

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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House Bill 1728
Parole Reform Legislation

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House Judiciary Committee

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Main Capitol Building
Room 140, Majority Caucus Room
Harrisburg, Pennsylvania

Friday, June 9, 1995 - 9:00 a.m.

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BEFORE:

Honorable Jeffrey Piccola, Majority Chairman
Honorable Scot J. Chadwick
Honorable Stephen Maitland
Honorable Al Masland
Honorable Harold James

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Heather Ruth
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Judiciary Staff

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1 CHAIRMAN PICCOLA: I call this meeting
2 to order. Good morning, everyone. I'd like to
3 first introduce the members of the committee who
4 are here. To my right is Representative Scot
5 Chadwick. To my left is Representative Al
6 Masland. We are expecting a few other members
7 as the morning progresses. We had probably
8 anticipated more had the legislature continued
9 in session the rest of this week, but that's not
10 to be.

11 The purpose of this hearing this
12 morning is to solicit comment on a recently
13 introduced House Bill which is designed to
14 fundamentally change our system of probation and
15 parole. For a number of years now, it's been my
16 opinion that the system of probation and parole
17 that we have in Pennsylvania and which we now
18 operate with an independent parole board
19 responsible for not only the release decision,
20 but also the administrative and the supervisory
21 function, is fundamentally flawed.

22 Because of the unusually heavy
23 schedule of this committee during our special
24 session on crime, it was my original intent to
25 have this legislation drafted over the summer

1 for introduction and consideration in the fall.
2 Unfortunately, the flaws in this system have
3 caused some very highly publicized cases of
4 mismanagement and competence in our system,
5 resulting in the release of certain inmates that
6 perhaps should not have been released and
7 failure of the supervisory function of the Board
8 of Probation and Parole. We need not go into
9 the details of those cases at this time.

10 These high profile cases have
11 demonstrated that the Board of Probation and
12 Parole is an agency in crisis. This legislation
13 is designed to insert accountability into a
14 system in which there is very little
15 accountability at the present time.

16 The public safety of the Commonwealth
17 demands that we do this. With that, we will
18 call our first witness, Mr. Stover Clark, the
19 Executive Director of the County Chief Adult
20 Probation and Parole Officers Association of
21 Pennsylvania. Mr. Clark.

22 MR. CLARK: Good morning. My name is
23 Stover Clark, and I'm the Executive Director of
24 the County Chief Adult Probation and Parole
25 Officers Association. I want to thank Chairman

1 Piccola and members of the committee for this
2 opportunity to present testimony regarding
3 recommended changes to the Board of Probation
4 and Parole.

5 Before I address any proposals, I want
6 to describe the relationship between county
7 adult probation and parole and the board.
8 County adult probation, while under the control
9 and authority of the county court and the county
10 commissioners, has a direct relationship with
11 the board.

12 In 1965, the Parole Act was amended to
13 expand the authority of the board to create
14 county probation regulations and standards
15 regarding the hiring of new probation staff.
16 The Grant-in-Aid program was initiated to
17 encourage county departments to hire probation
18 officers who met certain qualifications. In
19 return for hiring officers meeting those
20 standards, the board would reimburse the
21 counties up to 80 percent of the salary of that
22 particular officer.

23 Over the past 30 years the
24 Grant-in-Aid program has been very successful in
25 professionalizing the operation of county

1 probation. I would be remiss if I did not take
 2 the opportunity to state that the Commonwealth
 3 has never funded the Grant-in-Aid program at the
 4 full 80 percent level. The proposed 1995-96
 5 State Budget calls for \$16.1 million in state
 6 funds for Grant-in-Aid, a 47 percent
 7 reimbursement rate. This is a 5 percent
 8 decrease from the 1994-95 budget. We are asking
 9 that the budget be increased by \$13.7 million to
 10 bring the county's Grant-in-Aid program up to
 11 full. Eighty percent is required in the law. I
 12 had to say that because of who I work for.

13 I want to say that any changes we make
 14 to the Pennsylvania Board of Probation and
 15 Parole will have a direct relationship on the
 16 entire Commonwealth criminal justice system;
 17 county probation, county jails and the state
 18 prison system.

19 The incidents occurring over the past
 20 months require that the current parole system be
 21 reformed. While these incidents have been
 22 tragic, we must not lose this opportunity to put
 23 in place a revamped paroling system that does
 24 not compromise public safety and strives to
 25 assist offenders re-entering the community to

1 become tax-paying, law-abiding citizens. I'm
2 confident that we can accomplish this.

3 My following recommendations are
4 consistent with Representative Piccola's reform
5 legislation which is before us today.

6 I think we must make a differentiation
7 between violent and nonviolent offenders and the
8 procedures for their parole hearing; and if they
9 are released, the manner in which they are
10 supervised in the community.

11 I agree that offenders convicted of
12 violent offenses should be interviewed by at
13 least 3 board members, and there must be
14 unanimous approval for their release.
15 Nonviolent offenders should be interviewed by at
16 least 2 board members, again requiring unanimous
17 approval. Hearing examiners, and this is
18 consistent with the legislation, would only be
19 responsible for revocation hearings.

20 I think we should establish a release
21 classification grid for violent and nonviolent
22 offenders. The grid would create incrementally
23 structured supervision levels. It is
24 unrealistic to expect an offender who has been
25 incarcerated for a substantial period of time to

1 possess the skills and the self-discipline to
2 rapidly adjust to community living. More
3 importantly, higher levels of supervision and
4 control would afford the board more opportunity
5 to scrutinize the offender and his potential for
6 a successful reentry.

7 This approach is consistent with the
8 recently implemented reforms to the Pardons
9 Board that now require a years stay in a halfway
10 house before reentering the community. We
11 support that.

12 The classification system would take
13 into consideration the facts of the crime, age
14 of offender, length of incarceration, as well as
15 input from all concerned parties. Also,
16 considered would be input from the correctional
17 institution regarding their recommendations, but
18 I would suggest that this information be given
19 less weight than the other listed factors. The
20 exception to this would be any information on
21 offender misconducts while in the institution.
22 I think they should be weighed as heavily as the
23 other ones, but recommendations for release I
24 think should be weighed differently than the
25 facts of the crime and those issues.

1 Establish internal procedures that
2 ensure all pertinent information is gathered and
3 available for all parole hearings. There must
4 be a standard set of required information for
5 review. Prior to the hearing, the board must
6 solicit information from the sentencing judge,
7 district attorney and crime victim. Those
8 parties should be given adequate time to forward
9 their input to the board.

10 Parole hearings would not take place
11 until that information is available. This would
12 allow Parole Board members to view in totality
13 the record of the offender under consideration.
14 And in those cases where there is unsuccessful
15 contact, for whatever reasons, it must be noted
16 in the hearing record.

17 It is my understanding that under
18 current law and procedures only victims who have
19 registered with the Board are contacted prior to
20 hearing actions. Even that procedure has come
21 under doubt during recent hearings. I think it
22 is time we revisit the issue and require that
23 all victims be given the opportunity to present
24 comments regarding potential parolees.

25 There must be delineation between

1 technical parole violators and those committing
2 new crimes. Create a revocation grid that takes
3 into consideration the nature of the violation,
4 as well as the entire offender history. The
5 grid would serve as a recommendation matrix for
6 sanctions. While we can concur that some
7 technical violations or a pattern of violations
8 may require a period of incarceration, the vast
9 majority of technical violators should move up
10 in supervision level or receive other available
11 sanctions rather than receive jail time.

12 At first glance these proposals appear
13 to require a substantial influx of state
14 dollars. While I agree that some of them may
15 require a small increase in the board's budget,
16 I think there are a number of management reforms
17 that can reallocate existing resources in a more
18 effective and efficient manner. These include,
19 but are not limited to, the following:

20 The Board currently has an employee
21 complement of approximately 650. Of that number
22 250 are actually supervising offenders in the
23 community. While I am not a management expert,
24 I would urge an examination of staffing patterns
25 that would place more parole agents in the

3 1 field. One possible method to achieve this is
2 an increased use of automated information
3 systems. That would decrease the amount of
4 clerical support needed and increase the
5 accuracy and timeliness of available
6 information.

7 The use of automated information
8 management technologies would improve the
9 efficiency of the board and would allow the
10 exchange of pertinent information between all
11 criminal justice agencies. I'd like to offer 2
12 examples.

13 On the county side, county adult
14 probation is required to provide the board with
15 an offender status report when there is a change
16 in supervision status, such as committing a new
17 crime, completion of terms or delinquent status.
18 It's called the 308 card.

19 The card is mailed into the board.
20 Upon receipt, the board sends the forms to the
21 Pennsylvania State Police where staff enters the
22 data into a computer system. This information
23 is required to update police criminal history
24 records that are made available to police
25 departments throughout the Commonwealth when

1 they conduct record checks of suspects or during
2 routine traffic stops.

3 After the information is entered into
4 the state police system, it is given back to the
5 board on computer tape for entry into their
6 system. Not only is this cumbersome and costly,
7 the time required to transfer the data may take
8 actually months. This results in the lack of
9 accurate data for police; that they may make a
10 routine stop and not be made aware that the
11 person is a county probation or parole
12 absconder.

13 Under a project initiated by the
14 Chiefs Association, we are currently
15 computerizing 28 county probation departments
16 using a standardized information system that has
17 the capacity to automatically transfer status
18 reports in real time to the board. The board is
19 in the process of developing the necessary
20 software and hardware to receive county
21 information to transfer that to the state police
22 immediately. The goal is that every county
23 probation department will have the capacity
24 within the next 3 years to transfer this
25 information to the board.

1 Another example is the county
2 automated management system, which tends to
3 produce standardized presentence reports and
4 automatically transfers those to the board. The
5 board, in turn, could electronically transfer
6 them to the Department of Corrections. I know
7 there were some issues about the untimely
8 gathering of data. I just wanted to give you
9 those examples.

10 These endeavors that I've talked about
11 have been sponsored by the Pennsylvania
12 Commission on Crime and Delinquency, and they
13 continue to assist in the advancement of
14 criminal justice system automation projects
15 through their Criminal History Records
16 Improvement Committee.

17 I want to say that a substantial
18 portion of the information required for all
19 paroling decisions resides in the county
20 criminal justice system, and I believe can be
21 easily transferred to the board.

22 In addition to the automated
23 management system technologies, there are other
24 technologies that can assist the board with case
25 management and increased supervision.

1 Electronic monitoring I believe is underutilized
2 by both county probation and state parole.

3 Electronic monitoring, used properly, can assist
4 parole officers with management of low-risk
5 offenders freeing up their time to devote to
6 more risky offenders. Electronic monitoring can
7 be used as an additional management tool for
8 those posing a higher risk.

9 There are private sector companies
10 that provide monitoring services 24 hours a day,
11 365 days a year. These services include
12 immediate notification of law enforcement
13 officials and other appropriate agencies of home
14 confinement violations.

15 I would urge the board to utilize
16 these private sector electronic monitoring
17 services as a cost-effective manner in which to
18 improve supervision of offenders. But, I have
19 to offer a note of caution that, as we increase
20 the use of electronic monitoring, it can never
21 be seen as a replacement for probation or
22 parole; only an enhancement or an adjunct to it.

23 Next, I would suggest that the board,
24 as well as the Department of Corrections,
25 develop a better partnership with the county

1 criminal justice system. Since the passage of
2 the Intermediate Punishment Act in 1991,
3 counties have been developing an array of
4 offender programs that are more restrictive than
5 probation but less costly than jail.

6 I think the board should explore the
7 possibility of contracting with counties for the
8 placement of technical violators into these
9 services, into these restrictive programs. This
10 would place the offender in a more restrictive
11 setting while allowing the parole agent to
12 monitor their behavior. It would decrease the
13 reliance of the board to place technical
14 violators in costly state or county prison
15 space. This approach should only be used for
16 low-risk offenders and be incorporated into the
17 revocation matrix that I described earlier.

18 Another law passed in 1991 created the
19 Probation and Parole Supervision Act. Under
20 this statute county probation and state parole
21 were authorized to collect a supervision fee of
22 up to \$25 a month from each offender under
23 supervision. I must admit that I, as well as
24 many members of the Chiefs Association, were
25 skeptical of this; that it would change us into

1 collection agents, or increase jail populations
2 with those refusing to pay, while not really
3 generating any substantial income.

4 I admit that I was wrong. In 1994,
5 county probation departments collected over
6 \$12 million in supervision fees. We anticipate
7 that this year 13 million will be collected.
8 The Board of Probation and Parole has not been
9 as successful as we have in collecting fees.
10 In 1994, the board collected approximately
11 \$700,000 in supervision fees. If the board
12 collected at the same rate as we do, they would
13 generate an additional \$1.5 million for their
14 operations. Needless to say, that amount would
15 help implement some of the proposed reforms.

16 I must add that supervision fees were
17 intended to supplement, not supplant, state
18 dollars for the improvement of probation and
19 parole services. Unfortunately, under the past
20 administration, there was a dollar-for-dollar
21 deduction in the Grant-in-Aid subsidy for every
22 dollar collected in supervision fees that passed
23 from the county to the state and then back to
24 the county. I would urge the committee to
25 revisit the Supervision Fee Law and include

1 language that prohibits the Commonwealth from
2 supplanting state dollars with county collected
3 supervision fees.

4 To conclude, I support in total the
5 section that grants probation and parole
6 officers authority to conduct reasonable
7 searches of offenders under supervision. Upon
8 passage, this will be an invaluable tool for
9 probation and parole to insure officer as well
10 as public safety. We have been seeking this
11 authorization for some time, and I want to thank
12 Representative Piccola for including it in this
13 proposed legislation.

14 Finally, I support the elevation of
15 the Board of Probation and Parole to a cabinet
16 level department with a commissioner appointed
17 by the Governor. By elevating the board to a
18 cabinet level, you bring them in the process on
19 an equal basis to the budget and the policy
20 development. I also think that it's important
21 for functional purposes. As long as we maintain
22 the current minimum/maximum sentencing structure
23 parole decisions must remain independent from
24 prison overcrowding issues.

25 We must never find ourselves in the

1 position of releasing violent offenders at their
2 minimum date solely based on the need to free up
3 prison space. This is a disservice to the
4 community and undermines the integrity of our
5 criminal justice system. I realize that finite
6 resource issues must be taken into consideration
7 and I hope that I have offered some reasonable
8 suggestions to improve the parole system, while
9 not breaking the bank or compromising public
10 safety.

11 I believe the bill before you today
12 represents a balanced approach for the needed
13 reforms of the parole board. I want to thank
14 you for this opportunity, and if you have any
15 questions or suggestions, I will be more than
16 willing to try to answer them.

17 CHAIRMAN PICCOLA: Thank you, Mr.
18 Clark. First, just a comment with respect to
19 the section of the bill that you applauded that
20 grants probation/parole officers authority to
21 conduct reasonable searches of offenders under
22 supervision. I appreciate your gratitude, but
23 you should be also thanking Representative Wogan
24 who is the prime sponsor of that bill. We
25 actually stole it from him and incorporated it

1 into this overall package, so Chris deserves
2 most of the gratitude on that. And, in fact, we
3 may be actually trying to move his legislation
4 independent of this, depending upon how things
5 go. I wanted to make sure he got the
6 appropriate credit on that.

