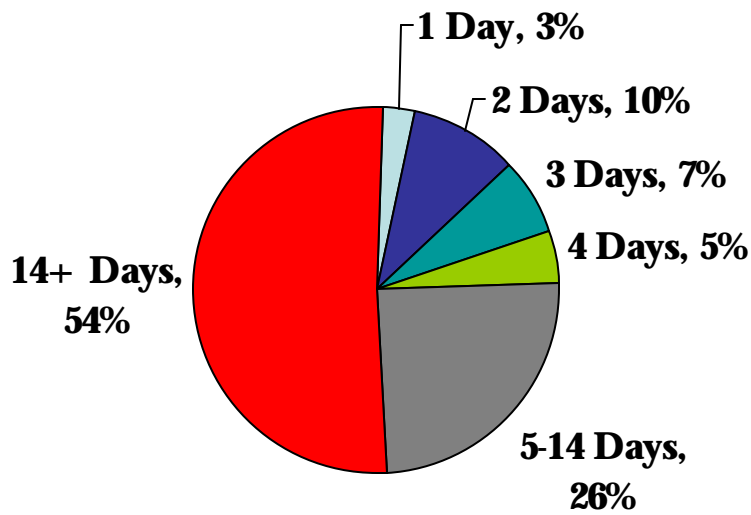
If 36,000 admissions stay 74 days, the average daily population at the Prison will be 7299 inmates. However, if 36,000 inmates stay 91 days, as is presently the case, the average daily population at the Prison will be 8975 inmates. This shows the powerful impact of the increased LOS.

By way of comparison, Maricopa County (Phoenix, AZ) has an average LOS of 26.8 days.

Population Expansion Factors

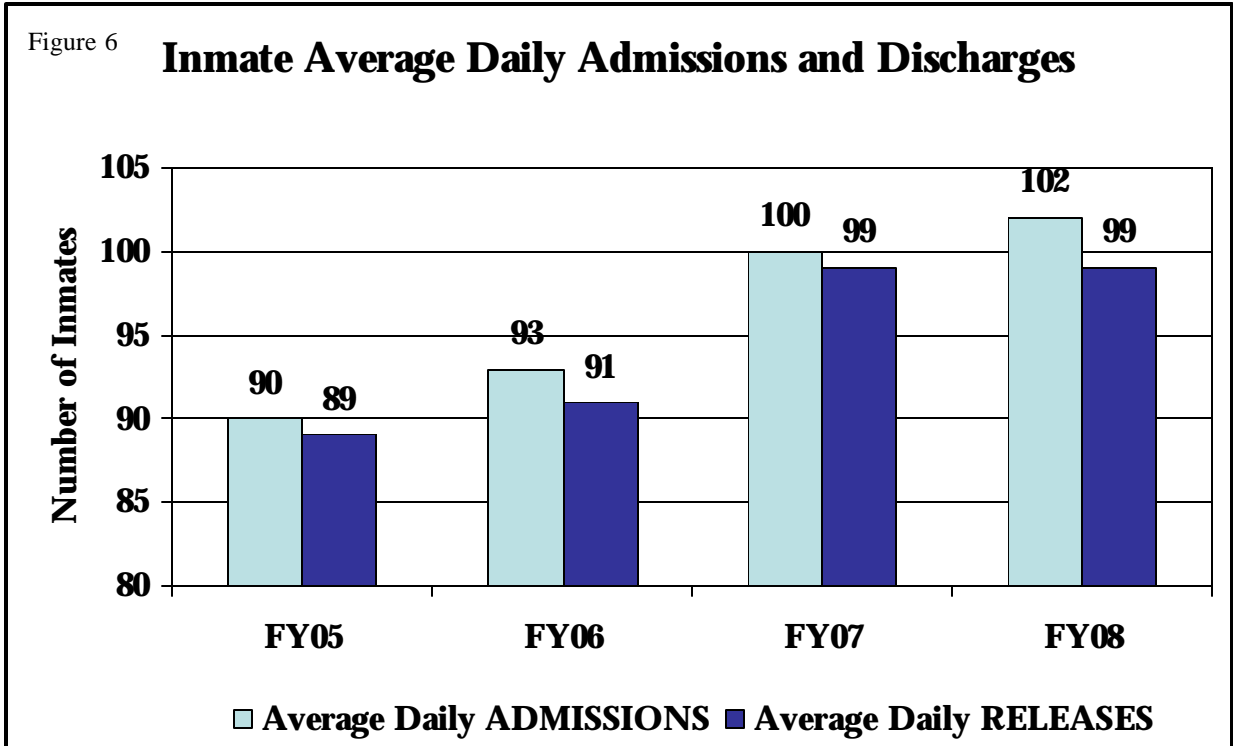
Figure 5

Inmate Length of Stay Range



The PPS admits and discharges 46% of its annual admissions in under two weeks. The PPS relies on short stays in order for bed space to become free for new inmate admissions. However, with an increasing length of stay this becomes a burden on the population as bed turnover is slower, effectively reducing the number of beds available for new admissions.

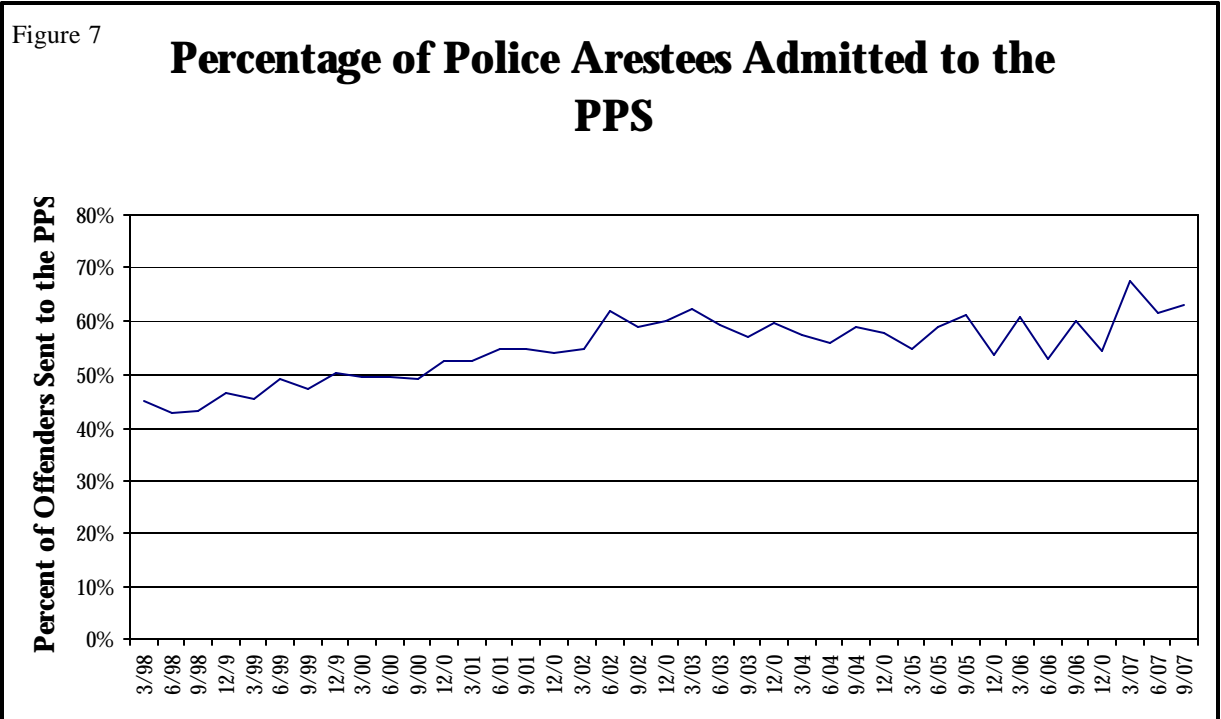
Population Expansion Factors



The PPS has experienced a 14.4% increase in inmate admissions since FY2005. In FY2005, the PPS admitted 90 inmates on an average day, while it discharged 89, a difference of one. However, in the current fiscal year, FY08, the PPS has been admitting an average per day of 102 inmates but discharging only 99, a difference of three. We are admitting more inmates but discharging fewer, and as we saw from Fig. 5 those that are staying are staying longer.

Three additional admissions does not sound like a lot, but over the course of one year that amounts to an increase of 1,095 inmates.

Population Expansion Factors

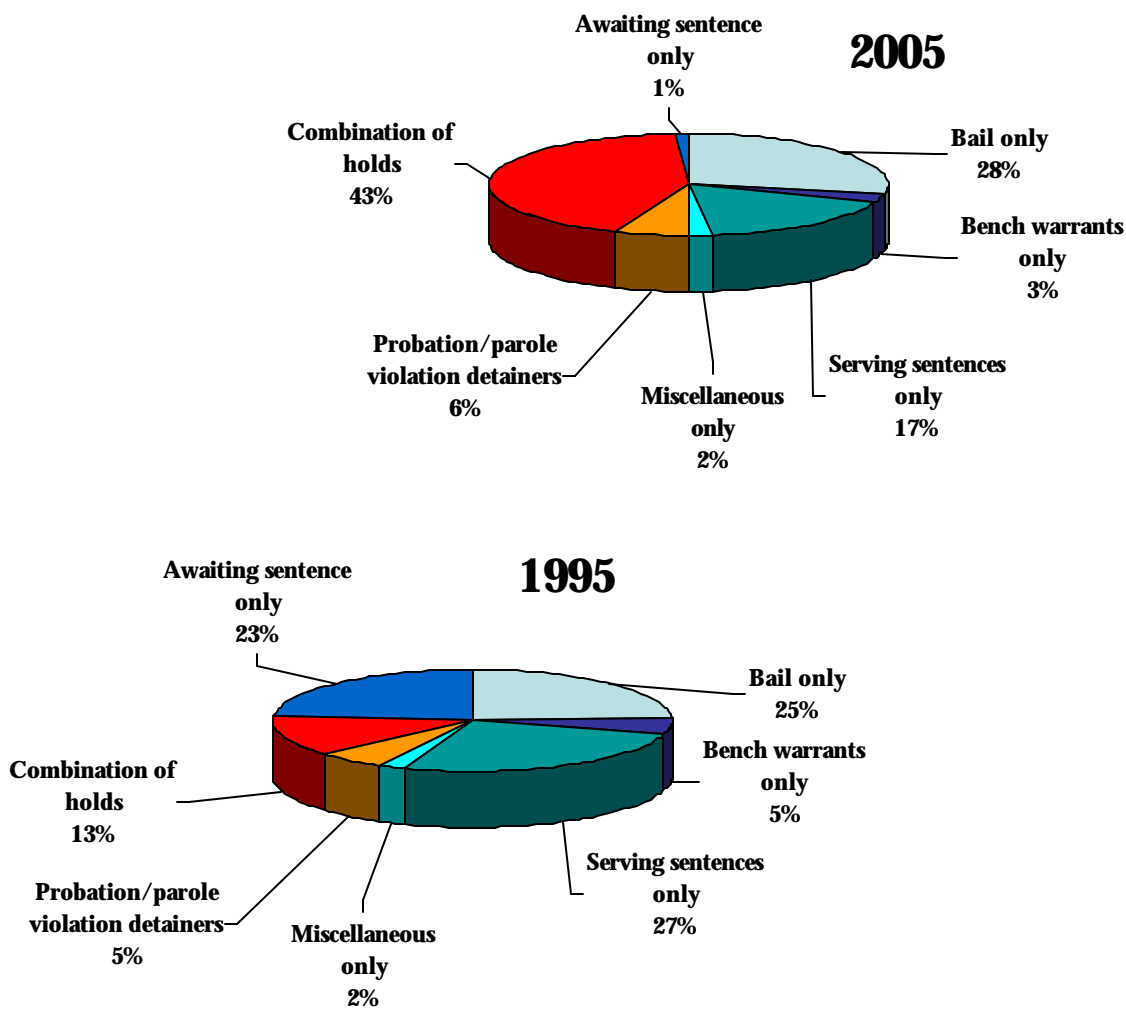


The Philadelphia Police Department's activities also influence the PPS population. The PPS has been admitting more inmates per PPD arrest over the years. This has contributed to an increased PPS population. The increase admissions range has fluctuated 25%, and at present is about 17% higher than in 1998.

