

BUILDING THE NEXT LANCASTER COUNTY CORRECTIONAL FACILITY



Have A Heart for Persons in the Criminal Justice System

Summary: Now that the selection of property to build the new Lancaster County Correctional Facility has been approved, planning to design the jail at the new location begins. This phase is crucial to ensure those persons incarcerated will receive not only the required care, custody and control but that they receive the necessary preparation to return to our communities in better conditions than when they entered, thereby reducing crime, being productive tax-paying county residents and creating a healthier community for all of us.

Have A Heart for Persons in the Criminal Justice System is a collaboration of organizations and individuals from Lancaster County who have been on the forefront in advocating for a new facility. Indeed, in our 2017 *White Paper*, we recommended a 10-year plan for jail replacement. The oldest section was built in 1851 and additions added in the last few decades.

As Warden Cheryl Steberger has underscored publicly over the past few years, a poor jail environment can exacerbate negative outcomes for those incarcerated and stressful work for staff, both subject to unhealthy conditions. A smart correctional design can contribute to staff and inmate interaction, can influence positive behavior and lead to better results. Where we **are** can affect who we **become**.

As a cross section of the Lancaster County community, we are invested in the design and implementation of the proposed correctional facility because we understand the impact of incarceration on inmates, their families and the community. Those convicted of crime eventually return to our neighborhoods. With the proper jail environment conducive to positive change, incarcerated persons can become productive citizens who support and nurture their families and contribute to society.

While understanding safety concerns, those in the correctional facility should not be entirely isolated from the community as over 90 percent will return. All sectors of society including the faith community, businesses and service providers are all integral to the success of incarcerated persons. We hope that Lancaster County Prison Board and the County Commissioners will listen to correctional facility architects and staff and ask for input from a diverse cross-section of our community, including formerly incarcerated persons.

Our primary goal is to build an institution that provides for positive change in its inhabitants. Studies have shown that people who feel a valuable part of society are much less likely to return to crime than those who feel ostracized. This critical juncture can enable incarcerated persons to learn valuable life skills, morality lessons, job training, parenting abilities and addiction cessation. Treatment and lessons should begin after classification for all inmates, whether sentenced or awaiting adjudication.

We would hope that this correctional facility should not be a place of first response to nonviolent crime but that it should be a last recourse when other alternatives have been exhausted. Alternative treatment court has been established and can be expanded. Substance use disorder is a leading cause of the majority of crime with as much as 60 to 80 percent of arrests being drug or alcohol-related. We expect that most of those arrested due to substance use disorder would be remanded to a drug and alcohol program that addresses the root cause of their crimes. Those who commit crimes due to mental illness are best directed to a behavioral health program with professionals who can understand and treat causes of mental illness. Roughly 20% of the people in jail are assessed with mental illness and persons with serious mental illness are about 5-6% of the jail population. Many parole violators and those awaiting court adjudication, comprising roughly 60% of the jail population, can be under house arrest rather than incarceration.

However, we acknowledge that those with crimes due to substance abuse and mental illness will continue to be incarcerated at our jail. Indeed, most prison and jail designs now are made with rehabilitation in mind. Recommendations by correctional architects are that facilities will NOT be designed for more than 1,000 inmates in order to make them more conducive to rehabilitation. Proactive policies by our county have reduced the average jail population to fewer than 800 persons. We recommend conducting a needs assessment of the number of beds as part of the design process. This facility can be built for fewer than 1,000 beds, which still allowing room for classification and movement as per correctional facility specifications. Long-term treatment and services that provide opportunities for successful reintegration make better use of our taxpayer dollars. A future-focused jail would permit more corrective programs offered by nonprofit community organizations.

We also encourage Lancaster County Commissioners to take advantage of green-energy grant funds that will reduce energy costs, noting that alternative sources of heat and cooling are the way of the future. The site of the facility is in a unique area that is surrounded on three sides by the Conestoga River, close to Lancaster County Park, and near residential neighborhoods. The new facility should be designed to be part of the environment with walking trails by the waterway. Trees should be used to block lighting and noise at the jail to make it as unobtrusive as possible.

Our Goals for the New Correctional Facility are:

1. Transparency in the design and construction process;
2. Engagement of the diverse members of our community in design and subsequent programming;
3. Innovative rehabilitative design designating necessary administrative, supervisory, medical /mental health and programming needs for both men and women, faith-based services and programs, and indoor and outdoor spaces for recreation and family visitation, with the capability of future expansion.
4. Diversion from incarceration to residential treatment programs, alternative sentencing, day reporting and revised bail policies
5. Reintegration as better citizens

PRISON MODEL:

The United States has the highest incarceration rate in the world with more than 20% of the world's prison population confined in correctional facilities despite only having 5% of the world's population.¹ Understanding these statistics, the United States has begun examining more effective programs that help to reduce incarceration numbers as well as crime.

The punitive model incarcerates offenders and those awaiting adjudication in cells to think about their crimes and how they have hurt victims and society. Many community members like this type of retributive imprisonment, believing such harsh treatment will lead those incarcerated to not want to return to prison and come out better for it. However, the fact is that isolation in jail only disengages offenders more. They do not have the ability to successfully lead their lives free of crime prior to incarceration due to a variety of factors. When released, now these offenders have records and are, many times, further ostracized so it's much harder to obtain gainful employment, have decent housing and to feel invested in their community. They can learn more violence and retribution and that "model" of behavior will be used when these same inmates are released back into our communities.

Those persons who are integrated in society are much less likely to commit crime.² In addition, key factors exist that are demonstrated to lead to more successful outcomes for returning citizens: employment, housing, health, skill development, mentoring and healthy relationships.³

While the punitive model warehouses and releases offenders from incarceration with high recidivism rates, the rehabilitative model analyzes why crime is committed and addresses its root causes through evidence-based programs. Offenders can be sentenced to treatment for drug and alcohol use disorder, for behavioral health, and for life skills so they have the tools to come out to live productively in our neighborhoods upon release. They, therefore, can contribute to our economy by paying taxes and supporting their families. If provided mentors/life coaches who model good choices and demonstrate compassion, returning citizens are even more likely to succeed. Expansion of faith-based services and programs can connect volunteers to inmates to help in transitions to the world outside the jail.

