



House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

**TESTIMONY OF
STATE REPRESENTATIVE FRANK A. SERAFINI
BEFORE THE HOUSE JUDICIARY COMMITTEE'S
SUBCOMMITTEE ON CRIME AND CORRECTIONS
PUBLIC HEARING ON PRISONER ACCOMODATIONS
CLARK SUMMIT, PENNSYLVANIA
SEPTEMBER 22, 1998**

GOOD MORNING, CHAIRMAN BIRMELIN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE'S SUBCOMMITTEE ON CRIME AND CORRECTIONS. WELCOME TO NICHOLS VILLAGE IN CLARK SUMMIT, PENNSYLVANIA. IN MY REMARKS, I'D LIKE TO TOUCH ON THE INTENT OF THE BILLS UNDER REVIEW BY THE SUBCOMMITTEE AND GIVE YOU A BRIEF EXPLANATION OF WHY I BELIEVE THESE BILLS ARE SIGNIFICANT.

THE FOUR BILLS BEFORE YOU TODAY ALL RELATE TO PRISONER ACCOMODATIONS AND EFFECT PERSONS HELD IN STATE CORRECTIONAL INSTITUTIONS, COUNTY PRISONS OR JAILS OR ANY OTHER CORRECTIONAL FACILITY, INCLUDING JUVENILE FACILITIES.

- HOUSE BILL 1168 PROHIBITS THE USE OF FREE WEIGHTS;
- HOUSE BILL 1169 PROHIBITS THE SALE OR SERVING OF CAFFINATED BEVERAGES;

- HOUSE BILL 1170 IS MORE NARROWLY TAILORED AND ONLY PROHIBITS THE SALE OR SERVING OF COFFEE; AND
- HOUSE BILL 2698 SPECIFICALLY ADDRESSES THE ACCESS TO AND USE OF STRENGTH ENHANCING EQUIPMENT AND PROHIBITS OFFENDERS FROM PARTICIPATING IN PROGRAMS WHICH WOULD ENHANCE THEIR PHYSICAL STRENGTH OR FIGHTING SKILL. THIS LEGISLATION ALSO ESTABLISHES A MEANS BY WHICH THE PRISON FACILITY MANAGEMENT CAN DISPOSE OF THE EQUIPMENT THAT WOULD BE PROHIBITED.

THIS ISSUE WAS BROUGHT TO MY ATTENTION SOME TIME AGO WHILE I WAS IN ARIZONA. A LOCAL TAXI CAB DRIVER WAS DESCRIBING SOME RECENT CHANGES IN POLICY MADE BY A LOCAL SHERIFF IN HIS COUNTY JAIL – SHERIFF JOE ARPIAO OF MARICOPA COUNTY, ARIZONA RUNS A STRICTLY “NO FRILLS” FACILITY. HIS OFFENDERS GET NOTHING MORE THAN WHAT THE U.S. AND ARIZONA CONSTITUTION^S REQUIRES – NO WEIGHTS, NO COFFEE, NO TELEVISION, NO PERSONAL CLOTHING.

UPON FURTHER INVESTIGATION, I WAS SURPRISED TO FIND THAT THE IDEA OF A “NO FRILL” PRISON IS NOT A NEW ONE.

- THE ARIZONA DEPARTMENT OF CORRECTIONS HAS, AS A MATTER OF DEPARTMENT POLICY, REMOVED ALL WEIGHT LIFTING EQUIPMENT FROM ITS PRISONS;

- THE STATE OF LOUISIANA PASSED LOUISIANA STATE HOUSE BILL 226 IN 1994 TO PROHIBIT INMATES FROM POSSESSION OF WEIGHT LIFTING EQUIPMENT;
- MISSISSIPPI PASSED A SIMILAR LAW THE SAME YEAR;
- OHIO PASSED A OHIO STATE HOUSE BILL 152 IN 1996. THEIR LAW IS SUBSTANTIALLY SIMILAR TO THE PROVISIONS CONTAINED MY HOUSE BILL 2698;
- ILLINOIS AND CALIFORNIA PASSED BILLS IN 1996 STRICTLY CONTROL THE USE OF WEIGHT TRAINING EQUIPMENT; AND
- THREE OTHER STATES (KENTUCKY, RHODE ISLAND, AND VIRGINIA) HAVE SIMILAR LEGISLATION PENDING WHICH CONTROLS OR PROHIBITS WEIGHT TRAINING EQUIPEMENT AND ELIMINATES PROGRAMS DESIGNED TO IMPROVE ~~AND~~ INMATE'S FIGHTING SKILLS.

