

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
APPROPRIATIONS COMMITTEE HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN BUILDING
ROOM 140

THURSDAY, FEBRUARY 20, 2020
1:16 P.M.

BUDGET HEARING FOR CRIMINAL JUSTICE:
DEPARTMENT OF CORRECTIONS, BOARD OF
PROBATION AND PAROLE, AND BOARD OF PARDONS

BEFORE :

HONORABLE GEORGE DUNBAR, MAJORITY CHAIRMAN
HONORABLE ROSEMARY BROWN
HONORABLE LYNDY SCHLEGEL-CULVER
HONORABLE SHERYL DELOZIER
HONORABLE JONATHAN FRITZ
HONORABLE MATT GABLER
HONORABLE KEITH GREINER
HONORABLE SETH GROVE
HONORABLE MARCIA HAHN
HONORABLE DOYLE HEFFLEY
HONORABLE LEE JAMES
HONORABLE JOHN LAWRENCE
HONORABLE JASON ORTITAY
HONORABLE CLINT OWLETT
HONORABLE GREG ROTHMAN
HONORABLE JAMES STRUZZI
HONORABLE JESSE TOPPER
HONORABLE JEFF WHEELAND
HONORABLE RYAN WARNER
HONORABLE MARTINA WHITE
HONORABLE MARTY FLYNN, MINORITY CHAIRMAN
HONORABLE DONNA BULLOCK
HONORABLE CAROLYN COMITTA
HONORABLE AUSTIN DAVIS
HONORABLE MARIA DONATUCCI
HONORABLE ELIZABETH FIEDLER
HONORABLE EDWARD GAINEY
HONORABLE PATTY KIM

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BEFORE: (cont.)

HONORABLE STEPHEN KINSEY
HONORABLE STEPHEN McCARTER
HONORABLE BENJAMIN SANCHEZ
HONORABLE PETER SCHWEYER

ALSO IN ATTENDANCE:

HONORABLE ROB KAUFFMAN
HONORABLE FRANK RYAN
HONORABLE CRIS DUSH
HONORABLE BARRY JOZWIAK
HONORABLE CHRIS SAINATO
HONORABLE TOM CALTAGIRONE
HONORABLE ED NEILSON
HONORABLE GERALD MULLERY

COMMITTEE STAFF PRESENT:

DAVID DONLEY, MAJORITY EXECUTIVE DIRECTOR
RITCHIE LaFAVER, MAJORITY DEPUTY EXECUTIVE DIRECTOR
ANN BALOGA, MINORITY EXECUTIVE DIRECTOR
TARA TREES, MINORITY CHIEF COUNSEL

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

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Summer A. Miller, Court Reporter
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P R O C E E D I N G S

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MAJORITY CHAIRMAN DUNBAR: We're going to try and get started on time here, folks.

Good afternoon, everyone. I'm going to call the meeting to order.

As opposed to having Secretary Wetzel introduce everybody, I guess if everybody will just introduce themselves, we can get started.

SECRETARY WETZEL: Yeah. John Wetzel, Secretary.

DEPUTY SECRETARY OPPMAN: Chris Oppman, Deputy Secretary, Administration.

EXECUTIVE DEPUTY SECRETARY BICKELL: Tabb Bickell, Executive Deputy Secretary, Institutional Operations.

DEPUTY SECRETARY EVANS: Kelly Evans, Deputy Secretary for Reentry.

CHAIRMAN JOHNSON: Ted Johnson, Chairman, Parole Board.

SECRETARY FLOOD: Brandon Flood, Secretary of the Pennsylvania Board of Pardons.

MAJORITY CHAIRMAN DUNBAR: Thank you all, and welcome.

We're going to start by having everybody

1 stand up that's going to testify and raise your right hand
2 and we'll swear you in.

3

4 JOHN WETZEL, CHRISTOPHER OPPMAN, TABB
5 BICKELL, KELLY EVANS, TED JOHNSON, and BRANDON FLOOD, called
6 as witnesses, being duly sworn, testified as follows:

7

8 MAJORITY CHAIRMAN DUNBAR: So sworn, have a
9 seat.

10 And in the interest of time, we're not going
11 to have any opening statements. We'll go directly to
12 questioning, if that's all right with everybody.

13 SECRETARY WETZEL: Yeah.

14 MAJORITY CHAIRMAN DUNBAR: And we'll start
15 with Representative Delozier.

16 REPRESENTATIVE DELOZIER: Thank you, Mr.
17 Chairman.

18 Thank you all for being here.

19 There's a lot of different aspects dealing
20 with criminal justice, as we can see by the folks at the
21 table. My question goes to the Secretary of Corrections,
22 Wetzel.

23 I appreciate all the work we have done
24 together on many, many things. We agree on changes that
25 need to happen. But I have a question on something we may

1 not agree on, and that is the math problem in the budget.
2 And so I just want to add some clarifying questions.

3 When we've talked about -- and one of the
4 things you're proud of with the department as a whole is
5 reduction safely of prisoners and the reduction in those
6 numbers. Obviously in the two years, according to the
7 budget documents, you've gone down, the most significant
8 one-year reductions in those that are housed. We have those
9 large drops. We have many things that are working within
10 the budget. We see the level funding in certain areas. But
11 yet, we turn around and then in the end of the year, we have
12 a budget and then we ask for more money. So to me that math
13 problem doesn't add up.

14 If we know we have costs, they should be in
15 the budget and we should be able to adjust to the fact that
16 we need X amount of dollars in order to make our Corrections
17 Department work.

18 The most recent supplemental, \$90 million,
19 75/15 split, with health care costs. Can you answer the
20 question as to the fact -- and from what I understand,
21 having heard other testimonies, that many things are not
22 even included, not only this 90 supplemental that was asked
23 for, but we don't even have the contract information in
24 here. That is -- so we have all of these unknowns, but
25 we're touting the fact that we're going down in costs for

1 our corrections. That math problem doesn't add up.

2 SECRETARY WETZEL: Yeah. And I'll tee it up,
3 and then Chris will get into details on the supplemental
4 request.

5 But to your point, especially about the
6 contract -- yeah, in my nine years, every time there's a
7 contract negotiation, the raise is not put in there. And
8 that's consistent over both the Corbett Administration and
9 the Wolf Administration. The purported reason is that they
10 don't want to influence -- and in our case, we're talking
11 about binding arbitration.

12 REPRESENTATIVE DELOZIER: And I recognize --
13 right. It's a negotiation. Yeah.

14 SECRETARY WETZEL: So that number is never
15 put in there. And frankly, 31 million of this is reflective
16 of the PSCOA contract from '17-'18 that was carried over.

17 So I'm going to ask Chris Oppman to go over,
18 specifically, the supplemental.

19 But 100 percent, that contract is getting
20 ready to go to binding arbitration now, and there is not a
21 number in our current budget that reflects that.

22 REPRESENTATIVE DELOZIER: And before you
23 start, just real quick -- because I only have five minutes.
24 In the sense of, I understand where you're saying all of the
25 money is going for the supplemental, so I don't need that

1 particular line by line, so that's fine. And I don't
2 disagree that those are necessary costs.

3 My question lies more in the issue of, why is
4 that -- and I have been on Appropriations for a number of
5 years now. That 90 million, you were saying that it's a
6 rolling over cost that we've had from the past, has not been
7 part of past budgets, that has been verbalized as to that
8 was a conversation that we had. And then we see a
9 supplemental come in. Again, it's a matter of, when we have
10 a budget that's put in front of us, what's the bottom line?
11 That should be the bottom line as to what the costs will be.

12 Supplemental -- I recognize some things come
13 up, but the explanation, I'm understanding, is that this is
14 something that's been happening for a number of years. Why
15 hasn't that been in the budget before?

16 SECRETARY WETZEL: Well, it actually was in
17 last year's budget. And then the budget that came out
18 didn't have that money in it. So all that was in last
19 year's budget proposal that we testified to last year.

20 REPRESENTATIVE DELOZIER: So the 90 million
21 that you had asked for in supplemental in December?

22 SECRETARY WETZEL: Yes.

23 REPRESENTATIVE DELOZIER: Okay. So that's a
24 little frustrating in the sense that obviously we don't have
25 the money to spend, so we kind of find a way around it by

1 coming back in the back door in December.

2 And right now when we go to taxpayers and
3 we're saying, "This is the money that we need to spend,"
4 then we have a supplemental and all of a sudden say, "We
5 need more, we didn't get what we wanted in the budget
6 negotiations, so we're going to come back in and get a
7 supplemental without as much public observation."

8 Is that -- I mean, do you have that plan to
9 come back in for another supplemental in this coming up
10 December, then? Is there a guestimate?

11 SECRETARY WETZEL: That's never our plan.

12 REPRESENTATIVE DELOZIER: Well, that's valid.
13 I get that.

14 SECRETARY WETZEL: I mean --

15 REPRESENTATIVE DELOZIER: Yeah, right.

16 So but if this 90 -- this additional
17 90 million, you say, moving forward is in there, the
18 contract costs will be additional? I'm assuming -- will you
19 have to come in for those dollars, then?

20 SECRETARY WETZEL: Yes.

21 REPRESENTATIVE DELOZIER: So whatever the
22 contract negotiation is, we can expect to see a supplemental
23 come in in December?

24 SECRETARY WETZEL: Potentially.

25 REPRESENTATIVE DELOZIER: Okay. We --

1 SECRETARY WETZEL: I don't know what the
2 timing is of the contract negotiations, so I don't know
3 that.

4 REPRESENTATIVE DELOZIER: But whatever is
5 decided is not in the budget, and therefore, will need to be
6 supplemented.

7 SECRETARY WETZEL: Correct. Assuming that
8 there's money encumbered by the contract in this year's
9 budget, if that happens.

10 REPRESENTATIVE DELOZIER: Okay. So the
11 ability for us to take a look at the contract and the prison
12 population reducing, have we seen cost efficiencies from the
13 new prison, with Phoenix? I assume there could be some
14 because they are up-to-date, there's more technology. Have
15 there been more efficiencies dealing with the new prison?

16 SECRETARY WETZEL: Yes, comparing Phoenix to
17 Graterford, absolutely.

18 REPRESENTATIVE DELOZIER: And what are those?

19 SECRETARY WETZEL: I can get you the specific
20 costs on that.

21 REPRESENTATIVE DELOZIER: Okay, because with
22 those -- are those part of, in the math problem for the
23 budget this year? We used those cost savings to come up
24 with what was necessary for the Corrections budget?

25 SECRETARY WETZEL: Yeah. We have a list of

1 cost savings. I think we included it in the thing. And if
2 not, we can be very specific about that. But that is
3 certainly --

4 REPRESENTATIVE DELOZIER: I didn't recognize
5 one as being strictly Phoenix, but that's fine. I'll look
6 that up, then, thanks -- or ask for you to submit that if
7 that's not a part of it.

8 SECRETARY WETZEL: You got it.

9 REPRESENTATIVE DELOZIER: Thank you.

10 SECRETARY WETZEL: Thank you.

11 MAJORITY CHAIRMAN DUNBAR: Thank you,
12 Representative.

13 Just a brief follow-up on Representative
14 Delozier.

15 Was your budget request this amount that's in
16 the budget? Is that what you requested to the Governor?
17 Did you make a request to the Governor's Office that was
18 equal to this or the SCI line item?

19 SECRETARY WETZEL: No. It was slightly
20 higher.

21 MAJORITY CHAIRMAN DUNBAR: Can you tell us
22 how much?

23 SECRETARY WETZEL: I can tell you after the
24 fact; I don't know exactly what we submitted.

25 MAJORITY CHAIRMAN DUNBAR: Because I just

1 have a feeling that we're in a cycle that we're not
2 escaping. And then concerns of the contract, once the
3 contract is settled in arbitration, that we don't have funds
4 available for it.

5 Was that in your request, some funds for it?

6 SECRETARY WETZEL: No, I don't know that we
7 put funds in for that. I would say that what our assumption
8 is based on this budget that we're testifying to, coupled
9 with the supplemental, absent the -- if there's a pay
10 increase in the contract, we're confident that we can make
11 that budget.