Population Expansion Factors

Figure 8

Percent of Total Population Confined by “Hold” Type



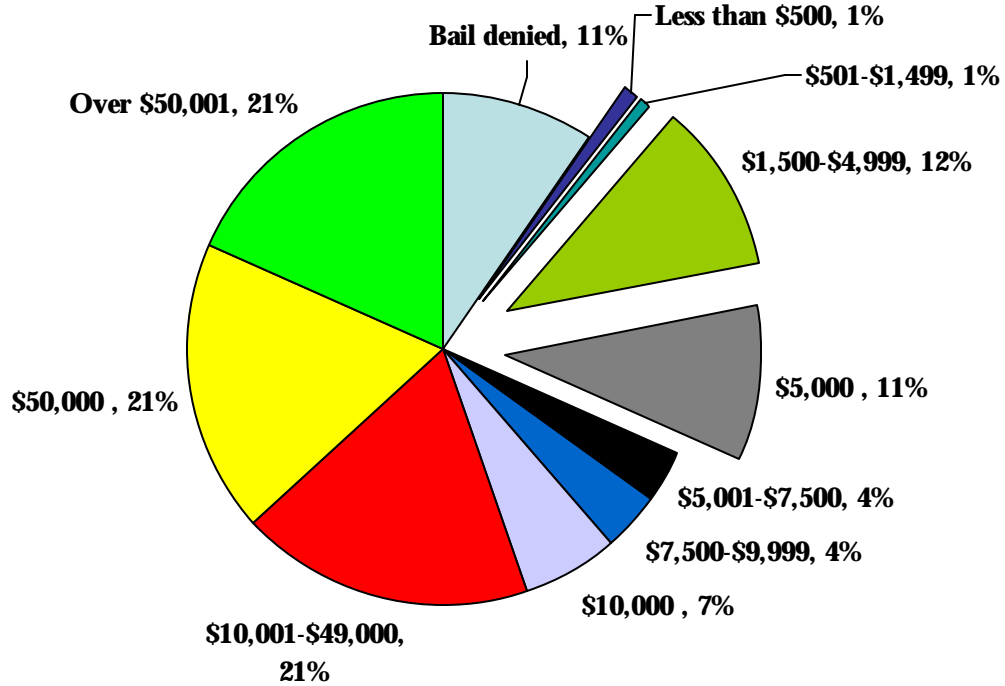
Over the years, the number of inmates with combined holds grew from 13% to 43% leading to an increased LOS. These are inmates who have been reincarcerated for any number of reasons. This is a significant factor in the increased population. Inmates with “combined holds” have more than one legal hold from more than one judge; each hold must be resolved by each ordering judge. For 72% of inmates, if s/he posts his or her bail, s/he still may not be released from the PPS due to

Population Expansion Factors

Figure 9

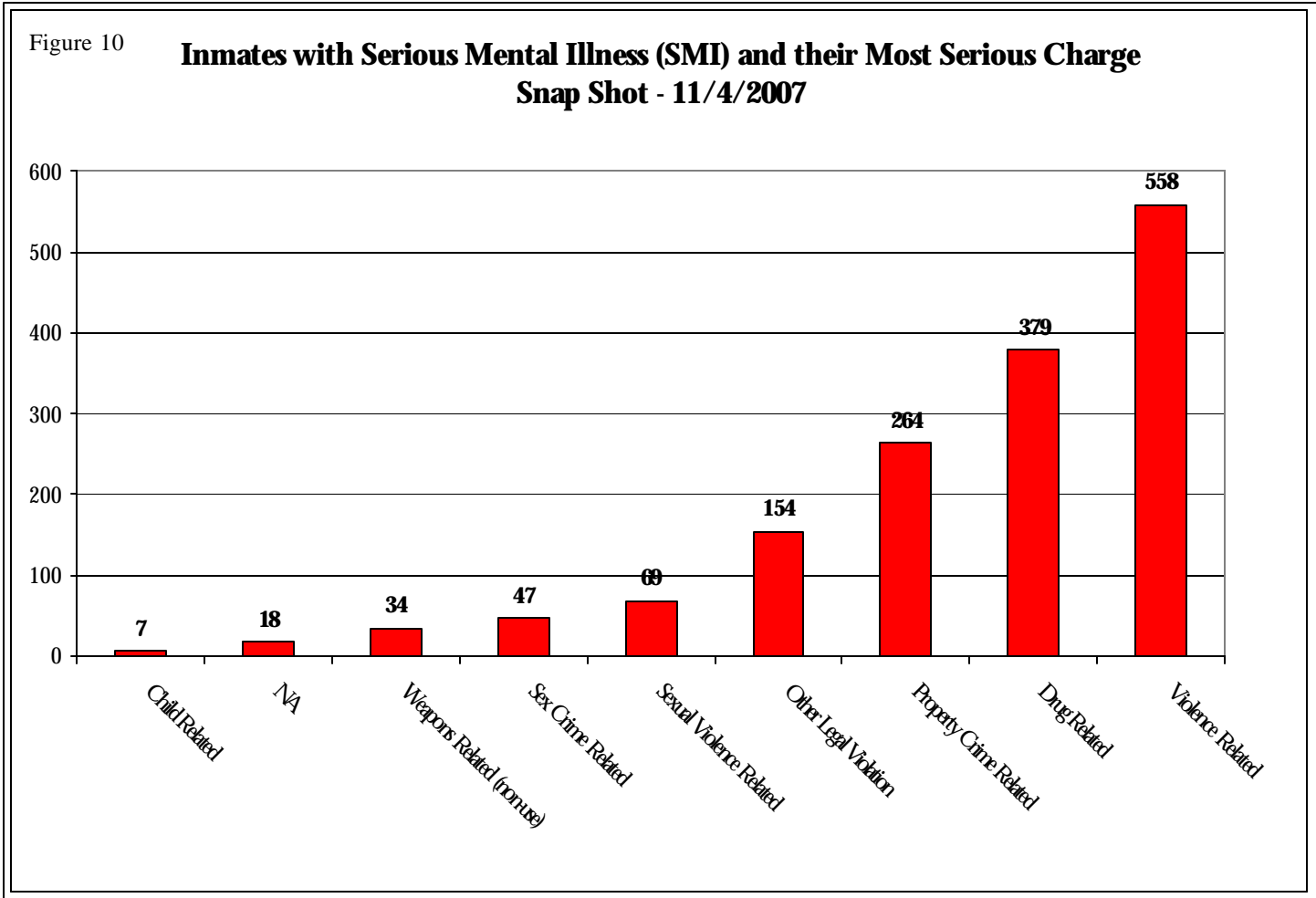
Bail Amounts of Defendants Detained

(In Philadelphia, a defendant need only post 10% of bail imposed)



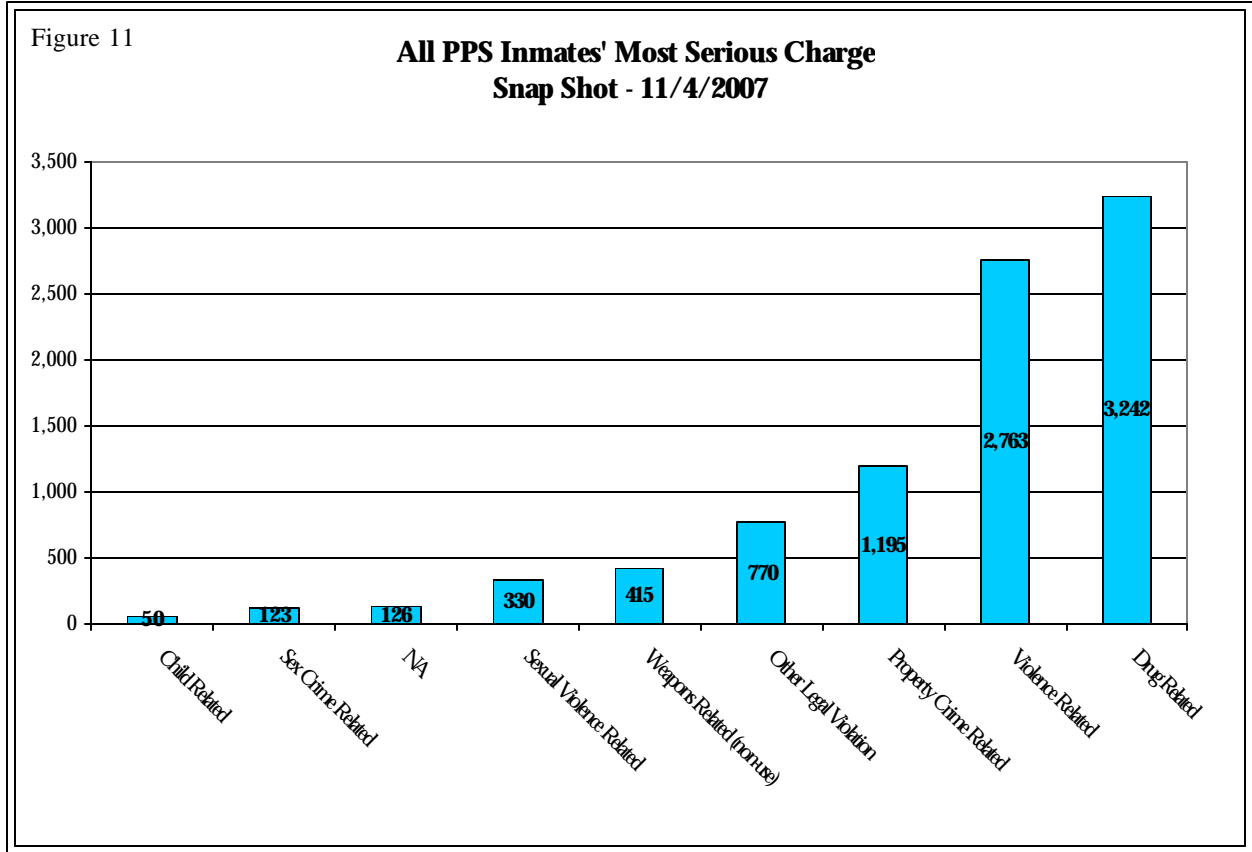
Of the 28% of inmates who may post bail and be released, approximately 25% have an “actual bail” of \$510 or less (Goldkamp). The empirical literature demonstrates there is no relationship between a bail payment and crime during release. Despite the number of inmates with a bail, many cannot be released due to other legal holds. One must look at this chart in the context of