¹ See the Key Statistics page on the BJS website at <https://bjs.ojp.gov/data/key-statistics>

² Davis et.al, 2012:448; Zondi, 2012:766

³ "Successful Re-Entry: A Community Level Analysis": The Harvard University Institute of Politics Criminal Justice Policy Group, Dec 2019

BUILDING DESIGN:

Prison designs play a significant role in the rehabilitative model of criminal justice. Dr Marayca López is currently a Senior Corrections analyst and planner for CGL/RicciGreene Associates, a pre-eminent criminal justice planning and design firm based in New York specializing in providing secure and normative environments that promote positive behavioral change and successful re-entry. She has cited **factors that determine a successful correctional facility including:**

- Convey the belief that the people incarcerated are of value;
- Provide access to natural light and fresh air, connectiveness to nature, and allow a variety of spaces and outside views, thereby contributing to mental and social well-being. Enable a comfortable temperature and reduce noise to allow an atmosphere whereby inmates can learn positive behaviors;
- Build a facility that is incorporated into the neighborhood, showing a good appearance;
- Build a facility that is never more than 1,000 offenders, thereby allowing more focused attention and individualized treatment based on behavioral assessments. Allow congregating of inmates to replicate activities they would be doing on the outside such as watching television, studying, playing games, reading, dining and even cooking. Allow men and women to meet in small groups to learn how to interact appropriately to develop healthier relationships;
- Allow direct supervision of officers to inmates and engagement of officers with inmates so they can identify and address problems before they escalate. However, allow inmates, as much as possible, control over their behavior so they learn to manage and be responsible for their actions.⁴

In the following white paper, Have A Heart addresses specific areas of design we believe should be considered in the new correctional facility. We want to change the paradigm of how we think of corrections which relies less on retribution and more on restoration. The money we spend on the front end in corrections will save on costs with fewer repeat offenders, thereby lowering the recidivism rate.

The white paper that we compiled is a deliberately thoughtful document based on demonstrated effective programs and research. We present our report with the hopes that, as an invested, educated and experienced group of people, the Lancaster County Commissioners and Prison Board and Lancaster County Prison administration will seriously consider our recommendations.

⁴ “How to build for success: prison design and infrastructure as a tool for rehabilitation”, Dr Marayca López, 24th July 2014

Have A Heart has cited specific areas of design we believe should be considered in the new correctional facility. We would urge you to seek American Correctional Association (ACA) accreditation which is an internationally recognized standard set by former and current correctional professionals.

Building Site: A single level structure is safer so inmates do not have the capability to jump from the top tier. A single level also allows more options for those inmates who have limited movement due to disabilities or age and can not climb stairs.

While we believe the jail should **not** have a maximum capacity beyond 1,000 inmates, we recognize that expansion may be necessary in the future for increased court hearing space, legal rooms, classes, visitation rooms, jail support services, a day reporting center and inmate beds.

Green Design: Have A Heart would encourage the use of Leadership in Energy and Environmental Design (LEED) ratings to build an environmentally friendly and efficient building that future neighbors of the new property have cited as important to them during zoning meetings. Particularly at this site, which is surrounded on three sides by the Conestoga River and on the far side by Lancaster County Park, we would want to maintain trees and green space by the waterway and walking trails for local residents. Picnic tables and possibly water fountains can be placed by the river. Recreational trails create family bonding and provide a positive experience for the community.

The facility should respect the residents and incarcerated persons alike when creating lighting and an outdoor recreational space so brightness at night from lights and noise during the day is not a factor. Maintaining and adding to the tree line can aid in mitigating light and noise from the facility.

If possible, the correctional facility should be built so that the main complex or campus picks up east to west maximum sunlight which is not only good to maximize energy but leads to a more conducive environment leading to better outcomes for inmates.

- **Power Requirements:** Solar panels can be mounted in open space akin to a Solar Farm for an acre or so. They coincide nicely with agriculture as well with the hope that the correctional staff will continue the gardening program with Penn State. Plants that require less light can grow under the panels and the panels benefit from gardens which make panels more efficient by carefully monitoring temperatures and light. Solar panels can increase energy efficiency, thereby reducing costs.
- **HVAC Heating & Cooling:** Of course, air ventilation and air conditioning should be installed for good health and humane conditions for staff and those incarcerated alike. Geothermal Heat Pump Systems is an option as the main source of Heating & Cooling. Ground Source Heat Pumps consume little

power while exploiting thermal energy that has been absorbed and retained in ground or a body of water ... all that with zero emissions.⁵

- **Construction Materials:** We encourage renewable resources in construction such as ash and metals. Ash can be turned into Concrete and used as paving materials for the parking lot. Metals can become part of the materials in the building.⁶ A “cool roof” – one that is not made of tar and stone – but reflective casing over concrete can be installed.
- **Porous Paving for the Parking Lots:** Parking lots will be needed for staff and visitors. As good stewards, considering that the Conestoga River borders three sides of the jail site, we can pave the parking areas so that the water will percolate into the soil and contribute purified rainwater to the water table; thus, not harming the environment.⁷

Porous pavement is a water-permeable structural groundcover that infiltrates precipitation, attenuates stormwater runoff flows and volumes, and reduces temperatures. Porous pavement provides a stable load-bearing surface without increasing a project's total impervious area.

Porous asphalt pavement can last up to twenty years before showing cracks or potholes. It is a very durable product and it retains the ability to handle rainwater for many years. Porous asphalt has been used successfully in parking lots, walkways, playgrounds and high-volume highways that carry heavy trucks.