7 MR. CLARK: I will make sure I thank
8 him.

9 CHAIRMAN PICCOLA: On the issue that
10 you raised on page -- I don't know what page it
11 is -- where you indicate that the board should
12 explore the possibility of contracting with the
13 counties for placement of technical parole
14 violators into the county programs, is it your
15 view that the board has that authority now to do
16 that or would they have that authority under
17 this bill?

18 MR. CLARK: Yes, they would. I think
19 under technical, and maybe the chairman or
20 somebody from the board will correct me later,
21 but I think under revocation hearings they can
22 place restrictions other than jail or prison on
23 an offender. I think it should just be an
24 option for appropriate offenders that there be a
25 state rate set for certain kinds of programs,

1 and the board would contract for placement into
2 an appropriate restrictive intermediate
3 punishment. I don't think there's anything that
4 precludes them from doing that now.

5 CHAIRMAN PICCOLA: On the issue of the
6 Grant-in-Aid program, 12 or 13 years ago I sat
7 as an unofficial member of the advisory board on
8 probation and parole. My recollection is that,
9 when we worked with that program, the
10 Grant-in-Aid program, the intent of that
11 program -- and I recognize we don't fund it to
12 the extent that we made that commitment, but
13 that's not anything unusual with the General
14 Assembly.

15 The intent of that program was to act
16 sort of as a carrot to the counties to upgrade
17 their programs and to meet certain standards.
18 In fact, as I recall, we selected certain
19 standards that each program had to meet each
20 year in order to qualify for a certain level of
21 funding in the Grant-In-Aid program.

22 I haven't been on that board for at
23 least 10 years; probably longer. Could you
24 bring me up to date on how the Grant-In-Aid
25 program is specifically working year in and year

1 out? Is it still acting as the carrot? Is it
2 helping the counties upgrade their programs?

3 MR. CLARK: Yes. I don't think
4 there's any doubt that from 1965 until now it
5 has been very successful in professionalizing
6 county adult probation, and using that carrot
7 you hire qualified probation officers to meet
8 certain standards and we'll reimburse that
9 salary. What's happened over the years, and
10 again in the last administration, it's been
11 changed. It's really not a true subsidy
12 anymore. The carrot was, you add additional
13 staff and we will increase the amount that we
14 subsidize you.

5
15 I believe in the early '90's there was
16 an artificial cap placed on the amount of the
17 number of probation officers that would be
18 eligible for this reimbursement. Since that
19 time, the counties have probably hired an
20 additional 350, 400 probation staff that meet
21 the qualifications but are not included in the
22 Grant-in-Aid formula. So, from my definition
23 that's no longer a subsidy.

24 I think one thing we have to look at
25 is the proportion of the Grant-in-Aid subsidy

1 and its relationship to the total county
2 probation budget. Grant-in-Aid is becoming a
3 smaller and a smaller portion of that total
4 budget. I wouldn't be surprised somewhere down
5 the road if there isn't an increase in the funds
6 that the reporting requirements and the other
7 requirements -- it comes to a point where some
8 counties might say, we don't need to go through
9 this. I think that would be tragic because it
10 would undermine that whole philosophical intent
11 of professionalizing county probation.

12 We could go back to the days when it
13 was, for lack of a better -- patronage haven, if
14 you will. Somebody needed a job and they would
15 end up in county probation. We needed to change
16 that in '65. I hope we don't revert back to
17 that, but unless there is a stronger commitment
18 from the Commonwealth there's that potential.

19 CHAIRMAN PICCOLA: One last question.
20 In my view, in recent years one of the
21 deficiencies in the Board of Probation and
22 Parole is its failure to adequately interface
23 with the Department of Corrections. What, if
24 anything, would you comment on relative to the
25 interfacing of the State Board of Probation and

1 Parole with county probation services? How
2 would you rate it?

3 MR. CLARK: I think it's better than
4 that with the Department of Corrections I think
5 because in part it's better --

6 CHAIRMAN PICCOLA: Pardon?

7 MR. CLAK: The relationship is better
8 than that of the Department of Corrections and
9 it's because, I think, of the Grand-in-Aid.
10 They are our parent agency in the sense that
11 they give us money.

12 I think that because of their
13 independent status over the years, I don't think
14 they have been as willing to include themselves
15 in the loop with the Department of Corrections
16 or other state agencies in the transfer of
17 information, for whatever reasons, and I won't
18 speculate on that. I think there has been not
19 enough communication between the 2 on the
20 transfer of information.

21 I talk a lot about the automated
22 system, but it's just so inefficient how we do
23 it now, that the county writes a pre-sentence
24 investigation and mails it to an institution.
25 Then they mail it to somebody and it just gets

1 lost. I would think just efficiencies of having
2 it entered one time and then electronically
3 transferred to the board and then to the
4 Department of Corrections would be just
5 fundamentally very easy to do and not costly.
6 We must bring them into the process. They have
7 been not as willing to participate in the
8 planning process of a lot of criminal justice
9 policy issues as they might be if they were a
10 cabinet level position. I think that would
11 bring them into the fold.

12 CHAIRMAN PICCOLA: I would like to
13 welcome Representative Maitland who has joined
14 us this morning. Do other members of the
15 committee have questions? Representative
16 Masland.

17 REPRESENTATIVE MASLAND: Thank you,
18 Mr. Chairman. I have not been here as long as
19 you, but when I saw we weren't funding the 80
20 percent formula I was not surprised either.
21 Just a couple other comments, and I do have a
22 question.

23 With respect to P.C.C.D. and
24 automation, I think we have to expect a lot more
25 from the Pennsylvania Commission on Crime and

1 Delinquency, and I think they can do a lot more
2 if we allow them to and allow them to coordinate
3 all the various law enforcement arms throughout
4 the state so that we can have a better and more
5 smoothly running system. As a commissioner, I
6 don't think we do do that.

7 Another comment on the probation fee.
8 When I was in the D.A.'s office there was a hue
9 and cry that you would not believe from public
10 defenders and defense attorneys, how can you
11 possibly do this, this \$25 fee? Everybody was
12 trying to get it waived, and let's not have that
13 apply in my case. I'm happy to see that there
14 has been some success there.

15 My question, and I think I know the
16 answer, but I still want to hear it from you, is
17 on your second point regarding the establishing
18 of a release classification grid for the violent
19 and nonviolent offenders where you say that the
20 input from the correctional institution
21 regarding the recommendation should be given
22 less weight than the other listed factors. Why
23 do you believe that should be the case?

24 MR. CLARK: I believe the 2 systems,
25 in some sense, are at odds. The Department of

1 Corrections is under -- I don't know if they are
2 150 percent over capacity. They have problems
3 with overcrowding. I think while there's a
4 necessity to try to move people out of that
5 system, and I understand that.

6 Unfortunately, I think we have to have
7 the safeguards that if there are 7 members that
8 the correctional institution must check off,
9 those decisions might be based more on their
10 overcrowding pressures and on the likelihood of
11 this offender successfully reentering society.
12 That's not a knock on the Department of
13 Corrections at all. It's just a reality.

14 Again, that's why I think that if we
15 put this at a cabinet level position that will
16 help mitigate some of those instances. I think
17 the prime information should be facts of crime,
18 the offender's history and input from the
19 victim.

20 Not to go on too long, but behaviors
21 in jail I don't think necessarily reflect on
22 behaviors in the community. I don't know if we
23 should reward -- There are certain skills you
24 learn in institutions to be manipulative, and
25 really anti-social kinds of behaviors that maybe

1 we don't want to have replicated in the
2 community.

6
3 REPRESENTATIVE MASLAND: I agree with
4 you wholeheartedly. I had the opportunity to
5 have an internship during my schooling years at
6 the State Correctional Institution in Camp Hill
7 and had some contacts with inmates there. It
8 was obvious to me in talking to them that they
9 felt they knew how they could manipulate the
10 system, and possibly manipulate, in this
11 instance, the recommendation of the correctional
12 staff.

13 I agree, it's not a knock on the
14 correctional staff. It's just there are
15 different conflicting pressures there and
16 sometimes your opinion could be clouded by other
17 circumstances, other than really what should be
18 at the top of the list. Thank you. I was
19 pretty much sure that would be your response.

20 MR. CLARK: Thank you.

21 CHAIRMAN PICCOLA: Thank you very
22 much, sir. Our next witness is Martin F. Horn,
23 Commissioner of the Pennsylvania Department of
24 Corrections, for what hopefully will be his
25 first of many appearances before the House

1 Judiciary Committee. Although, I guess
2 technically, you were before us on Tuesday, but
3 that was rather informal.

4 COMMISSIONER HORN: Thank you,
5 Representative Piccola. It's a pleasure to be
6 here. I welcome the opportunity to speak to the
7 members of the committee today and share with
8 you whatever thoughts and ideas you may find
9 useful concerning the management of the parole
10 system in the Commonwealth.

11 I'd like to make it clear from the
12 beginning that although I have a background and
13 experience in parole work, that I'm most proud
14 of, the Governor didn't appoint me to come to
15 Pennsylvania to do parole work. He appointed me
16 to manage the Department of Corrections, and I
17 can assure you that my plate is quite full in
18 that regard.

19 I continue to have a professional
20 interest, and certainly as Commissioner of
21 Corrections, a very profound investment in the
22 operation of the parole system here in the
23 Commonwealth. I regret that I don't have
24 prepared testimony. I was able to put some
25 notes together and I'll share my thoughts with

1 you.

2 I like to tell people that we don't
3 know any better actually. We don't remember
4 their high school French teacher. Parole is an
5 old French word meaning scapegoat. And in many
6 respects parole serves that function throughout
7 this country and has historically. But, in
8 fact, parole derives from the French word for
9 promise. It entails a promise made by an
10 offender to the solvent in exchange for his or
11 her release, a promise to behave, a promise
12 to refrain from crime. Parole also offers to
13 the community the promise of rehabilitation, the
14 promise of redemption.

15 I think, ultimately, the question
16 which needs to be resolved by this General
17 Assembly is, why do we send people to prison and
18 what do we want of our parole system. I think
19 that this bill is a major contribution towards
20 addressing that question.

21 I think we like to think that we
22 expect our corrections and parole system to
23 engage in rehabilitation. But, I think in our
24 heart of hearts we don't truly believe it.

25 Parole, the concept of parole is

1 premised on the notion of the perfectability of
2 man and the possibility of redemption, but it
3 entails risk. And anybody who sits before you
4 and tells you that they can predict the outcome
5 of parole's decision is misleading you.

6 The day that society opened its first
7 prison door and let its first inmate out, it
8 accepted a level of risk. The only way to
9 eliminate risk is to never let people out.
10 Obviously, we can't do that.

11 Risk and its management are inherent
12 in having a parole release system. If you will
13 tolerate no risk and expect no failures, then
14 you must change your sentencing system. You
15 must change your system to one with flat
16 sentences, where we say that when we lock a
17 person up that is how much time they will serve.
18 And when that time is up, they will be released.

19 Otherwise, someone has to make a
20 decision and none of us can predict the future.
21 But however we do, society does have a right in
22 a discretionary release system, such as we have
23 in the Commonwealth, to expect that if it is
24 willing to take some risk, the decisions about
25 those risks are made carefully, thoughtfully and

1 prudently.

2 It troubles me that there is evidence
3 that in recent years that has not been the case
4 in the Commonwealth. It troubles me as well
5 that even within the Department of Corrections
6 there are decisions that are not made as
7 thoughtfully and carefully and prudently as I
8 would like to see them made.

9 I think the first question with
10 respect to discretionary parole release that we
11 must answer, and this bill begins to do that,
12 is, what is the standard for release? I agree
13 with the previous speaker that the standard
14 should not be overcrowding. Nonetheless, as a
15 General Assembly you must take cognizance of the
16 cost of imprisonment to the taxpayer.

17 But, is the standard that an inmate
18 has served enough time for the crime that he or
19 she has committed? Or, is the standard that the
20 individual has been rehabilitated, in which case
21 we must ask how do we know and who is the judge?
22 Or, is the standard that parole is something
23 that we give to an inmate in return for good
24 behavior?

25 I think the previous speaker alluded

1 to it. I refer to it as the corrupting
2 influence of a sentencing system such as we have
3 in the Commonwealth, where it is not
4 overcrowding that causes corrections officials
5 to take a particular view of an inmate and make
6 a particular recommendation with respect to an
7 inmate; but rather, it is the fact that there is
8 very little, in fact there is nothing that
9 corrections staff can offer to an inmate in
10 return for their good behavior, except a promise
11 to recommend them for parole or to recommend
12 them for furlough, or to recommend them for an
13 outside assignment.

14 In Pennsylvania there is no good time
15 off the minimum or maximum sentence. We are one
16 of, I think only 3 states in the nation with no
17 good time system. That does not trouble me.
18 Frankly, I prefer a flat sentencing system and
19 what I refer to as bad time. I believe that
20 good behavior is a sine quanon. It is the
21 minimum that an inmate must achieve in order to
22 be released when his or her time is up, and that
23 what we should be saying to inmates is, you are
24 sentenced to a term of, whatever, 5 years, 7
25 years, 10 years, 20 years, and if you behave

1 well that's when you will get out. But if you
2 don't behave well, you will serve longer. The
3 public would then have truth in sentencing.
4 They would know that if he behaves he will be
5 out in 5, 7, 10 or 20 years. There are
6 certainly ways within the due process model that
7 we can assess what I refer to as bad time.

8 I applaud this bill because it says
9 that release is not to be granted merely as a
10 reward for good behavior or willing an efficient
11 performance of an inmate's duties. That is as
12 it should be.

13 When we finally do release individuals
14 from prison, we have to manage them and the risk
15 better than we do and we have to provide
16 resources to do that. I think that the
17 Governor's recent appointments to the Parole
18 Board are a good first step in correcting the
19 management problems that I perceived. But, we
20 can't manage the agency by committing. I
21 believe that it is commendable that this bill
22 goes a long way towards clarifying the role of
23 the Chairman of the Parole Board as the Chief
24 Executive Officer of the parole agency.

25 With respect to parole supervision, I

1 think we have to clarify its purpose. Is the
2 purpose of parole supervision merely
3 surveillance? Is it to watch the parolee until
4 he or she breaks a rule, steps on a crack, spits
5 on the sidewalk, gives us a hot urine, and then
6 lock him or her up? Or, is the purpose of
7 supervision to change the odds?

8 You know, every inmate is released
9 from prison with some statistical probability of
10 success or failure. It seems to me that if the
11 effect of parole supervision is not to improve
12 the odds in society's favor--that is, the odds
13 in favor of success--then what's the point in
14 supervising the individual at all? And if
15 parole cannot demonstrate a capacity to change
16 the odds, then what are we receiving in return
17 for our money?

18 I think that that question becomes
19 even more clear when we consider caseloads. In
20 the Commonwealth, roughly speaking we have
21 25,000 parolees and roughly 250 parole agents.
22 That is a supervision ratio across the board of
23 1 to 100. I realize that that's not uniform.
24 There are some caseloads that are much lower,
25 much more intensive, but some obviously would

1 then have to be much higher.