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OF COURSE, THE NATURAL QUESTION – AND THE ONE BEFORE THE SUBCOMMITTEE THIS MORNING -- RECURS: IS THIS LEGISLATION NECESSARY? WHEN YOU DELIBERATE OVER THE NECESSITY OF THIS TYPE OF LEGISLATION, I WOULD ENCOURAGE YOU TO CONSIDER THE FOLLOWING:

1. CONSIDER THE TAXPAYER COST OF PROVIDING ACCOMODATIONS TO CRIMINALS AND JUVENILE DELINQUENTS WHICH ARE NEITHER GUARANTEED BY THE CONSTITUTION NOR NECESSARY FOR THE REHABILITATION OF THE OFFENDER;

2. CONSIDER THE NUMBER OF INJURIES THAT OCCUR ~~BEFORE~~ BECAUSE OF THE USE AND MISUSE OF WEIGHT TRAINING EQUIPMENT;
3. CONSIDER THE EXPOSURE TO LIABILITY BECAUSE OF INJURIES INCURRED BY INMATES FOR FAULTY EQUIPMENT, OR INJURIES INCURRED BY PERSONS ASSAULTED WITH SUCH EQUIPMENT;
4. CONSIDER THE FACT THAT DRUG DEPENDENT OFFENDERS USE CAFFEINE PRODUCTS AS LEGAL ALTERNATIVES TO ACHIEVE A RUSH SIMILAR ~~AS~~ ^{TO} ~~THEY GET FROM~~ ^{FORMER} THEIR DRUG OF CHOICE;
5. CONSIDER THE STORY OF TWO YOUNG OHIO WOMEN SAVAGELY RAPED BY AN ATTACKER WHO WAS RECENTLY RELEASED FROM AN OHIO STATE CORRECTIONAL FACILITY. ROBERT BLANKENSHIP SPENT THE MAJORITY OF HIS SEVEN YEAR TERM OF IMPRISONMENT (FOR MULTIPLE RAPE CONVICTIONS) LIFTING WEIGHTS AND BUILDING MUSCLE MASS. WITHIN MONTHS OF HIS RELEASE, BLANKENSHIP HAD BROKEN INTO THE APARTMENT OF CHRISTINE LONG-WAGNER AND BRUTALLY RAPED HER.

IN HER TESTIMONY BEFORE THE OHIO STATE HOUSE JUDICIARY COMMITTEE, MRS. LONG-WAGNER STATED, "EVEN THOUGH HE WAS NOT MUCH TALLER THAN ME, HE HAD COMPLETE PHYSICAL CONTROL OVER ME AND AT NO TIME DID I FEEL I HAD A CHANCE TO MAKE A MOVE TO TRY AND ESCAPE."

BLANKENSHIP WAS NOT CAUGHT UNTIL THREE MONTHS LATER; AFTER THREE WOMEN WERE ASSAULTED AND YET ANOTHER WOMAN (A

NEIGHBOR OF MRS. LONG-WAGNER'S LIVING IN THE SAME APARTMENT COMPLEX) WAS RAPED. THE FINGERPRINTS FOUND AT THE CRIME SCENE MATCHED THE OFFENDER'S AND BLANKENSHIP WAS FINALLY APPREHENDED.

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IN CLOSING, WE CAN ALL AGREE THAT OUR STATE, COUNTY, AND JUVENILE DETENTION FACILITIES ARE IN NO WAY "CLUB MED"-TYPE INSTITUTIONS. IT WOULD BE NAÏVE TO THINK THAT THESE INSTITUTIONS ARE ANYTHING LIKE COUNTY CLUBS. I STRONGLY BELIEVE, HOWEVER, THAT THE LESS 'LIKE HOME' WE LET THESE FACILITIES BECOME, THE LESS LIKELY IT WILL BE THAT OFFENDERS WILL RETURN TO A PENNSYLVANIA PENAL INSTITUTION.

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE SUB-COMMITTEE ON CRIME AND CORRECTIONS. I'M HAPPY TO ANSWER ANY QUESTIONS AT THIS TIME.

50-60 per cent return -