Outdoor Spaces: With this new correctional facility, Lancaster County can finally have a true outdoor exercise yard for inmates as is to be designated per Pennsylvania Code Title 37, Chapter 95. *“(1) Jails shall provide all prisoners at least 2 hours daily, physical exercise in the open, weather permitting. If the weather is inclement, each inmate shall have 2 hours physical exercise daily indoors. (4) Inmates under disciplinary status or segregation shall receive 1 hour of outdoor activity 5 days a week.”*

Currently, this minimum standard is obviated every day because the jail is landlocked so no outside recreational spaces exist except for a small concrete rectangular area attached to the cell blocks where inmates can see the sky. Moreover, space indoors is inadequate to provide for the inclement weather provision. For outdoor exercise, the new facility can have both walled and fenced yards depending on the security level of the inmates.

⁵ <https://www.oregon.gov/energy/energy-oregon/Documents/2016%20OGWG%20Warner%20Creek%20Presentation.pdf>

⁶ <https://drexel.edu/now/archive/2019/October/coal-ash-aggregate/>

⁷ See <https://www.wolfpaving.com/blog/bid/55431/porous-asphalt-paving-cost-and-environmental-benefits>

The recreation yard can have a basketball court, baseball field, running track and picnic tables. The natural light and fresh air will help with inmates' health. The area should be of a size that can be properly monitored by correctional officers.

A contingency plan should be in place in case an emergency evacuation of inmates is required such as for a fire. An area that is far enough from the main building should be designated which can be the same as the walled yard.

We would encourage outdoor visiting tables for inmates that are levels of minimum security perhaps at an indoor courtyard. Inmates can learn aesthetic landscaping around the facility to add to a pleasing appearance.

Gardens can now be easier to grow and expand on the farmland surrounding the correctional facility. Both men and women can tend vegetables with the expert gardeners from the Penn State Extension program. Vegetables can be used in meals at the facility and some may be donated to homeless shelters or community meals.

Of course, other areas are needed for service deliveries, garbage removal, a sally-port and so on.

Cell Blocks: We encourage the jail administration to have cell blocks that support and train individuals as per their assessments determine are needed. For instance, a women's block may provide life skills such as budgeting, self-affirmation and other life skills. A men's block may be designated to teach budgeting, respect, and anger management. Both men and women may need blocks specifically for parenting or drug and alcohol addiction. Those going through the same needs can help support each other.

Better treatment outcomes can be enhanced through more normal socialization between inmates and between inmates and staff. The design should promote decision-making and interaction necessary for successful re-entry.

We encourage a design that provides access to natural light and fresh air, connectiveness to nature, and allow a variety of spaces and outside views, thereby contributing to mental and social well-being. Enable a comfortable temperature and reduce noise to allow an atmosphere whereby inmates can learn positive behaviors. Posters with encouraging mottos can be placed on the walls of the cell blocks as well as the hallways. Community groups could sponsor these murals, mottos, and statements so there wouldn't be a cost to the Correctional Facility.

Cells: No cells should have more than two persons. Right now, some corner cells have three people which causes conflict due to lack of space. The confines are too small to adequately allow for this number. The ideal would usually be one-person cells that avoids any potential conflicts and assaults. Also, single-person cells avoid the question of who has contraband during cell searches.

If two-person cells would be used, for privacy and respect for boundaries, we would suggest a partition for the toilet.

An emergency call button can be installed to notify officers of a medical problem or threat of an assault.

Restrictive Housing Unit: Four types of entry into segregation units are:

1. disciplinary (the most common)
2. voluntary (known as protective custody)
3. administrative (transfer based on inmate being classified as security risk)
4. medical (for elderly, infirm or seriously ill inmates)

At times, the correctional staff must move inmates who act inappropriately or violently to restrictive housing units for a period of time to maintain the security and well-being of all within the facility. However, recently, with the Covid pandemic, all inmates have been locked down for most of their days in cells, thereby also being, essentially, in restrictive housing. While necessary at times, we also recognize the negative effects of isolation on people. In fact, the 1959 Manual of Standards of the American Correctional Association recommended a few days of punitive segregation for most infractions and a limit of 30 to 90 days for extraordinary circumstances.

Solitary confinement has the potential to cause adverse psychological effects due to sensory deprivation. Lockups and isolation dehumanize prisoners by taking away their unique personalities and eventually their identity, sometimes causing ill feelings by prisoners due to feelings of rejection and condemnation by society. The effects also depend on inmates' interpretation of the confinement. If the situation is perceived as non-threatening, the inmate is more likely to tolerate the circumstances. Mentally ill inmates in isolation are especially vulnerable to the effects. Many inmates in solitary confinement have been diagnosed with mental illness when very young and experience the gamut of the criminal justice system by the time they become adults. Many can not handle the extreme conditions and attempt or commit suicide.

Many inmates are likely to suffer permanent harm because of being put in solitary confinement. They will begin to have intolerance for social interaction which affects how they can successfully adjust to being released, not only to general prison population, but to our communities as our neighbors.

We would like to see a focus on positive reinforcement for good behavior rather than punishment. For instance, inmates who are following rules and achieving certain standards of behavior would be able to have contact visits rather than visits behind glass.

Showers: Showers currently only have curtains and the water is typically very cold. While shower time may have to be limited to save on hot water, cold water isn't conducive to people wanting to stay clean and healthy. To ensure the safety of all

inmates, we suggest having showers with doors that are accessible in case of emergencies.

Blankets: People should be allowed to have blankets as necessary to keep warm, each according to their individual body temperatures.

Pillows: Safe pillows can be used that combine safety and comfort.

Telephones: Currently, inmates can make phone calls from tablets so do not require wall telephones as in the past. However, we think that several phone wall telephones should be available in the event phone calls from the tablets are inaccessible. We hope that the new design would consider placement of quiet space on a block so the calls can be heard.