2 I come from New York where we had an
3 across-the-board average supervision ratio of 1
4 to 38, and I'd like to explain it thusly. New
5 York parole officers work by contract 37 and a
6 half hours a week. They had 38 parolees.
7 Simple math will tell you that they had gross
8 hours less than 1 hour per week per parolee.
9 That was gross.

10 When you net it out, after vacation
11 time, sick leave, training, administrative
12 duties and the time it takes to travel from the
13 home of parolee A to parolee B and back to your
14 office or to visit a courthouse, that probably
15 leaves you less than one-half hour per week per
16 parolee. That's less than 2 hours a month face
17 to face.

18 How much change in an individual's
19 behavior, how much protection to the community
20 can we provide in 2 hours per month? And if,
21 God forbid, 1 parolee on your caseload requires
22 5 hours of your time that month because he or
23 she has a problem, or he or she is acting out,
24 that time, of course, gets taken away from the
25 time available to other parolees.

1 I think we have to take a close look
2 at the performance of parole. I've heard a lot
3 about intensive parole supervision standards. I
4 would urge that a very careful audit be
5 undertaken to examine whether, in fact, these
6 standards are met. I know from personal
7 experience in New York that standards tend to be
8 unrealistic and unrealizable.

9 I think we need a philosophy and a
10 strategy of parole supervision that recognizes
11 these realities and we need the resources to do
12 the job. We need to prioritize the cases where
13 we are going to invest the resources. We have
14 to recognize that in order for a parolee to
15 succeed after had he or she is released from
16 prison, there are 3 critical elements that have
17 to be addressed.

18 He or she has to have a place to live
19 that is not dysfunctional. He or she has to
20 remain sober, and he or she has to work. Those
21 are the 3 elements of parole work. Yet, we fail
22 to provide the parole system with adequate
23 resources to assist parolees in finding housing
24 that supports a sober, law-abiding lifestyle.
25 We fail to provide parole officers with

1 sufficient resources to access programs designed
2 to maintain sobriety and prevent relapse from
3 the day the individual is released. It's too
4 late when the parolee gives you his first hot
5 urine.

6 You have to start talking about
7 sobriety with that parolee before he's released
8 from prison and pick up on it the day he walks
9 out of the jail. We have to find parolees work.
10 No matter what I do in prison to keep an inmate
11 for 5 years, even if I succeed in prison in
12 teaching him a skill and teaching him how to
13 read and write; if there is no job, no prospects
14 of a job, no focus on getting a job, his
15 behavior will become dysfunctional very quickly.

16 I think we have to take a close look
17 at what we do with sex offenders. I think they
18 deserve the highest level of scrutiny,
19 supervision, surveillance, and I think the
20 treatment is an adjunct to supervision. It does
21 not necessarily cure them. I don't think they
22 are ever cured. But I think that it helps
23 people to control their behavior and it is a
24 valuable tool for parole officers in monitoring
25 behavior and the thought patterns of the

1 parolees.

2 I think that a lot can be done by
3 teaming parole officers up with community
4 policemen. If a police officer is assigned to a
5 particular community policing beat, patrol area,
6 neighborhood, he or she should work very closely
7 with the parole officer or the probation officer
8 that's assigned to that neighborhood. They
9 should know the cases.

10 The parole officer should say, Johnny
11 Jones got home last night. I put him on a 9
12 o'clock curfew. Here's my card. If you see him
13 on the street at 10 o'clock at night, call me.
14 The officer should be able to call the parole
15 officer and say, you know, I saw Johnny Jones on
16 the street corner at 3 in the afternoon drinking
17 wine. Isn't he supposed to be out looking for
18 work? The parole officer ought to be able to
19 tell the police officer, Johnny Jones is a sex
20 offender. If you see him talking to a small
21 child, call me immediately.

22 There is a lot we can do better in
23 supervising parolees and probationers. I think
24 we also have to look at the fragmentation of our
25 system. We have a system today where in a given

1 family, a state parole agent can be visiting
2 Johnny Jones, who was released from state
3 prison. A county adult probation officer could
4 be visiting Jimmy Jones who is on county
5 probation or was paroled from the county. And
6 yet, a juvenile probation officer could be
7 visiting the home to see Bobby Jones, the
8 younger brother. We have 3 caseworkers visiting
9 the home and that's without the people from DPW
10 and county social services and child protective
11 services. I think we have to look at the
12 fragmentation of our system.

13 I think we have got to recognize and
14 prevent relapse. We have to provide parole
15 officers with a range of resources. If we take
16 a urine sample -- We have very effective means
17 today to detect drug abuse by parolees. We can
18 take urine samples. I will guarantee you what
19 will happen. You will find that large numbers
20 of parolees are getting high.

21 It is naive to think you can take an
22 individual who has been addicted to cocaine or
23 heroin, put them in prison for on average 36 to
24 48 months, give them a smattering of drug
25 treatment--the resources for drug treatment in

1 prisons are inadequate. We all know that--send
2 him out into the community and then pretend that
3 he's never going to get high ever again. Of
4 course, he's going to get high and, of course,
5 you are going to get a hot urine. The question
6 becomes, how do you deal with it? If the way to
7 deal with it is to send him back to prison, I
8 can guarantee you, you will build more prisons.

9 Let me just share with you in closing
10 some very startling numbers. When I testified
11 at my confirmation hearing in March, the prison
12 population had just hit 29,000. As of this
13 morning it has exceeded 29,500. Since the day I
14 got here in March the population of prisons has
15 grown by over 600 inmates. In 1980 we only had
16 8200 inmates.

17 Let me share with you something else.
18 In 1980, we released through parole 2,967
19 inmates and returned to prison as parole
20 violators 3,964. In other words, in 1980 we
21 returned 997 more people to prison than we
22 released.

23 In 1993, we released 7,147 individuals
24 through parole action, but returned 9,508. In
25 1993, we returned to prison 2,361 people more

1 than we released. I might have done better not
2 releasing them at all. I took in more than I
3 let out. I have only got to build the walls
4 higher.

5 Overcrowding is not a reason to parole
6 people, but I think we have got to realize what
7 is driving the population. We have got to begin
8 to address it in a more thoughtful way. I think
9 this bill moves towards that.

10 CHAIRMAN PICCOLA: Thank you very
11 much, commissioner. You have given us a lot of
12 suggestions and food for thought on how the
13 parole system should be administered and some of
14 the standards that should be used.

15 As you know, this bill changes the
16 administrative scheme that we presently have in
17 Pennsylvania, where we have an unelected,
18 appointed, independent Board of Probation and
19 Parole which both administers the system as well
20 as makes the decision on release. What we're
21 suggesting under this bill is that, the
22 administrative supervisory function be vested in
23 a new cabinet level position directly
24 responsible to the Governor, and that the
25 release decision be vested in a quasi-judicial

1 Board of Probation and Parole.

2 Given your experience in New York and
3 given what I believe is the goal, as you
4 indicate, of any parole system, and that is to
5 minimize the risk because, as you said, as soon
6 as we release we are engaging in risk. Would
7 you comment for us how you feel this
8 administrative change will improve our ability
9 in Pennsylvania to minimize the risk that we are
10 engaging in when we release people under parole?
11 Because, I believe that's the issue that is on
12 the minds of most Pennsylvanians right now,
13 because it appears that we are not minimizing
14 the risk based upon the recent highly publicized
15 cases that have been brought to our attention.
16 And further investigation apparently revealing
17 that the administrative and supervisory function
18 of the agency is in need of a lot of work.

19 That's sort of an open-ended kind of
20 question, but you didn't really address the
21 administrative changes that were made in this
22 bill. I think those are probably the core of
23 the legislation. Given your experience in New
24 York, which I believe has a similar type system,
25 we'd like to have your comments.

1 COMMISSIONER HORN: Well, it is
2 similar but not identical. I think I did
3 attempt to say that we can't manage the agency
4 by committee. At least my notes say I should
5 have said it. I might have missed it.

6 You can't manage an organization, any
7 organization, by committee. Somebody has to be
8 in charge. I think to the extent that this
9 clarifies who is in charge of the day-to-day
10 administration and operation of the supervision
11 function of the agency. And I would argue also
12 the process of preparing the inmates for their
13 appearance before the board, generating the
14 information for the board, and preparing the
15 reports for the board, that that has got to be
16 in the hands of a single administrative entity.

17 Whether it has cabinet status or not I
18 don't think as important as clarifying that
19 fact. I think one of the problems that this
20 agency suffers from, and I have seen it in other
21 governmental jurisdictions, is that the chairman
22 of this body, whatever it is, is shackled by the
23 need to get concurrence from the other members
24 who may be of different political persuasions,
25 philosophical persuasions. When you are

1 managing risk ultimately somebody has to hold
2 the bag.

3 I'm very conscious that in corrections
4 I'm holding the bag. I have got 20 some odd
5 wardens. They are making decisions every day.
6 I'm going to have to live or die by the
7 decisions they make, and I'm going to have to
8 tell them what my expectations are. In the
9 final analysis, I'm going to sit before you.
10 I'm not going to say, it was his decision. I
11 own the decisions made in corrections. The
12 chairman or the commissioner, whoever it is, has
13 to own the decision. Somebody has to own the
14 decisions. Somebody has to own the supervision.
15 It can't be done by a committee, and to that
16 extent this makes a substantial contribution to
17 that process.

18 I think in New York the chairman, the
19 way it worked was that, you had a single
20 chairman who was both the chairman of the parole
21 board, but by statute was clearly the chief
22 executive officer of the Division of Parole and
23 had sole and exclusive executive authority over
24 the management of the agency. That was clear.
25 I think this model comes closer to that. I

1 think you need something like that.

2 CHAIRMAN PICCOLA: The prior witness
3 testified, and I think we have heard these
4 numbers before, that of the 650 employees of the
5 current Board of Probation and Parole,
6 approximately 250 of them only are devoted to
7 the supervisory function; that is, the parole
8 agents. Whereas, we have 400 in, I suppose,
9 clerical or administration. That appears to me
10 to be overburdened with administrative
11 employees. How does that compare to other
12 states from your experience?

13 COMMISSIONER HORN: Certainly, on its
14 face it sounds like a strange balance, but
15 without knowing more about the nature of the
16 work it's difficult. In New York, for example,
17 in the institutions we had a very rich clerical
18 ratio. The reason for that is that, the major
19 work that is done in correctional institutions
20 by parole agents is writing reports for the
21 parole board and typing those reports. You have
22 to get reports out. The parole board is coming.
23 There is just this constant -- and the worse
24 thing that could happen is for the parole board
25 to come and an inmate be ready to appear and the

1 report not be ready. There is a tremendous
2 clerical function.

3 I think there are ways to address it.
4 I have heard, I don't know personally, but I
5 think that probably they have some
6 inefficiencies as a result of their failure to
7 utilize modern technology. They may also have
8 some functions that are unique by virtue of
9 their Grant-in-Aid program; by virtue of their
10 relationship to the county probation function.
11 It may be regulatory or report preparation or
12 information retrieval data entry that could be
13 done in a more efficient way. But certainly, it
14 sounds like a lack of balance.

15 Let me also mention, I think one of
16 the best things that we can do, and I have
17 spoken to the Governor about it and I hope we
18 will be able to move towards it. I believe this
19 should be a single and unitary data base. We
20 know who the clients of parole are going to be
21 the day they walk into state prison. We type
22 their name. We type their date of birth. We
23 type their social security number. We type a
24 description of the crime. We type their legal
25 dates. We type the county of commitment, the

1 judge's name. We enter all of that. We should
2 enter it once. It shouldn't be entered again,
3 and they should be able to access it.

4 We should be able to generate off the
5 computer a prognostication of what their future
6 workload is going to be, which inmates -- I
7 ought to be able to generate off the computer
8 and they ought to be able to access my computer
9 and find out who is going to be eligible to
10 appear before the parole board 5 years from
11 today.

12 In New York, we actually went so far
13 as to use the data that we collected at intake;
14 the information about the crime, and actually
15 before an inmate appears before the parole board
16 the computer generates a parole summary. It
17 generates with just the press of a button and
18 the entry of the inmate's I.D. number, his name
19 and all the basic identifying and legal
20 information.

21 It extracts from what we have entered
22 into the computer a description of the offense,
23 a description of his prior record, and it
24 delivers that to the parole officer's desk
25 before the parole officer interviews the inmate.

1 The parole officer doesn't have to read it. He
2 doesn't have to rewrite it. A typist doesn't
3 have to reenter it. The parole officer then
4 conducts his or her professional interview and
5 merely writes up his professional assessment and
6 synthesizes the data. Then the parole decision
7 is immediately conveyed back. That information
8 is available to the field.

9 By giving parole access, and if we
10 pass the bill that would allow us to monitor and
11 record the inmate telephone calls and,
12 ultimately, if I am successful in changing the
13 phone system, we will be able to, as we do in
14 New York, provide you a parole listing of
15 everybody that every inmate calls so that if the
16 inmate becomes a fugitive, we know who he was in
17 telephone contact with while he was a prisoner.
18 It also becomes very effective if he escapes.
19 We can find out who he called the night before.

20 There are lots of things, and I think
21 that by doing those things it will require an
22 investment. It will require that we be somewhat
23 entrepreneurial. It will require that we move
24 very, very boldly in the area of technology, but
25 I think a consolidated data base and an

1 increased use of word processing, automation and
2 decentralized data will enable parole to devote
3 more resources to parolee supervision.

4 CHAIRMAN PICCOLA: I'm sure this
5 committee will be anxious to support that effort
6 in any way possible, because another fact of
7 life has been the parole and to some extent the
8 correction system, but less so because of the
9 need for new facilities is the poor sister of
10 the criminal justice system. We seem to
11 front-load our appropriations to the police and
12 the district attorneys to get the convictions,
13 but then we forget that they come out the other
14 end. That has a major impact to public safety,
15 as great at least as the front end. I'm glad we
16 are able to pay some attention to that issue.

17 COMMISSIONER HORN: I will tell you,
18 quite frankly, other than the day-to-day
19 management system my job is easy. I'd much
20 prefer to be running a correction system than a
21 parole system. When I go to sleep at night, I
22 know where all my people are.

23 CHAIRMAN PICCOLA: Do other members of
24 the committee have questions? Representative
25 Masland.

1 REPRESENTATIVE MASLAND: This was very
2 educational and enjoyable. I should probably
3 talk to my wife, a former French teacher, about
4 all of the words that come up each day. I
5 appreciate that little bit of insight.

6 I also have to say that with respect
7 to making decisions carefully, thoughtfully and
8 prudently, that I would have to regret that some
9 of our legislative decisions don't fall into
10 that category also. Hopefully, the one dealing
11 with this bill will.

12 With respect to the flat sentence or
13 the bad time suggestion, which I think is
14 something we should look at. We need to be
15 cognizant of the fact that if you take that
16 discretion away at the end of the sentence; if
17 you take discretion away from the parole board
18 to decide when somebody is released in that 10
19 to 20-year sentence gap; if you take that
20 discretion away, it's going to put a little more
21 pressure, a little bit more discretion on the
22 front end when the sentence is actually imposed.