Population Expansion Factors



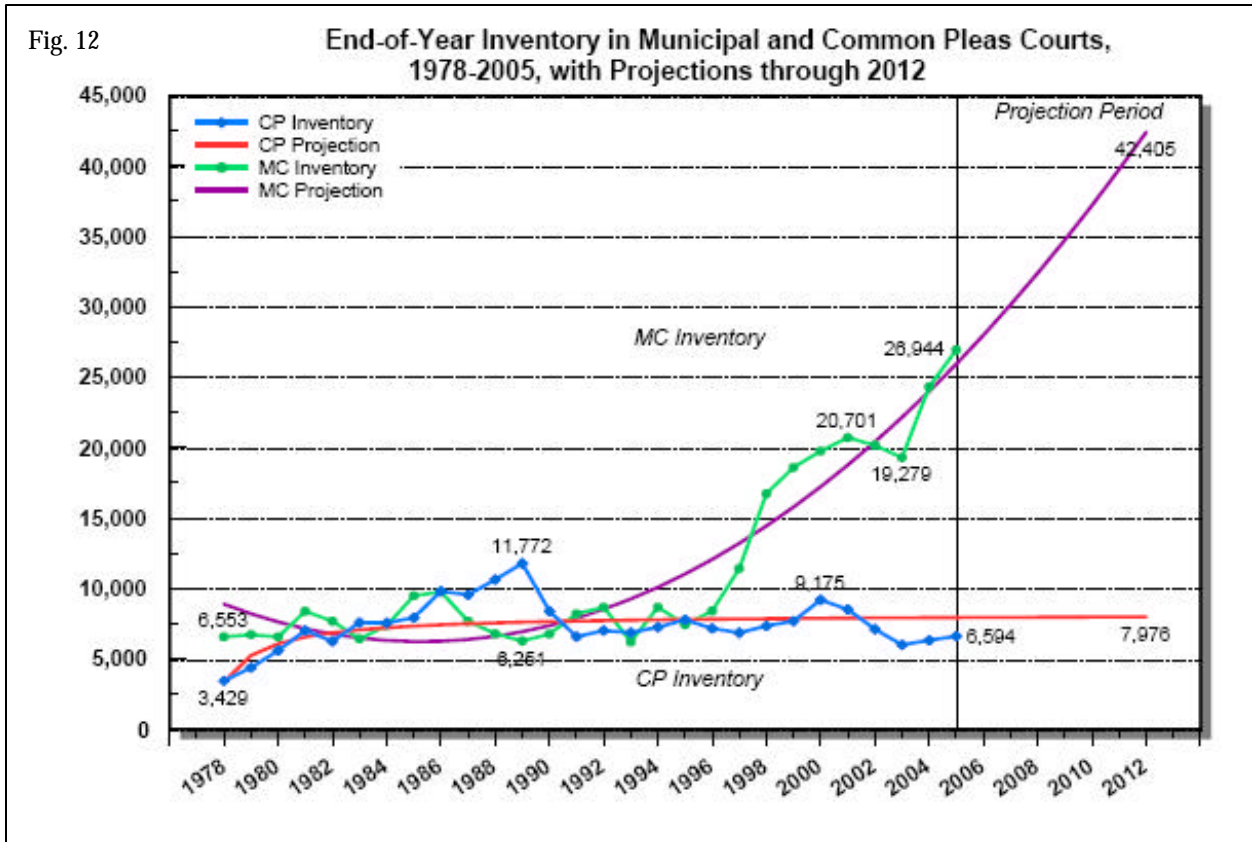
The Philadelphia Prison System is in effect one of the largest mental health direct care providers in Pennsylvania. Of the 1,530 inmates in the PPS on 4 November 2007 with mental health issues, 797 (56%) were in-

Population Expansion Factors



The above figure shows that of the 61% of the 9,014 inmates who were in PPS custody on 4 November 2007 were incarcerated for relatively low risk charges, and 39% were incarcerated on the most serious charges of violence and/or sexual violence.

Population Expansion Factors



Above, we can see that Municipal Court's inventory of cases has increased and is projected to dramatically increase in the coming years. This places a strain on the PPS population since there are, and will be in the future, increasing numbers of undisposed cases and the inmates are being held at

Population Expansion Factors

Fig. 13

Note: Includes fringe benefits

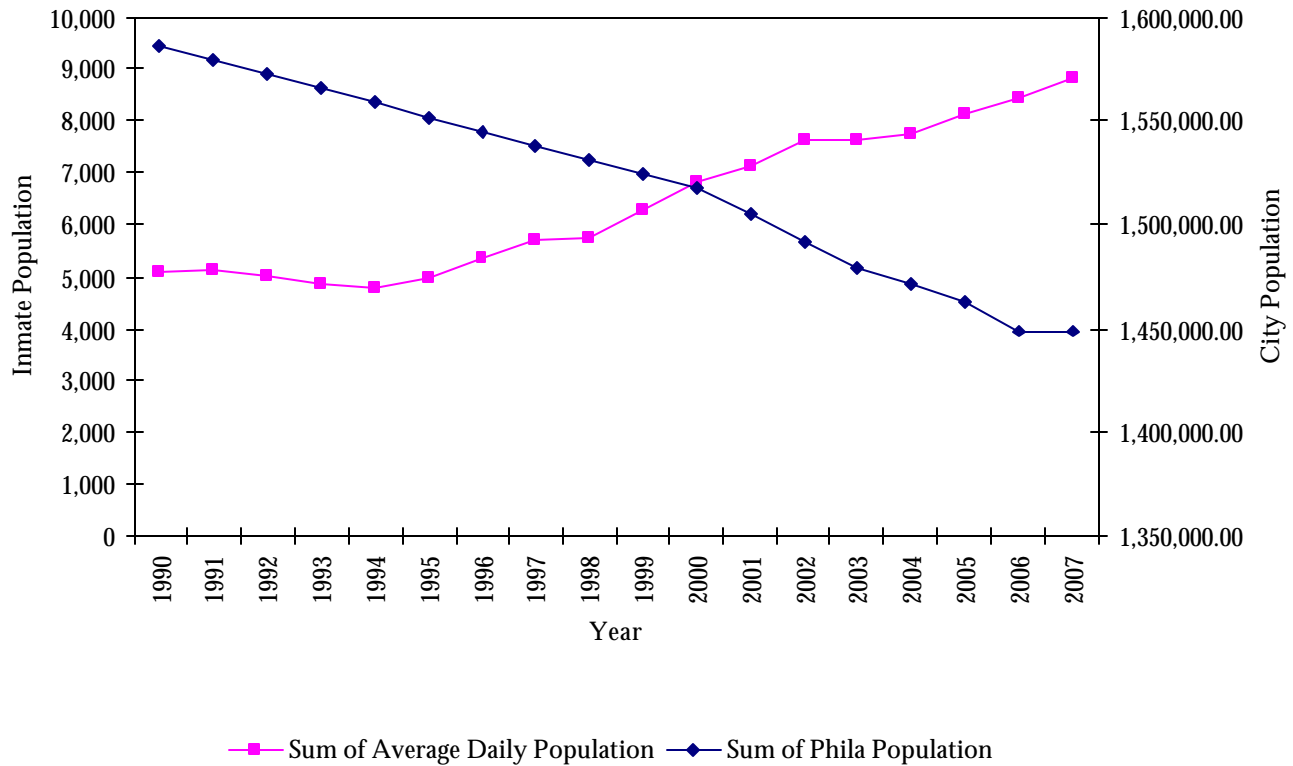
City Revenue Growth and Prison Expenditure Growth				
Year	City Revenue	Percent Change	Expenditure on PPS	Percent Change
2002	\$4,357,800,000		\$194,800,000	
2003	\$4,660,400,000	7%	\$214,300,000	10%
2004	\$4,599,800,000	-1%	\$224,500,000	5%
2005	\$5,059,100,000	10%	\$241,300,000	7%
2006	\$5,301,500,000	5%	\$256,600,000	6%
	Average Percent Change	5%	Average Percent Change	7%

Fig. 13 above, shows that increased expenditures on the Prison are outpacing the increasing City revenues. Logically, they should grow together, but the increase in the inmate population has led to