Work Release: Those inmates sentenced to work release are typically lower level, nonviolent crimes who the court believes are safe to travel to outside work assignments and trusted to return to the correctional facility. Because they go to work each day with the potential to introduce contraband, they are housed in a separate block. At the prison now, they have their own entrance/exit, showers, laundry, dressing rooms to get into and out of “street” clothes and recreational space. With a new facility, we hope that those on work release can be housed in a separate building with its own outside recreational space as well or at least a designated time to use the existing outside yard.

Employers can hold interviews in this center. The design of a correctional facility should enhance the experience of employers to meet potential employees. The Work Release Center can keep a list and notify those employers who might be interested. As noted earlier in the white paper, a positive way to cut recidivism is for returning inmates to get a life sustaining job, a good place to live and positive relationships.

We would hope that, instead of sentencing defendants to work release at the jail, that they could, by and large, be on house arrest at home with the ability to travel to work and to a day reporting center.

Day Reporting Center: In addition to the main building, this new correctional complex can have a separate “step-down” Day Reporting Center where inmates may get ready to be released back into the community. A Day Reporting Center could be designated in part of the same building that houses Work Release inmates although separated by lock downed areas.

Many inmates currently residing at Lancaster County Prison could, instead, be on house arrest and sentenced to the Day Reporting Center during the day. Inmates designated to work release may just need to report to the center to fulfill their court-sentenced obligations. The cost would be much lower than the costs of incarceration. Defendants can attend classes that address root causes of crime and provide life skills and employment training to be productive citizens.

Before release, inmates can be transferred to this building to concentrate on re-entry. Orientation classes by outside organizations can prepare inmates for release back into the community. All inmates leaving the prison should have a re-entry plan. The packet should also include information on challenges and pitfalls inmates might face when leaving the facility, as well as testimonials of past inmates and professional counselors. Mentors may be assigned to incarcerated persons before release for introductions and to get familiar with each other and to learn what challenges may be confronting them when back in the community. Mentors are invaluable with the transition.

Programs: A successful re-entry program begins at the time of incarceration rather than at the time of release. Accordingly, programs offered at the new prison facility should be operational during both incarceration and continuing upon release and re-entry. More rooms are needed to provide these programs. Creating a sense of community, connection and opportunity for success for the inmate upon release could be established in the following ways:

Job Skill training Program: Providing inmates job skill training during incarceration and upon release is essential to prevent recidivism. Partnering with local organizations and educational institutes such as Thaddeus Stevens College of Technology, Lancaster Career and Technology Center, Tec Centro at SACA, and Harrisburg Area Community College could be potential partners for such training.

Restorative Justice Program: Inmates participating in restorative justice programs during incarceration and after release have been beneficial in creating empathy, understanding, and forgiveness for both offender and victim as well as preventing recidivism.

Addiction and Recovery Programs: As previously indicated, a large percentage of inmates are dealing with addiction and therefore it is essential substance abuse programs be offered during their incarceration and, most importantly, continued during re-entry.

Sex Offender Program: Those inmates convicted of sex offenses who have not been sentenced to state prison could participate in therapeutic treatment shown to reduce recidivism.

Housing Program: Housing continues to be an extremely challenging problem in Lancaster County. This difficulty is more acute for those completing a period of incarceration and re-entering society. Accordingly, a housing program that helps inmates find suitable housing upon release is essential.

Medical Units: Having a satisfactory health care system in correctional facilities is vital to the care of inmates and a Constitutional human right. As highlighted during the pandemic, a medical unit needs to be able to assess illnesses and conditions upon intake and to appropriately quarantine and place inmates in the facility to prevent the spread of disease and to provide the treatment necessary. Many inmates have a higher incidence of medical problems including diabetes, heart disease, and drug and alcohol

addiction. We want to ensure that the new design will permit the appropriate assessment and treatment of medical issues.

In the current facility, only men have a Medical Housing Unit and women must stay in isolated cells in their block when sick. The Equal Protection Clause of the Fourteenth Amendment protects against discrimination, thereby requiring male and female inmates have the same type of treatment. Women and men should equally be able to stay in a Medical Unit when ill. Consideration should also be given to those persons who do not identify as either gender or who identify as a gender differently than their physical appearance.

Also, because many inmates have not had proper dental care, we would ask that the design include a state-of-the-art dental unit that would expand to daily care filling cavities, root canals, treating abscess teeth and other emergencies that may arise.

The medical unit should be using natural light as much as possible, be comfortable in temperature and ensure confidentiality between patients and physicians.

Mental Health: Unfortunately, although we advise that persons with mental illness be housed at behavioral health facility skilled in their evaluation and treatment, we realize that most will still be sent to Lancaster County Correctional Facility after arrest. A large percentage of inmates have exhibited mental illness. Estimates are that 40 to 50 persons at Lancaster County Prison are seriously mentally ill and about 20% of inmates have been diagnosed with some type of mental illness.⁸

Although women are almost twice as likely to have a mental illness assessment⁹, women at our county jail are now required to stay in isolation cells on the women's housing unit rather than be constantly monitored and treated by mental health professionals on a Mental Health Unit. As per the Equal Protection Clause under the law as mentioned above, women as well as men should have a Mental Health Unit.

The design should consider the unique needs of prisoners with serious mental illness which can be exacerbated by incarceration, particularly if in isolation for a large period of time. The Mental Health Units should be separate from the Medical Health Units and contain a dayroom with adjoining showers. Showers should be built with a balance of the need for privacy and safety. Separate areas can be designated for those diagnosed as seriously mentally ill from those who are less severe.

Mental health experts have debated whether persons who are suicidal should be housed separately or with another cellmate since isolation can lead to more negative thoughts as noted above under Restrictive Housing Units. In any case, consideration should be made to the environment in which persons diagnosed with mental illness are confined. Officers should have behavioral health training and a mental health professional should be on the block.