23 Maybe that's where it should be,
24 because maybe that's where the victims will have
25 more input, but there's going to be a lot of

1 discussions. Having been in the D.A.'s office,
2 I'm sure there's going to be a lot of discussion
3 between defense attorneys, prosecutors and
4 judges as to what that flat sentence is or
5 should be. If it's made there and it's made
6 with victim input, maybe that's appropriate. I
7 think we need to realize that there is only so
8 much discretion there and that might shift a
9 little bit more to the front end.

10 COMMISSIONER HORN: You are absolutely
11 correct. The whole debate in the criminal
12 justice system in the last 25 years has actually
13 been about the issue of the locus of discretion.
14 I believe the information that is necessary to
15 decide how much time an offender should do is
16 available at the time of sentencing. It's in
17 open court before a judge who must stand for
18 election and is answerable to the people of that
19 community. It is made in the community where
20 the offense occurred. We now have substantial
21 victim input. There is much more press
22 attention to it, and it has less of the
23 appearance of a decision that is made by
24 nameless, faceless bureaucrats than a
25 discretionary parole release decision.

1 But, yes, it will -- I believe
2 everything you do here and everything I do at
3 the highest levels of government has much less
4 to do with setting criminal justice policy, as
5 you well know, than what happens in the bizarre
6 that we call the criminal court where a lot of
7 wheeling and dealing goes on, and defense
8 attorneys and D.A.s will figure out ways to make
9 the system work to the best interest of their
10 client.

11 REPRESENTATIVE MASLAND: I appreciate
12 your response. I think it does recognize the
13 problems within the system. If you do have flat
14 sentencing you may have little discretion at the
15 end because you need to consider the bad time
16 that should be added, but there is going to be
17 more on the front end. Maybe we won't need a
18 commission on sentencing. Maybe we won't need a
19 few other things if you don't have to worry
20 about those guidelines constantly.

21 COMMISSIONER HORN: Well, I think the
22 commission on sentencing would be helpful
23 because the question of what is the appropriate
24 range of that flat time. How much time does the
25 offender deserve for what he did?

1 I think some of the best language that
2 I've ever heard is that, release on parole
3 should not be granted if to release an offender
4 at this point in time would so depreciate the
5 seriousness of the offense in the eyes of the
6 public as a diminished respect for the law.
7 That is one of the functions of the penal
8 sanction of the sanction of imprisonment.

9 I think we can say at the outset, the
10 crime you committed deserves 10 years, 15 years,
11 20 years, and that's how much an aggrieved
12 society expects from you. If you behave well,
13 that's how much time you will do, and the
14 inmates know it. I can say to an inmate, if
15 your sentence is good behavior you will get out
16 on time. If you misbehave, there will be a due
17 process proceeding in accordance with federal
18 case law, we'll use McDonald; and if you are
19 judged to have violated the rules in a serious
20 way, you will do additional time, and you could
21 put some outside limits on how much additional
22 time I can impose. It becomes a penal system
23 within a penal system. An additional sentence
24 gets imposed for misbehavior in prison.

25 REPRESENTATIVE MASLAND: Thank you.

1 CHAIRMAN PICCOLA: Representative
2 Chadwick.

3 REPRESENTATIVE CHADWICK: Thank you,
4 Mr. Chairman. Commissioner, I agree with your
5 comments regarding good time entirely. I don't
6 believe we should be rewarding prisoners for
7 doing what's expected of them.

8 COMMISSIONER HORN: Precisely.

9 REPRESENTATIVE CHADWICK: However, I
10 would be interested in your thoughts on earned
11 time, where a prisoner goes above and beyond
12 what's expected of him in prison and takes
13 affirmative steps to better himself, whatever
14 that might be. Do you see any difference
15 between earned time and good time?

16 COMMISSIONER HORN: No, I don't. What
17 an inmate does to better himself in prison he
18 does for himself, and he should do for himself
19 and it will have the greatest value to him.
20 Again, it gets back to what do we expect of our
21 criminal justice system? If we believe it is a
22 rehabilitative system, then we, indeed, ought to
23 be promoting and giving inmates benefit for
24 becoming rehabilitated.

25 I, for one, am loath to embrace that

1 because I'm not quite sure what we mean by
2 rehabilitation. I'm not quite sure how I know
3 it's ever occurred. I'm not prepared to make a
4 decision to release a person based on some
5 prognostication that he's been cured. I believe
6 that our system is a behaviorally-based system.
7 You go to prison because of your behavior. You
8 do time, a certain amount of time based upon
9 your behavior, and when you get out is
10 determined by your behavior.

11 REPRESENTATIVE CHADWICK: Thank you.

12 CHAIRMAN PICCOLA: Quickly,
13 Representative Masland.

14 REPRESENTATIVE MASLAND: Thank you,
15 Mr. Chairman. Quickly to follow-up on that,
16 from what you're saying, I think you're saying
17 that if somebody goes to prison with a set
18 sentence they are expected to do x, y and z.
19 And as part of that it should be, you will be
20 expected not only to serve your 5 years, but
21 during that 5 years you will be expected to
22 complete a drug and alcohol or some type of
23 rehabilitative program. You will be expected to
24 get your G.E.D.

25 I think if we can put that on the

1 front end, then we can say no, it's not good
2 time/earned time, but as part of your sentence
3 you are not just expected to sit here for 5
4 years if you want to get out at the end of 5
5 years. I don't know how you can --

6 COMMISSIONER HORN: Yeah, I'm not sure
7 I would go -- I would say, look, we're sending
8 you to prison based on what you did. You are
9 expected to behave yourself and follow the
10 rules. My concern with that approach is, if the
11 inmate doesn't go and doesn't get his G.E.D. or
12 doesn't buy into drug and alcohol; continues to
13 deny that he has a problem, I'm concerned,
14 should I deny him release at the end of the
15 sentence we have imposed because he didn't do
16 that? Those are things he's going to do change
17 his own ability to live and remain at liberty
18 without violating the law. He should do that
19 for his own sake.

20 I should be providing opportunities.
21 I should encourage it, but if he wants to come
22 to prison and just work and do his time and not
23 get into fights and not escape and play by the
24 rules, then he has a debt to society and he
25 should pay his debt to society and we should be

1 done with him. If he commits another crime when
2 he gets out, we will deal with that.

3 CHAIRMAN PICCOLA: Thank you,
4 Commissioner. I have to tell you it's
5 refreshing, after many years of combatting good
6 time/earned time and all this other stuff, it's
7 nice to know that we are not going to have to
8 fight that battle for the next 4 or 8 years
9 anyway.

10 COMMISSIONER HORN: Thanks for having
11 me.

12 CHAIRMAN PICCOLA: Thank you.
13 I would also concur that we don't rehabilitate
14 people in our system. We give them the
15 opportunity to rehabilitate themselves. I think
16 that's what our correction system should be
17 doing, and if we can get the prison industry
18 bill through, we may have more opportunities.

19 Our next witness is Pamela S. Grosh,
20 Director of Victim Services in the Lancaster
21 County District Attorney's Office.

22 MS. GROSH: Good morning. My name is
23 Pamela Grosh. For the last 6 and a half years,
24 I have worked with victims of crime in the
25 Lancaster County District Attorney's Office.

1 During this time I have walked the criminal
2 justice path with many victims and their
3 families. k.

4 Their stories are all unique. Each
5 one has its own pain. Each person struggles
6 with the everyday realities, the everyday
7 struggles of living in the aftermath of a crime.
8 These realities are physical in the loss of
9 abilities once taken for granted. They are
10 psychological with an overwhelming range of
11 emotions, that tend to overwhelm at odd moments.
12 They are financial with a fist full of
13 unanticipated expenses. They are not all big
14 moments.

15 From victims who have given me the
16 gift of looking into their souls, I understand
17 that it is the constantness of these realities
18 that is the most painful. As a mother told me
19 early on in my experience about her murdered
20 child, she's the first thing I think of when I
21 open my eyes in the morning. She's the last
22 thing I think of when I close them at night.

23 While each of these stories are
24 unique, many elements of crime victims' quests
25 are inherently similar. Each of them seek to

1 make sense of an event that is senseless. They
2 seek some level of understanding that will
3 enable them to live without the constant
4 question of why. Many of them hope for these
5 answers within the criminal justice system.

6 They attend hearings and trials with
7 incredibly painful testimony in order to search
8 for the truth about what has happened. Having
9 sought and found whatever facts a trial can
10 offer, they are deeply affected by a favorable
11 verdict and a sentence. While nothing can erase
12 the crime, a verdict and a sentence do close a
13 chapter for them. They are satisfied with the
14 feeling that justice has been exacted, a
15 sentence has been pronounced, and the world has
16 recognized the wrong that has been done to them.
17 However, the process is far from over.

18 Many victims and their families enter
19 into this phase of the system with a complete
20 unawareness of its existence. Prosecutors,
21 police and victim advocates are loath to give
22 even the most general prediction of the outcome
23 of a trial. Everyone focuses on the trial and
24 its verdict. There is no room for information
25 about the post sentencing rights of victims.

1 Many victims and their families expend
2 a great deal of energy in this trial process and
3 hope intensely that life will once again be
4 normal after this is over. That hope is seldom
5 realized.

6 Recognizing that the impact of a crime
7 does not end with the sentencing of a defendant,
8 despite a victim's fervent hopes, is the first
9 step towards understanding the importance of the
10 input process. A victim's physical,
11 psychological and financial healing is not on
12 the same timetable as a defendant's sentence.

13 As many victims have expressed, they
14 would gladly serve the determined time of a
15 prison sentence than live within the life
16 sentence of a victimization. It's important
17 that the most fundamental reasons why the
18 defendant is in prison do not get lost within
19 the quagmire of reports. These reasons nearly
20 always involve people, victims who have not
21 forgotten. It is my role within the district
22 attorney's office to provide information to
23 victims and their families concerning post-
24 sentencing rights.

25 My role is to educate them about their

1 ability to participate in the process and to
2 educate them about the process. I encourage
3 victims and their families to enroll even though
4 they are uncertain about their willingness or
5 interest in participating in the process at a
6 later date, with the idea that at least their
7 ability to participate will be protected by
8 their enrollment.

9 Victims and their families need
10 information. Being a crime victim is often an
11 exercise in powerlessness. Others are in
12 control of the situation that most intensely
13 affects you. People in this situation often
14 struggle to respond appropriately. Sometimes
15 they may be simply too overwhelmed, tired or
16 discouraged to respond to requests for a meeting
17 with another stranger or a letter detailing once
18 again their most private pain. That should not
19 mean that their silence indicates disinterest.

20 I believe that it is still important
21 to notify victims of actions undertaken by the
22 board, even if the victim chooses not to
23 participate in the input process. I believe it
24 would be facilitated by offering victims a
25 choice at the time contact is made to request

1 their input as to whether or not they do want
2 input or merely notification.

3 I also believe that it could be
4 valuable to consider a merger between, or at
5 least the increased communication between the
6 Office of Victim Advocate and within the
7 Department of Corrections and within the Board
8 of Probation and Parole for those individuals
9 who have provided testimony, who have provided
10 insight to the Department of Corrections and who
11 wish to simply have that passed on to the board
12 for consideration at the time of parole.

13 In many ways these reforms address the
14 most basic consideration that judges consider
15 each time they sentence a defendant; the harm to
16 the victim, the character of the defendant and
17 the risk to the community. These concepts
18 should certainly not be lost because the
19 defendant has completed a fixed amount of time.
20 While many factors must be considered in the
21 release equation, these are too important to
22 ever be neglected.

23 When first asked to testify today I
24 questioned the validity of my testimony because,
25 as I felt, I would be speaking about people and

1 undoubtedly have a tremendous impact on that
2 process.

3 CHAIRMAN PICCOLA: Do other members of
4 the committee have questions? Representative
5 Masland. Before Mr. Masland asks questions, I'd
6 like to welcome Representative Harold James
7 from Philadelphia, the Minority Chairman of the
8 Subcommittee on Crime and Corrections.

9 REPRESENTATIVE MASLAND: Ma'am, I just
10 really want to thank you for reminding us what
11 we really should never forget; that is, it's
12 just one chapter in the victim or victim's
13 family life when there's a sentence. I was
14 listening to the radio this morning and they
15 were talking, and I hate to bring this up
16 because of all the media attention already, but
17 they were talking about the O.J. Simpson trial.
18 Ronald Goldman's sister, one of his sisters has
19 been there every day, which is hard to fathom,
20 and she will be there every day because she
21 feels she owes it to him. It seems like the
22 trial is taking an interminable amount of time.

23 But, it struck me listening to her and
24 listening to you this morning that even when
25 that trial is over, she is still going to have

1 to live with that problem. We don't always
2 remember that. As a former prosecutor I didn't
3 always think about that, but I would run into
4 people down the road and that has helped me out
5 as a reminder. We need to remember that here in
6 the legislature, too. So, thank you.

7 MS. GROSH: I think, in fact, for many
8 families, and particularly in varying reactions
9 by family members of homicide victims, that many
10 of them actually find themselves unable to focus
11 on the grieving or healing process at all until
12 the trial is finished. So much energy is
13 wrapped into that event, into seeking the
14 illusive quality of justice; that, in fact, many
15 times the full awareness of the experience of
16 the loss they have experienced really only
17 begins after the trial ends and after the
18 sentence has been given.

19 I think it's extremely important that
20 the parole board recognizes that and seeks this
21 additional input from people regarding the time
22 between those 2 events.

23 I also would like to address one other
24 issue; that is, confidentiality. I noticed that
25 in the current wording of the bill that

1 testimony will be presumed to be not
2 confidential unless requested so by the victim
3 or considered to be necessary by a hearing
4 examiner.

5 In my experience with victims and with
6 hearing examiners who have participated in that
7 process, the hearing examiners have generally
8 been extremely clear about that with victims and
9 have made the opportunity to make their
10 testimony confidential very clear to victims.

11 I believe in a hundred percent of the
12 cases that I can recall, with which I was
13 involved, they did choose to do so. I'm not
14 sure why it is particularly done this way, but I
15 think that it may be valuable to consider doing
16 it the other way, where a victim's testimony
17 would, in fact, be presumed to be confidential
18 unless they specifically state that they would
19 not wish it to be so.

20 CHAIRMAN PICCOLA: Thank you very
21 much. Our next witness is Mr. Allen Castor,
22 Chairman of the Pennsylvania Board of Probation
23 and Parole. Chairman Castor.

24 CHAIRMAN CASTOR: Mr. Chairman,
25 members of the House Judiciary Committee: I

1 have been asked to testify today on the subject
2 of parole reform. I'm grateful for the
3 opportunity to talk about an issue I support. I
4 note that reform legislation calls for a
5 5-member board which must provide 2 members to
6 personally interview each parolee for release.
7 Such a provision causes some concern.

8 In 1994, the agency interviewed over
9 10,000 individuals for parole. If 2 members
10 must personally interview each and every
11 parolee, there would be no time left to conduct
12 panel violation hearings; to attend policy
13 development sessions; or to conduct board
14 meetings. Please remember that at present there
15 are in excess of 20 state institutions scattered
16 throughout the Commonwealth with 67 county
17 institutions housing state eligible inmates for
18 parole.