Population Expansion Factors

Fig. 14

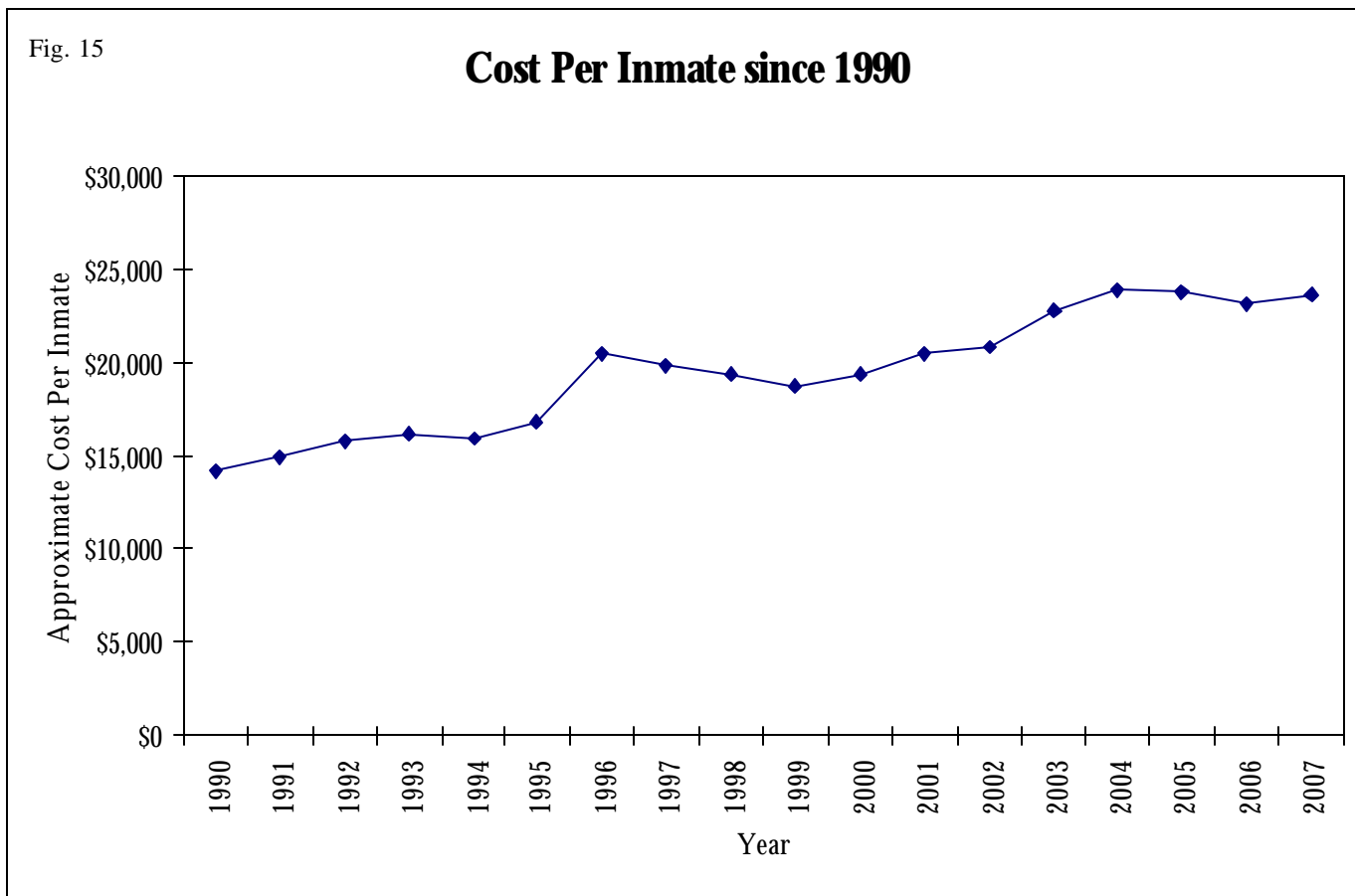
City Population v. Prison Population



The figure above shows that an increase in the PPS population is not explained by any increase in the City’s population; there was a decrease in the City’s population. Increasingly relying on incarceration undermines a City’s long-term economic and social prosperity. Incarceration costs more than prevention. Incapacitation does not change criminogenic behaviors, and citizens with a

² Research on the matter can be found by Jeremy Travis, Michael Tonry, Todd Clear, Lawrence Sherman, and Michael Jacobson (see “Works Cited” a the end of this report for a complete listing of publications)

Population Expansion Factors



The figure above examines the cost per inmate of the figure to the left. This analysis reveals that since 1990, the cost per inmate has increased by 66%.

POPULATION CONTROL INITIATIVES

Every part of the City's criminal justice system affects the other. However, the PPS is the only criminal justice partner that cannot ignore or send its clients elsewhere. We are the only partner who has no control over who comes within our authority, and no ability to divert or release clients. Police, Probation and Parole, and the Courts have these options. They can all use the PPS as a last resort. Of course, there are often forgotten limits to the operational capacity of the PPS.

The PPS believes that the following observations and conclusions, if implemented, serve as a strong foundation/blueprint to implement lasting change in the criminal justice system, and reduce the prison population without decreasing public safety.

KEY ELEMENTS

I: UNDERSTANDING THE PROBLEM IN CONTEXT

The most important thing to understand as we attempt to control the prison population is that criminal justice is a process and what one arm of the system does always affects some other actor in the system. For example, if the Police Department's crime fighting strategy leads to increased admissions at the Prison System—even if it is only an average of one per day—it will create the need for additional bed space. It also affects other criminal justice partners. The District Attorney and the Probation Department will need additional staff to handle the increased caseload generated by the Police Department's crime strategy; and the Courts will also have to dedicate more resources to efficiently run courtrooms to dispose of the influx of cases. Traditionally in the United States, governments have focused mainly on the police strategy and have failed to adequately plan and dedicate resources to the ripple effects in the criminal justice system as a result of policing strategy. This can explain some of the overcrowding in the prisons as well as the resource challenges faced by the Adult Probation and Parole Department and the Court system.

Secondly, more effective strategies in reducing crime should aim to

prevent crime before it becomes part of a sub-culture of society. Improving the socioeconomic condition of the City and improving the police community-partnership are very important in preventing crime before the cycle begins and decreasing crime once it has started.

It also needs to be understood that the PPS, despite its name, is a county jail (a detention center). Sixty percent of the inmates are pre-trial detainees, with 46% of the admissions detained 14 days or less. The remaining 40% of the inmate population is serving sentences of two years or less. Thus, it is critically important to understand that the length of stay (LOS) is the key indicator that needs to be reduced to reduce the inmate population. In other words, the longer it takes for the Court system to resolve a pretrial detainee's criminal matter, the higher the prison population will go. The increase of inmates with multiple holds that need to be resolved by several different judges compounds the problem.

Last, and most important, the PPS inmate population increases are seasonal. As mentioned elsewhere in this report, we generally see the population begin to rise in the early to late spring, peaking in the early to late fall. In this context, each annual cycle begins at a higher point than the previous cycle. Therefore, it is critical from the Prison's point of view to implement significant population reductions that will have an effect prior to the late spring or early summer. There is no time for delay!

II: DEPUTY MAYOR FOR CRIMINAL JUSTICE SYSTEMS MANAGEMENT (CJSM)

The City lacks a high level position in the Administration to coordinate population management. With as many as 3,000 inmates currently triple celled, and the Prison System operating at 62% past capacity, and the likelihood of new litigation concerning prison population, and the complexity of solving the problem, a Deputy Mayor needs to be immediately assigned to design, coordinate and institutionalize changes in the criminal justice system. All those involved must understand that this Deputy Mayor has the Mayor's ear and the weight of the City's budgetary authority behind his or her office.

Additionally, solving this problem will involve persuading, cajoling and coordinating all three branches of government, most especially, independent elected officials such as the District Attorney and the various

president and administrative judges of the First Judicial District and Municipal Court. This individual will also have to be able to do the same with the private criminal bar and the Public Defender's Office. Any candidate will have to have extensive knowledge of the criminal justice system and have the stature to command respect among these groups and individuals.

Experience over the past five years has shown that city solicitors and managing directors have had no criminal justice experience and/or have too much responsibility in City government to effectively address these issues. In the past, this job was also partially vested in a Deputy Managing Director for criminal justice population management. The late great Dianne Granlund held this position for many years and did an excellent job. However, her ability to create systemic change was hampered by a lack of direct access and authority from the Mayor. She was a member of the Criminal Justice Coordinating Committee but never served as its chair. Additionally, we have advanced in our information gathering and the complexity and number of issues to be addressed since she held this position. The position of the Deputy Mayor of CJSM must be a full time position to effectively address these issues. Anything less will likely not result in the same level of success than what the Prison is proposing.

The person in the position would not be responsible for managing any City department, but rather would be the Mayor's point person for criminal justice planning and overall criminal justice system coordination.

III: PUBLIC SAFETY CABINET WITH THE PPS AS A MEMBER

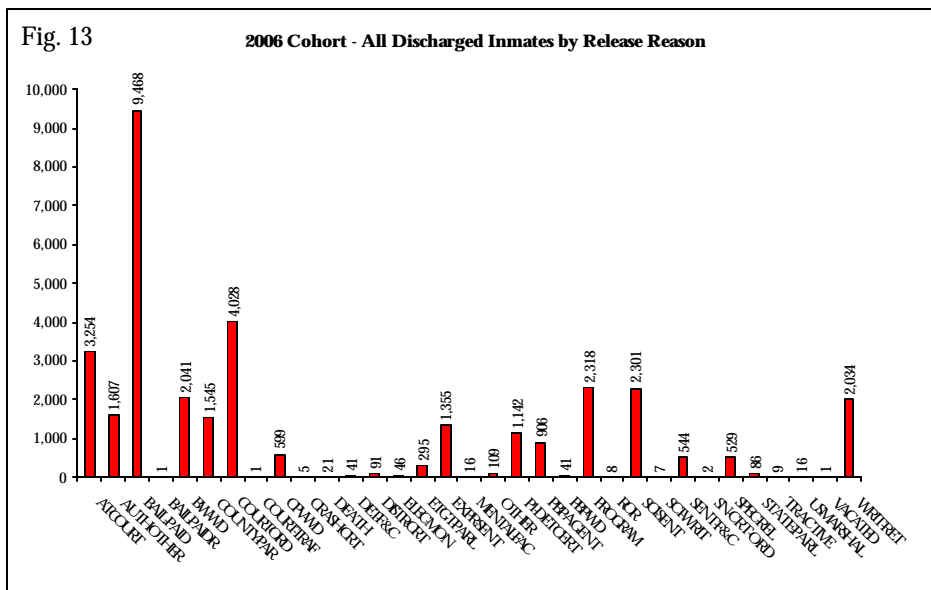
It is noteworthy that the new administration will create a "Public Safety Cabinet." The Prison System, respectfully, requests that it be represented in the public safety cabinet. When the Prison is left out of the planning for public safety and crime reduction, strategies emerge that lead to unintended consequences in this City department. Governments generally forget about offenders once they are deposited into the prisons. Our greatest contribution, other than rendering advice and information on the composition and size of the inmate population, is to lend our expertise on drug treatment, anger management, job training, mental health and the various other issues facing our inmate population and what we are doing to address these issues while the prisoners are behind the walls. Also, since the Prison is in the process of evaluating, restructuring and creating re-

search based tracking systems based on the Urban Institute Report (Instituting Lasting Reforms for Prisoner Reentry in Philadelphia) and our own internal analysis, it would seem essential that the PPS be a direct part of the discussion and planning on crime and violence reduction in the City.

IV: FORMAL CRIMINAL JUSTICE ADVISORY BOARD WITH STAFF (CJAB)

Aside from lacking a high level position in the administration to coordinate population reduction, the greatest weakness in the City’s approach to this issue thus far has been a Criminal Justice Coordinating Committee with no staff, no by-laws, and ineffective forward momentum. The group is a success in the sense that it has met regularly for five or six years, and, for the most part, all the major players or their deputies attend the meetings and are committed to change.

Recognizing this, the PPS and the Judicial Branch agree that we should create a Commonwealth sanctioned criminal justice advisory board (CJAB). CJABs exist in almost all of the other counties in Pennsylvania and must meet certain minimal requirements established by the Pennsylvania Commission on Crime and Delinquency (PCCD). Once these criteria are met,



PCCD will release funds to assist the City in staffing and more formally structuring its CJAB. PCCD also currently has funds available to assist in mental health alternatives and, from time to time, releases funds for criminal justice initiatives. It will only

Above, is an example of an AXIOM product. This figure details the total number of discharged inmates in 2006 by release reason. From this we are able to identify where we need to speed operations to decrease inmate

³ While we are emphasizing the importance of AXIOM for population and recidivism tracking and monitoring, it will also be used to make all areas of prison operations more efficient.

release these funds to counties with an approved CJAB.