⁸ "How team approach at Lancaster County Prison offers hope to inmates fighting mental illness", Jeff Hawkes; LNP Sunday News, November 25, 2018

⁹ Bronson & Berzofsky, 2017

Greg Cook, a justice principal at the multinational architectural engineering firm HDR, in creating a correctional facility, said he concentrates on day lighting and warmer colors and interesting patterns using nontraditional materials such as wood and stone. His designs incorporate healing gardens and better air quality.¹⁰ The design should provide space for wellness and stress-relieving activities such as yoga, meditation and exercise. These state-of-the-art elements enhance better treatment outcomes through more normal socialization between inmates and between inmates and staff leading to better decision-making necessary for successful re-entry. Consideration should be made that loud, metal cell doors and long periods of confinement can exacerbate mental illness. Inmates should not just be given prescription drugs. Counseling and proper psychiatric care should be a part of an inmate's period of incarceration and continuing seamlessly into re-entry.

Certified Peer Specialists have been trained in the state prison system. Lancaster may want to find out if any CPSs may be available to volunteer or work with Mental Health America on training peer specialists. These CPSs provide support services to promote empowerment, self-determination, understanding, coping skills, and resiliency through mentoring and service coordination supports. Individuals with severe and persistent mental illness and co-occurring disorders can achieve personal wellness and cope with the stressors and barriers encountered when recovering from their disabilities. The CPSs also receive specialized training in suicide prevention.

Kitchen: We encourage the new design to allow for a modern kitchen in which inmates can earn "Serve Safe" certification. The kitchen should be by an outside dock so they can help put the food away in sanitary, well-lighted refrigerators, freezers and pantry shelves.

Visitation: Visitation is a crucial link for persons incarcerated to maintain links to the community. While the prison has currently eliminated contact visits, we would hope that contact visits would be available again for those who have been determined to be following rules. Such contact visits can be incentives for persons incarcerated to participate in programs and to act with courtesy and respect to all. To get respect, people must give respect.

The visitor waiting area should be welcoming, comfortable and attractive. The area should be much larger than the current lobby in which, too often, visitors must stand outside in the elements. The new area should be adequate so all visitors waiting can sit comfortably. Clean restrooms should be provided. Of course, the design needs to be accessible for those with disabilities. The waiting area should contain resources such as community flyers, fee-free lockers and kiosks to transfer monies to inmates.

Adequate space should be considered for noncontact visits and contact visits with consideration for privacy and noise. The design should allow for acoustics in which voices should be normal volume and not need to be raised. For noncontact visits, partitions and sound-absorbing materials should be used so conversations are not overheard and do not reverberate. Although contact visits require additional staff, we believe that the importance of maintaining relationships outside the facility justifies them. Currently, the maximum time allowed is one hour per inmate but, with the new facility, we hope inmates may earn longer visiting times or additional weekly visits with different visitors.

¹⁰"Is there anything such as a good prison design?", April 2018; <https://www.architecturaldigest.com/story/is-there-such-a-thing-as-good-prison-design>

With effective lines of sight, inmates may be able to move without escorts down halls to visitation rooms securely.

We would hope that visitors can access vending machines using tokens that can be purchased in the waiting room so monies are not brought into the visiting area. Both visitors and the inmates would be able to enjoy snacks and drinks.

Parents and Children: Children of incarcerated parents feel the effects of separation severely with many feeling extreme anxiety, low self-esteem, trauma and guilt, shame and anger. They have disruptions in school and grades can drop significantly. They also have a higher chance of being arrested and going to jail. Home life may end up in turmoil and children sent to live with grandparents or in foster care. Of course, the effects of incarceration vary depending on the circumstances and age of the child. But the commonality of all children is the loss of stability and safety.

Apart from circumstances in which the parents have demonstrated abuse, children are better being able to be in contact and continue relationships with incarcerated parents. Family counseling at the jail may be conducive to deeper understanding and resolution of difficult emotional and psychological issues. Any disruptions that change homes, schools and caregivers should be minimized as much as possible to alleviate additional stress. And policies that help with economic aid should be promoted so caregivers have what they need for the children.¹¹

We encourage a visiting area that enhances the parent-child(ren) relationship with the hope that all the children of one family can be together whenever possible and are not limited by number. Inmates can be taught parenting classes which they can then demonstrate when interacting with their children during visits, facilitating closer, more functional family relationships. Children and parents may participate in activities such as playing games or reading together. When the weather allows, visitation may take place outside in an enclosed courtyard.

Ambassadors for Hope is a community organization that advocates for and educates the community about children with a parent in prison. It collaborates with the Family Services Advocate, housed at Compass Mark, to ensure that children with a parent in the Lancaster County Prison and their caregivers can meet the children's financial, medical, educational, and emotional needs. This organization is a resource to consult when considering how the prison can facilitate healthy relationships between incarcerated parents and their children.

Virtual Visits: In some instances, family and friends of inmates may not be able to travel to the correctional facility or the jail may be on lockdown so virtual visits can fill that void. Video monitors are set up in booths on the cell blocks which eliminate passing of contraband and reduce the need for security. We encourage the use of improved technology and space that can allow for family and friends to talk with inmates. These spaces should be private

¹¹ Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities. Washington, DC: The Urban Institute Press, 2003. P. 221

and, as with noncontact visits, not be noisy. Although we recognize virtual visits as necessary in certain situations, we do encourage contact and noncontact visits that are more personal.

Chapel: Space for worship services and studies is now very limited at a small room off the gym. The maximum capacity is only about 45 inmates at one time which means that many are unable to attend regularly even with multiple services provided. With the new design, a chapel may be designated for religious services of multiple faiths as well as an office and classrooms adjacent for daily operations, records and studies and counseling. Outside speakers can give talks in this area. Inmates can be selected based on character to help the religious administration with preparation of materials and other tasks as deemed appropriate.

As with any larger gathering of inmates, security must be on the lookout, particularly during services, for exchange of contraband and any potential altercation and assault. Services may be scheduled with classification of inmates in mind and using a ratio of inmates to officers to determine the number. Our goal would be to allow all inmates who want to attend weekly services to be able to do so and to provide educational events in which up to 250 inmates may be able to attend. Support of the faith community is critically important for successful reentry.