19 At our present 5-member complement,
20 the parole process would be slowed placing
21 additional stress on existing scarce
22 institutional space. The removal of hearing
23 examiners from the paroling process will
24 necessitate a greatly expanded board in order to
25 give cases appropriate scrutiny.

1 Additionally, the reform legislation
2 establishes a Commissioner of Probation and
3 Parole. The board has significant concern about
4 this position. First, the board worries that
5 future administrations possibly beset by prison
6 overcrowding may direct its commissioner to
7 relax supervision standards and not return
8 deserving individuals to incarceration. We
9 believe public safety could be endangered. As
10 an agency, we shall be further reviewing the
11 bill which were received yesterday and passing
12 our concerns on to the committee.

13 As Chairman of this agency, I need to
14 address some of the concerns raised in Chairman
15 Piccola's press release about the reform
16 legislation. The Chairman noted concerns about
17 agency management and 5 notorious cases. I need
18 to inform the committee about the concerns
19 raised in the release.

20 I inherited an agency in 1993 which
21 was in need of reform. We had long-term ongoing
22 discrimination suits which needed to be resolved
23 and staff attitudes and procedures which needed
24 reform. This was resolved through supervisory
25 training with an emphasis on fair,

1 non-discriminatory discipline. Our lawsuits
2 were eventually settled.

3 We needed reform in our management
4 information system and I empowered my M.I.S.
5 Director to improve his equipment while seeking
6 more funds for his operation. We needed reform
7 in our relationship with the Department of
8 Corrections, which I pursued, and I abolished
9 our adversarial interaction. That Department
10 and ours entered into a successful, cooperative
11 effort requested by the Senate Appropriations
12 Committee to explore ways to reengineer the
13 parole process.

14 But the more serious reform was the
15 need to reallocate scarce resources, especially
16 in the Philadelphia office, in order to
17 effectively supervise the dangerous, high-risk
18 offenders in the general units. That reform,
19 due to ongoing opposition, has not moved as
20 quickly as it could have. A major concern in
21 the Philadelphia office was that fully half of
22 our resources in that office were going to 10
23 percent of our cases in the drug units.

24 This management issue was cause for
25 serious morale problems and deficiencies in the

1 supervision of high-risk, dangerous offenders in
2 the general units. The drug units were
3 comprised primarily of drug-driven property
4 offenders who were supervised in caseloads
5 limited to 45, but often not exceeding 30 cases
6 on the street. General units frequently had
7 caseloads approaching 200. The situation was
8 further aggravated by the fact that overtime
9 allocations were primarily made to drug units.

10 In an effort to reform the situation
11 and bring Philadelphia into a more standardized
12 response with the rest of our districts, a
13 meeting was called in October, 1994, which was
14 essentially boycotted by the Philadelphia
15 district management. As a result of comments
16 made by unit supervisors who were called to
17 represent that district, it was clear that the
18 management structure in Philadelphia, the
19 largest agency office, was near collapse.

20 I ordered an internal audit which
21 revealed serious mismanagement in the areas of
22 overtime use and parolee treatment. I sincerely
23 appreciate Chairman Piccola's patience and
24 understanding in waiting for this audit document
25 while the Inspector General completed her review

1 of the agency. The audit is available today as
2 requested.

3 I ordered an interim management team
4 into Philadelphia to correct deficiencies and to
5 aid the onsite managers. That team, like the
6 agency auditors, was comprised of senior staff
7 whose integrity and knowledge of agency
8 operations was unparalleled. That team met with
9 strong resistance and an organized attempt to
10 discredit their efforts through various
11 legislators. In spite of those obstacles, the
12 team was able to slowly gain control of a
13 chaotic office. They requested that I present
14 to the committee a report which they gave me
15 this morning. This report details their
16 findings in the Philadelphia district office.
17 I have copies of that with me today for you,
18 sir.

19 By way of illustration of their
20 efforts, the team ended several practices which
21 were not consistent with agency policy. They
22 ended the practice of handcuffing and shackling
23 parolees merely to hold disciplinary conferences
24 and to teach them a lesson. Many parolees were
25 held in this manner for up to 8 hours without

1 food, water or bathroom facilities. The team
2 required that overtime usage follow agency
3 policy and procedure. No longer was overtime
4 allowed to be approved at the lowest levels by
5 agents and supervisors without appropriate
6 district management oversight.

7 In spite of resistance and ongoing
8 misinformation, the interim team was able to
9 initiate a critical project in Philadelphia.
10 They established an absconder effort, which at
11 present is seeking the nearly 1 in 10
12 Philadelphia parolees who are in delinquent
13 status. I note that Chairman Piccola referenced
14 Abdul Seifullah in his press release. One of
15 the agents assigned to the absconder effort had
16 been assigned the case of Seifullah.

17 However, he was transferred at the
18 order of the Philadelphia district director to a
19 prisoner transport detail. During his stint on
20 that detail, Seifullah absconded and killed
21 Officer Cole in New Cumberland. That break in
22 supervision may well have significantly
23 contributed to Officer Cole's death.

24 Additionally, Mr. Chairman, we noticed
25 that you referenced Bader and <REF> bull <HRA>.

1 I mean to tell you and the committee that as a
2 result of those cases the board reviewed and
3 proposed and expedited new changes in our
4 procedures. Prisoners reporting from
5 institutions now must report within 24 hours.
6 There's an expedited process for declaring an
7 individual's delinquent, and when Quehanna Boot
8 Camp individuals are released and they have no
9 homes, as Bader had in his case, we personally
10 will meet them.

11 Additionally, you mentioned the case
12 of McFadden and Simon. Those 2 cases have
13 caused us to review our processes and we are in
14 total, complete support of a reform package
15 which calls for the one-year halfway house
16 residency for those individuals who leave prison
17 under commutation, as well as the fact that we
18 have now instituted on our own the process of 3
19 panel members reviewing the cases before parole.
20 At present we have 2 parole board members and
21 one who is in orientation session. We will soon
22 get to the point where it will be 3 board
23 members who will be doing that.

24 The agency has ongoing and serious
25 management problems in the Philadelphia sex

1 offender unit as well. These problem are
2 outlined in the reports provided to you today.
3 These problems are recent and have been
4 uncovered by the Philadelphia management team.
5 Recent information indicates that violent
6 predatory sex offenders are not getting the
7 supervision expected. Corrective measures are
8 being initiated.

9 My Executive Director, Calvin
10 Ogletree, and my Regional Director for
11 southeastern Pennsylvania, Daniel Goodwin, have
12 been instrumental in identifying and rectifying
13 problems. Additionally, I applaud the Governor
14 for concurring with our efforts to have an
15 outside audit conducted by the Inspector
16 General.

17 This parole administration believes in
18 and supports reform in order to maximize public
19 protection. This protection is provided by the
20 intelligent management of risk associated with
21 parolees on the street. This administration is
22 committed to the custody, control and treatment
23 of parolees.

24 I thank you today for the opportunity
25 to testify and I welcome your questions. I will

1 note prior to questions that we will be sending
2 you an additional report because, obviously, the
3 bill yesterday afternoon reported to.

4 CHAIRMAN PICCOLA: Chairman Castor, I
5 want to first of all thank you for coming this
6 morning and testifying and also to acknowledge
7 your concern about the fact that this bill was
8 only introduced this week. I apologize to you
9 for that and would welcome your ongoing comments
10 as you analyze the specific provisions of it.

11 I do want to thank you for complying
12 with the request of the committee for the audit
13 report and we will evaluate this. Obviously, we
14 don't have time this morning to do that. I'm
15 not going to even attempt to read through it,
16 but I do want to acknowledge the committee's
17 thanks for your cooperation in that regard.

18 I thank you for your candid testimony
19 as well because you have acknowledged some of
20 the issues that have come to light. I think you
21 have, at least in part and to the extent that
22 you are able under the current scheme, taken the
23 administrative actions to correct those
24 deficiencies as best you can. Again, we will be
25 reviewing the audit materials to determine, or

1 at least to attempt to determine what other
2 administrative actions might be taken.

3 In the introduction of your testimony,
4 you do acknowledge 2 parts of the bill, the bill
5 which is the subject of the hearing today, House
6 Bill 1728, which goes sort of to the heart of
7 what we're attempting to accomplish; and that
8 is, more accountability so that the public knows
9 who is responsible for the public safety or when
10 the public safety is violated.

11 The one aspect is that the members of
12 the Board of Probation and Parole, as it would
13 be constituted under this legislation, would
14 have to personally interview certain perspective
15 parolees. You indicate that they present some-
16 what of a problem based upon time limitations
17 and so forth.

18 The bill, as I think you've also
19 acknowledged in your testimony, also removed
20 from the board most, if not all, of your
21 administrative responsibilities, particularly as
22 it relates to the major function of the agency,
23 and that's supervising parolees. And it is the
24 feeling of myself as the prime sponsor that that
25 takes up an inordinate amount of your time, and

1 if the board was to be limited to the.
2 quasi-judicial function of making the release
3 decision, assisted by hearing examiners on the
4 issue of revocation decisions, that you should
5 be able to spend more time personally
6 interviewing inmates, particularly the inmates
7 who are serving time for violent offenses.

8 Obviously, no legislation when it's
9 introduced is ever written in stone and we will
10 be very amenable to making whatever corrections
11 necessary to make sure we have a system that
12 works. We don't want a system that's going to
13 be on paper and not actually functioning.

14 I sort of would like to have your
15 comments as to whether or not the taking away of
16 the administrative responsibilities and devoting
17 most of your time to the review of cases, the
18 interviewing of inmates eligible for parole, as
19 board members, whether you would have more time
20 to devote to that kind of activity with the
21 lesser administrative responsibilities.

22 CHAIRMAN CASTOR: I understand your
23 question. Essentially, what the Commissioner of
24 Probation and Parole would be, would in essence
25 be very similar to the executive director

1 position which we already have involved in the
2 board at present. Quite frankly, the reason we
3 have an executive director is because, as the
4 CEO of the agency, there are issues of
5 administration as well as being an active and
6 working board member that create various and
7 very significant demands of my time.

8 We would suggest that the Commissioner
9 of Probation and Parole is, in fact, a
10 redundancy with that executive director
11 position. And we would suggest further that as
12 you review some of the documents which I handed
13 you today, you can see that many of the critical
14 issues of maintaining custody and control,
15 providing treatment, making certain that the
16 supervision staff is responsive to the community
17 in terms of providing public safety are being
18 met; and that reform is difficult. It's very
19 tough at times, but as we continue to go through
20 that process, the existing structure seems to be
21 working well in that aspect.

22 Let me also address the question that
23 you noted in terms of the board members in the
24 interview process. I was reading the bill until
25 2 last night, getting through that. One of the

1 things that I noted, which was different from
2 the Executive Bulletin your staff had sent out
3 earlier in the week was that, there seemed to
4 have been a different focus.

5 We originally, in reviewing that
6 information, believed that it would be 3 parole
7 board members required to interview and that
8 they would be primarily interviewing just
9 violent offenders. That in and of itself would
10 have been a very difficult, logistical issue to
11 deal with. But when we saw that it was 2
12 interviewing everyone, it became just as
13 logistically difficult.

14 As I said in my testimony, with more
15 than 10,000 cases last year and with an
16 expectation that those numbers will only grow,
17 there has to be a common expansion of the board
18 in order to do that if that's the bill's intent.

19 Ultimately, as I had said before the
20 Senate Judiciary Committee, legislation and
21 reform I think is good. We need that. I'm not
22 going to even make that -- sit here and insult
23 your intelligence in terms that we don't need
24 some sort of reform process, but you can't
25 legislate common sense. If we talk in terms of

1 the Simon case, as the antecedent which brings
2 us here today, then we can say we need 7 people
3 to review a case, which maybe we need 11.

4 Ultimately, you need to be able to look at the
5 information, make certain that the information
6 is there and render a -- not a legal judgment,
7 at least a common sensible judgment.

8 To that end, I believe that if, in
9 fact, we are going to go to a point where we are
10 requiring only board members to be involved with
11 the paroling process, that at the very minimum
12 it would be less logistically strenuous if we
13 had a requirement with one interview.

14 CHAIRMAN PICCOLA: Getting back to the
15 beginning of your answer to my question where
16 you indicated that you felt your executive
17 director would be the -- is fulfilling the same
18 function that under this legislation the newly-
19 created level of Commissioner of Probation and
20 Parole would be fulfilling. I think you have
21 come right to the heart of my problem with your
22 agency.

23 It's not your fault. I'm not blaming
24 you, because you are in a system, as you say you
25 inherited, and it's statutorily set up that way.

1 It's not your fault and I'm not casting
2 dispersions. I have problems when we have
3 administrative failures in an agency, which I
4 think we have all acknowledged we have had, and
5 the accountability for those failures runs from
6 parole agents or parole personnel who are
7 supervised by the Executive Director of the
8 Board of Probation and Parole, who is appointed
9 by, I don't know, maybe just the chairman or the
10 whole board. I guess the whole board would have
11 to appoint.

12 CHAIRMAN CASTOR: As executive
13 director, only the board secretary is the
14 complete board --

15 CHAIRMAN PICCOLA: You appoint, as the
16 Chairman of the Board of Probation and Parole
17 that person, and you are serving a set term,
18 having been appointed by a previous governor and
19 confirmed by the Senate, and can't be removed
20 except under certain unusual circumstances.
21 There's just not enough, in my opinion, not
22 enough accountability to the Chief Executive
23 Officer of the Commonwealth, who I believe is
24 charged with public safety responsibilities and
25 the necessary changes, given the appointed

1 independent nature of your board and the diffuse
2 administrative responsibilities become very
3 difficult to achieve.

4 That's the reason for taking the
5 supervisory function, the administrative
6 function, and putting it under the
7 administrative agency directly responsible to
8 the Governor. Because in my view under that
9 scheme when something goes wrong, as
10 Commissioner Horn testified, we know where to
11 lay the blame--on the Commissioner of Probation
12 and Parole who is responsible to the Governor.
13 The Governor, if he is responsible for the
14 people, is going to take the necessary action.

15 Under our present scheme, and this is
16 not criticism of you or present board members,
17 that kind of administrative change is very
18 difficult to achieve. I think that's why I'm
19 interested in having it changed.

20 CHAIRMAN CASTOR: I hear your
21 concerns. I would suggest, given the scenario
22 that you have given, that the Governor has, even
23 now, complete control of the agency by simply --
24 If he's really unhappy with the process, he
25 removes the chairman, and I guarantee you that

1 the executive director of that chairman
2 evaporates fairly quickly thereafter.

17
3 CHAIRMAN PICCOLA: You are right,
4 except -- Well, the Governor can designate the
5 chairman as I understand it. You're right in
6 that respect. It is only by happenstance that
7 this particular governor got 3 appointments
8 right off the bat. That's just a coincidence.
9 It doesn't happen every time the governor comes
10 into existence, or into duties of office.

