

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 621 Session of
1989

INTRODUCED BY PECORA, JUBELIRER, LEMMOND, LOEPER, FISHER, ROCKS,
HELFRICK, GREENWOOD, BRIGHTBILL, HESS, WENGER, HOLL, WILT,
HOPPER, TILGHMAN, BELL, MADIGAN, SHAFFER, ARMSTRONG,
SALVATORE, PETERSON, RHOADES, SHUMAKER, PUNT, BAKER, CORMAN,
PORTERFIELD, SCANLON, LINCOLN, LEWIS, FATTAH, STOUT,
AFFLERBACH, REIBMAN, MELLOW, JONES AND REGOLI,
FEBRUARY 28, 1989

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 13, 1989

AN ACT

1 Establishing a drug treatment and rehabilitation and academic
2 and vocational program for youthful AND JUVENILE offenders in <—
3 the Department of Corrections; and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Youthful and
8 Juvenile Offenders' Training Program Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Department." The Department of Corrections of the
14 Commonwealth.

15 "Program." The basic training program for youthful and
16 juvenile offenders established under section 3.

1 Section 3. Establishment of program.

2 The department shall develop and implement a basic training
3 program of shock incarceration for youthful and juvenile
4 offenders committed to the program by the court as juvenile
5 offenders pursuant to 42 Pa.C.S. § 6352(a) (relating to
6 disposition of delinquent child) or as youthful offenders
7 pursuant to 42 Pa.C.S. § 9721(a) (relating to sentencing
8 generally). The minimum length of the program shall be six
9 months; but the commitment of the offender may be extended, at
10 the discretion of the Commissioner of Corrections, for a period
11 not to exceed six months.

12 ~~(1) The program shall include calisthenics, a highly~~ <—
13 ~~structured routine of discipline, a dress code, physical~~
14 ~~exercise, manual labor assignments, academic and vocational~~
15 ~~education, training in decisionmaking, and personal~~
16 ~~development and prerelease counseling. The program shall~~
17 ~~include drug treatment and rehabilitation programs licensed~~
18 ~~by the Pennsylvania Advisory Council on Drug and Alcohol~~
19 ~~Abuse of the Department of Health.~~

20 (1) AS AN ALTERNATIVE FORM OF DISPOSITION FOR JUVENILE <—
21 AND YOUTHFUL OFFENDERS WHO COMMIT SUBSTANCE ABUSE OFFENSES,
22 THE PROGRAM SHALL INCLUDE A HIGHLY STRUCTURED ROUTINE OF
23 DISCIPLINE; A DRESS CODE; PHYSICAL EXERCISE; MANUAL LABOR
24 ASSIGNMENTS; SUBSTANCE ABUSE EDUCATION, TREATMENT AND
25 REHABILITATION; ACADEMIC AND VOCATIONAL EDUCATION; TRAINING
26 IN DECISION-MAKING; AND PERSONAL DEVELOPMENT AND PRE-RELEASE
27 COUNSELING.

28 (2) THE SUBSTANCE ABUSE EDUCATION, TREATMENT AND
29 REHABILITATION PROGRAMS SHALL BE LICENSED BY THE OFFICE OF
30 DRUG AND ALCOHOL PROGRAMS IN THE DEPARTMENT OF HEALTH.

~~(2)~~ (3) Participants must be medically and psychologically fit to participate in the shock incarceration program. Participants must remain medically and psychologically fit throughout participation in the program.

~~(3)~~ (4) If a participant in the program becomes unmanageable OR IS DETERMINED TO BE MEDICALLY OR PSYCHOLOGICALLY UNFIT TO CONTINUE THE PROGRAM, the department shall return the participant to the court for FURTHER DISPOSITION OR FOR imposition of any sentence it might have imposed but for placement in the program.

~~(4)~~ (5) Any period of time in which the participant is unable to participate in the program activities shall be excluded from the specified time requirements in the program.

~~(5)~~ (6) Upon the participant's completion of the program, the department shall submit a report to the court that describes the participant's performance. If the participant's performance has been satisfactory, the court may issue an order modifying the DISPOSITION OR sentence imposed and place the participant on probation. If the participant violates the conditions of probation, the court may revoke probation and MAY MAKE ANY DISPOSITION OR impose any sentence which it might have originally imposed.

~~Section 4. Program structure.~~

~~(a) Description. Shock incarceration is an alternative form of correctional life, stressing a highly structured daily routine which includes extensive discipline and counseling. The program is designed to be a resocialization and learning period, with participants expected to participate in physical labor, exercise and therapeutic programs.~~

~~(b) Schedule. The daily schedule at each shock~~

~~incarceration facility shall include an early morning routine of physical exercise and cleaning of residence areas, a complete work day, daily group meetings, academic and vocational training, substance abuse counseling, organized physical recreation and personal development counseling.~~

~~Section 5.— Discipline.~~

~~(a) General rule.— Participants are expected to adhere to strict standards of discipline within the shock incarceration facility. After orientation, participants will be expected to know and comply with the rules of the program.~~

~~(b) Specific rules.— The following standardized procedures shall be established:~~

~~(1) Stand up count procedures.~~

~~(2) Cleanliness of living areas at all times.~~

~~(3) Completion of laundry in a timely manner.~~

~~(4) Mandatory attendance at scheduled activities.~~

~~(5) Respect for and obedience of lawful orders.~~

~~Section 6.— Grooming standards.~~

~~(a) Hair.—~~

~~(1) Incoming participants shall have a haircut on the first day in the program. Haircuts shall be military style, one quarter inch in length and completely trimmed around the ears.~~

~~(2) Participants are required to be clean shaven each day. No facial hair is allowed.~~

~~(3) Participants' hair shall be allowed to grow after the first haircut, but shall be maintained and cut to a maximum of one inch. Ears are to show at all times. Hair shall be kept combed.~~

~~(4) Sideburns shall be no longer than the middle of the~~

1 ear.