Prison and court officials have met with representatives of PCCD to discuss this process, and the PPS has drafted and forwarded to the Honorable Renee Cardwell Hughes documents to begin this process. It is recommended that the mayor take the lead on structuring and reconstituting the CJCC into a formal CJAB with the new Deputy Mayor as chairman or co-chairman. In this way, the City will be able to more effectively control the agenda of the Committee.

V: AXIOM INFORMATION SYSTEM

The Prison System has begun to utilize its new AXIOM information system. Prior to the creation of this data warehouse, in order to track, analyze and study the inmate population, a complicated computer program had to be created so that information could be pulled from the inmate management system, Lock and Track, which is old and employs outdated technology. This antiquated method did not allow the type of flexibility needed to study population trends and help us to identify efficiencies in the system or viable alternatives to incarceration.³

In order to identify alternatives and see trends in real time to manage the population, and to be able to efficiently track recidivism generally and by program, the continued development of this system needs to be expedited. For example, Fig. 13. shows how the AXIOM system is now being used to begin regular reporting on system performance measures and dissect the information to give us length of stay for each area and some sort of indication of the factors we can address to reduce the length of stay in each category.

VI: REENTRY INSIDE & OUTSIDE THE WALLS WITH CENTRALIZED CONTROL IN THE PPS

The Philadelphia Prison System has a recidivism rate that is well below the national average, which will be demonstrated in the soon to be released findings of the PPS Commission on Treatment and Reentry. The Commission, by reviewing the many treatment and reentry programs at the PPS, is finding that our efforts are evidence-based and supported by

⁴ Reentry research and best practices find that Prisons should direct reentry efforts, see Todd Clear in Chapter 7 in *Prisoner Reentry and Crime in America, But They All Come Back; Facing the Challenges of Prisoner Reentry*, by Jeremy Travis; *Evidence-Based Crime Prevention* by Lawrence Sherman; and *What Works in Corrections* by

best practices. However, due to resource limitations, not all inmates are able to sufficiently participate in treatment programs as much as their individual needs dictate. Additionally, reentry services and the community need to be better organized, analyzed and tracked.

Right now, while the City has very good intentions and has tried in earnest to improve the reentry process for ex-offenders, the effort has been too disjointed, unorganized and allowed too much competition for the same limited resources, and for the same inmates. The success of the OPTIONS/FIR model and the approach outlined by the Urban Institute 2005 report on reentry in Philadelphia, combines reentry within the Prison's walls with community based programs coordinated by the Prisons. Recently, reentry efforts have been fractured between two agencies. The PPS has jail/community contractual partnerships that assist prisoners after release. The Mayor's Office of Reentry (M.O.R.E.) handles some of the inmates discharged from the PPS. This situation violates correctional best practices and creates unnecessary bureaucracies and ill advised planning and waste of budgetary resources.

Excluding those inmates under the supervision of the First Judicial District Adult Probation and Parole Department or State Parole, reentry in the City should be coordinated, organized, and directed by the PPS. The reasons for this are as follows:

- Research shows that reentry efforts should be centralized under the direction of the Prison.⁴
- The PPS also has the professional knowledge and professional employees to carry out this function.
- With CORESTAR and AXIOM, we have the analytical capabilities, database, and staff in place to analyze the effectiveness of our reentry efforts.
- We have completed, and continue to pursue comprehensive prison planning and recidivism reducing strategy studies (such as the Urban Institute in 2005, Goldkamp in 2006, The PPS Commission on Treatment and Reentry in 2007 and a comprehensive examination of recidivism in Philadelphia.) We are using this data to retool our programs and to help shape community based reentry programs.

- No matter where the responsibility rests, public perception blames the Prison for recidivism and, therefore, we should have the main responsibility to decrease it.
- Within the Executive Branch of government, the PPS is the department charged with this function for inmates in our custody, and is the City department best positioned (and with the most at stake) that has the expertise in this area as it relates to adult offenders.
- As recognized by Councilman Goode, in order to ensure the cooperation of the Pennsylvania State Department of Corrections, and the Federal Bureau of Prisons in effectively planning for Philadelphia prisoners returning from those systems, the City should utilize the professional relationships and connections between our City's correctional system and those of other jurisdictions.
- We have a strong history of success in reentry programs, inside and outside the Prison's walls, for targeted populations: OPTIONS, JOBS Project, Pennsylvania Horticultural Society partnership, Mural Arts partnership, Probation and Parole partnership, Frankford Redirection Center creation, Mother's In-Charge, as well as our partnerships with issue specific community support groups.

The appendices at the end of this report further examine the relationship between the PPS and crime in Philadelphia, and the PPS's role in reducing recidivism in Philadelphia.

VII. CURRENT OFFICE OF CRIMINAL JUSTICE POPULATION MANAGEMENT (CJPM) CONSOLIDATED INTO THE PPS

Since the death of Dianne Granlund, the City's Office of Criminal Justice Population Management is but a shadow of its former self. At present, it performs three functions: 1) detainer certifications; 2) special releases; and 3) management of the writ population in the PPS.

When an inmate is incarcerated on a violation of probation or another matter that generates a legal hold (detainer) and there is no action take on the matter within 30 days, the defendant's case is submitted to the CJPM office for certification and possible release of the defendant after presentation to a trial commissioner. Special releases are inmates charged with minor offenses who, after being researched by PPS staff, are presented to the Courts for possible release on a Sign on Bond.

Writs are inmates who are brought in from another jurisdiction (usually state custody) to be housed in PPS for court appearances. The cases in which they are appearing range from preliminary hearings for new arrests, appeals of current convictions, habeas corpus matters, trials on new cases, and Post Conviction Relief Act processes. The CJPM office manages, schedules and approves the writs who can be brought in from other jurisdiction and housed at the PPS.

In the first two areas, correctional staff at the PPS perform all of the necessary research to determine who is eligible for releases under the two procedures. These lists are then presented to CJPM who then presents them to the Court for consideration. Correctional staff also train CJPM staff on the use of the various databases and attend court hearings to assist the CJPM.

Often decisions are made about what inmates to bring on in writ without any consultation with the PPS. Issues have also arisen concerning inmates being housed on writ in the PPS in inappropriate cases (for example, civil cases).

Since this office is not supervised by anyone with experience in the criminal justice system or the PPS, its effectiveness is limited. Restructuring it under the PPS will allow the PPS to more closely monitor the current procedures in place, and to direct the staff of this office to new areas that should be monitored based on the research done at the PPS in the context of CORESTAR and the AXIOM system.

The current explanation given for why this office does not report to the PPS is that the office would appear to lack objectivity if the PPS had authority to select inmates for release. However, since it is clear to all that it is the PPS who decides who goes on these lists, and PPS employees actually attend these hearings, this explanation is without merit. Furthermore,

the PPS makes hundreds of ACTUAL release decisions on a weekly basis and it is quite qualified in determining who should or should not be released from custody, or in this instance, recommending who should be released. Daily release decisions or recommendations are made in the context of sentence calculation, parole processing, work release evaluations, interpretation of court orders, and housing assignments.

As noted by Judge Norma Shapiro (a Federal Judge in the Harris v. City litigation), the PPS was “emancipated” from Court supervision in 2001. We have matured and become more self sufficient and self informed, and are able to handle this function without unnecessary layers of bureaucracy.

INITIATIVES IN PROGRESS

I. DAY REPORTING

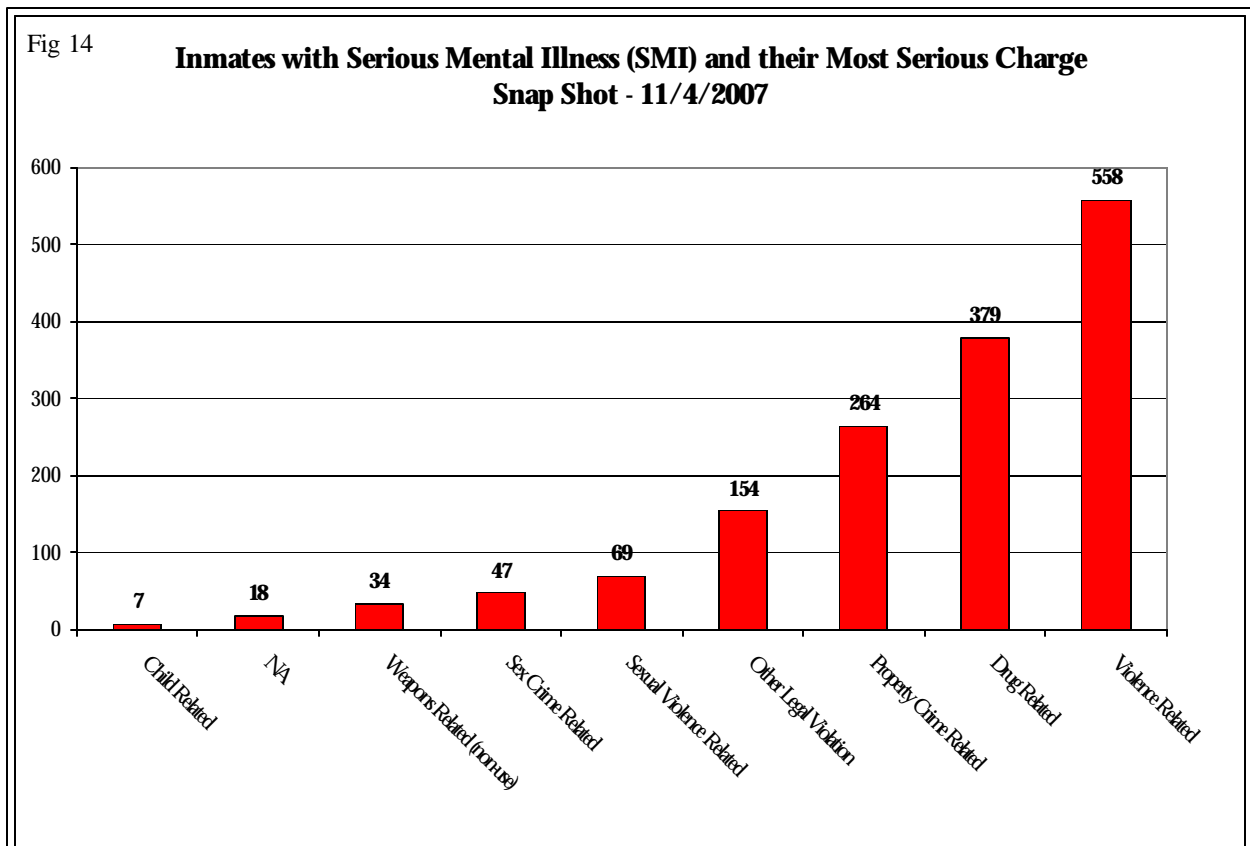
Day Reporting is an alternative sanction to divert non-violent and non-predatory offenders. The Prison is seeking to use day reporting on mostly pretrial inmates and to a lesser degree, sentenced inmates. On 1 November 2007, the PPS had in its custody 797 inmates who met the following characteristics: pretrial inmates, who had been in the PPS for more than 30 days, who were classified as community, minimum or medium custody, and who did not have a current charge of or a history of violence and/or sexual violence.