11 I do understand what you are saying
12 about the chairman and the executive director,
13 and that is a partial response to my concern.
14 But, I still strongly believe, and I think you
15 would agree with this, that parole in terms of
16 protecting public safety is probably even more
17 important than corrections, because if something
18 goes wrong in corrections, at least you have
19 them inside the walls. When something goes
20 wrong in your shop, they are out on the street.

21 CHAIRMAN CASTOR: I absolutely agree
22 with that.

23 CHAIRMAN PICCOLA: I don't think
24 administratively the agency is set up to react
25 to the kinds of emergencies and the kinds of

1 situations that take place under those
2 circumstances to adequately protect public
3 safety. You and I are probably going to have a
4 disagreement on this, but that's my view. I
5 will be happy to hear yours.

6 CHAIRMAN CASTOR: I would suggest to
7 you, as a 23-year professional in this
8 organization, that by and large the overwhelming
9 majority of our staff are incredibly dedicated
10 and motivated individuals in terms of doing
11 their job. For many years before they had the
12 overtime, there were individuals who worked well
13 over the 40 hours simply out of a sense of duty
14 to the job.

15 As problems arise in caseloads, as
16 problems arise in units, as problems arise in
17 districts, normally managers--even the parole
18 agent is a manager--deal with those problems
19 immediately. When those problems arise to a
20 level where the relevant manager isn't dealing
21 with them, our processes usually and have always
22 in the 23 years I have been there have kicked in
23 and we have been able to look at the process and
24 decide what corrective reforms need to be
25 administered.

1 As an agency we have been historically
2 very responsive to the new administrations as
3 they come into existence. We were very
4 cooperative with the Casey Administration after
5 the Camp Hill riots and when prison overcrowding
6 became a major focus, and that focus was looked
7 at in terms of expediting the release of
8 mid-risk offenders whom, historically, we might
9 have looked at a little bit more jaundice eye.

10 We reduced the amount of back time
11 that we gave individuals for violations. We
12 made certain violations and timeserving
13 concurrent rather than consecutive. We could
14 understand the philosophical thrust of this
15 administration, and we are already working to
16 make changes which will get us in harmony with
17 this administration.

18 With the advent of 3 members, a
19 serendipitous happening for the Governor to be
20 able to appoint 3 members at one time, the whole
21 tone and tenor of the board will be changing.
22 So that I think that we can be fairly responsive
23 and we are very responsive to the public
24 concerns as demonstrated through the legislature
25 and as demonstrated through the administration.

1 CHAIRMAN PICCOLA: You and I, we could
2 go back and forth on this probably all morning.
3 I don't want to waste the time of the committee.
4 You have provided us with some very good
5 information, and you will be an excellent
6 resource as this legislation moves through the
7 process.

8 Again, I want to thank you for the
9 reports and we will distribute those to the
10 members of the committee. We may want to
11 further inquire into some of the details. I
12 don't know what this will necessitate; perhaps,
13 another meeting of the committee to go over the
14 report with you.

15 CHAIRMAN CASTOR: Before you move on,
16 Mr. Chairman, I would also call your attention
17 to the bottom of page 7 of my testimony. I
18 believe you have that document, in which, rather
19 than waste the committee's time in reading some
20 of the other amendments that we thought would be
21 useful in terms of the parole act, we're just
22 calling your attention to that so that you and
23 your committee staffers can look at that.

24 CHAIRMAN PICCOLA: Thank you.
25 Representative Masland.

1 REPRESENTATIVE MASLAND: Thank you,
2 Mr. Chairman, and thank you for appearing here
3 today, Mr. Castor. I just want to really make a
4 couple brief observations. As I listened to
5 your testimony on concerns about the logistics
6 of the hearings and whether you have enough
7 people to do actually the interviews, not the
8 board members who do the interviews, and what
9 their qualifications might be, you talk about
10 the Mudman Simon case where maybe you need 7
11 people; maybe you need 11 people.

12 I just happened to look at the
13 eligibility section, Section 302, under the
14 proposed legislation. Maybe you don't need
15 that. Maybe in addition to the 6 years of
16 experience in parole and probation, law
17 enforcement, related areas, one area of
18 supervisory or administrative capacity, maybe as
19 you alluded to, you just need one person with
20 common sense.

21 I live in a glass house, so I'm not
22 going to say anything about common sense because
23 we need a little bit of that here in the
24 legislature too. That's really what struck me.
25 The problem is, if you put that in as a criteria

1 you have to make sure that whoever is doing the
2 judging of the criteria has some common sense to
3 begin with.

4 Unfortunately, you are in a position,
5 as you also alluded to with respect to the
6 Governor's power of appointment and not, you are
7 in the position as the manager of a baseball
8 team. As a baseball fan, I started to think
9 about the bad season my team, the Orioles, is
10 having, and then I thought about the Cleveland
11 Indians.

12 Unfortunately, here you are in the
13 position of mainly managing a department, like
14 managing the Indians over the years who have
15 been notoriously bad and have not been in the
16 post-season play for 40 or 50 years, but now
17 they may make it this year because they have a
18 change of attitude and a change of direction.
19 Maybe that's sometimes what it takes, a change
20 in players.

21 Here, unfortunately, you are in the
22 unenviable position of having to manage a team
23 but you are not really the general manager. You
24 are the field manager, but you are not the
25 general manager. I think that's what

1 Representative Piccola's bill is trying to get
2 at, so that we can say, yes, this person is the
3 general manager. He's not just somebody that's
4 forced to use the players that the general
5 manager gives him on the field. That's where I
6 think we need to focus our efforts. No matter
7 what we do it's still going to come down to
8 common sense or a lack thereof.

9 CHAIRMAN CASTOR: Common sense.

10 REPRESENTATIVE MASLAND: Thank you.

11 CHAIRMAN PICCOLA: Representative
12 James.

13 REPRESENTATIVE JAMES: Thank you, Mr.
14 Chairman. Thank you also, Chairman Castor, for
15 testifying. I just want to be clear on a couple
16 points. With regards to the reports he
17 submitted, we are going to get copies of them?
18 I think that's what you said. Is that right,
19 Mr. Chairman?

20 CHAIRMAN PICCOLA: Yes, I apologize.
21 I believe Mr. Castor gave me 3 copies of the
22 same report.

23 CHAIRMAN CASTOR: I gave you one copy
24 of the internal order, which my Executive
25 Director ordered for the Philadelphia office,

1 and that would need to be copied. I gave you 2
2 copies of the information from Dan Goodwin, my
3 Regional Director of Southeastern Affairs, and
4 also from Christopher Pandolfo, who is the
5 District Director at Chester. One copy is for
6 you and one for Representative Caltagirone, so
7 that you have essentially just 2 copies of the
8 material.

9 CHAIRMAN PICCOLA: I will see to it
10 that the members of the committee get a copy of
11 both of these documents. Mr. James, if you'd
12 like it today, we can duplicate it before we
13 leave the Capitol. That's no problem.

14 REPRESENTATIVE JAMES: I just wanted
15 to make sure that we would be able to get that.
16 Also, unfortunately, Mr. Chairman, I didn't get
17 a chance to see the news release. Is it
18 possible that we could get a copy of that also
19 today?

20 CHAIRMAN PICCOLA: You mean my news
21 release?

22 REPRESENTATIVE JAMES: Right. I think
23 you referred to it some.

24 CHAIRMAN PICCOLA: I may have it here
25 in my packet. Yes, you may have a copy of it.

1 REPRESENTATIVE JAMES: Also, is there
2 an analysis of House Bill 1728 yet available?

3 CHAIRMAN PICCOLA: Not yet.

4 REPRESENTATIVE JAMES: I'd like to get
5 that if possible. Mr. Chairman, I'm done with
6 you.

7 Mr. Castor, you came up through the
8 system, so to speak, in law enforcement. Law
9 enforcement usually likes to always talk about
10 coming up through the system. You are proud of
11 coming up through the system in the police
12 departments, which I'm a product of. When we
13 get new police commissioners we like them to
14 come through the system. Basically, we don't
15 want anybody from the outside coming in because
16 they make changes that we are not really ready
17 for. It's just good to see that there are so
18 many problems sometimes within the system which
19 we are a part of that we are going to recognize
20 what some of those problems are.

21 I see in your testimony where you come
22 and you talk about the problems and how you try
23 to address them, being that you had the
24 experience. I just want to commend you for
25 doing that and taking those actions necessary to

1 address some of those problems because, it seems
2 as though that the lawsuits that were initiated
3 that you worked them out. The lack of
4 cooperation that you had between some of the
5 agencies that you worked with, you kind of
6 worked them out. So it seems that it was doing
7 good and it just seems that some of the problems
8 with some of the individual members who don't
9 want to make changes, don't want to go along
10 with changes that are causing some other
11 problems. That's managerial stuff and I just
12 hope that we will continue to address that as we
13 go on.

14 The other thing, as it relates to -- I
15 just want to be able to understand the process.
16 I didn't get a chance to do too much reading on
17 the process. You talked about the Mudman Simon
18 case. In this Simon case -- and I understand it
19 is ongoing investigations.

20 CHAIRMAN CASTOR: They are ongoing
21 investigations, yes.

22 REPRESENTATIVE JAMES: Okay. If I ask
23 you anything that's part of the investigation, I
24 understand that maybe it can't be explained or
25 exposed at this point. I just hope that we, as

1 the committee w, ill review or continue in that
2 review as part of the -- in those investigations
3 and will be subject or privileged to address
4 those investigations.

5 CHAIRMAN CASTOR: As I had done with
6 Chairman Piccola when he had originally
7 requested the audit information that we had
8 conducted last fall in Philadelphia, I alerted
9 him that there was an ongoing Inspector
10 General's assessment of the agency. And as
11 such, I would not be able to give him that until
12 that was done, but as soon as --

13 REPRESENTATIVE JAMES: That's still
14 not done?

15 CHAIRMAN CASTOR: No, no, that's
16 completed. It's on the Governor's desk. So
17 that's why --

18 CHAIRMAN PICCOLA: It's done, but it
19 is not available to the public. I think the
20 Governor has it. I have not seen it.

21 REPRESENTATIVE JAMES: We'll get it
22 when you get it, I imagine.

23 CHAIRMAN PICCOLA: Well, I guess.

24 CHAIRMAN CASTOR: But in terms of what
25 you were saying, sir, about the investigative

1 process; if, in fact, I am inhibited by any
2 necessities of the ongoing investigation, once
3 that is removed I will be very cooperative with
4 the committee.

5 REPRESENTATIVE JAMES: I understand
6 that in the new bill, which I haven't had time
7 to review, that you take away what's called
8 administrative -- Who is the other person? Not
9 the board member, but the other person who
10 helped make the decisions?

11 CHAIRMAN CASTOR: The hearing
12 examiner.

13 REPRESENTATIVE JAMES: You take away
14 the hearing examiners.

15 CHAIRMAN PICCOLA: Well, no, we don't
16 take them away. We limit their functions in
17 dealing with parole revocation.

18 REPRESENTATIVE JAMES: So they would
19 not be part of that decision in the future, if
20 your bill passes as it is?

21 CHAIRMAN CASTOR: If I may, Mr.
22 Chairman, could I please speak to that?

23 CHAIRMAN PICCOLA: I'll let Chairman
24 Castor answer the question.

25 CHAIRMAN CASTOR: If I may, 2 o'clock

1 in the morning brings some clarity. As I recall
2 from last night, the hearing examiners would be
3 limited to parole revocation and victim's input
4 statements, in which they have done a very
5 amicable job; quite frankly a remarkable job in
6 providing those documents to the board for
7 consideration.

8 REPRESENTATIVE JAMES: One thing I
9 wasn't clear about is, I understand in the Simon
10 case that he had come up for parole twice
11 before?

12 CHAIRMAN CASTOR: Four times before;
13 1982, '92, '93; 3 times before. In '94,
14 obviously, he was released.

15 REPRESENTATIVE JAMES: Two of those
16 times you were Chairman of the Board?

17 CHAIRMAN CASTOR: Yes. In '92, I was
18 on the board. In '93, I was Chairman.

19 REPRESENTATIVE JAMES: In those cases
20 when you were Chairman, you had suggested or
21 recommended that he not be paroled?

22 CHAIRMAN CASTOR: The process by which
23 we work under the amended parole act is that,
24 there are 2 decision makers that are required in
25 order to make a paroling action, one of whom

1 must be a board member. In November of 1992,
2 the Simon case crossed my desk. I was the panel
3 member.

4 CHAIRMAN PICCOLA: Can we interrupt
5 you a moment? The court reporter has just run
6 out of paper. Hold that thought.

7 CHAIRMAN CASTOR: In November of '92,
8 I received a folder as the panelist for the
9 hearing examiner, Angelilli. I looked at the
10 material that was available, and as
11 Representative Masland has said, there were some
12 common sensible concerns that were raised. At
13 that particular point, we took what was known as
14 a continuum action, and I requested that Robert
15 Simon be given an updated psychological. The
16 last psychological that was in the folder was
17 April of 1975.

18 I noticed Jezebel's (phonetic) letter
19 that was in the folder. I noted the
20 psychological report from '75, and his prison
21 adjustment which had not been good for much of
22 the structured time he had been in jail and I
23 noted, of course, the type of crime that was
24 there.

25 The psychological that came back in

1 January of '93 validated my concerns, and we
2 took a refuse action on him. He was again
3 interviewed by another examiner and board member
4 in November of '93, and refused, and then was
5 reviewed again in 1994 by Angelilli, and as we
6 all know Ms. Stewart, and then subsequently
7 released. Hearing examiners rotate among panel
8 members. That's the short answer in terms of
9 how Mr. Simon was processed through us.

10 REPRESENTATIVE JAMES: So the process
11 is that, a board member and a hearing examiner
12 rotates in terms of cases that come before them?

13 CHAIRMAN CASTOR: Yes. Board members
14 keep hearing examiners for roughly a 90-day
15 period of time and then you move on. It gives
16 exposure to different thinking, different
17 philosophy. It also gives us exposure to --
18 Well, let me preface it this way. It also
19 prevents any sort of hardening of any kind of
20 clicking in terms of decision making. You
21 rotate every 90 days.

22 REPRESENTATIVE JAMES: So he wouldn't
23 have been privileged to the refusals by other
24 members of the board prior to handing in
25 documents or --

1 CHAIRMAN CASTOR: Absolutely, yes.
2 One of the first things we do with the Simon
3 case is, I talk to the board secretary, who
4 informed me quite clearly that all the material
5 is sent to the decision makers when it's a
6 review case. What that means is that, once a
7 refusal has occurred, at the minimum all
8 subsequent interviews are reviewed. All
9 documentation has therefore been sent, so the
10 judge's letter would have been sent, the '75 as
11 well as the '93 psychological would have been
12 sent. All factors relating to the crime, prison
13 adjustment, they would have all been in the
14 folder.

15 REPRESENTATIVE JAMES: Somebody using
16 good common sense would have been able to, if
17 they wanted to, would have been able to observe
18 that.

19 CHAIRMAN CASTOR: Let me just say that
20 someone using my level of common sense would
21 have done that.

22 REPRESENTATIVE JAMES: As it relates
23 to, and I think I heard you respond to Chairman
24 Piccola that you would be given additional
25 information as it relates to his bill maybe in

1 terms of some of your suggestions based on your
2 experience, and you would share that with him.

