

HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HEARINGS: RESULTS OF ALTERNATIVE SENTENCING

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CHIEF ADULT PROBATION AND PAROLE OFFICERS ASSOCIATION OF PA

GOOD AFTERNOON, MY NAME IS TERRY L. DAVIS, I AM THE DIRECTOR OF DAUPHIN COUNTY ADULT PROBATION AND PAROLE OFFICE HERE IN HARRISBURG. I AM REPRESENTING THE COUNTY CHIEF ADULT PROBATION AND PAROLE OFFICERS ASSOCIATION OF PENNSYLVANIA. IN PENNSYLVANIA WE SUPPORT THE COURTS IN 65 OF THE 67 COUNTIES, AND WE ARE RESPONSIBLE FOR ALL OF THE PROGRAMS THAT I WILL DISCUSS HERE TODAY.

IN 1790 PENNSYLVANIA IMPLEMENTED THE PENITENTIARY CONCEPT FIRST IN THE WALNUT STREET JAIL, PHILADELPHIA, AND THE PROJECT WAS SUCCESSFUL ENOUGH FOR THE COMMONWEALTH TO BUILD WHAT WOULD BE THE MODEL FOR BOTH THE UNITED STATES AND EUROPE FOR MANY YEARS. WHEN ON OCTOBER 25, 1829, CHARLES WILLIAMS AN 18 YEAR OLD FIRST OFFENDER WAS SENTENCED TO TWO YEARS FOR LARCENY IN EASTERN PENITENTIARY IN CHERRY HILL, NEAR PHILADELPHIA, IT MARKED THE BEGINNING OF THE MODERN ERA FOR THE CRIMINAL JUSTICE SYSTEM, NOT JUST HERE IN PENNSYLVANIA, BUT THE WORLD. IT WASN'T UNTIL THE 1840 THAT A SHOEMAKER IN BOSTON BEGAN APPEALING TO THE COURT FOR CONDITIONAL RELEASE INSTEAD OF INCARCERATION THAT PROBATION BECAME AN ALTERNATIVE MEANS OF SENTENCING. THE PROCESS OF PAROLE DID NOT FIND IT'S WAY INTO OUR SYSTEM UNTIL THE 1870'S, AND BY THIS TIME IT CAN BE SAID THAT THE CRIMINAL JUSTICE SYSTEM WAS ALREADY BUSTING AT THE SEAMS.

DURING THE LAST DECADE IN THE UNITED STATES AND LOCALLY HERE IN PENNSYLVANIA THERE HAS BEEN A SERIOUS BOOM IN THE NUMBER OF CASES GOING THROUGH THE CRIMINAL JUSTICE SYSTEM .

THE PRISON POPULATION IN THE UNITED STATES HAS RISEN FROM 130 CASES PER 100,000 POPULATION IN 1980, TO 310 PER 100,000 IN 1990. THIS IS OVER A 140% INCREASE IN THE LAST DECADE. WHILE HERE IN PENNSYLVANIA THE TREND FOR THE SAME PERIOD HAS RISEN OVER 171% ACCORDING TO COMMISSIONER LEHMAN, (USA TODAY, 9/1/92).

IN RELATIONSHIP TO PROBATION AND PAROLE IN THE UNITED STATES THERE WERE APPROXIMATELY 1,445,000 CLIENTS UNDER SUPERVISION IN 1980, AND BY 1990 THERE WERE APPROXIMATELY 3,200,000 CASES. THIS REPRESENTS A 122% INCREASE IN THE NUMBER OF CASES INVOLVED IN COMMUNITY CORRECTIONS. THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE DURING THE SAME PERIOD SAW AN INCREASE FROM 14,000 TO 17,000 OR A 22% INCREASE IN CASELOAD. THIS EQUATES TO THE FOLLOWING: IN 1980 A PAROLE AGENT SUPERVISED AN AVERAGE OF 64 SERIOUS CRIMINAL OFFENDERS AND BY 1990 THE AVERAGE CASELOAD HAD INCREASED TO 80 PER AGENT. A 25% INCREASE IN WORK LOAD.

IN A MORE PERSONAL CONCERN WITH THE COUNTY PROBATION AND PAROLE DILEMMA THE FOLLOWING CASELOAD FIGURES REPRESENT WHAT YOUR LOCAL AGENCIES HAVE TO DEAL WITH: IN 1980 THERE WERE 54,000 OFFENDERS IN OUR SYSTEM, BUT BY THE END OF 1990 WE HAD INCREASED TO OVER 120,000 CASES. THIS REPRESENTS A 122% INCREASE IN CASES THAT WERE ON EITHER PROBATION/PAROLE/ARD. THE AVERAGE CASELOADS STATE WIDE INCREASED 62% PER AGENT FROM 74 CASES PER OFFICER TO OVER 120 CASES PER OFFICER. (THIS EQUALS THE NATIONAL AVERAGE).