Recreation: As well as an outside yard, space should be allotted inside for recreation during inclement weather. The facility should have more than one area for male and female. As with the jail now, indoor recreation can have a basketball court and other recreation activities such as handball. An exercise room with weights and a yoga/meditation room may be provided.

Library: The library currently consists of a roving bookcase in which inmates can check out books for a period of time and then get other books. However, many inmates say that they quickly read most of the books available. The design of the new facility can create a larger space where books and reading materials can be donated and categorized according to topics. More of a variety of books should be available to read for relaxation as well as for personal growth. With a library, the jail can provide further job opportunities for inmates.

Legal Library: The Supreme Court stated that inmates have “a right to access to the court” through “law libraries or alternative sources of legal knowledge”.¹² Inmates can view legal resources on tablets given at no charge by the prison to prepare for court proceedings. However, digitalization has its shortcomings including not being able to access materials because of inability to understand the technology. Also, unlike attorneys, inmates are unable to be trained properly in how to conduct legal research with tablets.

A legal library can be designated for inmates where a legal professional can train them on the virtual platforms. Rather than the expense of legal books, we recommend having Westlaw that has short instructional two to five-minute videos that describe how to use the software and where legal information is stored. In-person instruction will be needed to help use Westlaw for legal research. If not an attorney, perhaps a representative from Westlaw may be willing to train individuals at the jail on how to use the service and they, in turn, can teach other inmates, making sure not to give actual legal advice.

¹² U.S. Supreme Court, *Bounds v Smith*, 1977

Legal Visits: Currently, an area exists that is divided by plexiglass into four sections with tables and chairs in each section. This room doubles as the place for legal visits as well as for interviews with representatives from possible alternative and re-entry programs. Legal visits should be confidential, quiet interviews between attorneys and clients. However, this arrangement does not meet that standard. Many times, attorneys must wait to speak to their clients for lengthy amounts of time because of lack of available space. With time being of the essence in court cases, this lack of space can be a detriment to preparation.

The new design should have a series of rooms that would be adequate for the number of attorneys who need to meet at the jail. The rooms should all have tables with a phone in each to reach an officer in charge of legal visitation and should all have doors so confidentiality is assured. Lighting should be bright to see any documentation and to take notes. The space should meet the requirements for American with Disabilities Act. The rooms should have clear windows to a hall or larger room to be seen by the officer. A space could also be provided for attorneys with access to a phone, computer and fax machine.

The Pennsylvania Prison Society is an organization in existence since 1787. Official Visitors can go into any county jail or state prison seven days per week between 9 a.m. and 5 p.m. to visit inmates. One of the reasons is to monitor present activities that may be illegal or abusive. These PPS visits need to be held where no one, including correctional officers, can hear what the inmate is telling the PA Prison Society Official Visitor. Open glass will allow officers to ascertain no security breaches are done so that security can be maintained. However, hearing an inmate explain the circumstances of a negative interaction with an officer or an alleged assault should not be public information.

Court Cases: Many jails now have court hearing rooms. For early hearings that would only take a few minutes to be heard, a judge can be designated to go to the correctional facility where multiple defendants could appear rather than transport them downtown. In some cases, defendants may be able to appear in video visits with their attorneys. Having the hearings at the jail avoids transportation time and expense as well as the possibility of escape. However, all court cases should ascertain thorough examination and preparation for fair hearings and trials considering the desire of victims, defendants' family and friends and relevant participants to attend.

Rightsizing the Jail: An Invitation to Consider Revising Bail & Pretrial Detention Practices:

"The fundamental purpose of bail is to secure the presence of the accused at trial." *Commonwealth v. Truesdale*, 296 A.2d 829, 834 (Pa. 1972). Except in cases charging first- or second-degree murder, or where "no combination of conditions other than imprisonment" will assure community safety, the Pennsylvania Constitution guarantees that all people charged with a crime "shall be bailable by sufficient sureties . . ."¹³ Put another way, "the law favors the release of defendants pending adjudication of charges."¹⁴

¹³ Pa. Const. Art. I § 14. See also 42 Pa.C.S.A. § 5701 (encoding the right to bail).

¹⁴ American Bar Association, *Standards for Criminal Justice: Pretrial Release*, Standard 10-1.1 (2007).

Bail does not always mean “cash bail”. *See* Pa.R.Crim.P. 524 (“Types of Release on Bail”). Monetary or cash bail is the most restrictive type of pretrial release. Although monetary bail should only be set where “necessary to reasonably ensure the defendant’s appearance and compliance with the conditions of the bail bond”,¹⁵ a recently released report from the ACLU of Pennsylvania revealed that monetary bail is the most common type of bail assigned.¹⁶ Judges across Pennsylvania set monetary bail in 43.4% of all criminal cases, with judges in Lancaster County setting monetary bail in 45.1% of all criminal cases.¹⁷ The average monetary bail amount across Pennsylvania was \$38,433.00.¹⁸

The use of cash bail is a large contributor to local jail populations. According to a recently released report from the United States Commission on Civil Rights, over 60 percent of the approximate half million people who are incarcerated pretrial in our nation’s jails on any given day are being detained due solely to an inability to afford their bail.¹⁹ Pivoting back to Pennsylvania, the ACLU study found that in more than half of the cases in which cash bail was set, bail was not posted and in about a quarter of those cases, bail was set at \$5,000.00 or less.²⁰

According to the January 20, 2022 Prison Board Report,²¹ 69% of the people who were incarcerated at the Lancaster County Prison in 2021 were pretrial detainees.²² There were 3,750 admissions last year and the daily average pretrial population was 500 people whereas the daily average sentenced

¹⁵ *See* Pa.R.Crim.P. 524(C)(5); Pa.R.Crim.P. 528(A).