3 CHAIRMAN CASTOR: Absolutely.

4 REPRESENTATIVE JAMES: I think that's
5 important in terms of that. When you talk about
6 the Commissioner of Probation and Parole, and
7 maybe I've got to address that to Chairman
8 Piccola because I don't know if you can answer
9 that, wouldn't that be creating another level in
10 terms of government, another authority, because
11 Executive Director at this point does that? I
12 thought that's what I heard you say.

13 CHAIRMAN CASTOR: The functions are
14 essentially the functions that are performed by
15 the Executive Director who pretty much serves at
16 the pleasure of the Chairman who serves at the
17 pleasure of the Governor.

18 REPRESENTATIVE JAMES: Unless you are
19 eliminating the Executive Director? Are you
20 eliminating the director?

21 CHAIRMAN PICCOLA: We are eliminating
22 that position. There would obviously be some
23 limited amount of administrative work done by
24 the board because the board would have to
25 consider cases, review cases, and so forth.

1 There would be some administrative
2 responsibility, but not nearly the level that
3 exists now. That function is being transferred
4 under the bill to the newly-created agency, the
5 Commissioner of Probation and Parole.

6 REPRESENTATIVE JAMES: Mr. Castor,
7 when does your term expire?

8 CHAIRMAN CASTOR: February of 1999.

9 REPRESENTATIVE JAMES: I thought I
10 heard you say that the Governor can change the
11 chairman at his pleasure?

12 CHAIRMAN CASTOR: I serve at his
13 pleasure.

14 REPRESENTATIVE JAMES: Do you think
15 that under the current -- I mean, basically that
16 you can respond to any emergency situation? I
17 thought I heard that came up earlier.

18 CHAIRMAN CASTOR: We feel that we are
19 able to be quite responsive to crime emergencies
20 in the community, political considerations that
21 come up in terms of legislative initiatives or
22 executive initiatives.

23 REPRESENTATIVE JAMES: I try to stay
24 away from the word initiative. It's a bad word.

25 CHAIRMAN CASTOR: We feel we can be

1 responsive to all of those very quickly.

2 REPRESENTATIVE JAMES: Thank you, Mr.
3 Castor. Mr. Chairman, I just hope that we have
4 the opportunity maybe to speak with Mr. Castor
5 before the committee again at some time as it
6 relates to the ongoing reform of probation and
7 parole, because you do suggest that there needs
8 to be some --

9 CHAIRMAN CASTOR: Absolutely. I'm not
10 going to sit here and say that we could not use
11 any help whatsoever. That's one of the things I
12 gave at the end of the testimony. There were
13 several issues that we needed to very seriously
14 look at, one of which, I might add, under
15 present law is that inmates have the right in
16 terms of just being an onerous issue, and in
17 terms of difficulty in the management of the
18 system both in the institutions and into the
19 parole process; is that, 6 months after an
20 inmate is returned to an institution on a
21 violation, he has the right to petition for
22 parole again and it must be granted within a
23 6-month period. So that --

24 REPRESENTATIVE JAMES: Regardless of
25 the incident?

1 CHAIRMAN CASTOR: Regardless of the
2 length of time that we gave him on the hit.
3 There are a lot of factors that are noted there
4 that I think would be useful in terms of fine
5 tuning the act.

6 REPRESENTATIVE JAMES: Do you have any
7 other comments that you can maybe think of at
8 this time or other suggestions that you want to
9 say for the record at this point that may have
10 come up as a result of some of the things you
11 have heard so far?

12 CHAIRMAN CASTOR: No. I would expect,
13 quite frankly, that once the committee has
14 reviewed the documents that I have turned in
15 today, that you will probably be inviting me
16 back for some more testimony. I would suggest
17 also that my regional director and executive
18 director also be invited, who would be more than
19 available to testify on the issues that they
20 know.

21 REPRESENTATIVE JAMES: Again, I thank
22 you and welcome any suggestions that you come up
23 with in the future and appreciate it if you send
24 us a copy. Thank you. Thank you, Mr. Chairman.

25 REPRESENTATIVE MASLAND: Thank you,

1 Mr. Chairman. Chairman Piccola had to step out.
2 He'll be happy to invite you back. It's a good
3 suggestion.

4 Our next witness is the Manager of
5 Crime Strike State Legislative Affairs, Crime
6 Strike Division and part of the National Rifle
7 Association, Susan Baldyga Misiore. I will be
8 happy to be corrected on the pronunciation of
9 your name. I think Chairman Piccola may have
10 stepped out so he could give me the pleasure of
11 unfortunately mispronouncing your name.

12 MS. MISIORA: I appreciate the
13 opportunity to address this committee today,
14 especially considering the caliber of the rest
15 of the witnesses this morning. The topic of
16 parole is certainly a serious matter for
17 legislators, and more importantly, for the
18 community and for the public.

19 Our NRA Crime Strike files are full of
20 newspaper reports of tragic miscalculations that
21 have occurred in the parole process. Too many
22 of these are from Pennsylvania, and I'm sure
23 very familiar to the members of this committee.

24 I'm first going to share an old,
25 possibly apocryphal, story about a little boy

1 taking a tour of the FBI headquarters in
2 Washington. Upon being shown the pictures of
3 the most wanted, the child looked up at the
4 agent and said, Mister, you had them to take
5 their pictures. Why did you let them go? Why
6 didn't you keep them?

7 Well, unfortunately, you can't keep
8 all the prisoners in custody, but steps can be
9 taken to reform the process by which the Board
10 of Probation and Parole identifies those who can
11 be released without endangering the public.

12 The bill before you today is a very
13 good step and we at NRA Crime Strike applaud
14 your efforts. Considering the scope of the
15 changes to the criminal justice system that this
16 legislature has passed or is contemplating,
17 amending the administrative procedures of the
18 Parole Board may seem to some to be
19 insignificant, but it is steps like those
20 outlined in this proposal that will help to
21 restore public confidence in the Parole Board
22 and in the government's ability to protect the
23 citizens from crime.

24 We especially appreciate the care
25 taken to consider the impact of a potential

1 parole on the victim or the survivor of the
2 victim of that crime. Often the criminal
3 justice system treats the victim of crime as
4 little more than a piece of evidence. The
5 oversight mechanisms in this draft, in the
6 creation of the Office of Victim Advocate,
7 guarantee that the victim will have the right to
8 testify at the parole hearing or to have the
9 statements admitted as part of that record.
10 Listening to the victims of crime will go a long
11 way toward protecting parole board members from
12 the bitter recriminations that they have endured
13 here in Pennsylvania. This is a win, win
14 proposal.

15 Providing victims of crime this
16 opportunity benefits both the victim and the
17 justice system. It is crucial that parole board
18 members see the faces and hear the voices of the
19 crime victims. For the victims or survivors it
20 provides closure. For the system, it gives
21 balance to the rights of the victims and
22 criminals.

23 NRA Crime Strike grew out of the
24 realization of NRA members and NRA management
25 that gun owners were often used as scapegoats

1 for a criminal justice system that does not
2 work. Crime Strike was formed to advocate
3 meaningful criminal justice reform as the
4 alternative to tired gun control schemes that
5 have failed.

6 But more importantly, Crime Strike
7 speaks with the voice of the 217,000 NRA members
8 in Pennsylvania; 217,000 members of the
9 community who are as equally impacted by the
10 acts of violent criminals, especially violent
11 criminals who are released on parole.

12 Look at the local case from here in
13 Harrisburg in February. Mark Newton Spotz and
14 his girlfriend were accused in a series of 4
15 killings that included Spotz's own brother.
16 State police said Spotz was free on parole. As
17 with Reginald McFadden and Mudman Simon, it is
18 not just the victims that suffer. It's the
19 whole community, and the whole community should
20 have the opportunity to comment when these
21 individuals come up for parole.

22 NRA Crime Strike is one of the
23 strongest voices in the country for truth in
24 sentencing/abolition of early parole
25 legislation. We also advocate open and public

1 parole hearings when inmates become eligible for
2 parole, hopefully, after serving 85 percent of
3 their sentences. This open parole concept
4 compliments the bill before you.

5 With government making such strides
6 with sunshine legislation in other areas, it
7 only follows that parole hearings be subject to
8 similar provisions. We suggest that in the
9 instant bill the Parole Board be directed to:

10 Publish in a newspaper of general
11 circulation in the community where both the
12 victim and the potential parolee live a
13 notification of parole eligibility at least 30
14 days prior to the scheduled hearing. The notice
15 would include the date, the time and the place
16 of hearing.

17 Adopt rules for hearing oral
18 statements or arguments not connected with the
19 Department of Corrections, including but not
20 limited to, law enforcement and family and
21 friends of the victim. The rules would include
22 the length of each statement, the number of
23 statements taken, and the rules of conduct for
24 such witnesses. This is an important provision
25 because it would guarantee that parole hearings

1 would not become public circuses, and that these
2 rules could conceivably include some level of
3 standing that the potential witnesses would have
4 to prove in order to provide such statements.

5 It also should provide a mechanism for
6 closing parole hearings, based on compelling
7 reasons such as protection of an ongoing law
8 enforcement investigation, to deliberate on
9 other oral or written arguments, to provide an
10 opportunity for the potential parolee to
11 challenge confidential information, or at the
12 request of the victim or victim's family.

13 Another provision would be to notify
14 both the victim or the victim's family of any
15 parole decision within 10 days, and publish such
16 a decision in the newspaper where the notice of
17 the hearing was published.

18 Provide the legislation with an annual
19 report of each case heard and/or decided by the
20 board. Such a report would include the name of
21 the potential parolee, the crime of which he was
22 convicted, the date of conviction, the date of
23 incarceration, list of speakers at the parole
24 hearing, and the disposition of the hearing.
25 The report would be available to the public upon

1 request.

2 If the above suggestions were
3 incorporated into the bill before you, the
4 cumulative effects would help to strengthen
5 public confidence in the parole system.

6 In addition to Pennsylvania, 6 states
7 right now have introduced legislation to improve
8 the procedures or compositions of parole boards.
9 In neighboring Delaware, a model open parole
10 bill, similar to the provisions I've just
11 outlined, has been introduced and is pending.

12 In conclusion, Pennsylvania is not
13 alone in dealing with the devastating results of
14 unfortunate parole decisions. Right now in
15 Nevada, the resignation of the entire state
16 parole board has been demanded by the state's
17 police chiefs and sheriffs. The Governor and
18 the Nevada District Attorney's Association is
19 demanding parole board resignations as well.

20 Why? Because the parole board freed
21 convicted robber Donald Cameron from prison on
22 April 15. On May 22nd Cameron murdered a
23 Sparks, Nevada police officer during the
24 commission of another robbery, and in this case,
25 Cameron was freed despite the pleas of Reno

1 police and the Washoe County D.A.'s office.
2 They have called him the worst of the worst.

3 Parole is a serious matter. Every day
4 in America 5 people will be murdered, 14 women
5 raped, and 228 honest citizens robbed by
6 criminals who have been caught, convicted,
7 sentenced and then returned to the streets on
8 parole. Every year nearly 60,000 violent crimes
9 are committed by criminals on parole and these
10 aren't just numbers. These are real people,
11 like the victims of Mudman Simon and Mark Newton
12 Spatz.

13 CHAIRMAN PICCOLA: Thank you, Ms.
14 Misiara, and I sure would like to thank Masland
15 for presiding temporarily. I appreciate your
16 testimony. It give us a little perspective
17 outside of our borders. It's nice to know that
18 other states or counties have the same
19 difficulties. Do other members of the committee
20 have any questions? Representative James.

21 REPRESENTATIVE JAMES: Thank you, Mr.
22 Chairman. It's sad to see that in some of these
23 instances where people are paroled and then
24 anybody is killed, specifically a violent crime,
25 particularly our law enforcement officers

1 because of the job that they do. I don't know
2 the situation in the Donald Cameron case, but I
3 just want to ask you, if, in fact, when someone
4 serves their time in prison and then is released
5 properly and using good judgment, and then that
6 person goes out and commits a violent crime,
7 would you then blame the Parole Board, or how
8 would you respond to that?

9 MS. MISIORA: I think that as one of
10 the previous witnesses said, this process of
11 course involves some element of risk. There's
12 never going to be a crystal ball where you can
13 predict the behavior of people. What you need
14 to try to do is put procedures in place so that
15 the best judgment can be made ahead of time. I
16 think that the bill before you today certainly
17 begins that process and makes some very good
18 recommendations in that regard.

19 REPRESENTATIVE JAMES: I want to ask
20 you another question because I see you are a
21 member of NRA.

22 MS. MISIORA: Yes, I'm an employee.

23 REPRESENTATIVE JAMES: Just an
24 employee?

25 MS. MISIORA: I'm a member too.

1 REPRESENTATIVE JAMES: What do you
2 think about people getting on parole or getting
3 off parole being able to own weapons?

4 MS. MISIORA: A convicted felon has
5 been prohibited from owning firearms. That
6 certainly is the law, it's federal law. It's
7 law in most states unless they have had their
8 rights restored. Certainly, that system has
9 worked. As you know, the NRA has advocated for
10 many, many years for instant check systems like
11 the one that was passed very recently here in
12 Pennsylvania. That would make sure that those
13 who are prohibited are kept from purchasing
14 those firearms.

15 REPRESENTATIVE JAMES: I thought there
16 was something in the bill that we passed that
17 said that after so many years that a person can
18 petition in order to get a weapon?

19 MS. MISIORA: Have the right to
20 restore it in some way. You have to go through
21 that procedure. It should not be automatic.

22 REPRESENTATIVE JAMES: Thank you.
23 Thank you, Mr. Chairman.

24 CHAIRMAN PICCOLA: Further questions?
25 Thank you very much. We appreciate your

1 testimony. Our next witness is Ms. Sandra B.
2 Lutz, Coordinator of the Adams County Victim/
3 Witness Assistance Program in the Adams County
4 District Attorney's Office. Ms. Lutz.

5 MS. LUTZ: Members of the committee,
6 Chairman Piccola, good morning. As you stated,
7 my name is Sandra Lutz. I'm the Coordinator of
8 the Adams County Victim/Witness Assistance
9 Program. When I received an invitation to
10 participate in this hearing, I was not exactly
11 sure what I wanted to say. I have spent the
12 last several days thinking about this
13 legislation and the issues that come to my
14 minds.

15 I am a victim advocate, but I submit
16 to you that what we are discussing today is far
17 more than a victim issue. In the wake of recent
18 findings regarding the practices of our Board of
19 Probation and Parole, I am concerned that this
20 legislation may have been proposed in an effort
21 to place a band-aid on the tragedies suffered at
22 the hands of the paroled inmates who have
23 committed murders in past months.

24 This hearing is our opportunity to
25 examine that possibility and to look at other

1 issues surrounding this legislation. I am not
2 convinced that changes in the administration of
3 of the Board of Probation and Parole alone are
4 what we need.

5 In order to consider this legislation,
6 we must be willing to committee ourselves to
7 making changes in the corrections system that
8 will make us all more at ease about releasing
9 any violent offender. We must also accept that,
10 to make this system work we need a cooperative
11 effort from all the departments who play a
12 significant role in this important decision-
13 making process.