12 MAJORITY CHAIRMAN DUNBAR: Okay.

13 SECRETARY WETZEL: Now, the pay increase is
14 the unknown.

15 MAJORITY CHAIRMAN DUNBAR: Okay.

16 And I will turn it over to Representative
17 Flynn for opening comments.

18 MINORITY CHAIRMAN FLYNN: Thank you, Mr.
19 Chairman.

20 Thank you for your testimony, Secretary
21 Wetzel.

22 The statistic I have, the number for last
23 year's budget for this year was 2,183,664,000; does that
24 ring a bell?

25 SECRETARY WETZEL: I think so.

1 MINORITY CHAIRMAN FLYNN: Okay. And then how
2 much was enacted in the final budget? What number do you
3 guys have, 2,043,781,000?

4 SECRETARY WETZEL: Yeah.

5 MINORITY CHAIRMAN FLYNN: Okay. So that's
6 \$140 million less than what you asked for last year?

7 SECRETARY WETZEL: Yes.

8 MINORITY CHAIRMAN FLYNN: Okay. So you
9 received nearly 140 million less, in the last budget, than
10 you asked for and you only need 75 million this year as a
11 supplemental?

12 SECRETARY WETZEL: Yes, in the SCI. Yes.

13 MINORITY CHAIRMAN FLYNN: Okay. So then it
14 seems like we're the ones that should be looking at our
15 practices to get you guys, make you whole, correct?

16 SECRETARY WETZEL: Yeah. I mean, like I
17 said, we testified to a budget that we thought we could make
18 and we got less than that. And part of that is what is
19 reflected in our supplemental request.

20 MINORITY CHAIRMAN FLYNN: Okay. And these
21 costs aren't discretionary either. These are actual costs
22 that we must pay.

23 SECRETARY WETZEL: Yeah. The vast majority
24 of our costs, I mean, 75 percent is personnel. Beyond that,
25 with contracts and then providing constitutional level of

1 security and safety and health care, so, yeah, we have very
2 little discretionary spend in our budget.

3 MINORITY CHAIRMAN FLYNN: Okay. So you told
4 us that you needed more, we ignored you, and now you worked
5 to bring the number down even more?

6 SECRETARY WETZEL: Yes.

7 MINORITY CHAIRMAN FLYNN: Okay. Thank you.

8 MAJORITY CHAIRMAN DUNBAR: Thank you,
9 Representative.

10 We will go to Representative Fiedler.

11 REPRESENTATIVE FIEDLER: Secretaries, Deputy
12 Secretaries, thank you for being here.

13 Recently, we've heard about a number of men
14 and women serving life without parole sentences who are
15 denied commutation at the Board of Pardons. Many of these
16 individuals were recommended by the Department of
17 Corrections, I believe, for commutation.

18 In December, 13 of 15 people were denied.
19 And in 2019, of the people granted public hearings, 24 of 41
20 people were denied by the board.

21 Has the Department of Corrections or the
22 Board of Pardons determined how much money Pennsylvania
23 taxpayers could save -- in addition to the human impact, of
24 course -- but how much money we could save if we approved
25 DOC-recommended lifers for commutation?

1 SECRETARY WETZEL: Yeah -- so not
2 specifically, and we can do some math on that. I think just
3 some -- most of the people we recommend for lifers have
4 served decades, and the vast majority are over the age of
5 50. And what we know is the medical cost for that group is
6 three times higher than everyone else. They are more likely
7 to get sent out to the hospital, which is one of the big
8 drivers of overtime because they require two officer escort.

9 When they get close to the end of life and
10 they go into our nursing home, we're talking about \$500 a
11 day. So the cost for, especially the elderly life without
12 parole, end of life costs are significant. And we can
13 provide that to you after the fact.

14 REPRESENTATIVE FIEDLER: That would be great.
15 Go ahead, Secretary.

16 SECRETARY FLOOD: And to add to that, one of
17 the things that we're doing, our agency, we're about
18 strategic partnerships. So we're partnering with the
19 Philadelphia Lawyers for Social Equity, PLSE is the acronym.
20 And they've successfully secured a grant. And what we're
21 going to do is an audit of the very population that you're
22 speaking to so that we potentially can be able to drill down
23 on dollars and cents.

24 And just to add to Secretary Wetzel's
25 commentary. Also, public safety, in terms of the risks that

1 that population poses if they were to be released is close
2 to zero. So not only to the point about the monetary
3 advantages, but also the lack of risk to public safety is
4 something to consider, as well.

5 But that's forthcoming, and when we do run
6 that analysis, certainly we'll make sure that this committee
7 is provided with that.

8 REPRESENTATIVE FIEDLER: That would be great.
9 And I know I have a colleague who's going to ask a little
10 more about some of the geriatric folks, so I will wrap up
11 that part of it.

12 But it does seem as though there is a backlog
13 of commutation applications, maybe about 400. Could you say
14 if that's true, and if you think that additional funding or
15 some other implementation of some other process could assist
16 in facilitating that and bringing some of those applications
17 to the point of an actual hearing, potentially?

18 SECRETARY FLOOD: Right.

19 So part of how the process works, especially
20 for commutation, if someone doesn't have a designated
21 representative -- so either private legal counsel, family,
22 or friend to navigate them through that process and serve as
23 that representative, the Department of Corrections
24 represents them by default. And certainly having the
25 personnel, or the limited personnel, to assist with that

1 effort -- in particular, following the Lieutenant Governor's
2 election and serving as chair -- certainly we've seen an
3 uptake in the number of folks that have applied for
4 commutation. So that largely accounts for that backlog,
5 because, you know, admittedly, more people are applying than
6 before.

7 There's actually a study. The New York Law
8 School commissioned a study, I believe last year, "The
9 demise of commutation in Pennsylvania." And over the last
10 40 years, there really has been maybe a handful of folks who
11 have successfully received commutation. Whereas, the trend
12 has certainly changed and there's an upward trajectory in
13 the number of folks that are successfully receiving, so that
14 largely contributes to the backlog.

15 So, yeah, obviously, personnel certainly
16 would help. But I think some other things that we're
17 looking to do as a board, long-term, we want to be able to
18 essentially create a certification program. So for folks
19 who don't have someone that they, a family member or a
20 friend that they can tap into to assist them with this, to
21 be able to certify whether it's nonprofits or other entities
22 to be able to assist them. That way, we make sure that
23 folks, it's almost similar to PennDOT. You know how you
24 take the driver exam, you read the booklet, and then you
25 assess your aptitude on the computer. Same deal, we would

1 put together some sort of course work that folks would be
2 able to assess their aptitude and they'll be certified to
3 assist folks with that effort. So you take a little bit of
4 that burden off of the department and the nonprofit sector
5 can pick that up.

6 REPRESENTATIVE FIEDLER: Thank you so much.
7 I appreciate all your work on commutations.

8 Seeing the yellow light is on, but are you
9 able to give us a brief update on the smart communications
10 mail contract that we have, how much that costs, and how you
11 feel like that's going, please?

12 DEPUTY SECRETARY OPPMAN: It's roughly about
13 \$4 million they're spending right now on the smart
14 communications contract. I think that's gone very well.
15 Considering being able to intercept all the mail, original
16 mail, and then actually make digital photos of that, and
17 then send that to the institutions. I know they had a
18 little problem with the actual photographs, which they're
19 working on to enhance that to make that a better product.
20 But overall, I think that's gone very well.

21 SECRETARY WETZEL: Yeah. And I would just
22 add that the number of officers sent out being exposed to
23 liquid K2, that was put on the paper, has essentially been
24 eliminated. We have a new bid going out that will include
25 the paperless, or the electronic mail coming in later this

1 year that will also include e-mail for legal mail.

2 REPRESENTATIVE FIEDLER: I've heard a lot of
3 concerns about the quality of the photos, which I know
4 you're aware of.

5 Thank you for your work. I appreciate it.

6 MAJORITY CHAIRMAN DUNBAR: Thank you,
7 Representative.

8 Next will be Representative Warner.

9 REPRESENTATIVE WARNER: Thank you, Mr.
10 Chairman.

11 Gentlemen, thank you very much for joining us
12 here today.

13 You know, I know briefly that we were talking
14 about underfunding. I just want to quickly go over the
15 budgeting process here, when we talk about underfunding the
16 department.

17 In the 2018-2019 Governor's proposed budget,
18 we were looking for 2.3 billion, correct?

19 DEPUTY SECRETARY OPPMAN: That sounds
20 correct.

21 REPRESENTATIVE WARNER: Okay, 2.320. Okay.
22 2018-2019 enacted budget, from the legislature, was
23 2,319,000. So we're looking at a million-dollar difference
24 less, correct?

25 Okay. So the 2019 budget, with

1 supplementals, though, the overspending was 2,3,4,0, so
2 we're still looking at \$20 million in overspending. And
3 2019-2020, same thing, Governor asked for 2.4, enacted
4 with supplementals -- we gave 2.38. Enacted with
5 supplementals was \$70 million overrun.

6 This is what's coming to us from the
7 department and the Governor. So if we're talking about
8 underfunding, I mean, this is what's being proposed from the
9 Governor. So I want to quickly go into some of those
10 overruns in the supplementals.

11 Specifically I want to look into the
12 2018-2019 budget line item for medical care appropriations.
13 There was a \$10 million supplemental requested. Do you know
14 the reasoning behind that?

15 DEPUTY SECRETARY OPPMAN: Yes. That would
16 have been for hepatitis C. Once we started to treat
17 hepatitis C more aggressively with the new medications --
18 originally those medications came out about \$85,000 per
19 patient, right now they're down about \$18,000 per patient.
20 But we have over 4500 current inmates with hepatitis C that
21 we have to treat for. And a court settlement that we
22 concluded with, we have to treat 1500 inmates per year. So
23 1500 inmates per year, \$18,000 per treatment, equals
24 \$27 million.

25 REPRESENTATIVE WARNER: So hepatitis C would

1 have been the main reasoning for the '18-'19 increase?

2 DEPUTY SECRETARY OPPMAN: For the medical
3 contract, the bulk of that deals with hepatitis C.

4 REPRESENTATIVE WARNER: Okay, '19-'20 there's
5 an increase for \$14 million supplemental. What's the
6 reasoning for the '19-'20 increase?

7 DEPUTY SECRETARY OPPMAN: '19-'20 would have
8 been, the Department of Health provided SPBP funding,
9 Special Pharmaceutical Benefits Program. It's federal
10 funding. And at that point, the Department of Health could
11 no longer give us that money, so then the money had to be
12 brought out of the general fund for that increase. That's
13 probably what you're looking at there.

14 REPRESENTATIVE WARNER: The hepatitis
15 situation, this situation was not known prior to the
16 Governor's proposed budget? You couldn't foresee -- okay.

17 This year, '20-'21, there's a \$5 million
18 increase on that line. What's the reasoning for the \$5
19 million increase?

20 DEPUTY SECRETARY OPPMAN: It's continued to
21 be the underfunding for that hepatitis C treatment.

22 REPRESENTATIVE WARNER: Okay. Let's look at
23 the SCI line. '18-'19, \$40 million supplemental increase...

24 DEPUTY SECRETARY OPPMAN: For the '18-'19
25 year, I think -- first of all, let me quickly go back to

1 '17-'18.

2 REPRESENTATIVE WARNER: Okay.

3 DEPUTY SECRETARY OPPMAN: '17-'18, 31 million
4 for the H1 increase was not part of the budget, of the
5 allocation. We also had an increase in requirements for the
6 BCCs, the community corrections, 25 million needed where we
7 tried to cut, but we couldn't cut the beds in the community.

8 Then you get into '18-'19, you start to get
9 into 21 million came from the HRIT allocation that was not
10 funded. Prior to that, we had our own HR staff. They made
11 a move to pull everyone under HRIT1 through the Office of
12 Administration, and then that became the billing on the
13 operations side. Now our operations costs went up,
14 personnel went down, but there was a shortfall on funding
15 for that year of 21 million.

16 Then also in '18-'19 you get into the
17 \$10 million of drug interdiction efforts, the Secretary,
18 where he locked down all the facilities. We instituted a
19 lot of things, drone detection, body scanners, security mail
20 processing center for all the publications. We did the mail
21 contract that was asked about. So, yeah, 10 million of
22 that. And also in that year, you had the Phoenix move.
23 Fourteen million of that was basically associated with the
24 cost of that move, including the overtime and setup of that
25 facility. So that's -- at the end of '18-'19 is where we

1 had \$71 million in deficit rolling into '19-'20.