¹⁶ The ACLU of Pennsylvania obtained data from the AOPC for all criminal cases filed in PA in 2016 & 2017. This data set represents 383,317 criminal cases. *See* https://aclupa.org/broken_rules_report

¹⁷ The ACLU of PA will soon be publishing an interactive map where more Lancaster-specific data will be available. *See* https://aclupa.org/broken_rules_report

¹⁸ *See* https://aclupa.org/broken_rules_report

¹⁹ *See* <https://www.usccr.gov/files/2022-01/USCCR-Bail-Reform-Report-01-20-22.pdf>

²⁰ *See* https://aclupa.org/broken_rules_report. This finding is consistent with other studies showing that even “low” bail amounts have the effect of causing someone to remain incarcerated. *See, e.g.,* Megan Stevenson, “Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes,” *The Journal of Law, Economics, and Organization*, vol. 34, no. 4, 2018, <https://academic.oup.com/jleo/article/34/4/511/5100740>.

²¹ Accessible here: <https://co.lancaster.pa.us/AgendaCenter/Prison-Board-2>

²² As a percentage of the \$30,014,501 budgeted for the Lancaster County Prison in 2021, we spent \$20,710,005.70 to incarcerate legally innocent people last year. *See* <https://co.lancaster.pa.us/DocumentCenter/View/13458/2022-General-Fund-Take-Away-Reports>

population was 222.²³ The average length of stay for the general population was between 164 and 186 days.²⁴

Compared to previous years, 2021 saw almost half of the admissions of previous years, but the average duration of stay more than doubled, resulting in about the same amount of people incarcerated. For instance, in 2019, there were 6006 admissions to the Lancaster County Prison daily average jail population that year was 785, with the average length of stay at or below 80 days.²⁵

Our current bail and pretrial incarceration practices are incredibly costly, and they may be doing more harm than good. As noted by the United States Commission on Civil Rights:

[C]riminal justice stakeholders have also grown increasingly concerned over the collateral consequences of widespread detention and have pointed to the lack of empirical evidence demonstrating that pretrial detention is necessary to ensure public safety. Research has actually found that pretrial detention can have adverse effects on public safety. Detaining low- and moderate-risk defendants has strong correlations to higher rates of new criminal activity, both during the pretrial period and in the years following case disposition. Moreover, there is a statistically significant and positive correlation between longer pretrial detention periods and rates of post-disposition recidivism. The current research has not been able to fully explain these correlations, however, scholars have suggested that this relationship may be the result of the collateral consequences of pretrial detention (e.g., loss of job, unstable housing, familial problems upon release)...

[S]tudies have shown that there is a correlation between the imposition of monetary conditions to secure pretrial release and the increased likelihood of individuals suffering from housing insecurity, unemployment, loss of child custody, and an increased risk of future criminal behavior. Being incarcerated during the pretrial period can also undermine an individual's ability to freely interact with their lawyer to mount a defense. Additionally, pretrial detention can limit their ability to demonstrate that they are acting responsibly (e.g., supporting their families, maintaining employment, working in the community), which can result in less lenient sentencing outcomes.

U.S. Commission on Civil Rights, *The Civil Rights Implications of Cash Bail*, pp. 14-17 (Jan. 2022) (internal citations omitted), <https://www.usccr.gov/files/2022-01/USCCR-Bail-Reform-Report-01-20-22.pdf> (visited Jan. 27, 2022).

The building of a new jail presents us with an opportunity to review, with a view towards revising, our current bail and pretrial practices with the hope that we might be able to plan for a jail with a much smaller capacity than the current projection of one that can house 1,250.²⁶

²³ https://co.lancaster.pa.us/AgendaCenter/ViewFile/Agenda/_01202022-2314

²⁴ <https://www.co.lancaster.pa.us/DocumentCenter/View/13648/Prison-Stat-Dec-2021>. The average length of stay for the pretrial population specifically was not reported.

²⁵ https://co.lancaster.pa.us/AgendaCenter/ViewFile/Agenda/_01162020-2023

²⁶ The maximum bed capacity of our current facility is 1,085.

One need look no further than Lancaster County for an example of how a review and revisal of systemic practices can result in a safe and significant reduction to the jail population: After the jail population reached an all-time high of 1,309 in May of 2012, County leaders developed and convened the Prison Population Reduction Initiative and the Prison Population Reduction Committee.²⁷ The efforts undertaken by our County leaders during this time period safely achieved a reduction in the prison population by nearly half. Even early on in 2013—the first year of efforts—a 31% reduction in the jail population was realized, saving tax payers millions of dollars.²⁸ Both the Initiative and the Committee have since been disbanded and by extension, official efforts to monitor and reduce the jail population have ceased.

Various jurisdictions across the country have been demonstrating the success of various pretrial reforms. To date, at least 10 states and 40 counties have revised, or are in the process of revising, their pretrial law and policy – and in some cases, their state constitutions.²⁹ In 2017, for instance, the New Jersey legislature passed a law implementing a risk-informed approach to pretrial release and virtually eliminated the use of cash bail. By 2019, the overall jail population declined 45% with a negligible difference in the number of people arrested while on pretrial release.³⁰

It is also worth considering the very real possibility that pretrial reform causing a drastic reduction in jail populations will be legislated or otherwise mandated here in Pennsylvania, whether we do anything about it locally or not. For instance, the Criminal Procedure Rules Committee is currently considering proposing to the Supreme Court of Pennsylvania several amendments to the Rules dealing with bail. One would require judges setting bail to complete forms stating their rationale for setting cash bail or for denying someone release. Another clarifies that a monetary bail amount must be "attainable" to the person and would make magisterial district judges complete a "financial conditions" form to show they considered the persons' financial ability to post a particular bail amount as a measure to guard against the setting of unconstitutionally excessive bail amounts.³¹ A third proposal mandates that a separate "conditions review" hearing, which would occur within 72 hours after cash bail is set, be held if the person is still detained in lieu of bail, and creates the right to an attorney for that hearing. All these proposed rules could have the effect of significantly lowering the pretrial population.