WE ALSO WANT TO POINT OUT AT THIS TIME THAT YOUR COUNTY ADULT PROBATION AND PAROLE DEPARTMENTS HAVE A GREAT DEAL OF RESPONSIBILITIES THAT INCLUDE: THE SUPERVISION OF EVERY CASE ASSIGNED TO THE AGENCY; PRESENTENCE INVESTIGATION FOR THE COURT; PREPAROLE INVESTIGATIONS PRIOR TO RELEASE BACK INTO THE COMMUNITY; INSURING THAT OFFENDERS MEET LEGISLATIVE MANDATES SUCH AS: D.U.I. SAFE DRIVING SCHOOLS, RECEIVE AND MONITOR ALCOHOL AND DRUG REHABILITATION, COLLECT RESTITUTION AND FEES, AND CONDUCT A.R.D. PROGRAMS.

YOUR COUNTY ADULT PROBATION AND PAROLE DEPARTMENTS THROUGH THE LOCAL LEADERSHIP HAS INITIATED MANY PROGRAMS THAT HAVE BENEFITED THE TAXPAYER AS WELL AS THE OFFENDER OVER THE LAST TEN YEARS. SOME OF THESE PROGRAMS AND RESPONSIBILITIES I JUST MENTIONED, BUT OTHERS INCLUDE: INTENSIVE SUPERVISION, MENTAL HEALTH AND MENTAL RETARDATION SPECIAL UNITS, SPECIALIZED DRUG AND ALCOHOL CASELOADS, SHOP LIFTING PROGRAMS, ELECTRONIC MONITORING PROGRAMS, IN-HOUSE ARREST PROGRAMS, PRE TRIAL PROGRAMS, BAIL PROGRAMS, WORK RELEASE PROGRAMS, COLLECTION EFFORTS FOR FINES, COST, FEES, AND RESTITUTION, AND COMMUNITY SERVICE PROGRAMS.

ALL OF THE ABOVE INITIATIVES WERE PUT INTO PLACE TO DEAL WITH THE VAST RESPONSIBILITIES PLACED ON US BY THE LEGISLATURE AND THE COURTS, WITH THE OFFENDERS NUMBERS INCREASING DRASTICALLY THE FINANCIAL SUPPORT HAS NOT BEEN THERE. WE SINGLE HANDILY TRIED TO ACCOMPLISH OUR MISSION OF PROTECTION OF THE COMMUNITY THROUGH PROBATION AND PAROLE

TECHNIQUES. IT WASN'T UNTIL THE MID 1980'S THAT YOU THE LEGISLATURE SAW THE NEED TO SUPPORT US WITH REAL FINANCIAL AIDE WHEN YOU INCREASED OVER A THREE YEAR PERIOD BEGINNING IN 1986 OUR GRANT FROM APPROXIMATELY 26% TO 80% IN 1988. HOWEVER, A REVERSE TREND HAS STARTED WHICH I WILL ADDRESS SHORTLY.

FISCAL TRENDS IN CORRECTIONS vs. COUNTY PROBATION SYSTEMS IN PENNSYLVANIA LOOKS LIKE THIS! PENNSYLVANIA IS NOW DEDICATING \$1.236 BILLION FOR NEW PRISON CONSTRUCTION. THE COMMONWEALTH HAS AUTHORIZED \$200 MILLION IN A BOND PROGRAM FOR COUNTY PRISON CONSTRUCTION AND THE PA STATE ASSOCIATION OF COUNTY COMMISSIONERS HAVE REQUESTED ANOTHER \$200 MILLION BOND BE FLOATED FOR THE SAME PROGRAMS.

MEANWHILE THE COUNTY PROBATION AND PAROLE SYSTEMS, WHO WILL BE ASKED TO SUPERVISE ALL OF THESE OFFENDERS ONCE THEY ARE RELEASED, AND WHO WERE TOLD TO ASSUME MORE RESPONSIBILITIES BY THE CREATION OF NEW LEGISLATION, "INTERMEDIATE PUNISHMENT ACT", IS NOW EXPECTING MORE CUTS IN GRANT IN AID SUPPORT.