2 REPRESENTATIVE WARNER: Okay. So that's what
3 the explanation is for the \$75 million supplemental for
4 '19-'20?

5 DEPUTY SECRETARY OPPMAN: Yes, yes, including
6 a few things in '19-'20. There's still some HR --

7 REPRESENTATIVE WARNER: Can you name any of
8 those things?

9 DEPUTY SECRETARY OPPMAN: Yes. 6.5 million
10 HRIT allocations not funded, and the drug interdiction
11 efforts, those contracts are about 9.5 million. And then
12 the anticipated savings we had of the retreat, when the
13 announcement was made in August, Act 133 took longer than
14 anticipated, where we thought we could save maybe 20 million
15 of the total operation of SCI Retreat in that year. But due
16 to delays to where we are now in the time line, there was no
17 savings; we're still operational. And we won't see closure
18 of that facility till the end of this fiscal year. So that
19 added into that, where we are now with that total shortfall
20 of 93 million.

21 REPRESENTATIVE WARNER: Okay. I do see my
22 time is up, and I do want to thank you. But I just want to
23 leave with one question here -- I'll make a statement first.

24 Look, I'm not saying that any of those
25 reasons that you gave me are not good reasonings for

1 supplementals. However, they may be good reasons, but it's
2 bad budgeting. That's -- in just those two line items,
3 that's \$140 million in unanticipated costs that we have to
4 hit taxpayers with in two years.

5 Now, if I'm budgeting, I look at that for --
6 those are unexpected costs. In my opinion, we should be
7 budgeting, I look at that for, you know -- those are
8 unexpected costs. In my opinion, we should be budgeting
9 more for unexpected costs, then. And then, you know what,
10 at the end of the day, if we come down and you don't spend
11 that money, then you tell the taxpayer, "Hey, we didn't have
12 to spend that much money," and I think that that's a good
13 thing.

14 When I budgeted before, when I was a
15 commercial project manager, that's exactly what we did.
16 It's called hedging your bets. You know, you budget more,
17 if you think that there's going to be unexpected costs. It
18 seems to me that we are not budgeting that well for
19 unexpected costs.

20 And so that brings me to my last question on
21 the SCI line for the new budget. You guys are rolling back
22 \$75 million. Is this an accurate estimate of what we are
23 actually going to see on that line item --

24 MAJORITY CHAIRMAN DUNBAR: All right --

25 REPRESENTATIVE WARNER: -- for this year

1 or are we going to see --

2 MAJORITY CHAIRMAN DUNBAR: Representative,
3 let's get to the question, please.

4 REPRESENTATIVE WARNER: Are we going to see a
5 supplemental increase on that line item?

6 DEPUTY SECRETARY OPPMAN: No --

7 REPRESENTATIVE WARNER: Right now I see a
8 \$75 million decrease, but I see a trending that we've asked
9 for supplementals constantly.

10 DEPUTY SECRETARY OPPMAN: As the Secretary
11 mentioned, if we get funding for the H1 increase that we
12 don't know at this point, you know, historically,
13 45 million, somewhere in that range, are some of the dollars
14 that we see, if you look at our historical numbers. If we
15 get that, we feel confident in the budget that's being
16 proposed.

17 MAJORITY CHAIRMAN DUNBAR: Thank you.

18 REPRESENTATIVE WARNER: Thank you.

19 MAJORITY CHAIRMAN DUNBAR: Thank you,
20 Representative.

21 Next will be Representative Schweyer.

22 REPRESENTATIVE SCHWEYER: Thank you, Mr.
23 Chairman.

24 I think I'll be brief. I just have one sort
25 of topic that I'd like to touch upon, if I may. And that's

1 the issue with community corrections facilities, CCFs, and
2 how many of them are using medically-assisted treatments for
3 those folks who have various degrees of addiction, most
4 notably opioid addictions.

5 SECRETARY WETZEL: Anybody who does drug and
6 alcohol treatment, we now have MAT and Vivitrol available at
7 our facilities.

8 REPRESENTATIVE SCHWEYER: Right.

9 SECRETARY WETZEL: We started a pilot with
10 Suboxone. It's our expectation that CCFs will allow
11 individuals who come out to maintain that. That's our
12 expectation across the board.

13 REPRESENTATIVE SCHWEYER: What's going on
14 with the pilot program? Where are we at right now with it?

15 SECRETARY WETZEL: With the Suboxone pilot, I
16 think we're about six months in.

17 REPRESENTATIVE SCHWEYER: Okay.

18 SECRETARY WETZEL: So it's too early to have
19 outcomes. I would anticipate next year having outcomes.
20 The number is so small that we don't have enough people
21 released. We need at least six months of people released
22 till we have outcomes. So I don't have much on the Suboxone
23 pilot.

24 Vivitrol pilot, initially we saw a
25 significant reduction in relapse, not a significant

1 reduction in reincarceration. We should have more numbers
2 shortly, though.

3 REPRESENTATIVE SCHWEYER: You said you did
4 not see a significant reduction in reincarceration?

5 SECRETARY WETZEL: No. Significant reduction
6 in relapse, not a significant reduction in reincarceration.

7 REPRESENTATIVE SCHWEYER: Okay, interesting.
8 What about any other MAT treatments that
9 you're looking, that you may look at in the future?

10 SECRETARY WETZEL: We also have a
11 methadone --

12 REPRESENTATIVE SCHWEYER: Right.

13 SECRETARY WETZEL: -- clinic at Cambridge
14 Springs. Primarily if a pregnant female comes in on heroin,
15 we have to maintain them on methadone and then actually end
16 up detoxing both after the birth. So we used to ship people
17 out for that. We now brought that in-house.

18 And our goal is really focused on folks who
19 are serving less than a year with us and folks at the back
20 end of the system.

21 REPRESENTATIVE SCHWEYER: Right.

22 SECRETARY WETZEL: Twenty-five percent of the
23 folks who are addicted, who come to us, are addicted to
24 opioids. So the MAT expansion is pretty significant and I
25 think, long-term, will pay off in recidivism reduction.

1 REPRESENTATIVE SCHWEYER: But we're talking
2 about in your facilities at this point in time. We're still
3 not talking about CCFs, correct?

4 SECRETARY WETZEL: We're talking about both
5 because if someone --

6 REPRESENTATIVE SCHWEYER: Okay. I just
7 wanted to make sure I'm clear.

8 SECRETARY WETZEL: We can't responsibly
9 prescribe an MAT inside if we don't have a nexus to the
10 outside for them to continue. So we don't -- anybody who we
11 prescribe inside, the assumption is, they will continue it
12 on the street.

13 REPRESENTATIVE SCHWEYER: Right. So we're
14 talking continuative care and continuing that
15 post-incarceration, so --

16 SECRETARY WETZEL: Right.

17 REPRESENTATIVE SCHWEYER: All right.

18 Thank you very much.

19 That's all I have, Mr. Chairman.

20 MAJORITY CHAIRMAN DUNBAR: Thank you,
21 Representative.

22 Next will be Representative White.

23 REPRESENTATIVE WHITE: Good afternoon.

24 Thanks for being here today and thanks for
25 what you do.

1 I just have a question regarding OVA, Office
2 of Victim Advocate. I wanted to find out if any of your
3 officers have had any issues in terms of receiving
4 compensation out of the Victims' Fund.

5 We've had local law enforcement officers in
6 Philadelphia, you know, they received the notice and then
7 apply. And then, unfortunately, they get declined even
8 though they were a victim of crime themselves, such as the
9 law enforcement officers who were being shot at in the city
10 during that big incident right near Temple.

11 I just was curious if you had any knowledge
12 of that, that that was taking place, or if that's happening
13 to your correction officers, and also, if there would be any
14 financial impact on the fund when, you know, these officers
15 are trying to receive those victims' benefits.

16 SECRETARY WETZEL: That's not an issue that's
17 on my radar at all. I will follow up, though. That's
18 interesting. I haven't heard about that as an issue. I
19 can't imagine --

20 Listen, if they're a victim, they should --

21 REPRESENTATIVE WHITE: It doesn't matter,
22 correct. That's my understanding of the law, as well.

23 SECRETARY WETZEL: -- be funded for that.

24 REPRESENTATIVE WHITE: I just wanted to make
25 sure --

1 SECRETARY WETZEL: I have not heard that at
2 all, but I will follow up. And we can specifically reach
3 out to folks who have been injured and see if that's been an
4 issue where charges were filed.

5 REPRESENTATIVE WHITE: Okay. Thank you very
6 much.

7 MAJORITY CHAIRMAN DUNBAR: Thank you,
8 Representative.

9 Next will be Representative Bullock.

10 REPRESENTATIVE BULLOCK: Good afternoon,
11 Secretaries.

12 SECRETARY WETZEL: Good afternoon.

13 REPRESENTATIVE BULLOCK: Great. I have a few
14 questions. Of course, Secretary Wetzel, I'm going to start
15 with you in regards to your workforce. My understanding,
16 and you can correct me, you have about 65 percent of your
17 staff as white men, 22 percent white women, 8 percent
18 minority males, and roughly the same, 8 percent or so
19 minority females; is that correct?

20 SECRETARY WETZEL: Not exactly.

21 REPRESENTATIVE BULLOCK: Not exactly. Can
22 you --

23 SECRETARY WETZEL: Yeah. So on the
24 institution side of the house, 87 percent of our staff is
25 white, 13 percent black; 73 percent male, 27 percent female.

1 As far as the subgroups, six percent African-American, or
2 black male, four percent black female, two percent Latino
3 male, one percent Latino female.

4 On the community side of the house -- and
5 I'll give you --

6 REPRESENTATIVE BULLOCK: Can you? Great,
7 because I'm going to get there.

8 SECRETARY WETZEL: On the community side of
9 the house, it is 81 percent white employees, 19 percent
10 nonwhite employees; 56 percent male, 44 percent female.
11 Subgroups are five percent African-American male,
12 eight percent African-American female, two percent Latino,
13 both male and female. And I will --

14 REPRESENTATIVE BULLOCK: I appreciate that.
15 I actually appreciate the level of detail in the breakdowns
16 in each of those various groups.

17 SECRETARY WETZEL: I also have a comparison
18 from two years ago in here so you can --

19 REPRESENTATIVE BULLOCK: You did your
20 homework today. I definitely appreciate that.

21 SECRETARY WETZEL: I watch a lot of PCN.

22 REPRESENTATIVE BULLOCK: The benefit of --

23 SECRETARY WETZEL: I'm embarrassed to admit.

24 REPRESENTATIVE BULLOCK: The benefit of
25 coming in day three, you know where I'm going with this. I

1 will -- I do appreciate that. And so I will skip ahead and
2 go towards follow-up on the hepatitis C questions.

3 Understanding that the cost for hepatitis C
4 treatment has declined significantly in recent years to
5 about 16 to 18,000 per treatment. My question is, I just
6 want to understand, where are we testing individuals? Are
7 they tested upon entry and are they tested later on, or is
8 it just at entry?

9 DEPUTY SECRETARY OPPMAN: Hepatitis C is not
10 one of the tests that's done automatically; we offer it.
11 And it's up to the inmate if they want to do that. But most
12 STDs are tested for on day of intake.

13 REPRESENTATIVE BULLOCK: So they can opt in
14 to test on the day of intake. Are they allowed to opt in
15 and test during their incarceration?

16 DEPUTY SECRETARY OPPMAN: Oh, absolutely,
17 absolutely.

18 REPRESENTATIVE BULLOCK: And how is treatment
19 determined for individuals who may test positive for
20 hepatitis C?

21 DEPUTY SECRETARY OPPMAN: There's additional
22 testing to do a confirmation of that test. Again, I'm not a
23 physician so I'm going to walk through this a little bit.
24 But once that's done, depending on the factor, from the
25 secondary testing, it goes anywhere from F0 to F4, F4 being

1 the worst. That is at the point of compensated cirrhosis
2 and liver failure.

3 So the prioritization of the individual is
4 then done based upon the testing and what category they are,
5 and the need for, if they need immediate testing. We're
6 always going to prioritize those higher levels when it comes
7 to that.

8 We've always done that in the past. I think
9 some of this has to do with a resource issue, how many
10 physicians you have that can oversee these programs, things
11 of that nature. So you can only flood so many people in an
12 ER and then you triage people and prioritization has to
13 happen.