Before we undertake the large capital project of building a new jail, it is respectfully requested that a “needs assessment” be undertaken, starting with a data-centered analysis of how we are using our

²⁷ https://www.pacounties.org/getmedia/c15b0eac-ee67-4aff-a5f0-548a7535cf69/2014_LancasterJail.pdf

²⁸ https://www.pacounties.org/getmedia/c15b0eac-ee67-4aff-a5f0-548a7535cf69/2014_LancasterJail.pdf

²⁹ <https://www.usccr.gov/files/2022-01/USCCR-Bail-Reform-Report-01-20-22.pdf>

³⁰ <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>

³¹ These record-making rules would enable the President Judge to make meaningful procedural audit pursuant to Pa.R.J.A. 605, to assess whether MDJ practices conform with the law.

current facility, including who is incarcerated, why and for how long to help identify areas where improvement is possible.

For instance: What is the average length of stay for the pretrial population?³² How many people are released 30 days or less from the date of their commitment? 15 days or less?³³ What percent of pretrial population is bailable?³⁴ Of the bailable pretrial population, how many people never post their bail?³⁵

Only when we have a clear picture of what is going on in our current jail, can a serious effort be made to determine what can be modified with a view towards lowering our pretrial jail population and by extension, the size and cost of building a new facility.

Too often we made our prison essentially a debtor's prison when lower income persons can't afford bail while wealthier arrested persons are out because they raised bail.

³² There is a statistically significant and positive correlation between longer pretrial detention periods and rates of post-disposition recidivism. See Christopher Lowenkamp, Marie VanNostrand, and Alexander Holsinger, "The Hidden Costs of Pretrial Detention," Arnold Foundation, Nov. 2013, <https://perma.cc/498S-LM6P>.

³³ If a substantial portion of the pretrial population is churning in and out of the jail between their preliminary arraignments and preliminary hearings (an incarcerated individual is entitled to have their preliminary hearing within 14 days of the date of their commitment, but this date can be and oftentimes is continued), where many people waive their rights in exchange for a bail reduction or plead guilty to a time-served or probationary sentence, this is a strong indication that we would stand to benefit by being more vigilant over new commitments in the first few days.

³⁴ The answer to this question would help us determine whether the main driver of pretrial detention is bail practices or probation and parole violations.

³⁵ If a high proportion of bailable people never post their bail but rather remain incarcerated until the full and final disposition of their cases, this would be a strong indication that bail is regularly being set at unconstitutionally excessive amounts and being used to hold people in jail.

Closing: Corrections architectural design has seen a paradigm shift in recent years from being solely for the custody and control of persons arrested, detained and sentenced to realizing that opportunities for intervening programs and lifestyles can provide skills to help inmates live productively in society, thereby reducing recidivism and crime. Lancaster County now has the opportunity to build such an innovatively designed correctional facility. We are encouraged from our discussions with prison management and the prison board members that the new Lancaster County Correctional Facility can be a structure that will contribute toward rehabilitation of inmates and restoration of families.

The environment in which one resides is a key factor toward people's beliefs in themselves and influences their behaviors. The building should not contribute to the punishments that inmates face when incarcerated. Being separated from family and the greater society is their punishment.

We realize that some individuals in the county do not want to build a new facility for a variety of reasons: they fear that the new jail will be too large and more people will be incarcerated needlessly; prime farmland will be used in building the correctional complex; the land should not be used for a jail but for a park or green space with walking trails and so on. The individuals that are sent to the Lancaster County Correctional Facility are human beings of value who can change their lives to benefit our community and their families. A correctional facility that addresses bad behaviors and restores lives is a worthy endeavor. All of us in the community need to realize that those incarcerated are our neighbors, our employees, parents and we can positively affect their futures.

As the majority sent to jails and prisons will be released back into the community, we want diagnoses and treatment that will provide the best prospects for successful re-entry. We want those incarcerated to come to a correctional facility that does, in fact, correct bad behaviors. They should learn to respect themselves and others around them. Then, they will make decisions that will make others proud. The correctional facility that we build should be a mechanism to achieving that goal.

We look forward to the process that brings the Lancaster County Correctional Facility to fruition and hope that the County Commissioners and the prison board would have public discussions in which members of Have A Heart and others in the community can give input to the jail design team. We all want to create a facility that will achieve optimal success, incorporating best practices.

However, we tend to look at the world from our own perspectives. Jails and prisons have been historically made from the experiences of corrections professionals who are responsible for care, custody and control of inmates with security being the primary consideration. The prison design team should include diverse viewpoints, not just those working in the criminal justice system.

Recently, the NAACP of Lancaster County held a seminar in which Dr. Hector Ortiz, PhD, Program Manager of Diversity and Inclusion at Penn State Health, discussed the issues of culture and diversity. As he explained, culture is comprised of the social structure of people with a commonality, such as employees of a corporation, residents of a town, citizens of a country or corrections staff.

Diversity is ensuring that people of different ethnicities, gender, class and abilities are included in that culture. Without diversity, our viewpoints would be homogeneous.

As the design phase gets underway, we encourage the prison board to include a wide variety and diversity of people on the design team. The new facility team needs to consider the experiences of women as well as men, of Latinos and Latinas, of African Americans and make sure their voices are included. To understand why people end up jail and how such a correctional facility may help change lives, the design team also should ascertain that those from various backgrounds who have been incarcerated at Lancaster County Prison and their families have seats at the table.

We also would hope that, soon, as a Class 2A County, the prison board can be expanded to include two or three citizens with different points of view than those in the criminal justice system. These citizens can also go to the correctional facility and talk to inmates each month before the board meeting and advise members of any concerns they may hear.

We look forward to a robust design process and the creation of an innovative, award-winning facility focused on rehabilitation and positive outcomes for everyone who must spend time there.

HAVE A HEART FOR PERSONS IN THE CRIMINAL JUSTICE SYSTEM

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