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**COUNTY CHIEF ADULT
PROBATION AND PAROLE OFFICERS ASSOCIATION OF PENNSYLVANIA**

TESTIMONY BEFORE THE HOUSE
OF REPRESENTATIVES JUDICIARY
COMMITTEE RELATIVE TO
HOUSE BILL 239, PRINTERS NO. 247
FEBRUARY 26, 1991

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The County Chief Adult Probation and Parole Officers Association of Pennsylvania appreciates the opportunity to present testimony relative to House Bill 239. This volunteer state professional association has been in existence for over twenty-five (25) years and represents the interests of over 120 Chief Adult Probation Officers and supervisors, who have responsibility for administering and supervising over 1,200 professional adult probation staff in sixty-five (65) counties within the Commonwealth. As of December 31, 1990, the county probation and parole caseload totaled over 125,000 clients. The combined personnel and operational budget for the county member agencies in 1990 was over fifty (50) million dollars. The state grant-in-aid program administered by the Pennsylvania Board of Probation and Parole allocated \$16,960,000 for professional county personnel salary expenditures in fiscal year 1990-1991. The state grant-in-aid program has enabled counties to vastly expand community based programs and supervision services since its inception in 1966. Though the funding level is at 77% of eligible staff added since the base year of December 31, 1965, it truly represents about 33.9% of the total 1990-1991 county probation operational budgets. It should be noted that it has taken the joint efforts of the Board of the Probation and Parole and our state association 25 years to obtain the current level of funding. Obviously, our Association is pleased that House Bill 239 continues the grant-in-aid program for eligible probation staff and the Advisory Committee on Probation under the Department of Corrections. In order to continue the current funding level to counties for adult probation staff, sub-paragraph (6) under Section 702, the term additional should be eliminated to make all probation staff eligible for funding that meet the qualifications and standards established by the department. If

the bill passed as currently written, funding for over one thousand county adult probation officer positions could be in jeopardy. The county government does not have the financial resources to assume full funding responsibility for the thousand positions. Consequently, unsupervised probation and parole clients could be a serious risk to the community safety.

The County Chief Adult Probation and Parole Officers Association is also quite concerned that the grant-in-aid program and the Department of Corrections parole field service program budget, which represents approximately 6% of the total departmental budget, would be engulfed and supplanted by the other correctional programs and priorities. Consequently, in order to fully protect communities and to continue local probation and parole supervision, it is imperative that line item budgeting be established in the Department's budget for the probation grant-in-aid program and the state parole field services. It would be strongly recommended that a Deputy Secretary of Corrections position be established in the proposed legislation to administer the grant-in-aid program and state parole system. These expressed funding concerns are based upon recent experiences with state appropriations in which counties had \$7,568,000 reduction in state grant-in-aid for fiscal year 1989-1990 and another reduction of \$9,082,000 in fiscal year 1991-1992. These funding reductions were accomplished by fiscal manipulation by the Commonwealth's Budget Secretary's Office.

Our Association endorses the concept of the earned time provisions providing incentives for good behavior while incarcerated, as well as participation in institutional treatment or educational programs. It would be our recommendation that the earned time program provisions be extended to county prisons, who could also have the option of implementing them.

The proposed legislation repeals the Act of June 19, 1911 (P.L. 1059, No.

813) but, in so doing, raises some issues, which I will address. This Act granted judges of Courts of Quarter Sessions and of oyer and terminer, authority to release any convict in the county jail or workhouse on parole. Under 1911 Act, the released inmate would be placed "under the supervision of a designated probation officer, and the Court shall have power to recommit to jail or workhouse, on cause shown by such probation officer that such convict has violated his or her parole". It would appear that by repeal of P.L. 1059, No. 813, county judges would be removed from their authority to parole county jail or workhouse inmates. What was the intent of House Bill 239? Was it to eliminate county parole, place county inmates under the jurisdiction of the Department of Corrections, or re-establish the County Judges as the paroling authority? It is this Association's position that the county judges should retain parole authority for those inmates serving sentences of less than two years.

Last and most importantly, House Bill 239 makes the most dramatic change in the probation, parole, and correctional system in the last fifty years. It purports that determinate sentencing with the earned time provisions will reduce prison crowding and will provide swift retribution for convicted offenders. Pennsylvania with its current system of Indeterminate Sentencing and its discretionary parole has the fifth lowest crime rate index in the nation. Pennsylvania also has one of the lowest violent crime rates per 100,000 inhabitants according to the 1989 FBI uniform crime reports. Conversely, the five states having the highest crime index and violent crime rate are states with determinate sentencing. The proposed system appears to be a short term solution to a long term problem. A more viable solution may be the more extensive use of intermediate punishments in lieu of full incarceration or in conjunction with

prison sentences. Some good examples of the intermediate sanctions would be: house arrest and/or electronic monitoring programs, intensive community supervision programs, drug and alcohol treatment programs with intensive surveillance, community service programs, and furlough programs. Many of the county probation departments are already providing various degrees of the intermediate punishments. The intermediate punishment concept coupled with the earned time provision may be more impactful on prison crowding than the proposed legislation.

Consequently, I would urge the House Judiciary Committee to appoint a Task Force consisting of all components of the Criminal Justice System having the mission of obtaining long term solutions to prison crowding, community safety, and victim services including restitution. Our State Association would be a willing participant in the Task Force and would urge an appointed Chairperson, who does not have a direct vested interest in the study evaluation or outcome.

In closing, I welcome the opportunity to answer questions relative to my testimony and our Association's stated position.