14 But what we've done is, through that court
15 settlement, we had to increase that amount. So we have the
16 contract with Temple University to handle a specialized
17 caseload and with our current medical provider in the
18 institution, Wellpath, to be able to handle the less severe
19 cases, when I say the categories of their diagnostic score.

20 REPRESENTATIVE BULLOCK: So under the
21 settlement, and I'm not clear either as -- I don't have a
22 medical background either. Are we treating everyone?

23 DEPUTY SECRETARY OPPMAN: The goal is to
24 treat all of our inmates that currently have hep C and we
25 have to also, upon reception -- you're almost talking

1 20 percent of our entire inmate population, so that is a big
2 number.

3 REPRESENTATIVE BULLOCK: It is.

4 DEPUTY SECRETARY OPPMAN: So the goal is to
5 treat 1500 a year to stay within the court settlement over
6 the next three years. And thereafter, we have to continue
7 to treat the ones upon reception. So it's one way to
8 really -- you know, we have a high propensity of drug use,
9 things of that nature. You can also reinfect once you're
10 cured, but this is a 95-plus percent cure rate. So the
11 goal, really, to help eradicate this disease is targeting
12 correctional systems where you can, really, you know,
13 improve public health dramatically for once they get --

14 REPRESENTATIVE BULLOCK: Released.

15 DEPUTY SECRETARY OPPMAN: -- released into
16 the community.

17 REPRESENTATIVE BULLOCK: That's a big concern
18 because you say 20 percent of your population, many of them
19 will return into the community and it is a public health
20 concern to make sure that we are treating as many as
21 possible and not having individuals return to the community
22 and reinfecting others.

23 Secretary.

24 SECRETARY WETZEL: And we'll provide you,
25 after the fact, kind of how we prioritize. Again, F4 is the

1 most severe, you're at liver cirrhosis. F0 and F1, you
2 know, sometimes wouldn't even be treated on the street
3 necessarily until they get to a higher level.

4 We're also a closed system. So if somebody
5 transitions from F1 to F3, for instance, we know about it.
6 Whereas, if they're in the community and they don't go see
7 the doctor, they don't know about it. So I think the
8 protocol that we have in place -- and we'll provide you with
9 the protocol and how we prioritize -- I think it's a
10 responsible protocol. For us to treat 4,000 people and not
11 factor in when they're getting out and can they complete the
12 treatment, I think would be a waste of money. So I feel
13 very confident that what we're doing is both the right thing
14 to do from a public health standpoint, and also by bringing
15 it down to limit it to 1500 per year, it's not breaking the
16 bank. Although, obviously it has had a budget impact.

17 REPRESENTATIVE BULLOCK: Thank you very much.

18 MAJORITY CHAIRMAN DUNBAR: Thank you,
19 Representative.

20 Next will be Representative Topper.

21 REPRESENTATIVE TOPPER: Good afternoon.

22 Thank you for joining us.

23 I want to talk a little bit about costs per
24 inmate. And two areas, the first one being in health care
25 services. We've seen a 33 percent increase from the budget

1 of '13-'14 to last year at '18-'19 to where, now just our
2 health care costs per inmate are over \$6500. Are we looking
3 at any point at that leveling out or are those costs going
4 to continue to rise at that amount?

5 SECRETARY WETZEL: Aging population is the
6 number one driver of that. And again, this is not my
7 number, the federal number to define aging, elderly
8 prisoners is 50. Nobody be offended. I just turned 50, so
9 I'm offended by that. But that's how the feds put the
10 number.

11 That number has jumped from six percent to
12 now 23 percent of our population. Almost 100 percent of
13 that population is on medication, which is one of the big
14 cost drivers of that. They are also three times more likely
15 to get sent out, three times more likely to have things
16 like, need dialysis or those kinds of things. So that's one
17 of the huge cost drivers.

18 Second cost driver, although it's mitigated a
19 little bit by the reduction in costs, is we weren't even
20 treating hep C when I first started to the extent that we
21 are now and identifying it. Now when you're talking
22 about -- we're talking about, you know, 4,000 people getting
23 this treatment. That's a big cost driver.

24 Another one that's a small number, but a huge
25 cost driver, is hemophilia. That treatment for one

1 hemophiliac is about a million dollars per year for one
2 individual. So I think some of that stuff, I don't see a
3 reduction, unless we get a significant reduction in the
4 aging population.

5 REPRESENTATIVE TOPPER: To be quite candid,
6 because we're treating inmates with better health care,
7 they're getting better health care at this point, then of
8 course, they're living longer. I mean, so it's kind of, the
9 better we get at what we do, the higher our aging population
10 will be. So that would continue to trend upward.

11 SECRETARY WETZEL: Well, I think -- and maybe
12 that's a piece of it, and I think we have a constitutional
13 level of health care. But I think, you know, 11 percent of
14 our population is serving life without parole. So that's
15 what's driving the aging population.

16 So as our population dropped by 6,000, that
17 5100, 5200 is going to be there until they pass away. So I
18 think that's as much of a driver as the level of health
19 care.

20 Now one factor, we are rebidding our health
21 care contract currently. And without getting into too many
22 details, currently we have three separate contracts. We
23 have one for medical, one for pharmacy, and one for
24 psychology. We are now providing an option to combine all
25 those into one. We're hoping that that reduces the

1 administrative costs, and perhaps reduces our costs, but we
2 have no idea.

3 REPRESENTATIVE TOPPER: But that was my
4 second part, was then also the mental health treatment is
5 also incorporated into that, as well.

6 SECRETARY WETZEL: And that population has
7 increased from 19 percent when I started this job, to 33
8 percent and still on the rise. That's a population that you
9 see costs both in a medical line item and a security line
10 item because that's our population that's most likely to be
11 assaultive. It's also our population that takes the most
12 staffing. So that's a big, that's a cost driver in a couple
13 of line items.

14 REPRESENTATIVE TOPPER: Overall, costs per
15 inmate -- we were, I think in 2016, we're above, slightly
16 above the U.S. average. We're above a state, for instance,
17 like Ohio, one of our -- it's hard to compare state to state
18 sometimes. Ohio is a little easier because it's similar in
19 some ways and we're right next to each other. I assume
20 other states are seeing the same thing -- or what is -- how
21 do you feel about our overall costs per inmate in terms of
22 where we're at nationally or just where you think we should
23 be at?

24 SECRETARY WETZEL: So the national comparison
25 is difficult because you have union versus nonunion states,

1 big difference in those two. You have north versus south,
2 huge difference in those. Right-to-work states are much
3 lower because of the staffing costs, because 75 percent is
4 staffing costs.

5 I think the other factor is staffing levels.
6 So you talk about Ohio, Ohio has about 60 percent of our
7 staffing levels and I would argue that when you see the
8 population reduced over 6,000, it's not -- I mean, with the
9 work, bipartisan work around this, we are not reducing by
10 high risk, violent individuals. We're reducing by, you
11 know, primarily driven by drug addiction and those kinds of
12 things. So the acuity or the risk level of the people in
13 there is higher. So the increase in the per diem costs is
14 driven by increase in staffing levels, which I believe is
15 critical to provide safety --

16 REPRESENTATIVE TOPPER: Just because we have
17 more people who, perhaps, are able, were able to get back
18 out and integrate into society doesn't necessarily mean
19 we're going to be lowering staff costs because the ones that
20 are still there are going to be high risk; is that correct?

21 SECRETARY WETZEL: Yes, that's exactly it.

22 REPRESENTATIVE TOPPER: Okay. Thank you.

23 Thank you, Mr. Chairman.

24 MAJORITY CHAIRMAN DUNBAR: Thank you,
25 Representative.

1 Next will be Representative Kim.

2 REPRESENTATIVE KIM: So I wanted to hone in
3 more on the mental health issues in prison.

4 You have a special section for the serious
5 mental illness, right? You have a mental health population
6 and then there's a smaller version where eight percent of
7 the male inmates have an SMI and 14 percent of females have
8 an SMI. I find them as a very vulnerable population. This
9 is more of a procedural question. How do you diagnosis
10 them? Are the families informed? Are they given updates?
11 What does that look like when you have someone with severe
12 mental illness in prison?

13 DEPUTY SECRETARY OPPMAN: Well, first of all,
14 they're diagnosed by our contracted psychiatrists. They're
15 the ones who will be doing the diagnosis. And then,
16 collaboratively, working with our psychology staff, they
17 would create individual recovery plans. And then by policy,
18 based upon their roster status on the mental health roster,
19 whether they are an A, a B, a C, or a D, would depend on the
20 amount of frequency of the mental health contacts with the
21 professionals inside the institutions.

22 SECRETARY WETZEL: Let me translate.

23 So D is the group you're talking about,
24 seriously mentally ill.

25 REPRESENTATIVE KIM: Okay.

1 SECRETARY WETZEL: They require more contacts
2 with psychiatrists. If they choose to have their families
3 involved, we encourage that, doesn't always happen. And
4 because they're adults, even if they're seriously mentally
5 ill, they make that choice.

6 The next category Chris was talking about, C
7 roster, that's individuals who are being treated for mental
8 illness, but don't meet the criteria, "seriously mentally
9 ill." The combination of those two, so eight percent
10 seriously mental ill, 33 percent overall on the mental
11 health roster, overall. For females, those numbers are far
12 different. Fourteen percent seriously mentally ill for
13 females, overall 65 percent of females are on our mental
14 health roster. So the acuity dictates how often the
15 contacts are.

16 Now, we got sued over our mental health
17 system. You may remember in 2011, the lawsuit began right
18 when I started this job. And the result of that was a
19 significant increase in our mental health treatment, and
20 also for seriously mentally ill individuals, they're only in
21 about half of our prisons. And what we did is we put them
22 in half the prisons so we could increase the services at
23 those prisons, but not do it systemwide as a way to mitigate
24 the costs of responding to that lawsuit and ultimate
25 settlement.

1 REPRESENTATIVE KIM: And with this
2 population, what is the criteria in terms of -- or policy
3 when it comes to solitary confinement? So if you have an
4 SMI inmate, can they go "in the hole"? I mean, I find
5 that --

6 SECRETARY WETZEL: So they can be segregated
7 from the population, but their conditions and confinement
8 don't meet the criteria for restrictive housing. So they're
9 out of their cell 20 hours a week with the opportunity for
10 congregate activities. Ten hours of out of cell time is in
11 structured activities, ten hours unstructured activities.

12 So that was the settlement with the
13 Disability Rights Network. So they do not meet the criteria
14 of segregation.

15 That's also present for juveniles and
16 pregnant females. So those vulnerable populations are not
17 in that status.

18 REPRESENTATIVE KIM: Okay. Thank you,
19 Secretary.

20 And I'm going to pivot to Secretary Flood.
21 There was quite an investment for the technology in your
22 department to help people sign up for pardons online. There
23 was quite a long wait when it was paper, I guess, one to two
24 years. How has the technology played out? Can people get
25 pardons or commutations faster? What is the result of that

1 investment?

2 SECRETARY FLOOD: Well, first and foremost, I
3 want to thank this body for approving that request last
4 year. I know I came in post the Governor's budget address.
5 And you guys were -- I know I met with Chairman Saylor, as
6 well as on the Senate side, with Chairman Brown, and they
7 understood our need.

8 We've been around -- and part of the reason
9 why I'm here -- and I'm addressing the committee as a whole,
10 you know, and especially for those of you who are more long
11 tenured here. I believe you said, Seth, you're probably the
12 longest tenured on the committee with the exception of maybe
13 Dave.

14 Historically, we've never participated in
15 these hearings. We've always kind of relied on the
16 Lieutenant Governor to kind of carry our water. But I think
17 it's important that we had some face time so folks get a
18 better understanding of who we are, what our functions are,
19 what our challenges are, as well as our successes.

20 So we've been around since 1872, at least in
21 the formal sense. So since 1872 to present day, it's always
22 been an exclusively paper-based system. And to your point,
23 yes, a lot of the turnaround time did account for it being
24 that paper-based system. So this wasn't our -- this is
25 actually our third crack at the nut here, so to speak, at

1 modernizing our efforts.

2 So, yeah, it definitely would assist in
3 making the process more efficient for the applicant, but
4 also for the agencies that we interface with. And I would
5 also say, that also would help from a public safety
6 standpoint, less probability of human error occurring.

