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FACT SHEET

December, 1990

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

The purpose of this fact sheet is to acquaint you with current efforts to abolish parole and transfer parole supervision authority to the Department of Corrections.

As you by now have heard or read in the newspapers, one of the priority legislative items for the next legislative session will be what is referred to as "sentencing reform" or "parole reform." The legislators supporting this reform from our current indeterminate sentencing system to a determinate sentencing system are primarily interested in reducing prison overcrowding. In effect, what is being touted as reform is in reality the abolition of parole. It is clear that under the proposed determinate sentencing system, more potentially dangerous people will be released from prison earlier than ever before in the history of Pennsylvania. All offenders, with sentences of 2 years or more under the paroling jurisdiction of the Board in either state or county prisons, would be released at the expiration of the minimum sentence without regard to public safety. Victims of crime would no longer have a voice in the parole decision since there would be no parole decision.

If any of this is of concern to you, you may find the following facts useful since much what you have heard so far is based on misconceptions and misinformation. You will be kept informed through the *PBPP Palaver* and legislative updates as to when legislation is introduced.

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- The current indeterminate sentencing system has been in place in Pennsylvania for 67 years since the passage of the Ludlow Act in 1923.
- The proposed legislation abolishes parole release decision making only on sentences of 2 years or more and retains judicial discretion in making parole release decisions for all other lesser sentences. This inconsistency would create further fragmentation and uncertainty in Pennsylvania's criminal justice system. Therefore, judges would be able to continue to use discretion on sentences of less than 2 years by considering public safety as a factor in the release decision, but the same opportunity will not exist to consider public safety as a factor prior to the automatic release of offenders at the minimum sentence for those sentences 2 years or longer.
- In the most recent 12 month period (1989-90), the Board made 6,781 decisions to either release on parole supervision or deny parole. The total number paroled was 4,718.
- Parole release decisions are made on the basis of risk of recidivism and violence, with priority emphasis on the protection of the public, not to control prison or parole populations.
- A Board-developed, highly effective classification instrument which predicts group behavior and classifies inmates into risk groups is used in the decision making process. The instrument is similar to actuarial tables developed by the insurance industry to determine a person's risk and the rate to be paid for insurance coverage.
- In the 1989-90, 70.9% of Department of Corrections inmates were paroled at their first consideration (minimum sentence expiration date); the remainder (29.6%) who were refused parole were considered an undue risk to society and/or needing treatment for drug, alcohol, psychosexual, mental health, education or vocational needs prior to release.
- Victim input on the continuing effect of the crime on the victim or the victim's family was received by 329 persons (1989-90) for consideration by the Board in making its parole release decision. Victim input is often not considered due to the extensive use of both charge bargaining and sentence bargaining which avoid jury trials. In any case, it is impossible for judges to consider "the continuing effect of the crime on the victim..." at the time of sentencing.

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- Most inmates are considered for parole release in a timely fashion, however some cannot be interviewed prior to the expiration of the minimum sentence due to the lack of sentencing information, recommendations from the Department of Corrections, the need for psychiatric evaluations, the unavailability of the inmate due to housing restrictions, etc. The processing of information begins with the Department of Corrections and delays in that process causes delays in the parole release process that follows.
- 19,117 paroles and probationers are currently (November 20, 1990) being supervised by 235 parole agents located in 23 offices statewide, with an average caseload of 81.3 clients.
- To achieve a manageable caseload of 50 clients per parole agent, 143 additional parole agents are required.
- Parole agents use many intermediate sanctions in dealing with the unacceptable behavior of clients before pursuing recommitment to prison as technical parole violators. These sanctions include increased drug testing, required outpatient and inpatient treatment, curfews, house arrest, electronic monitoring (in some locations), and placement in Community Parole Centers (halfway back facilities). Many of the people serving the balance of their sentences on parole have committed extremely serious crimes, in many cases having been paroled from maximum security institutions. Intervention into the uncontrollable behavior of these offenders by recommitment to prison is sometimes necessary to protect the safety of the community.
- The Board, **With the support of Governor Casey**, has already instituted a number of prison diversion initiatives in response to prison overcrowding in Pennsylvania without compromising public safety. These initiatives include:
 - the *Special Intensive Supervision Program* (diverting low risk technical parole violators from recommitment to prison by continuing some of these clients on parole under intensive supervision);
 - the *Special Early Release Program* (release of certain inmates under intensive parole supervision who would have otherwise been refused parole);
 - the *Drug Offender's Work Program* (diverting non-violent offenders in Philadelphia from sentences to state correctional institutions to a probation sentence to a work program and supervision by the Board; and
 - the *Community Parole Center Program* (200 halfway back beds in the community to provide intensive, restrictive housing in the community for technical parole violators rather than recommitment to a state correctional institution).
- The Board has had an accelerated release policy for parole violators and others refused parole for many years. This policy which requires a recommendation from the Department of Corrections to initiate the process for accelerated release, has been greatly underutilized since its inception.
- Many states that have abolished parole have experienced an increase, rather than a decrease, in prison populations.