A typical day reporting curriculum includes a requirement that participants attend educational or vocational training and/or some form of legal paid employment and usually counseling with a social worker or therapist. Day reporting also frequently makes use of electronic monitoring and requires offenders to check in one or several times a day via in-person appearances or phone calls. Because each offender’s regime is customized to address his or her needs, day reporting is more effective in reducing recidivism and reducing costs for non-violent/non-predator offenders than incarceration. Day reporting participants are still under the custody of the Court or the Prison. Day reporting can be used as an alternative means of sanctioning non-violent/non-predatory offenders, which is less costly and more promising at reducing future criminal behavior (MacKenzie).

By placing non-violent/non-predatory inmates in day reporting, the

Prison would be able to decrease the length of stay and free up bed space. Day reporting can be a useful way of releasing inmates early while still maintaining custody and responsibility of the participant.

The PPS has been researching the use of day reporting in other local and comparable incarceration facilities. We have found that at all sites, day reporting is less costly at \$30-45 per day than incarceration at \$90 per day and, because of well planned screening there have been no incidents of participants harming citizens. The Prison recently interviewed four pri-



The Philadelphia Prison System is in effect one of the largest mental health direct care providers in Pennsylvania. Of the 1,530 inmates in the PPS on 4 November 2007 with SMI issues, 856 (56%) of our SMI inmate population were incarcerated for non-violent and non dangerous crimes.

vate vendors following the City’s new ethics rules and we are now in the process of working with the Distract Attorney’s office, the Philadelphia Public Defender’s Association, and Philadelphia Adult Probation and Pa- role to agree on criteria to be used to define an acceptable pool of inmates.

II: ENCOURAGE FIRST JUDICIAL DISTRICT EFFORTS TO CONSOLI-

DATE CASES ON MULTIPLE HOLD DEFENDANTS

Multiple holds are making it difficult for inmates to either get out of jail or be convicted and sent to the State Department of Corrections. (See Fig. 8/pg 14). As of 9 September 2007, there were 1858 non-homicide, multiple hold inmates whose average length of stay is 146 days.

On 20 July 2007, the Prison Commissioner and officials from the PPS met, at their request, Justice Ronald Castile of the Supreme Court of Pennsylvania. Justice Castile invited to this meeting the president judges of Municipal and Common Pleas Court and the administrative judge of the Common Pleas Criminal Division. We delivered copies of the Goldkamp report to the Justice and asked for his assistance in implementing the changes needed to reduce the prison population. He made a verbal commitment to utilize the Goldkamp report to this end. Both he and Judge Darnel Jones (President Judge of the Court of Common Pleas) specifically agreed to address the issue of multiple hold defendants. On 17 September 2007, the Prisons forwarded to President Judge Jones (at his request) a list of all non-homicide multiple hold defendants.

The new Deputy Mayor for Criminal Justice System Management, through the CJAB, should press the judiciary on moving to consolidate multiple hold defendants before a single judge. This will not only reduce the LOS but will also reduce Court caseloads.

III: MENTAL HEALTH DIVERSION ALTERNATIVES / MENTAL HEALTH COURT

The City needs to continue to look for diversions and ways to more effectively manage the release of those inmates with serious mental health issues. The Philadelphia Prison System is one of the largest providers of mental health services in Pennsylvania. It has been widely reported throughout the United States that the use of incarceration rose with the deinstitutionalization of the seriously mentally ill (SMI). Incarceration is neither the cost effective nor the medically preferred choice for the treatment of the SMI; although we can stabilize and control their behavioral issues, it is at great cost and of questionable long-term crime reduction effectiveness. The need for alternatives is imperative.

The caseload of SMI inmates poses considerable challenges for the PPS. SMI inmates require more staffing and greater monitoring than do

other inmates in the general population. This is a drain on already scarce resources. See fig. 14 for a break down of SMI inmate by charge category.

The PPS is involved in ongoing planning with the Commonwealth, the FJD, and the Department of Behavioral Health to address this issue. Also, Justice Fitzgerald has started a statewide initiative for the formation of mental health courts in each county in Pennsylvania. Secretary of Public Welfare Richmond has agreed to make space available at Norristown State Hospital and two state hospitals outside the City to divert Philadelphia's SMI offenders. This is a first step. Utilizing the money from the Pennsylvania Commission on Crime and Delinquency (PDDC) through the formation of a Philadelphia CJAB, additional PCCD money will be available to develop mental health alternatives. The City needs to expedite this process and implement lasting changes.

IV. SUPPORT LEGISLATION

PREP LEGISLATION:

This legislation sponsored by Councilman Wilson Goode Jr., should be supported and pursued as an incentive to encourage employers to hire ex-offenders. However, the details of what it requires in the PPS have to be discussed with the Councilman after we are able to brief him on the way the Prison operates. As the Ordinance is now drafted it could not be practically implemented as we believe the Councilman intended. For example, the Ordinance appears to require that the PPS prepare detailed discharge plans for all sentenced inmates six months before the expiration of their sentence. However, given the way the criminal law operates with respect to pre-trial processing, sentencing and parole, often the PPS does not have six months notice before the expiration of an inmate's sentence.

HOUSE BILL NO 4:

House Bill No 4., has been proposed by the Governor to mainly address overcrowding in the Pennsylvania State Department of Corrections. As an ancillary matter, inmates with state sentences or state aggregate sentences held in the county will be required to be housed at the state level. The PPS is committed to sending inmates with sentences of two years or more to the State Department of Corrections,

but the Mayor must urge the Legislature to make this happen very quickly. We also need to make everyone aware that this is not the be-all and end-all of overcrowding in the City (most especially the legislative delegation in Harrisburg). At last count, we only had 566 inmates who qualify as state or state aggregate out of approximately 9,000 inmates.

SECOND CHANCE LEGISLATION: The PPS supports Senator Kitchen's efforts to decrease the barriers to successful prisoner reentry. This will be discussed at greater length in the section on Crime and Recidivism.

OTHER: The proposed Deputy Mayor for Criminal Justice Management, based on their review of all the studies and their conversations with the other criminal justice partners, should suggest to the mayor other legislative changes that should be enacted in Harrisburg.

V. LEASED SPACE FROM OTHER COUNTIES

The PPS has for a number of years leased space from other local counties. It is at present a necessary evil that the PPS has to house inmates in other counties and in leased facilities. In the short term, we will need to continue to do so. However, this process is slow and hindered by the fact that there is not a wealth of empty prison beds in nearby jurisdictions available to rent, nor is there an abundance of private leased space available. The PPS has continuously maintained a very aggressive and thorough process for identifying these types of opportunities. Despite this, we have been barely able to keep up with the growth in the population.

Additionally, leasing space is a solution of diminishing returns because: 1) our vendors place severe restrictions on the type of inmate they will accept; 2) our inmates need to be available for Court appearances; 3) we are subject to almost immediate eviction when contracting jurisdictions become crowded; 4) removing inmates from their home community places a greater burden and impedes reentry efforts, and 5) it is costly.

The PPS has spent \$44 million since FY04, and \$100 million since 1989, a trend that indicates the increasing need for leased space. At present, the PPS leases space from Monmouth County, New Jersey, Lehigh County, Pennsylvania, and on Lehigh Avenue, and 600 University Ave-

THE PHILADELPHIA PRISON SYSTEM

Prison Population Report and Recommendations

Appendix 1-3 Sources Cited

APPENDIX 1: BUDGET ISSUES

Below, for illustration purposes only, is a chart of housing areas with added temporary emergency beds and the

Open=1 Closed=0	Phase	Facility	Housing area	Design capacity	Added capacity	Permanent Beds	Temporary Emergency Beds in service	Total Capacity	Overtime Staffing Yearly Cost	FTE
1	1	CFCF	General Population Triple Beds	2016	464	2480	390	2870	\$0	0
	1 Total						390	2,870	\$0	0
1	2	ASD	A Unit	64	0	64	28	92	\$161,534	3.4
1	2	ASD	B Unit	64	0	64	28	92	\$161,534	3.4
1	2	ASD	C Unit	64	0	64	28	92	\$161,534	3.4
1	2	HSB G	Gym	0	0	0	80	80	\$2,988,386	62.9
	2 Total						164	356	\$3,472,988	73.1
1	3	HOC	A1	68	0	68	34	102	\$0	0
1	3	HOC	A2	58	0	58	27	85	\$0	0
1	3	HOC	D1 Front	126	0	126	20	146	\$161,534	3.4
1	3	HOC	E1	94	0	94	47	141	\$161,534	3.4
1	3	HOC	E2	88	0	88	44	132	\$161,534	3.4
	3 Total						172	606	\$484,602	10.2
1	4	HOC	D2	139	7	146	20	166	\$161,534	3.4
1	4	HOC	F1	139	17	156	20	176	\$161,534	3.4
1	4	HOC	F2	139	11		20	170	\$161,534	3.4
1	4	HOC	G1	139	7	146	20	166	\$161,534	3.4
1	4	HOC	G2	139	9	148	20	168	\$161,534	3.4
	4 Total						100	846	\$807,670	17
1	5	HOC	H (MOR) A	0	0	0	20	20	\$242,302	5.1
1	5	HOC	H (MOR) B	0	0	0	40	40	\$242,302	5.1
	5 Total						60	60	\$484,604	10.2
1	6	DC	Q MOR	0	0	0	48	48	\$242,302	5.1
1	6	DC	A/B/C Block MOR	0	0	0	102	102	\$403,836	8.5
1	6	DC	F Dorm MOR	0	0	0	24	24	\$242,302	5.1
1	6	DC	G Dorm MOR	0	0	0	24	24	\$242,302	5.1
	6 Total						198	198	\$1,130,742	23.8
1	7	DC	A Block	72	0	72	28	100	\$242,302	5.1
1	7	DC	D & E Annex	0	0	0	50	50	\$242,302	5.1
1	7	DC	I Dorm MOR	0	0	0	60	60	\$403,836	8.5
	7 Total						138	210	\$888,440	18.7

Open=1 Closed=0	Phase	Facility	Housing area	Design capacity	Added capacity	Permanent Beds	Temporary Emergency Beds in service	Total Capacity	Overtime Staffing Yearly Cost	FTE
1	8	CFCF	A-1-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	A-1-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	A-2-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	A-2-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	A-2-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	A-2-4	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	B-1-1	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	B-1-2	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	B-1-3	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	B-1-4	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	B-2-1	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	B-2-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	B-2-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	B-2-4	64	0	64	48	112	\$161,534	3.4
1	8	CFCF	C-1-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-1-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-1-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-1-4	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-2-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-2-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-2-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	C-2-4	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-1-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-1-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-1-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-2-1	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-2-2	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-2-3	64	0	64	16	80	\$161,534	3.4
1	8	CFCF	D-2-4	64	0	64	16	80	\$161,534	3.4
	8 Total						656	2,512	\$4,684,486	99
1	9	OFC	Lehigh County	128	64	192	40	50	\$1,642,500	0
1	9	OFC	Monmouth	128	64	192	40	150	\$5,748,750	0
	9 Total						80	2,472	\$7,391,250	0
	Grand Total						1,958	10,130	19,344,782	252

Below is a summary for illustration purposes only of the estimated savings if we decreased the prison's population enough to close two facilities that are old and would need to be replaced if the prison's population does not decrease or cease its annual growth rate.