7 So where we are with that project, that
8 project has been put out for bid, an RFP. That project --
9 the deadline for that RFP actually closes this month, the
10 25th of this month. It's had robust interest in the
11 project. And we've been, at least from what's been shared
12 with us from the IT consultant, with the Governor's Office,
13 we project to be able to roll this out at least November or
14 December of this year. So we're just trying to get all of
15 our ducks in a row and make sure that the third time is the
16 charm.

17 REPRESENTATIVE KIM: Great. Thank you. I'm
18 out of time.

19 Thank you, Chairman.

20 MAJORITY CHAIRMAN DUNBAR: Thank you,
21 Representative.

22 Representative Fritz.

23 REPRESENTATIVE FRITZ: Thank you, Mr.
24 Chairman.

25 And, Mr. Secretary and dedicated department

1 staff, thank you very much for being here, as well.

2 I want to take a moment to recognize the
3 brave and dedicated correction officers across this
4 Commonwealth that show up every day to a very dangerous and
5 challenging workplace. It requires a very special skill
6 set, for sure.

7 In my time as a county commissioner, Mr.
8 Secretary, we opted to house inmates at our facility from
9 neighboring counties. And it certainly served to be a
10 beneficial supplement to our operating costs. So applying
11 that same dynamic to our state facilities, Mr. Secretary, do
12 we house inmates from neighboring states? And I'll just
13 recall this exchange dialogue that we had last year. I
14 believe that you mentioned that we were housing prisoners
15 from Delaware at a rate of, I believe, 42,000. So what kind
16 of net margin do we realize at 42,000 and what impact is
17 that having on our, or your budget?

18 SECRETARY WETZEL: Yeah. So this year we're
19 anticipating an income from Delaware of about 13 million.
20 That's the good news. The bad news is Delaware -- we're
21 meeting with them tomorrow, they're pulling their inmates
22 out by the end of this calendar year. But we're actively --
23 it sounds odd to say, but we're actively marketing empty
24 beds. Any time we become aware of a state that's looking to
25 lease space, I am personally on the phone with their

1 Secretary trying to fill those empty beds.

2 REPRESENTATIVE FRITZ: Would you look at
3 neighboring states? What states are we engaged with?

4 SECRETARY WETZEL: We were engaged with
5 Arizona, that fell through. And we had Vermont inmates two
6 years ago. They're now in private beds that were cheaper
7 than ours. Delaware -- and there may have been another
8 state I'm talking to. I can't tell you which state that is
9 right now.

10 REPRESENTATIVE FRITZ: So we are,
11 Mr. Secretary, we are operating below operational capacity,
12 correct?

13 SECRETARY WETZEL: Yeah. We're at about
14 97 percent of operational capacity right now.

15 REPRESENTATIVE FRITZ: How many beds would be
16 available for a neighboring state to occupy?

17 SECRETARY WETZEL: I think yesterday we had
18 about 1400 empty beds. I probably would shoot for about a
19 third or half of those. I wouldn't want to fill every one
20 of those beds. But we have some empty housing units.

21 I mean, the ideal for us is if we don't put
22 them all in one space, we spread them out over the system,
23 because then we only have, our actual cost is only that
24 marginal cost. So that's what we're doing with Delaware.
25 Those 300-some inmates are spread out all over our system.

1 And that's ideal for us.

2 REPRESENTATIVE FRITZ: Excuse my financial
3 term in referencing a prisoner or inmate, but what is our
4 break-even cost?

5 SECRETARY WETZEL: So a marginal cost, if we
6 spread them out, is about \$18.50 a day.

7 REPRESENTATIVE FRITZ: And what would that be
8 annually?

9 SECRETARY WETZEL: Oh, don't ask me a math
10 question.

11 REPRESENTATIVE FRITZ: I'm just mentioning,
12 we looked at 42,000.

13 SECRETARY WETZEL: I think it's in the
14 7,000 -- somebody use a calculator, please. Straight Cs,
15 man.

16 REPRESENTATIVE FRITZ: Well, listen, while
17 he's doing the math, I want to take a moment to recognize
18 you in taking into consideration SCI Waymart and how
19 important they are to the state correctional system. So
20 thank you for that. And my constituents and the people that
21 work there thank you, as well, very, very much.

22 SECRETARY WETZEL: And actually, it's about
23 7,000 a year, the marginal costs. Actually, we are in
24 conversations with some folks up there about looking at some
25 kind of reentry facility for seriously mentally ill

1 individuals. So we're working with Wayne County
2 commissioners having some discussions up there for that
3 campus.

4 REPRESENTATIVE FRITZ: That's great news.
5 Thank you.

6 Thank you, Mr. Chairman.

7 MAJORITY CHAIRMAN DUNBAR: Thank you,
8 Representative.

9 Next will be Representative Kinsey.

10 REPRESENTATIVE KINSEY: Thank you, Mr.
11 Chairman.

12 Good afternoon, folks.

13 I want to direct my question to Secretary
14 Wetzel.

15 Secretary Wetzel, I'm just going to ask this
16 question. Do we have any type of empirical data that shows
17 on average that an individual who's incarcerated -- folks
18 who are incarcerated being rehabilitated, I think that's my
19 belief of it. But folks who are incarcerated. Is there any
20 type of empirical data that might show that after X amount
21 of years incarcerated they are considered rehabilitated?

22 SECRETARY WETZEL: There's some research out
23 of Carnegie Mellon about folks who are criminally involved,
24 and seven years after criminal involvement, they become less
25 likely to commit a crime than you and I.

1 There's also some research out there about
2 people aging out of crime. So I think a combination of time
3 served and age. And I think maybe 45 is the age where crime
4 drops off. I could be plus or minus two on that. But I
5 think there's a combination of research around, combination
6 of age and length from the actual crime that would suggest
7 that their risk becomes significantly low to commit another
8 crime.

9 REPRESENTATIVE KINSEY: Okay. So going along
10 with that theme of time served and age, you mentioned a
11 little bit earlier that the feds consider the age of 50,
12 someone aged 50 that has served, who has been incarcerated,
13 to be considered elderly; why is that?

14 SECRETARY WETZEL: The harsh conditions
15 inside prison, I mean just -- people age faster in a prison
16 environment.

17 REPRESENTATIVE KINSEY: So as I'm hearing my
18 colleagues ask you questions, I'm thinking, we talked about
19 folks over the age of 50 who have medical concerns. Those
20 are additional dollars that we expend simply that keeps
21 money there. And just hearing that time served -- and I
22 think you just mentioned seven years.

23 So I guess my question is, would the
24 department -- and I recognize that it doesn't fall on the
25 department -- but there has been legislation that has been

1 circulated at least within the House, aging out. In fact,
2 I'm the sponsor of the piece of legislation. But what I'm
3 attempting to do is trying to get folks to understand
4 that -- and I need your expert advice. If you serve at
5 least maybe 25 years and you're over the age of 50, I mean,
6 based on what you've shared, that person would appear to no
7 longer be a threat to society. Is that a general opinion
8 or...

9 SECRETARY WETZEL: Yeah. And let me just --
10 I'll just go on life without parole in general.

11 REPRESENTATIVE KINSEY: Okay.

12 SECRETARY WETZEL: And I think when we have
13 this discussion, finances are a piece of it. The other
14 piece of it is the crime they committed and the impact on
15 victims, right? So I think this is an important discussion
16 for Pennsylvania to have. We are one of the states that
17 have life without parole. But I believe, and this is just
18 my belief --

19 REPRESENTATIVE KINSEY: Sure.

20 SECRETARY WETZEL: -- with all the caveats.

21 REPRESENTATIVE KINSEY: You're an expert,
22 though, so we value your opinion.

23 SECRETARY WETZEL: But there are some folks
24 who need to serve life without parole no matter how old they
25 are or what the cost is.

1 With that being said, Pennsylvania has
2 historically been painted with a broad brush. Felony
3 murder, so the fact that you can be present for a murder and
4 still get life without parole, Pennsylvania is an outlier
5 for that. We have about 1100 of our folks serving life
6 without parole who are there. I think, from a policy
7 standpoint, that's a discussion that should be had in the
8 general assembly. Currently, the mechanism is through the
9 Pardons Board, and as much as I think that's an important
10 board, I think that's a terrible solution for this.

11 I mean, frankly, what happens in court is
12 that the victim gets assurance that they're not going to
13 have to deal with this again. And I was a member of the
14 Pardons Board and I'm glad it's there. And I'm someone
15 who's supported every person who's been commuted over the
16 past 15 years, right?

17 But what I'm saying is that we should as a
18 public policy, we should address that. It shouldn't be the
19 only resolution for that, going through the Pardons Board.
20 And when you talk to the victims -- and I'm trying to
21 channel my inner Jim Storm here, but you know, they get this
22 assurance in court and then it happens after the fact. It's
23 much better to front-end that.

24 So splitting out -- and I think oftentimes
25 from a policy standpoint, we just want to paint life without

1 parole as one thing. It's not one thing. I think there's a
2 group -- that felony murder, we have to address that from a
3 public policy standpoint.

4 I think medical parole is something -- in
5 Pennsylvania, we don't have it. There is, in theory, a
6 provision on the book for compassionate release. Six months
7 to die and not ambulatory is not compassionate and does not
8 result in release.

9 REPRESENTATIVE KINSEY: Wow.

10 SECRETARY WETZEL: So the reality is, is
11 there a group -- like, we currently have 500 people, 550
12 people, who are at the nursing home level of acuity, right?
13 So if we would have a medical parole where they would go
14 into -- and you know, Connecticut has a criminal justice
15 involved specific, like, nursing home, right, where they're
16 not incarcerated, but it's also not like the community.
17 What that does is, it allows you to offset with medical
18 assistance, which given the changes to the Affordable Care
19 Act, we get a 90 percent reimbursement from the feds on, so
20 I think we should really look at a medical parole bill.

21 But again, I would just caution against
22 painting with a broad brush on life without parole because
23 frankly, there are some folks who, regardless of the costs,
24 should be incarcerated for the rest of their life, as far as
25 I'm concerned.

1 REPRESENTATIVE KINSEY: Thank you very much,
2 Mr. Secretary.

3 Thank you, Mr. Chairman.

4 MAJORITY CHAIRMAN DUNBAR: Thank you,
5 Representative.

6 Next will be Representative Struzzi.

7 REPRESENTATIVE STRUZZI: Thank you, Mr.
8 Chairman.

9 Good afternoon.

10 My questions today are going to be focused on
11 the safety of corrections officers. And we had a similar
12 discussion last year, I believe.

13 You know, SCI Pine Grove is in my district.
14 I can literally see the lights from the prison at night on
15 the horizon. And these guys, corrections officers, are in
16 harm's way every day. They are our friends and neighbors,
17 they are volunteer firefighters, they're Little League
18 coaches, many of them are veterans. And yet, I continue to
19 hear stories -- and you even said, you know, with the amount
20 of the population decreasing, you know, more violent
21 offenders are left in our prisons. And the rate of
22 incidents against corrections officers continues to
23 increase --

24 SECRETARY WETZEL: It doesn't.

25 REPRESENTATIVE STRUZZI: Okay. That's --

1 SECRETARY WETZEL: I mean, any assault is
2 not --

3 REPRESENTATIVE STRUZZI: Right.

4 SECRETARY WETZEL: But it is not increasing.
5 That is not increasing.

6 REPRESENTATIVE STRUZZI: Okay.

7 Well, my question, though, is if we're
8 leaving -- and rightly so -- the more violent offenders in
9 our prisons, the population is decreasing, what are we doing
10 to ensure the safety of corrections officers?

11 SECRETARY WETZEL: Yeah. And I'm going to
12 have Executive Deputy Bickell address that. He started his
13 career as a correctional officer in 1989 and has seen it,
14 you know, from all aspects.

15 But one of the primary things, and one of the
16 things you'll see in our testimony, is an increase in the
17 staffing levels. And I think that's critical. When you
18 talk about what's driving costs, as I talked about with
19 Representative Topper, it is keeping staffing levels at an
20 appropriate level to manage this challenging population.