OVER THE LAST DECADE, BEGINNING WITH 1980 THE COUNTIES RECEIVED APPROXIMATELY 25% REIMBURSEMENT FOR "NEW" STAFF SALARY COSTS, WHILE THE COUNTY HAD TO PICK UP THE ADDED COST OF BENEFITS AND OPERATIONAL EXPENSES FOR THESE NEW EMPLOYEES. LOOKING BACK, IT IS SURPRISING THAT THE COMMISSIONERS EVEN CONSIDERED IT, BUT A GREAT DEAL OF CREDIT SHOULD GO TO THE COUNTY COMMISSIONERS AND THE COURTS OF PENNSYLVANIA FOR IMPROVING THIS LEVEL OF CONTROL, BECAUSE BY

NOW THE BURDEN ON THE STATE, WITHOUT OUR HELP, WOULD EASILY COST OVER FIVE TIMES AS MUCH TO THE TAXPAYER.

IN 1986 THE COUNTIES BEGAN TO RECEIVE AN INCREASE IN FUNDING AND \$6,339,648 WHICH EQUATED TO 50% OF SALARY COST WAS RECEIVED. IN 1987, \$10,059,000 OR 66% OF SALARY COST, AND IN 1988, \$13,336,000 WAS DISBURSED TO COUNTIES FOR SALARIES ONLY. THIS WAS OUR PEAK YEAR FOR REIMBURSEMENT BECAUSE IT REACHED 78%. (NOT QUITE THE 80% MANDATE). FOR THE NEXT TWO YEARS WE MAINTAINED A 77% LEVEL OF SUPPORT, UNTIL 1991 WHEN THE DOLLAR AMOUNT WAS \$15,911,00 BUT ONLY 64%. THE DOLLAR AMOUNT INCREASED, BUT IT WAS DURING THIS PERIOD THAT COUNTIES AGAIN WERE ASKED TO EXPAND TO HELP WITH THE PRISON OVERCROWDING PROBLEM, AND ONCE AGAIN WE RESPONDED, BUT IT FELL FAR SHORT OF THE 80% LEVEL IN FINANCIAL AIDE.

NOW IN 1992/1993 WE ARE BEING ASKED TO DO EVEN MORE WHILE ONLY \$10,000,000 OR 40% BEING MADE AVAILABLE FOR GRANT IN AIDE, WHILE \$3.4 MILLION IS BEING HELD IN BUDGET RESERVE BY THE GOVERNOR'S OFFICE.

WHILE ASTRONOMICAL AMOUNTS ARE BEING DEDICATED TO BRICK AND MORTAR, FUNDING FOR COMMUNITY BASED CORRECTIONS IS BEING REDUCED. THIS IS HAPPENING AT THE TIME WHEN MORE AND MORE RESPONSIBILITIES AND EXPECTATIONS ARE BEING PLACED ON COUNTY PROBATION SYSTEMS.

WE ASK WHY? WHAT IS THE VULNERABILITY, OR LACK OF SUPPORT FOR THE COUNTY PROBATION SYSTEM?

- A. BRICK AND MORTAR, EVEN THOUGH IT IS MUCH MORE EXPENSIVE, IT IS MORE MARKETABLE TO THE GENERAL PUBLIC THAN COMMUNITY BASED CORRECTIONS, IE: PROBATION.
- B. THERE ARE NO CONSTITUTIONAL RESTRICTIONS ON PROBATION OR PAROLE CAPACITIES TO SUPERVISE NUMBER OF CASES PER OFFICERS vs. CONSTITUTIONAL RESTRICTIVE ON JAIL/PRISON CAPACITIES.
- C. WITH THE STATE CUTS TO THE COUNTY COURT SYSTEM, WE IN THE PROBATION AND PAROLE OFFICES CAN ANTICIPATE AN ADVERSE IMPACT ON OUR OWN BUDGETS AND REQUEST FOR THE COMING YEARS.
- D. WITH THE RECENT CREATION OF SUPERVISION FEES FOR OFFENDERS, THE LEGISLATORS CLEARLY SHOWED SUPPORT FOR PROBATION AND PAROLE AGENCIES TO GENERATE MONEY TO IMPROVE AND GROW BASED ON PROJECTED FIGURES FOR THE 1990'S AND 21TH CENTURY, BUT WITH THE OVERALL CUTS TO THE COUNTIES THERE IS MORE PRESSURE TO SUPPLANT OUR BUDGETS, RATHER THAN GIVE US THE CHANCE TO GROW WITH THE ANTICIPATED PROBLEMS IN THE FUTURE.