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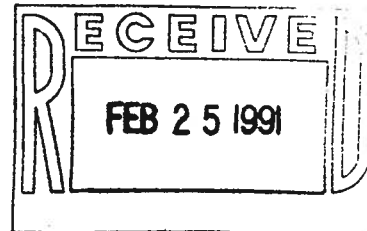
The Pennsylvania Board of Probation and Parole is a state correctional agency, authorized by the legislature (1941) to grant parole and supervise all adult offenders sentenced by the courts to a maximum prison sentence of two years or more; revoke the parole of technical parole violators and those who are convicted of new crimes; and release from parole, person under supervision who have fulfilled their sentence in compliance with the conditions governing their parole. Special probation and parole cases at the direction of the courts, and clients from other states under the Interstate Compact are also supervised by Board staff. The Board consists of five full-time members, appointed by the Governor with the advice and consent of a majority of the members of the Senate, to serve staggered, renewable six-year terms.

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 Office of the Executive Assistant
 P.O. Box 1661
 Harrisburg, PA 17105-1661
 Telephone: 717 787-6208

NORTH EASTERN LODGE NO. 63



109 GIBSON ST., JERMYN, PA. 18433
(717) 876-3507



19 February 1991

Representative Thomas R. Caltagirone
Chairman, House Judiciary Committee
House Post Office
The Capitol
Harrisburg Pa. 17120-0028

Dear Sir,

We understand the House Judiciary Committee is scheduled to hold public hearings on February 26, 1991, for House Bill 239.

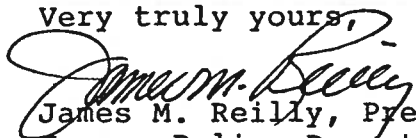
As this Bill will give earned time credits to prisoners, not require prisoners to participate in treatment programs in prison, give automatic release to prisoners, and weaken the power and functions of the present Pennsylvania Board of Probation and Parole, we are therefore strongly opposed to passage of this Bill.

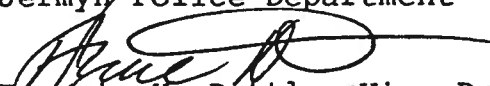
House Bill 239 would change the authority to parole offenders from the present Pennsylvania Board of Probation and Parole to the Department of Corrections. If this is allowed to occur, the Department of Corrections would have a conflict between the problem of overcrowded prisons and the safety of the public. In paroling inmates, prison overcrowding should not be a factor but rather the decision to release an inmate must be based on that specific inmates circumstances.

We strongly believe that parole determination should remain an independent function of an independent Parole Board, namely, the present Pennsylvania Board of Probation and Parole. An independent parole system is critical to insure public safety when dealing with convicted offenders on the streets of our communities.

Thank you for you careful consideration in this matter.

Very truly yours,


James M. Reilly, President
Jermyn Police Department


Francis X. Dottle, Vice President
Carbondale Police Department