21 EDS Bickell, do you want to take that?

22 EXECUTIVE DEPUTY SECRETARY BICKELL: Yes.

23 As the Secretary stated, any staff assault,
24 we take personal. There shouldn't be any staff assaults.
25 However, we have taken a lot of proactive stances. As the

1 Secretary stated, our staffing levels are at all time highs,
2 even with the inmate population dropping. We still have
3 staffing levels -- our training just this year, we increased
4 our training hours by 11 hours per correctional officer,
5 pretty much just for self-defense training. Of course the
6 OC carrying that we do, we put more stuff in -- excuse me --
7 suicide preventing things -- excuse me -- intervention
8 training, mental health training we do to assist with staff.
9 As the Secretary said with our mental health staff, we have
10 training for them, the mental health first aid, the CIT
11 training, so they can deal with those inmates in that
12 manner.

13 SECRETARY WETZEL: We've also started this
14 violence reduction initiative. And one of the complaints we
15 got was, at some facilities, if a certain event happened,
16 they would be locked down, other facilities wouldn't. We
17 now have systematized it, so everyone in the system knows if
18 A happens, if a staff member is assaulted, if there is a
19 fight that includes a weapon or multiple inmates, whatever
20 block that happens, they're going to be locked down. And it
21 goes up through Executive Deputy Bickell, who signs off on
22 all these things.

23 We also initiated what's known in the
24 community as Operation Cease Fire, and it was actually
25 initiated at SCI Forest, that really takes an approach -- so

1 again, across the board, if there's an issue, everybody
2 knows what's going to happen, and we've really done a good
3 job of documenting that and really focusing on letting folks
4 know that we're not going to tolerate violence.

5 The drug interdiction, oftentimes we focus on
6 just drugs, but what's driving violence in our facilities is
7 drugs and we also went tobacco-free. So the control of
8 that -- and that's often controlled by gangs within our
9 facility.

10 So prior to our administration, we didn't
11 have a Gang Management Unit. We now have a Gang Management
12 Unit. And so gang leaders who are inside our prisons, still
13 trying to do their stuff both in the community and within --
14 we're responding to them and targeting the leaders and
15 locking them up. So we're constantly trying to stay ahead
16 of it. It's a challenge.

17 And I think one of the things, oftentimes we
18 get criticized, like, you know, "Your population is down,
19 why is your staffing level still the same?" And again,
20 we're doing a good job -- when I say "we," I mean all of
21 us -- from a public policy standpoint, kind of putting
22 Republican and Democrat aside and focusing on who needs to
23 be in a state prison. What's left is a more challenging
24 population, so those staffing levels are critical for us.

25 REPRESENTATIVE STRUZZI: What are your

1 current staffing levels?

2 SECRETARY WETZEL: I think we're at about,
3 overall, in the way it's measured historically, if you take
4 the total number of security staff and compare it to the
5 total number of inmates, we're at about 4.8 inmates per
6 security staff member. That's not a -- that's a blunt
7 instrument, it's not the best way to do it, but it's a way
8 that we can compare it over time to show where our staffing
9 levels are.

10 REPRESENTATIVE STRUZZI: And then within your
11 budget, you have a request for additional staffing. How
12 many more are you requesting?

13 SECRETARY WETZEL: I actually think we're
14 projecting to stay the same or slightly go down because of
15 the closure of SCI Retreat, where there's 300 positions.
16 But we're keeping the staffing levels at what they are.

17 REPRESENTATIVE STRUZZI: Okay. I appreciate
18 your testimony. Please keep the corrections officers'
19 safety, you know, first and foremost because I hear it
20 firsthand from these guys in the community.

21 So thank you.

22 SECRETARY WETZEL: Thank you. Thank you for
23 your support, too.

24 MAJORITY CHAIRMAN DUNBAR: Thank you,
25 Representative.

1 Next will be Representative Sanchez.

2 REPRESENTATIVE SANCHEZ: Thank you, Mr.
3 Chairman.

4 Up here, Mr. Secretary. Welcome to all.
5 Thank you for being here today.

6 I wanted to thank you, Mr. Secretary, for
7 your insightful and considered comments on the issue of life
8 without parole. I definitely agree that's something the
9 general assembly should look at and, you know, save
10 ourselves a lot of money and, you know, actually have some
11 compassion.

12 A question related to that, it's my
13 understanding that the Board of Probation and Parole are
14 actually down three board members right now and also three
15 hearing examiners. Is that -- it must be affecting, but
16 does someone care to comment, perhaps --

17 CHAIRMAN JOHNSON: Yes. Representative, you
18 are correct, we are down three board members and four
19 hearing examiners. All of those are decision makers. At
20 this point in time, we are in the process of filling the
21 hearing examiner positions with the aid of Secretary
22 Newsome.

23 The board members, however, that is a process
24 where the Governor and the Senate will need to place three
25 board members back on the board. Right now we are behind in

1 our decision-making and every month that number goes up.

2 To be specific, in January, we were not able
3 to see 112 inmates. In February, we were not able to see
4 182. And it's projected for March, we will not see 224
5 inmates.

6 Due to the tragedies that happened this
7 summer, we did deep dives, and one of the recommendations we
8 had was to cut back the number of cases that board members
9 and hearing examiners had so that we could take a better
10 look at our decision-making.

11 I have maintained that level even with the
12 vacancies because of community safety. But it is imperative
13 that we get those positions filled.

14 SECRETARY WETZEL: And just to follow up on
15 that --

16 CHAIRMAN JOHNSON: Of course.

17 SECRETARY WETZEL: -- keep in mind, that this
18 is going to have impacts on our population. If this goes on
19 longer than past March, we're going to see significant slow
20 down in our reduction. Right now we're at about 600 as far
21 as a reduction in this fiscal year. That will stop. And
22 the challenges -- it will take a year to recover.

23 So when Governor Rendell shut down parole for
24 three months back in 2008, 2009, that caused an increase of
25 2500 inmates within two years, that it took us probably six

1 years to overcome. So it's a critical situation. That
2 really needs to be resolved.

3 CHAIRMAN JOHNSON: And if they were to give
4 me three board members today, it would still take three
5 months for those board members to be comfortable with making
6 decisions. Myself, with over 40 years experience, it took
7 me two to three months to be comfortable. So those numbers
8 are going to rise even some months after those positions are
9 filled.

10 REPRESENTATIVE SANCHEZ: Thank you, Mr.
11 Chairman.

12 And I'd like to use the remainder of my time
13 to go in a slightly different direction.

14 I had the opportunity to tour SCI Phoenix
15 late last year, impressive operation, so many observations.
16 One observation with some of the -- it was lunchtime while
17 we were there and the meals were being served. I noticed a
18 lot of just kind of single-use plastic stuff and trays. And
19 I assume that's like the, under the purview of the
20 contracted, you know, provider. But are there any efforts
21 at sustainability or, you know, kind of environmental stuff?

22 And if you don't have that information at the
23 ready, you know, happy to follow up later. But just kind of
24 struck me as, you know, a lot of stuff was going in the
25 trash that might not necessarily, could be recycled or done

1 in a different way, especially, you know, since you have got
2 such great programs going on there with uniforms and other
3 types of, kind of inmate provided labor and job force
4 training. So just, have you given that any thought?

5 SECRETARY WETZEL: Yeah. Actually, most of
6 the plastics are not disposable. But obviously we don't do
7 metal in prisons.

8 REPRESENTATIVE SANCHEZ: Sure.

9 SECRETARY WETZEL: So it's a more substantial
10 plastic. For some special diets and some things, we would
11 use disposable stuff, especially in some restrictive housing
12 units. If someone is on a suicide watch, for instance, we
13 use disposable and less substantial plastic. But I can get
14 back to you on kind of what that looks like.

15 REPRESENTATIVE SANCHEZ: Just wanted to put
16 it on your radar. I know you have many other issues, but
17 don't want the environment to take a total back seat.

18 So thank you very much.

19 SECRETARY WETZEL: I got you. Thank you.

20 MAJORITY CHAIRMAN DUNBAR: Thank you,
21 Representative.

22 Next will be Representative Grove.

23 REPRESENTATIVE GROVE: Thank you.

24 Lady and gentlemen, good to see you again.

25 I just wanted to follow up on a couple of

1 quick questions. The out-of-state prisoners, was that
2 \$13 million above cost or we got \$13 million?

3 SECRETARY WETZEL: That was \$13 million in
4 revenue above costs.

5 REPRESENTATIVE GROVE: Okay. And then you
6 had mentioned the difference between state operations.
7 Those states that are right-to-work, obviously contracts
8 still being the same, it's not like pay will go backwards.
9 But I assume they have a lower year over year cost. Can you
10 provide us the cost difference year over year of those
11 operations between right-to-work states and non?

12 SECRETARY WETZEL: Yeah. I can get you some
13 general costs based on the structure and that kind of stuff,
14 absolutely.

15 REPRESENTATIVE GROVE: Fair enough.

16 SECRETARY WETZEL: I'm going to also add some
17 of the issues some of the states have when their
18 compensation for staff is significantly lower.

19 REPRESENTATIVE GROVE: Got that, too.

20 SECRETARY WETZEL: Just going to throw
21 that -- all right.

22 REPRESENTATIVE GROVE: You weigh both sides,
23 right?

24 SECRETARY WETZEL: Absolutely.

25 REPRESENTATIVE GROVE: And kind of going back

1 to the discussion we've been having, policy drives budgets.
2 So if we didn't have a Crimes Code, we wouldn't have
3 corrections. Nobody wants that, right? On the opposite
4 side, we're discussing a lot of issues that have been driven
5 for the year. And I think that's one of the reasons for
6 criminal justice reform, trying to get it right, trying to
7 get those individuals that are violent and harmful in
8 society and putting them away versus necessarily nonviolent
9 offenders that can be reformed and put back into society and
10 be regular citizens like the rest of us. So we're trying to
11 weigh that.

12 And there's -- you can sense the frustration
13 of, when we set appropriations, we're seeing overages. You
14 know, we have soft costs and we have hard costs, we have
15 discretionary pots of money and we have mandatory pots of
16 money. Corrections, you fall under mandatory, right?

17 From what we see, medical costs, medical
18 inflation increases substantially. You brought up hepatitis
19 C as one of them, and obviously there's policy driving that.

20 You know, quick search on hep C treatments,
21 and there's stuff that cures hep C today. It's very
22 expensive. Last article I saw, Harvoni is \$94,500 for a
23 three-month --

24 SECRETARY WETZEL: Actually, the new, our
25 newest cost is down to 18,000.

1 REPRESENTATIVE GROVE: 18,000?

2 SECRETARY WETZEL: Yeah.

3 REPRESENTATIVE GROVE: Okay.

4 SECRETARY WETZEL: Not that that's not a lot
5 of money, but it's down from 85,000.

6 REPRESENTATIVE GROVE: But at the same time,
7 there's cost savings, correct, because you're not
8 necessarily doing other medical procedures, correct? So
9 there's some offsetting costs; yes, no?

10 SECRETARY WETZEL: Not necessarily. It's not
11 a straight line.

12 REPRESENTATIVE GROVE: Okay.

13 Was the hep C treatment that was started --
14 and I get there's some safety risks, right? Obviously, if a
15 prisoner cuts himself, there's a safety concern for your
16 employees, other prisoners, and so forth, and you don't
17 necessarily want an outbreak of hep C throughout the prison
18 population.

19 Was there a court case or something that
20 mandated that treatment?

21 SECRETARY WETZEL: Yes, yes. There was a
22 class action lawsuit. And actually, they're happening in
23 every system.

24 REPRESENTATIVE GROVE: I got you.

25 SECRETARY WETZEL: Right now there's a big

1 wave of hep C lawsuits. Our settlement was unique in that
2 we capped a number of treatment at 1500 specifically for
3 budget purposes.

4 REPRESENTATIVE GROVE: The others -- the
5 special pharmaceuticals, you used to be able to tap into,
6 you cannot. What was the driver behind that?

7 DEPUTY SECRETARY OPPMAN: My understanding is
8 the DOH didn't have that excess amount of funding to be able
9 to continue to provide us that \$14.5 million we spoke of.

10 We do have other SBB programs, not involved
11 with DOH. The hemophiliac contract the Secretary mentioned,
12 about \$5 million, a million dollars per patient. That is a
13 340B. And we also have a contract with Temple to provide us
14 treatment and the medications for all of our HIV inmates.
15 And that's a 340B.