FISCAL YEAR 2007			
	Operating Cost	Detention Center	House of Correction
	Average Population	1,371	1,573
Class 100	Personnel		
	Correctional Officers	\$ 11,768,617	\$ 11,080,041
	Administration	\$ 1,494,733	\$ 1,634,061
	Social Services	\$ 798,504	\$ 866,871
	Maintenance	\$ 288,446	\$ 284,326
Class 200	Contracted Services		
	Food	\$ 1,726,432	\$ 1,980,800
	Medical	\$ 7,236,562	\$ 8,302,781
	Mental Health	\$ 1,573,503	\$ 1,805,339
Class 300	Supplies	\$ 626,414	\$ 718,708
Class 400	Equipment	\$ 98,346	\$ 112,836
Class 500	Inmate Work Pay	\$ 166,586	\$ 191,130
	TOTAL	\$ 25,778,142	\$ 26,976,894

APPENDIX 2:

CRIME AND RECIDIVISM

As a general statement, incarcerating criminals does not deter criminal activity; it only incapacitates criminals temporarily. Considering that more than 99% of the Philadelphia Prison System's admitted inmates will eventually be released back to the street, (95% of State and Federal inmates will be released back to the street (Travis)), the rate at which inmates return to the PPS is an important statistic. More important than just knowing what the rate of recidivism is, we need to know which types of offenders are returning to the PPS, for what offenses, and how long after their release.

Only when more is known about the offenders who return to the PPS, can the City appropriately allocate its resources to reducing the risks of reoffending. If we know which types of offenders are returning for drug offenses, violence, or property crimes, to name a few, the City can better address treatment efforts before an inmate is released from the PPS.

Incarceration in the United States serves five general functions:

- punishment – punish the offender for the crime
- incapacitation – keep the offender from offending for a specified period of time
- specific deterrence – reduce the likelihood of the criminal from reoffending
- general deterrence – discourage others from engaging in crime
- retribution – to serve as a source of justice for the victim of the crime

Of these five general functions, none actually addresses an effective and proven long-term criminal risk reduction strategy. Incapacitation has been estimated to be responsible for a 5-20% reduction in criminal offending at present. Incapacitation has its limit. Incapacitation has not been proven through empirical research to produce the desired effects in reducing long-term crime (Tonry); costs for such long sentences reduce limited public funds for other, better crime reduction means. The threat of punishment, including jail and other sanctions does not deter career criminals.

Since the likelihood of getting caught is so low, general deterrence is not an effective strategy. Retribution for a crime might make the victim feel better but does nothing to reduce the criminogenic risk factors after an offender has served his or her time.

The solution, therefore, which will be explored in more detail later, is not to just warehouse inmates, but to proactively and comprehensively prepare ex-offenders for crime-free reentry using only rigorously evaluated evidence-based interventions aimed at changing the criminal mindset and behavior of the offender. Proactive, comprehensive reentry support is not a liberal ideology; reducing the risks of criminal reoffending upon release is a moral obligation of our government.

At present, the Philadelphia Prison System only receives about 63% of arrested offenders in Philadelphia County, the other 37% either post bail, are sent to another criminal justice body, have their charges dropped (or released for some other reason) before they arrive at the PPS. That is not to say that efforts should not be taken to reduce recidivism.

A soon to be completed report on recidivism in Philadelphia conducted by the PPS examines every inmate discharged from the PPS between January 2000 and December 2006. This amounts to 232,638 inmate discharges, which represents 108,360 different inmates. Of the 108,360 inmates, 55,570 have not been reincarcerated as of 30 September 2007, which means that 52,790 individuals were responsible for 179,848 incarcerations; this is a mean of 3.4 incarcerations per career criminal, with an actual range of 1 reincarceration to 20 reincarcerations. This includes the sum of incarcerations only during the 7 years of the study. One inmate, for example, who has a career that extended before and after the 2000-2006 timeframe, has the highest number of career incarcerations of the 232,638 discharges/108,360 inmates examined. This offender is a 52 year old white male with 34 career incarcerations. This, however, is not the inmate with the highest number of reincarcerations in the PPS' history.

Between 2000 and 2006, the PPS processed between 31,853 and 34,467 inmate discharges each year, which represented 24,243 to 28,765 different inmates in a given year, many of whom returned numerous

times. Clearly, a long enough period of time must elapse before a measure of recidivism can be assessed and it is for this reason that this report does not consider inmates release in 2007 – for our measure to have any utility, inmates need to have ample time to be reincarcerated.

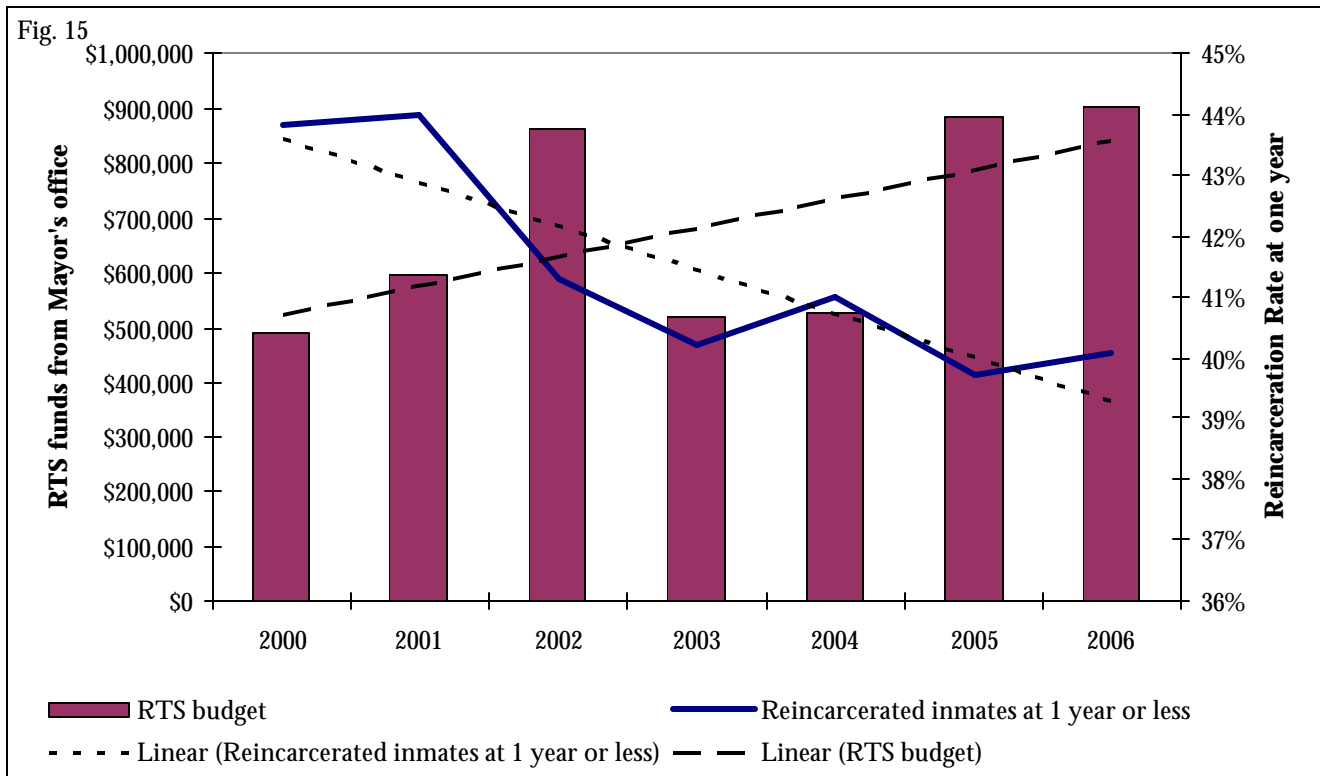
It is important to keep in mind that *recidivism* is often defined in different ways for different organizations. Here we have defined recidivism as any individual who was an inmate at the PPS and subsequently returned for any reason over any amount of time.

A criminal record indirectly contributes to reincarceration and recidivism (Chiricos). The damage done by incarcerating and prosecuting non-violent and dangerous offenders on the local economy and the lives in the community, especially the economically disadvantaged communities in Philadelphia, should be reason enough to seek alternative means of justice and crime prevention. A series of graduated and alternative sanctions are needed.

APPENDIX 3:

TREATMENT AND REDUCING RECIDIVISM

As the amount of money allocated for Restorative and Transitional Services at the PPS increases, the reincarceration rate at one year or less decreases (see Fig 15) It is not a perfect one-to-one relationship, but as resources increase for treatment, reincarceration decreases. Treatment is cost effective, in the interests of public safety, and is in the interests of Philadel-



phia’s citizens’ quality of life.

By reviewing hundreds of interventions, measured through rigorous empirically tested means and then scrutinized by peers, researchers (Mackenzie; Sherman) have found that we have a list of what must be and not be done to reduce recidivism. This is as follows:

“What Works” while incarcerated (The PPS does all of these)

- Educational / GED/ college education
- Vocational and job skills training

- Drug treatment communities for addicts
- Anger management for violent offenders
- Cognitive Behavioral Therapy for sex offenders
- Mentoring programs for returning ex-offenders
- Maintaining contact with families – facilitates reentry

What there are no empirical evaluations on:

- Faith-based programs

What we know doesn't work while incarcerated: (The PPS does none of these)

- Abusive incarceration conditions – this actually increases recidivism rates
- Correctional boot camps – this actually increases recidivism rates
- Scared straight programs – this actually increases recidivism rates

Intervention is not a liberal ideology, and neither Republicans or Democrats have an exclusive right to effective crime reduction. If what is known to reduce crime and recidivism is not being done, our government is failing us. Our government is made up of citizens. These citizens make decisions and sometimes do not see policy through an evidence-based lens, but an ideological or politically popular lens. It is, however, a moral obligation to implement effective empirically evaluated interventions (what works) to reduce recidivism and decrease the associated risks of crime for returning offenders.

Careful measurement of interventions that makes use of randomized assignment, control groups and treatment groups is the standard by which “what works” must be assessed; anything less confounds evaluations and undermines confidence in results (Sherman; MacKenzie). In the past, the best place to find out what works has been through universities and the publications that come from the professors at the universities. The PPS has established, through CORESTAR and AXIOM, the ability to do empirical research without relying nearly as much on academia as we have in the past.