THE \$3.4 MILLION IS BUDGET RESERVE, IS STILL MORE THAN \$2.5 MILLION SHORT OF WHAT WE SHOULD RECEIVE TO SUPPORT OUR PROGRAMS. THE CONCEPT OF SUPERVISION FEES MAY BE A MEANS TO HELP MANY COUNTIES WITH THE EVER GROWING PROBLEMS IN COMMUNITY BASED CORRECTIONS, AND REASONABLE GROWTH

POTENTIAL. (HOWEVER, EVEN IF WE COLLECT THIS MONEY FROM THE MOST DIFFICULT GROUP OF INDIVIDUALS, CRIMINAL AND MANY ARE UNEMPLOYED, THIS MONEY WILL NOT IMPROVE THE SYSTEM IF THE GRANT IN AIDE MONEY IS GOING TO BE REDUCED.)

THE CREATION OF THE INTERMEDIATE PUNISHMENT ACT IN 1991 WHICH WILL PLACE MORE RESPONSIBILITIES ON OUR SYSTEM AND POSSIBLY HELP WITH SOME PRISON OVER-CROWDING, FEDERAL FUNDS WERE MADE AVAILABLE TO COUNTIES TO GET PROGRAMS STARTED, BUT THIS MONEY WHICH REQUIRES IN THE THREE YEARS, APPROXIMATELY A 50% MATCH BY THE COUNTIES, WHO ONCE AGAIN, ARE CALLED ON TO TAKE THE INITIATIVE TO RUN PROGRAMS KNOWING THAT ULTIMATELY THEY WILL HAVE TO PAY FOR THEM. MANY OF THE COUNTIES CANNOT AFFORD TO RISK THIS FINANCIAL SUPPORT, BECAUSE OF THE UNKNOWN FISCAL DILEMMA THAT THEY ARE ALREADY EXPERIENCING. THEREFORE, THE LEGISLATORS CREATION OF INTERMEDIATE PUNISHMENT PROGRAMS WILL FAIL MISERABLY DUE TO THE LACK OF FINANCIAL AIDE. THIS HAS HISTORICALLY PUT THE COUNTIES FARTHER AND FARTHER IN THE HOLE. REMEMBER THAT THE GROWTH OF COUNTY SYSTEMS WERE TO HELP WITH THE "STATE" OVERCROWDING CONCERNS, AND MAY IN TURN BE REVERSED BY THE LACK OF SENTENCING ALTERNATIVES. IF PROGRAMS SUCH AS INTERMEDIATE PUNISHMENT ARE GOING TO SUCCEED IT WILL REQUIRE BOTH FINANCIAL AND LEADERSHIP SUPPORT FROM THE STATE.

WITH THE HIGH COST OF INCARCERATION AND THE DOLLARS THAT ARE GOING TO BE PLACED IN THE "BRICK AND MORTAR", WE ASK THE SIMPLE QUESTION; HOW CAN COMMUNITY CORRECTIONS BE CUT?

WE ALL KNOW THAT THE NUMBER OF CLIENTS UNDER SOME LEVEL OF SUPERVISION IS GOING TO INCREASE IN THE UPCOMING YEARS, BECAUSE IT IS THE ONLY COST EFFECTIVE MEANS AVAILABLE TO THE COMMUNITIES, AND IT IS IMPERATIVE THAT WE START NOW BY PROVIDING ADEQUATE FUNDS FOR THE PROGRAMS THAT YOU THE LEGISLATORS HAVE MANDATED, AND WE, YOUR COUNTY ADULT PROBATION OFFICES, WILL IN FACT RESPOND TO THE CALL ONE MORE TIME AND MAKE THE PROGRAMS AS EFFECTIVE OR BETTER THAN YOU ORIGINALLY CONCEIVED. WE WILL AS WE HAVE IN THE PAST PRODUCE A POSITIVE EFFORT FOR THE TAXPAYER AND PROVIDE THE SERVICES THAT WILL ASSIST IN THE MISSIONS OF PROBATION AND PAROLE AGENCIES.

WE THE COUNTY CHIEF PROBATION OFFICERS OFFER YOU OUR EXPERTISE IN ALL OF YOUR EFFORTS IN THIS AREA AND WE ASK YOU TO CALL ON US AT YOUR CONVENIENCE. WE ALSO THANK YOU FOR PERMITTING US TO TESTIFY TODAY, AND WE HOPE THAT WE HAVE BEEN OF SOME ASSISTANCE TO YOU ON THIS ISSUE.