2 ~~(b) Cuticles. Fingernails and toenails shall be clipped and~~
3 ~~cleaned.~~

4 ~~(c) Cleanliness. Participants shall take one shower every~~
5 ~~day. All other personal hygiene is to be attended to on a daily~~
6 ~~basis.~~

7 ~~(d) Clothing.~~

8 ~~(1) Participants' shoes shall be kept polished and shall~~
9 ~~be worn when leaving the building, during class and at~~
10 ~~inspection. Skirts or pants shall be kept neat and pressed.~~
11 ~~No cuffs are allowed. Blouses or shirts are to be tucked~~
12 ~~inside the skirt or pants. The edge of the blouse or shirt is~~
13 ~~to be in line with the edge of the pants' fly if pants are~~
14 ~~worn. Caps are to be worn only when outside.~~

15 ~~(2) Participants shall be fully dressed between the~~
16 ~~hours of 5:00 a.m. and 10:00 p.m. On free time or time off,~~
17 ~~skirts or pants and blouses or shirts are to be worn.~~

18 ~~(3) No writing or printing that shows on the outside of~~
19 ~~the clothing is permitted.~~

20 ~~(4) No combs or other items are allowed in pants'~~
21 ~~pockets where they can be seen. Only pens, pencils,~~
22 ~~eyeglasses and identification cards may be carried in shirt~~
23 ~~pockets.~~

24 ~~(5) Participants may wear tennis shoes or sneakers for~~
25 ~~personal time, during organized physical activities or during~~
26 ~~visitations.~~

27 ~~(6) Jewelry shall be limited to one wristwatch, one ring~~
28 ~~and one religious medal.~~

29 Section 7 4. Participant agreement.

30 ~~(a) Requirement. Prior to admission to a program, a~~

1 participant must sign an agreement, specifying the terms and
2 conditions of participation in the program.

3 ~~(b) Form. The agreement shall be in the following form:~~ <—

4 ~~Shock Incarceration Program~~

5 ~~Memorandum of Agreement~~

6 _____
7 ~~Name of Participant Facility Date~~

8 ~~(1) As authorized pursuant to Act No. _____, I agree to~~
9 ~~participate in the Department of Corrections' Shock~~
10 ~~Incarceration Program. This agreement is made voluntarily and~~
11 ~~without coercion.~~

12 ~~(2) I understand the Shock Incarceration Program is a~~
13 ~~minimum six month discipline and treatment oriented program.~~
14 ~~The activities involve physical exercise, manual labor~~
15 ~~assignments, academic and vocational education, training in~~
16 ~~decision making and personal development, and drug treatment~~
17 ~~and rehabilitation.~~

18 ~~(3) I promise that I shall abide by all the conditions~~
19 ~~specified in this agreement and all other conditions and~~
20 ~~instructions given to me by any representative of the~~
21 ~~Department of Corrections and will be subject to removal from~~
22 ~~the program for failure to do so.~~

23 ~~(4) Packages will not be permitted and personal property~~
24 ~~will be limited in accordance with the shock incarceration~~
25 ~~rules.~~

26 ~~(5) Visits, telephone, religious services, mess hall~~
27 ~~privileges and recreational activities will be limited.~~

28 ~~(6) I agree to abide by all rules of the Shock~~
29 ~~Incarceration Facility. I understand that strict discipline~~
30 ~~will be exercised at all times and that failure to comply~~

1 ~~with such rules will result in my removal from the Shock~~
2 ~~Incarceration Program.~~

3 ~~(7) If additional criminal charges are lodged against~~
4 ~~me, I agree that I may be removed from the program at the~~
5 ~~discretion of the Department of Corrections.~~

6 ~~I accept the foregoing program and agree to be bound by~~
7 ~~the terms and conditions thereof. I understand that my~~
8 ~~participation in the program is a privilege that may be~~
9 ~~revoked at any time at the sole discretion of the~~
10 ~~Commissioner. I understand that I must successfully~~
11 ~~complete the entire program to be considered for~~
12 ~~probation upon the completion of the program, and in the~~
13 ~~event that I do not successfully complete the program,~~
14 ~~for any reason, I will be transferred in accordance with~~
15 ~~the sentence of the court.~~

16 ~~I have read and understood the above memorandum of agreement,~~
17 ~~and I agree to fully abide by its terms.~~

18 _____
19 _____ Participant's Signature _____

_____ Date _____

20 _____
21 _____ Witness Signature _____

_____ Date _____

22 SECTION 5. RULES AND REGULATIONS. <—

23 THE DEPARTMENT OF CORRECTIONS SHALL DEVELOP, PROMULGATE AND
24 IMPLEMENT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF
25 THIS ACT.

26 Section 8 6. Program sites. <—

27 The department shall operate the program established under
28 this act at two 200-bed facilities, one for female offenders and
29 the other for male offenders. At each facility, the department
30 shall operate two separate housing units and two separate

1 programs for offenders who, at the time of the commission of the
2 crime for which they are committed to the facility, are:

3 (1) 14 through 17 years of age.

4 (2) 18 through 21 years of age.

5 Section ~~9~~ 7. Appropriation. <—

6 The sum of \$10,000,000, or as much thereof as may be
7 necessary, is hereby appropriated to the Department of
8 Corrections for the fiscal year 1988-1989 to carry out the
9 provisions of this act.

10 Section ~~10~~ 8. Effective date. <—

11 This act shall take effect in 60 days.