While politically, there is considerable debate about what is acceptable in reducing recidivism, in practice, there is no debate about what works. We know a lot about what works, and we also know a lot about what doesn't work. Like medicine, we will also learn more about what is

effective as time progresses.

No blanket policy will work to reduce recidivism. The intervention must be relevant to an offender's characteristics (Sherman). For example, cognitive behavioral anger management will not do anything for someone who is involved in a career of property crime. Likewise, providing drug therapy to addicts will not be the best use of resources for someone who is a violent criminal. For individuals who are violent and have drug problems, the formula for success becomes even more complicated, but manageable with proper resources, effective interventions and a trained staff.

It is important to bear in mind that in Philadelphia, more than 99% of the inmates housed in the Philadelphia Prison System will eventually be released back into society. Clearly, the PPS cannot alter the behavior of *all* offenders who have been involved with a lifetime of criminal offending no matter how many resources it had, but the evidence unequivocally shows that up to about 20% of offenders properly treated will not criminally re-offend.

Some opponents of inmate intervention programs say, "Why should we pay to make the lives of criminals better?" First of all, the aim is not to make the 'criminals lives' better – we shouldn't pick sides. But the answer is because if we don't intervene, we are not providing the highest level of public safety that can be provided, which undermines those *opponents'* quality of life either through crime or higher taxes. Also, keeping people locked up for 25 years does nothing for 'punishment meeting the crime', not to mention the associated costs.

Legislation

Most offenders do not continue offending; their misbehavior is a temporary *state* usually associated with peer relationships, whereas lifetime offenders possess stable personality *traits* that lead to offending. The empirical research on the issues shows that only about 10% of offenders persist with a lifetime of offending, where as 90% of offenders desist in

early adulthood (Moffitt). The characteristics of the two types of offenders can be easily seen here in ‘Fig 16.’

The PPS supports efforts to facilitate prisoner reentry and eliminate the barriers to a successful, lasting crime free lifestyle. The PPS has exam-

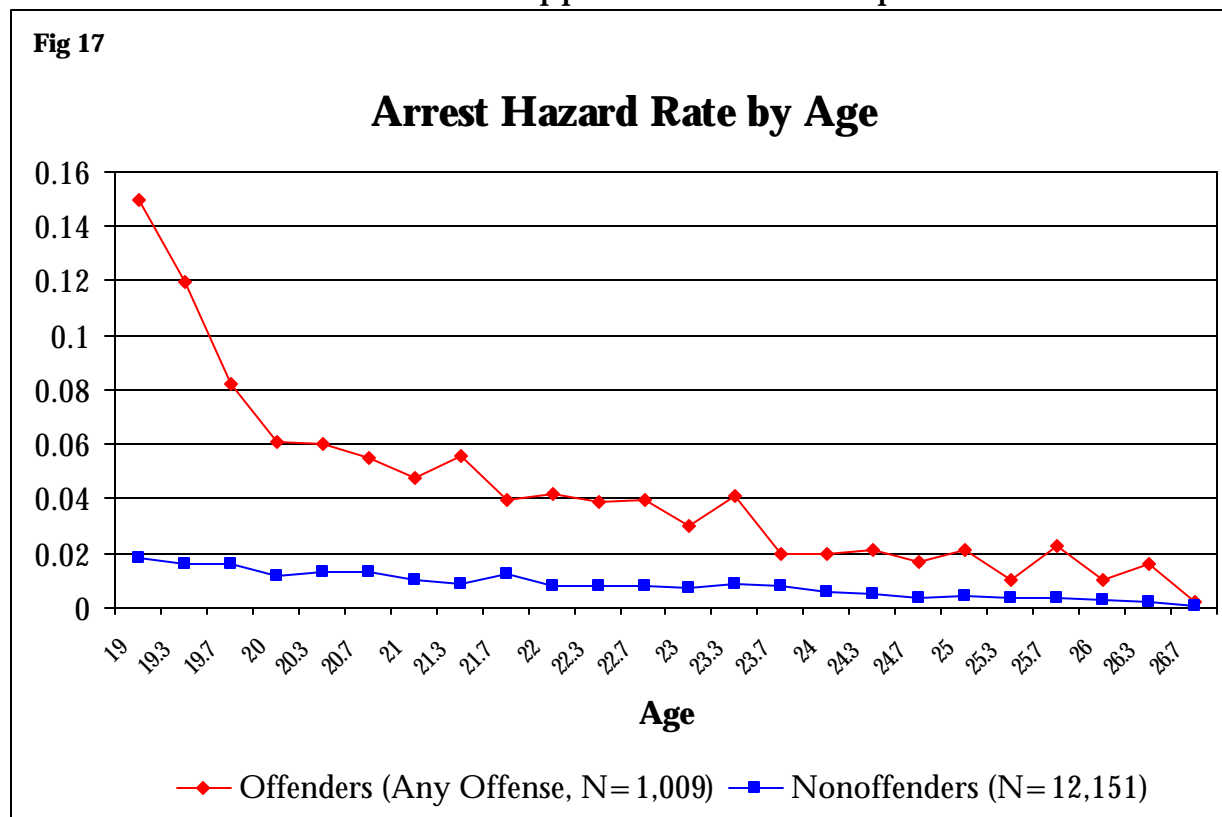
Fig 16 Adolescent Limited	Life-Course Persistent
<ul style="list-style-type: none"> •85-90% of offenders •Involved with many different types of crimes •Misbehavior starts in <i>mid</i>-childhood •Misbehavior tapers off in <i>early</i> adulthood •Misbehavior is a temporary state •Seem to be free of learning disabilities 	<ul style="list-style-type: none"> 10-15% of offenders •Involved with many different types of crimes •Misbehavior starts <i>early</i> in childhood •Misbehavior continues into adulthood •Misbehavior is a stable personality trait •Exhibit neurological problems in childhood

ined this issue extensively and has found that 1) the label of ‘felon’ increases recidivism, and 2) offenders who remain crime free for seven years are about as likely to re-offend as someone who never offended in the first place (Kurlychek, fig 17). This occurs for a number of reasons including maturity and desistance. Crime is generally a young person’s activity, which can be seen on the “Age of Inmates” figure and shows that the most frequently occurring age for offenders is 21 years old (fig 18).

Effective public policy should consider the individual differences in desistance - the rate at which offenders cease offending as they age. The evidence on desistance supports two potential approaches to this issue. We could improve public safety by reducing the risks associated with reoffending through two provisions.

- Legislative provisions that require or support housing, jobs and education for all offenders upon release from incarceration.
- Legislation at the state or federal level that seals or expunges the criminal record for some offenders (but not for the violent or sexual predators) who have not been involved with crime for at least seven years.

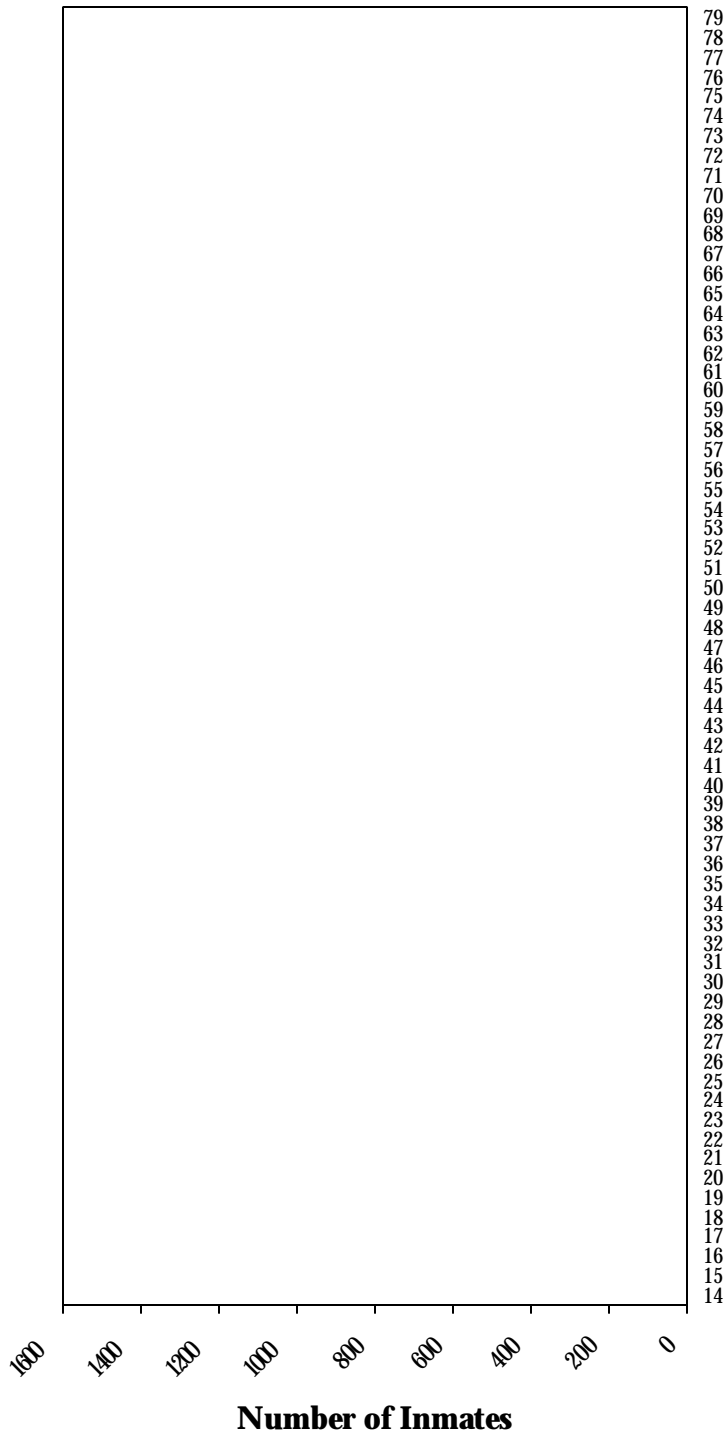
This ‘seal or expunge’ principle is currently used by 17 US states, and is also used by auto and credit companies. It is also most important to note that the significance of this research was that it was done using arrest data from 13,000 Philadelphians (Fig. 19). There is no question as to whether or not this research is applicable to Philadelphia.



Above, in fig. 2, is empirical data using police arrest records on 13,000 Philadelphians that shows after 7 years the probability of an ex-offender reoffending is about the same as someone who never offended in the first place. (Kurlychek) based on this research, paired with the experience of ex-offenders and the causes of recidivism, it is in the interests of public safety and economic prosperity to seal or expunge the record of ex-offenders who have gone crime-free for seven years.

Fig 18

Discharged Inmates - Age and Sex



Above, we can see that males (in red) tend to desist in the offending around the age of 21. Females, (in blue), maintain a constant rate of offending until their mid 40s. In addition, based on analysis conducted on the inmate population in the PPS most inmates are young, black males who come from impoverished neighborhoods.

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