16 So we do see those savings. That's roughly
17 about 3.7 million for the HIV and probably about, I'd say
18 about 500,000 for the hemophiliac contract.

19 REPRESENTATIVE GROVE: What was more
20 effective in lower costs, what you're currently doing or
21 being involved in the Special Pharmaceutical Program?

22 DEPUTY SECRETARY OPPMAN: Being in the
23 Special Pharmaceutical Program, anywhere we can. There's
24 restrictions on that, though.

25 REPRESENTATIVE GROVE: But what are those?

1 Is that our restrictions, federal restrictions?

2 DEPUTY SECRETARY OPPMAN: Federal regulations
3 on the program through HRSA.

4 REPRESENTATIVE GROVE: Okay. All right.
5 Thank you.

6 There is also movement -- I think it probably
7 falls under cost savings, but I think counties are a little
8 worried about it -- and that is shifting costs back to
9 counties on, I think, within parole for drug and alcohol.
10 Can you discuss where that was developed and what you're
11 seeing locally with that?

12 Because we're hearing -- I mean, cost savings
13 for us, pushing it down on locals, it's a cost increase for
14 them. So can you just walk us through that?

15 SECRETARY WETZEL: Yeah. And that was not
16 our intent. What we did is send a clarifying memo that I
17 poorly worded to say that -- and in general, our contracts
18 are structured that the states that pay are last resort. If
19 someone is eligible for MA, especially for drug and alcohol
20 treatment, they should bill that first and the state last.
21 The memo was, again, poorly written. And generally, we work
22 with the County Commissioners Association, and in this case,
23 I didn't do a good enough job with that. So we're doing a
24 reset.

25 And the timing, part of what Jay or I does is

1 it shifts a lot of the treatment burden to the community.
2 So we're doing a reset, we're meeting with the County
3 Commissioners Association along with DDAP and there will be
4 a new clarifying memo, hopefully I'll word it a little
5 better this time, that goes out the second week in March.

6 REPRESENTATIVE GROVE: Okay. Thank you. I
7 appreciate it.

8 Thank you.

9 SECRETARY WETZEL: And I'll provide that to
10 this committee because we've gotten that question from, if
11 not -- most of you.

12 REPRESENTATIVE GROVE: Thank you.

13 SECRETARY WETZEL: We will clarify that.

14 MAJORITY CHAIRMAN DUNBAR: Thank you,
15 Representative.

16 Next will be Representative Comitta.

17 REPRESENTATIVE COMITTA: Thank you, Mr.
18 Chairman.

19 Good afternoon, Secretary Wetzel, Secretary
20 Flood, and esteemed colleagues. Thanks so much for being
21 here.

22 I'd like to talk with you a little bit about
23 the population of women in our state prisons. Women are the
24 fastest growing segment of the correctional population.
25 They're still just six percent of the state's inmate

1 population, which can make it challenging to provide those
2 services, appropriate services, for women in a system that
3 was built for men.

4 There are several members of the general
5 assembly that have introduced legislation in the past year
6 to ensure dignity for incarcerated women. In particular,
7 mental health needs are higher among women in Pennsylvania's
8 prisons. Sixty-six percent of women in prison have a mental
9 health need and 14 percent have a serious mental illness.
10 These rates are double the rates for men.

11 I'm wondering if you can talk about how the
12 department is working to better address the needs of women
13 in prison, and talk a little bit about the factors that
14 contribute to the prevalence of mental health needs for
15 women in prison, and how you differently deal with those
16 needs in your institution for the unique needs of women,
17 mental health concerns and otherwise.

18 SECRETARY WETZEL: Okay. Thank you. And I'm
19 also going to add some pieces on supervision of females.

20 But, you know, to your point,
21 and embarrassingly, I mean, historically we have painted
22 with a broad brush and haven't treated female incarceration
23 very different.

24 I think there's some sliver of good news.
25 This is the first year that we've seen a reduction in our

1 female population. To your point, nationally the female
2 population is the fastest growing segment of the population.
3 Most counties are at about 15 percent of their population
4 being female. Obviously, state systems being on the back
5 end, we're always going to be lower than the counties
6 because many people get filtered out throughout.

7 And to your point, around the legislation or
8 aspects of that legislation the state is doing already, when
9 you talk about feminine hygiene products, we provide them at
10 no cost to females. That's different than some counties.
11 Some of the stuff about shackling pregnant females are
12 something that we don't do at the state level. And there's
13 legislation that does not allow it across the board. It's
14 self-reported in counties, and I know that's a point of
15 contention.

16 When you talk about the differences in males
17 and females from a population standpoint, as you can see in
18 our numbers, 65 percent of the female population suffers
19 from a mental illness. This is not just a Pennsylvania
20 phenomenon, it's a national phenomenon. There's theories
21 around that. Specifically, most of our females, the path to
22 prison includes unresolved trauma, you know, either sexual
23 trauma, battery, those kinds of things. So that's a driver
24 of mental illness, obviously.

25 One of the other factors that's present, I

1 don't know to what percentage, is that females are more
2 likely to report symptoms, whereas men hide it. So that
3 also provides that discrepancy.

4 We do a lot of trauma informed care at our
5 female facilities. We have this program called Seeking
6 Safety. We also have this program called Hope specifically
7 for women who are suffering from domestic violence and how
8 to work through that, and it also has a parenting component.

9 One of the more exciting programs -- I'm
10 going to ask Kelly Evans, our Deputy Secretary on the field
11 side of the house -- is we took that kind of specializing of
12 the female population to include specialized assessments and
13 programming. And now we're expanding that to specialized
14 caseloads around females.

15 And we're also working -- I'll add one thing
16 and then kick it to Kelly. We're also working with
17 Villanova University because there's a phenomenon of females
18 being trafficked from prisons, which was something, frankly,
19 not on our radar scope until Shay Rose from Villanova
20 brought it to our attention two years ago. So we're now
21 working with her on identifying women who have been
22 trafficked and are potentially being trafficked and trying
23 to intervene in that so they're not trafficked in the
24 community.

25 Kelly, can you talk on what's going on in

1 Berks with the specialized --

2 DEPUTY SECRETARY EVANS: Yes.

3 We were awarded a gender specific grant, is
4 what it was called. And it's specific to deal with females.
5 And we just recently, last month got our staff trained in
6 the gender specific assessment tool, it's SPIn-W. And that
7 is rolling out, I believe it's six counties in Pennsylvania,
8 that we're piloting this program. And we brought our staff
9 in, we trained them on the assessment tool, and they will be
10 supervising a caseload of females to deal with the females'
11 specific needs. So hopefully, if we get good results from
12 the pilot, that's something that we can keep moving forward
13 with.

14 REPRESENTATIVE COMITTA: Thank you very much
15 for your leadership in helping --

16 SECRETARY WETZEL: We'd also be happy to host
17 you and your colleagues again at our female prison and talk
18 about what we're doing in the community.

19 REPRESENTATIVE COMITTA: Good. Thank you
20 very much.

21 MAJORITY CHAIRMAN DUNBAR: Thank you,
22 Representative.

23 Next will be Representative Donatucci.

24 REPRESENTATIVE DONATUCCI: Thank you, Mr.
25 Chairman.

1 And thank you all for being here today.

2 So a few months ago, I had the opportunity to
3 go to SCI Chester and we learned that Superintendent Lamas
4 and about a dozen correctional officers went to Denmark,
5 Sweden, and Norway, where they spent several weeks working
6 in the prisons. Now there's a DOC pilot program based on
7 the Scandinavian prison system, where randomly chosen
8 inmates will be housed in a refurbished unit, consisting of
9 inmates in single cells, reading areas, maybe some other
10 so-called freedoms. I had heard that there is some concern
11 for staff safety.

12 Can you give us an update on this? How's
13 this going?

14 SECRETARY WETZEL: First of all, that was
15 completely funded by philanthropy, no taxpayer dollars went
16 to that. Just want to throw that caveat out there. Arnold
17 Foundation, I can give you the contract, if you need it.

18 But, yeah, so we went and looked. There's a
19 lot of talk about the European model and to really boil it
20 down, what you're talking about is less inmates, same staff
21 level, in a space, but also giving both the line staff and
22 the inmates more input in the day-to-day operation.

23 We're partnering with Drexel University and
24 so we're randomly assigning inmates. The staff, the
25 correctional officers who were embedded for three weeks

1 working the blocks in the Norwegian system actually rewrote
2 the rules. We're measuring a couple of things.

3 And let me just say from the beginning, the
4 purpose of this is to show, is there return on investment?
5 And so we're measuring, obviously misconduct and recidivism
6 and those kinds of things, but also staff measures, sick
7 leave, stress, disability. You know, one of the things we
8 really struggle with is staff wellness.

9 EDS Bickell is heading up an effort,
10 partnering with our correctional officer union because, you
11 know, we have a lot of correctional officers, like police
12 officers, who are really struggling with mental health
13 issues. We've had an alarmingly high suicide rate for
14 individuals and staff. What some of the systems who have
15 piloted this have seen is a significant reduction in staff
16 stress, better conditions. But the question is, if you
17 reduce that, obviously the cost goes up, so is there an
18 offset in reduction in sick time, which should drive down
19 overtime leave and those kinds of stuff.

20 So this is a very small experiment, where we
21 think, with Drexel University, we're really measuring true
22 outcomes and we're going to see if there's a return on
23 investment.

24 REPRESENTATIVE DONATUCCI: Thank you.

25 SECRETARY WETZEL: Thank you.

1 MAJORITY CHAIRMAN DUNBAR: Thank you,
2 Representative.

3 Next will be the Chairman of Judiciary,
4 Chairman Kauffman.

5 REPRESENTATIVE KAUFFMAN: Thank you, Mr.
6 Chairman.

7 And thank you folks for being here today.
8 And it would -- I feel I would remiss if I didn't recognize
9 also the men and women of the State Corrections Officers
10 Association who work every day to keep things running inside
11 these correctional facilities and they're represented in the
12 room today. Thank you, gentlemen, who represent them.

13 I guess I'm going to go back to something
14 that Chairman Johnson was speaking of a little bit ago, and
15 he just glanced on it just a bit.

16 After last summer's very difficult summer as
17 far as parolees committing some pretty heinous offenses in
18 the Commonwealth, could you elaborate, for the benefit of
19 the committee and the citizens of the Commonwealth, some of
20 the internal things that have been done to help perfect the
21 system, make it better so that, heaven help us, that never
22 happens again in the Commonwealth?

23 CHAIRMAN JOHNSON: Yes. In doing a deep dive
24 for the Parole Board, as I mentioned before, what we did was
25 we cut back on the number of cases or the number of hearings

1 that board members and hearing officers, hearing examiners,
2 were having so that we could do a little better job of
3 exploring the inmates' background.

4 What we also did was, I met with the District
5 Attorneys Association and took some questions from them.
6 They wanted more information from the DOC and from the
7 Parole Board as to the background and what the inmate was
8 doing. So they will be getting that information.

9 Talked to the judges, they were pretty
10 satisfied with what we were sending them.

11 What I think we really did a better job of
12 doing is looking at staff on the inside of DOC and really
13 making them feel that their vote counted. We looked at the
14 correction officers.

15 Now that particular -- one of the more
16 heinous crimes, where the eight-year-old boy was stabbed,
17 the correction officer did vote to parole at that time. But
18 what we've asked now is that the staff not just give us a
19 "yes" or "no," but the reason for a "no" if that be the case
20 or the reason for the "yes."

21 Another thing we did was we're looking with
22 the Secretary and the Sentencing Commission on looking at
23 assessments that will address violence, the violence of a
24 potential parolee. So those are some of the things we
25 looked at.

1 SECRETARY WETZEL: Chairman, if I could add
2 one thing.

3 I think one of the more significant things I
4 want to thank you and certainly Tom for adding, the parolee
5 murder review component to JRI, this is something that we
6 had in the original merger legislation 100 years ago or
7 whenever that was introduced. I think this may end up being
8 one of the more significant steps in criminal justice. And
9 what that is is a group composed of district attorneys,
10 probation and parole practitioners, certainly folks from
11 corrections, and law professors who are going to, frankly,
12 do the heavy lifting with the writing of the report.

13 But every year, we're tasked with reviewing
14 every parolee who's committed murder, looking at everything
15 with the case. So you can think of it similar to what the
16 National Transportation Safety Board does when there's a
17 plane crash, recreate what happened, look at every decision.
18 And that group is tasked with providing you all with a
19 report annually. And I'm not sure -- I know the meeting is
20 going to take place sometime between late April and mid-May.
21 And I don't know what the criteria is as far as the time
22 line to get you the report. I can guarantee you it's going
23 to be at the end of that time line when you get a report.

24 But I just really want to tee that up because
25 Pennsylvania has never done this before. And I think

1 while -- I mean, if you look at the numbers, you know, 44
2 parolees committed murder, or were arrested for murder last
3 year, some of those took place the year before, which is
4 about one tenth of one percent of everybody we supervise.
5 But I think there's lessons to be learned in that. And I
6 just want to thank you and say that that report really
7 should shape some of our criminal justice policy moving
8 forward.

9 REPRESENTATIVE KAUFFMAN: Thank you very
10 much. I think that is important to note and it's important
11 to learn from our mistakes. And I appreciate your
12 pro-activity in doing that.

13 And one last question, the merger that's been
14 done through the memorandum of understanding, with the Board
15 of Problem and Parole and the Department of the Corrections,
16 what has not been accomplished thus far through that
17 administrative action, and that which has not yet been
18 accomplished, what savings can be realized, if there is
19 legislative action undertaken?

20 SECRETARY WETZEL: In our testimony, I think
21 we're projecting another couple of million dollars in
22 savings. I think we achieved about 10 million, somewhere in
23 that ballpark.

24 But specifically, because of the structure,
25 we have some labor issues as far as who does what. And I

1 would point specifically to transportation. So we, in one
2 case, we have a halfway house on the grounds of a prison,
3 but can't transfer a person who's in the halfway house -- so
4 someone who's on parole -- a correctional officer can't walk
5 across the street and take them because of the labor
6 agreements. We have to call an on-call parole officer to do
7 that.

8 So we're projecting an additional
9 three million. I have a whole write-up for you on that. So
10 I think, primarily the labor issues. I think secondarily to
11 that, which I can't put a price on is a lot of the Justice
12 Reinvestment forced us to restructure our entire system.
13 Because as you know, it created a group of inmates who are
14 now going to be kind of fast-tracked, some put in treatment
15 in the community, some into what used to be the SIP. That
16 whole structure is predicated on the assumption that we are
17 one unit. So we have one, like, 24-hour unit. Used to be
18 parole and community corrections had separate, we combined
19 those two. We're working towards combining other things.

20 Everything in the new structure of Justice
21 Reinvestment assumes that we're one agency and so doing it
22 by executive order is not -- we really, I feel like, need it
23 codified. And we'll have a whole document here for you in a
24 couple of weeks.

25 REPRESENTATIVE KAUFFMAN: Thank you,

1 Secretary.

2 MAJORITY CHAIRMAN DUNBAR: Thank you,
3 Chairman.

4 Representative Flynn has waived off on any --
5 You want to make some final comments? Go
6 ahead.

7 MINORITY CHAIRMAN FLYNN: Thank you,
8 Mr. Secretary, for your testimony today and your staff.

9 And, Secretary Flood, for your information on
10 the pardoning process and the update. We, as legislators,
11 know this is a huge undertaking, a \$2 billion budget
12 appropriation for the state of Pennsylvania, and it's
13 very -- I'm very happy to see that you guys take this very
14 responsibly on the way our taxpayer money is being allocated
15 and spent. So I just wanted to say thank you.

16 SECRETARY WETZEL: Thank you.

17 MAJORITY CHAIRMAN DUNBAR: Thank you,
18 Representative.

19 I -- not to sound a lot like the Senate, but
20 I have concerns. I mean, and this is not condemning anybody
21 here. I have genuine concerns. I mean, I heard in response
22 to Representative Struzzi that your staffing complement will
23 remain level, but we know we will have increased costs as
24 the contracts change.

25 I also heard you in discussions with

1 Representative Topper talk about costs expected to continue
2 to increase in specific areas. And we also heard about the
3 arbitration that will be finalized, that we are going to
4 have cost increases here. I'm not faulting anybody.

5 And in fact, earlier, Secretary Wetzel and I
6 had discussed what I feel is one of the larger issues is
7 overtime cost. And I know Mr. Oppman is going to work up
8 some information for us, for Chairman Saylor and Chairman
9 Bradford, as well as others, to analyze overtime costs a
10 little bit better because that is a big factor in this whole
11 process.

12 When we sit down and look at it, the SCI line
13 item itself was 2.043 last year. We spent 2.118 after we
14 added on the \$75 million supplemental. This year's budget
15 is back to 2.043. It has to concern you. I mean, it
16 concerns me.

17 I know you had said that you didn't get what
18 you asked for last year, but you know, we used what the
19 Governor gave us. We voted for it, 140 to 62, I think was
20 the vote on the budget, and the Governor signed it. That's
21 a, you know, that's a budget that we have to adhere to.

22 I just have concerns about this roller
23 coaster that we continue to seem to be on with Corrections,
24 of not being able to nail down a budget number.

25 You had said -- the Secretary earlier had

1 said he was watching PCN. And he told me earlier he watched
2 me on PCN the other night -- I really think you need a life,
3 John, but --

4 SECRETARY WETZEL: You're not the first
5 person who's told me that, by the way.

6 MAJORITY CHAIRMAN DUNBAR: But you know, one
7 of the things I had said on PCN the other night is, the
8 budget is not a suggestion, it is a spending plan. And we
9 want to work with you to find out what the right number is,
10 but we've got to stop the roller coaster, any way we can.
11 The fiscal gimmicks, the sleight of hand, that's all got to
12 stop. You know, we need to find a number that we all can
13 live with and know that it's a realistic number moving
14 forward. Because once we have it nailed down, then we can
15 continue to go forward with realistic budgeting.

16 SECRETARY WETZEL: Yeah. And if I can just
17 respond briefly.

18 MAJORITY CHAIRMAN DUNBAR: Certainly.

19 SECRETARY WETZEL: As far as the contractual
20 raise, I mean, when you look at this budget, that raise is
21 the unknown. And again, this is not an executive, this is
22 not a Republican, Democrat. Every administration since I've
23 been here for nine long years has chosen not to put a number
24 in the budget because they don't want it to impact, increase
25 or decrease, what that potential --

1 MAJORITY CHAIRMAN DUNBAR: I understand
2 there's negotiations.

3 SECRETARY WETZEL: But that 50 million is the
4 unknown.

5 A member earlier -- and I apologize, I forgot
6 his name -- talked about putting a number in for unexpected
7 costs. I would -- you know, something that embarrassingly,
8 I had not thought of. I think it really makes sense. I
9 mean, when you look at locking down a system for drugs, keep
10 in mind that that was driven by having, you know, 30
11 officers sent out exposed to K2. If that happens again, we
12 don't make cost decisions as it relates to safety.

13 So I would be a big advocate for putting some
14 money in reserve for unexpected emergencies within
15 corrections. And I would even be happy to give you a
16 suggestion of what that should be. And I don't know --
17 certainly having discussions with the Administration, so I
18 may be in trouble here in a minute. Apologize out there.

19 MAJORITY CHAIRMAN DUNBAR: In all honesty --

20 SECRETARY WETZEL: But I think, to your
21 point, I agree with you. We don't take -- I mean, we take
22 our budget stewardship seriously. I mean, if you look at
23 our increase over the last six years, it's been two and a
24 half percent. I'm proud of that.

25 You look at -- even under the Corbett

1 Administration, which we weren't handed out money in the
2 Corbett Administration, it was five percent. We work hard
3 at driving that cost down. But we also have to deliver a
4 constitutional level of services, so I don't disagree with
5 anything you say. And I really try to budget honestly.

6 MAJORITY CHAIRMAN DUNBAR: And what I would
7 say also is that if we could have, if you let the
8 Administration know, maybe by that point in time, before
9 this budget is done, these arbitration things are done, and
10 you have a better idea of where you're at -- because you
11 know, if the Governor comes down with a number, you know,
12 we're -- once it's established, then it is your
13 responsibility. I mean, you are going to be held
14 accountable to that number, and you should be.

15 SECRETARY WETZEL: Yeah.

16 MAJORITY CHAIRMAN DUNBAR: Like I said, this
17 is not a suggestion.

18 Yes, Secretary Flood.

19 SECRETARY FLOOD: And, Chairman, if I may, I
20 think this dovetails nicely for the reason why I said that
21 we are here and we are presenting and we intend to
22 participate in these hearings moving forward. But I believe
23 it was Representative Kinsey who had mentioned about
24 empirical data, about rehabilitation. And as many of you
25 may note in my testimony, I speak about, I'm one of the few

1 folks here who was in the Department of Corrections on the
2 other side as an inmate formerly. So I know certainly the
3 Department of Corrections and SCI Chester in particular,
4 they did a wonderful job at doing what they do.

5 But in addition to that and the way that
6 we're marketing ourselves, as the Board of Pardons, in
7 addition to what I got while incarcerated and while on
8 parole, the fact that I knew about clemency -- and clemency
9 was that additional carrot for me. Essentially, we serve as
10 that release valve for anyone that's entering the penal
11 system. So I think you'll see more successful outcomes and
12 less recidivism as more people look at clemency as a viable
13 option. Certainly it's not something that -- we're not like
14 Oprah and giving them away to everyone, don't look under
15 your chair. But for those that merit a second chance, they
16 look at that and they're more inclined to not recitivate.

17 And even if we're talking about public safety
18 or we're talking about the safety of correctional officers,
19 as I mentioned that New York law study, the last 40 years,
20 there were just a handful of folks being commuted. And at
21 the end of the day, the OVA is baked into our process so
22 victim rights and their input is certainly something that's
23 considered. And I think that will be advantageous for
24 correctional officers because we say very clearly, when an
25 applicant comes before us, especially lifers, that if you

1 have a misconduct, in particular a misconduct of an assault
2 against an officer, you have no way in hell of receiving a
3 commutation. So I think it will help with compliance and
4 help with safety.

5 And as I put in my testimony and the
6 supplemental materials, we've seen an uptake in the number
7 of applications that we received just from year one.
8 Historically, we've never eclipsed over 600 applications a
9 year. 2019 alone, we eclipsed 1100 and we're on pace to go
10 over 2,000 this year.

11 So the more people that are aware of this
12 process, the more deserving people that are aware of this
13 process, I think you'll see a benefit not only in
14 recidivism, but also safety correctional officers.

15 And then lastly, I would state and give the
16 offer to every legislator here, we would be more than glad
17 to hold pardon clinics in your respective districts and
18 counties.

19 MAJORITY CHAIRMAN DUNBAR: Thank you,
20 Secretary.

21 And in conclusion, and I think Secretary
22 Wetzel knows this very well, I'm a very outcome-based
23 person. And I think if we continue to measure all of our
24 outcomes, we can find ways to manage our budgets a lot
25 better. And this is a budget hearing, so...

1 SECRETARY FLOOD: And real quick, just
2 because you brought it up.

3 So recidivism rates, when we talk about those
4 that go through the clemency process, so we've only been
5 capturing this data since 2015 to present day. So from 2015
6 to December 31st of 2019, approximately 2400 folks have
7 received clemency, that's both pardons and commutations.
8 Only 61 of them have been arrested of a new crime. And
9 we're not -- because we don't have the personnel, that's
10 part of the reason why we're here to ramp up personnel. All
11 of those 61 folks didn't necessarily, didn't result in a
12 conviction.

13 So just based off of those numbers, it's
14 about 2.8 percent recidivism rate for those that go through
15 the clemency process. So we think that's very compelling
16 and we would like to drive those numbers even -- we would
17 like to take advantage of that.

18 So I just wanted to add that since you did
19 mention, I think, recidivism rates.

20 MAJORITY CHAIRMAN DUNBAR: Thank you.

21 With that, with no other comments, we're
22 going to adjourn and we will reconvene on Monday morning at
23 ten o'clock with the Department of Environmental Protection.

24 Thank you all. Thank you all for being here.

25 SECRETARY WETZEL: Thank you.

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(The hearing concluded at 2:53 p.m.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the within proceedings, and that this copy is a correct transcript of the same.

Summer A Miller

Summer A. Miller, Court Reporter
Notary Public