14 As a victim advocate, I am committed
15 to doing whatever I can to meet the needs of my
16 clients. Each case is different and each
17 presents new problems and questions. I have
18 learned to enlist the help of others who
19 directly affect the service that I provide, and
20 I cannot work effectively without continuous
21 communication and cooperation from victims, law
22 enforcement, district attorneys, judges,
23 probation officers and corrections staff.

24 Interestingly enough, these are the
25 very same people that the Board of Probation and

1 Parole need to be utilizing to reach a
2 well-informed parole decision. Although these
3 agencies are readily accessible to me in my
4 work, what do they have to offer to our Board of
5 Probation and Parole?

6 In the absence of intensive
7 rehabilitative programs for offenders, we are
8 doing nothing more than teaching inmates to
9 survive in a prison environment, an environment
10 that falls somewhat short when you consider the
11 skills that are required to function in a
12 society. Under these conditions, our prisons
13 really have no basis to evaluate anything more
14 than the good or bad conduct of an inmate and,
15 therefore, can be of very little assistance to
16 the board in making release decisions.

17 In order to further define the need to
18 consider this reform legislation, we must also
19 examine the role that our judicial system is
20 playing with this process.

21 I agree with Representative Piccola's
22 initiative to consider the input of the
23 sentencing courts and district attorneys each
24 time an inmate is considered for parole. But,
25 in the interest of being fair to the board,

1 during the 5 years that I have been a victim
2 advocate, I am not aware of any cases where our
3 judges or district attorneys have exercised
4 their rights to input.

5 It has also been my experience that
6 our sentencing court has been rather
7 inconsistent about insuring that copies of
8 pre-sentence investigations make it to the
9 correction facility and become a part of an
10 inmate's file. These reports alone provide an
11 excellent tool to evaluate the history of
12 violence, prior record and a defendant's social
13 behavior, all important variables in
14 consideration of parole.

15 Although these gaps in our system are
16 not the fault or responsibility of the Board of
17 Probation and Parole, they certainly affect
18 their ability to make well-informed decisions
19 when considering the release of an inmate.

20 Do we need reform legislation to
21 resolve these issues; and, if so, is it only the
22 Board of Probation and Parole we need to
23 address?

24 Should we move to add a commissioner
25 to oversee this department or can we utilize the

1 work force that we have and demand a level of
2 commitment that would assure that decisions
3 regarding the release of an inmate will be
4 handled efficiently and responsibly.

5 I cannot speak in regard to the
6 alleged mismanagement of this department as I am
7 not familiar with its entire structure or chain
8 of command, but I would be interested to know
9 why we have not experienced or heard of similar
10 problems in the past several years while under
11 the same system of management.

12 It is difficult for all of us to
13 answer to the public when our system fails, and
14 I feel great sympathy for the victims and their
15 families who may have become the focus of this
16 legislation, but we have an obligation to our
17 public to define all of the issues. We need
18 legislation that does not point the finger but
19 dictates a unified effort to manage this system.

20 It is my understanding that Governor
21 Ridge has ordered an investigation of the Board
22 of Probation and Parole. I feel it is important
23 to await the findings of this investigation
24 before acting legislatively. We need to look at
25 all of the facts before taking action. We may

1 find that new legislation is not the answer. We
2 may find that we already possess the resources
3 necessary to put things back on track.

4 In closing, I would urge this
5 committee to continue to give this legislation
6 the careful consideration it requires. We
7 cannot afford to make the same mistakes twice,
8 nor can we afford to lose another life in our
9 state or anyone else's. We owe it to our public
10 to propose legislation that is truly in the best
11 interest of all parties involved.

12 CHAIRMAN PICCOLA: Thank you, Ms.
13 Lutz. I might just indicate, we are aware of
14 the Governor's and the Inspector General's
15 investigation of the department. I'm certain
16 the committee and the House will await that
17 report before we take any major steps in this
18 direction. This hearing was called and the
19 legislation drafted because I felt it was
20 necessary to accelerate the process. Working
21 with the administration and working with
22 whatever the Inspector General comes forth with
23 will be part of this process, I assure you.

24 The other question that I had of you,
25 and I really -- I should probably -- It's not

1 any of my business, but when you indicated you
2 were not aware that your judges or district
3 attorney have exercised the right to provide
4 input into the parole decision, I would
5 respectfully say you might want to check with
6 them to see if that is, in fact, the case
7 because I'm just conferring with Mr. Masland of
8 Cumberland County and myself of Dauphin County,
9 and I know that in Philadelphia County it occurs
10 frequently with the district attorneys
11 particularly. You may want to check on that.
12 It may be simply because --

13 MS. LUTZ: I don't represent that as a
14 problem for everyone.

15 CHAIRMAN PICCOLA: Okay. It may be
16 simply because you --

17 MS. LUTZ: It's something I recognize
18 because they hit my desk and that's who takes
19 care of it.

20 CHAIRMAN PICCOLA: It may be simply
21 because Adams is a relatively small county and
22 maybe there aren't that many cases that would
23 require that kind of input that you may be
24 simply not aware of it. You might want to check
25 with those folks to verify what they are doing,

1 what opportunities they have down there.

2 Do members of the committee have
3 questions? Representative Maitland from Adams
4 County.

5 REPRESENTATIVE MAITLAND: Yes, Sandra,
6 I'd like to welcome you to Harrisburg and I
7 appreciate some Adams County input today.

8 Some of our earlier testifiers were
9 talking about the lack of computerization and
10 constantly re-inputting the same data on
11 prisoners. I was wondering from your point of
12 view do you see that as a problem from your
13 office, and upgrading our computer and
14 communication, would that help your work with a
15 system of our own?

16 MS. LUTZ: As Representative Piccola
17 mentioned, I do not have the same size caseload
18 as several counties in this Commonwealth. I'm
19 kind of fortunate in that respect. To be honest
20 with you, I do not computerize my system at all
21 because I'm able to keep up with it on a one-on-
22 one basis, the victims that I work with. I do,
23 however, have a part in our current collection
24 system for defendants, and I do computerize that
25 because there's a larger number of those than

1 there are of the victims that I work with.

2 REPRESENTATIVE MAITLAND: Thank you.

3 CHAIRMAN PICCOLA: Representative
4 Masland.

5 REPRESENTATIVE MASLAND: Thank you,
6 Mr. Chairman. I'd like to thank you, Sandra,
7 for appearing here today. Actually, I believe
8 you've been before us once before when we talked
9 about the Crime Victims Compensation Board. I
10 appreciate your testimony there. I think it's
11 especially appropriate to hear from someone from
12 Adams County when we are dealing with a case of
13 bad apples.

14 MS. LUTZ: I'll take that back with
15 me.

16 REPRESENTATIVE MASLAND: If Steve does
17 not kick me, I think I'll make one other brief
18 comment.

19 CHAIRMAN PICCOLA: I'm not sure you're
20 going to be permitted to after that one.

21 REPRESENTATIVE MASLAND: I think you
22 are asking the right questions here. You really
23 are. You talk about looking at the corrections
24 system as a whole and not just a band-aid
25 approach.

1 I haven't mentioned this earlier, but
2 as a Commissioner on the Pennsylvania Commission
3 on Crime and Delinquency, we had our quarterly
4 meeting yesterday. I was talking with Chairman
5 Tom Corbet, and I noticed the Governor's
6 intention to try to take a more comprehensive
7 look at the criminal justice system and not just
8 focus on one area or the other.

9 Practically, though, when you are
10 dealing with legislation, it's difficult with a
11 piece of legislation to try to deal with all the
12 issues. Representative Piccola said it's
13 impossible to touch on everything. I think he
14 is focusing on something that needs to be
15 addressed, but that doesn't mean that we don't
16 go on and continue to ask new questions and
17 different questions, and sometimes difficult
18 questions that take a lot of time and a lot of
19 minds to really address them.

20 There's a new commission, a different
21 commission, the Pennsylvania Futurist Commission
22 on Justice and the 21st Century, trying to look
23 at what our system of justice, criminal or
24 otherwise, are going to be like in the year
25 2020. It's a type of strategic planning. It's

1 a futurist planning. I think we need to get
2 people involved in that on the criminal justice
3 level and really think about what we would like
4 our system to look like in the year 2020 and
5 then work towards that as opposed to just
6 responding to the tidal waves that seem to come
7 our way as we -- problems like Mudman Simon that
8 come up probably more often than we know about.
9 We need to keep asking those questions. I don't
10 think any piece of legislation, though, can deal
11 with it as comprehensibly as we need to, but
12 good questions. Thank you.

13 CHAIRMAN PICCOLA: Representative
14 James.

15 REPRESENTATIVE JAMES: Thank you, Mr.
16 Chairman. Thank you for your testimony. When
17 you say in your testimony where you talk about
18 why we have not experienced or heard of similar
19 problems under the same system, it's
20 interesting. I would imagine that there have to
21 have been some problems. It's just that the
22 victims probably did not warrant the kind of
23 news attention to get -- and that's not good as
24 I said because then there are so many victims
25 that are victims that, if that kind of attention

1 was paid to them just because they were victims
2 and something happened, then we can tighten
3 whatever we need to tighten so that it won't
4 happen to somebody whose high profile. That
5 would be interesting to look at in terms of
6 review as we go through our hearings.

7 Other thing I was concerned about as
8 you said, and I think it was addressed by a
9 couple of the members of the committee here, you
10 talked about you didn't know whether or not your
11 district attorney or someone else got involved.
12 Can you bring it to the district attorney's
13 attention? Was that one of your functions if,
14 in fact, you see something --

15 MS. LUTZ: Basically, the process is
16 that the letter comes from the Parole Board
17 indicating to us that there will be a review in
18 the near future. They generally give us a date,
19 but it's a tentative date.

20 When those papers come into our office
21 addressed to the district attorney, he gives
22 them to me. I have personally commented on a
23 couple of cases where I felt I was enough
24 involved and had spent enough time with the
25 family to be able to represent some of the

1 problems that this person had caused in the
2 course of their crime.

3 The other reason I did that is,
4 because the victim is now in a mental hospital
5 as a result of the crime probably for the rest
6 of his life. I felt no one else was going to
7 address it from our office, so I did that. I
8 don't even know if it was considered or if they
9 can consider a victim-witness person's input,
10 but I did it hoping that they would.

11 REPRESENTATIVE JAMES: Well, that's
12 good. For that you should be commended. Thank
13 you. Thank you, Mr. Chairman.

14 CHAIRMAN PICCOLA: Thank you very
15 much, Ms. Lutz. Our last witness for the
16 morning is Laurie A. Reiley-Snell, Executive
17 Director of the Dauphin County Victim/Witness
18 Assistance Program. Good morning.

19 MS. REILEY-SNELL: Good morning. As
20 indicated my name is Laurie Reiley-Snell, and I
21 am the Executive Director of the Dauphin County
22 Victim/Witness Assistance Program. I have had
23 the privilege of working directly with crime
24 victims and the criminal justice system for 10
25 years.

1 Over my tenure a number of significant
2 changes have been made that enhance the rights
3 of crime victims. Much of that change can be
4 attributed directly to the Victims Rights
5 Movement and the support it gets from victims,
6 victim services providers, communities and
7 legislators who have come to realize there's a
8 great need to balance the scales of justice.

9 Much has been done, but there's still
10 a lot of work to do. I thank you for the
11 opportunity to speak to you today. My hope is
12 that by hearing from various victim service
13 providers you have the opportunity to hear about
14 the perspective of crime victims by those of us
15 who work directly with them daily. Maybe
16 today's meeting will help to create another
17 opportunity for enhancement.

18 I was naive to think when I first
19 started in this position that it was okay for
20 our agency to close out a case once a defendant
21 was sentenced by a judge. What I learned was,
22 for many crimes victims, and for a number of
23 reasons, it was the worst time to pull away.
24 Often, the impact of the crime has an
25 opportunity to hit the victim once the process

1 is completed. Prior to the sentencing, victims
2 need to worry about court dates, testifying,
3 filing restitution, and crime victim's
4 compensation claims.

5 Victims need to keep their jobs and
6 their families together after a traumatic
7 incident. There is no time to allow the
8 emotional effect to set in. However, once the
9 court process is completed, there is time to
10 grieve. It can be the ultimate time of need for
11 support.

12 When a collection agency finally
13 attempts to collect an overdue debt and it is 2
14 years after an incident, it brings the crime
15 back to life and then the victim wonders where
16 the restitution is.

5
17 Several years after his or her crime,
18 a victim might pick up a newspaper and read
19 about their offender being rearrested. It
20 brings their incident back to life and they
21 wonder why the system did not fix the offender.

22 There are a number of issues that
23 crime victims are faced with in the post-trial,
24 post-sentencing era of a crime. Probation or
25 parole of an offender is a serious issue, not

1 necessarily a bad issue. It is just something
2 that needs to be addressed for crime victims.
3 Crime victims trust that the system will work,
4 whatever that means for them. Victims trust the
5 process, and for the most part, trust those
6 people who work to make the process function,
7 until something goes wrong.

8 When a victim receives a letter from a
9 district attorney's office requesting
10 information about the losses they have incurred,
11 they may innocently assume that if they fill out
12 the paperwork and return it and a court orders
13 restitution, that they may, in fact, someday
14 receive the money they are owed. There is a
15 logical order to financially restoring a victim,
16 at least in a victim's mind, and I suspect in
17 the minds of those who designed the system.

18 I have used the following example in
19 previous testimony and I apologize for those who
20 have heard this story before. However, the case
21 scenario I am going to mention provides a
22 powerful message about the lack of respect in
23 trying to financially restore a number of crime
24 victims, and the lack of accountability of not
25 only the offender but the system. Please note:

1 In July 1990, Angela was sentenced to
2 1 to 12 months in Dauphin County Prison as a
3 result of pleading guilty to 23 counts of
4 forgery. Angela owes a total of \$3,340.80 in
5 court costs, fines and restitution. The last
6 time I checked, which was the end of March of
7 this year, Angela paid \$895. She has been
8 revoked from her parole 4 times.

9 The last time she went to court for
10 these charges was March 20, 1995, at which time
11 the judge resentenced her to 10 months and 11
12 days in Dauphin County Prison. She was granted
13 immediate release so that she can continue to
14 make payments. The \$25 per month supervision
15 fee was finally waived at that time. Today,
16 almost 5 years later, she is still being
17 supervised by the Dauphin County Adult Probation
18 and Parole Department for the 1990 sentence of 1
19 to 12 months.

20 In September, 1990, Veronica, Angela's
21 co-defendant, who has a prior history of
22 criminal activity; was sentenced to 1 and a half
23 to 3 years in a state correctional institution
24 for 45 counts of forgery. Veronica owes \$12,732
25 to Dauphin County for court costs, fees and

1 restitution. She was released from prison on
2 April 22, 1992, and sent to a drug and alcohol
3 treatment facility.

4 In November 1992, I spoke with a
5 parole agent. He indicated that Veronica will
6 be maxing out from parole in January of 1993. I
7 addressed the issue of restitution at that time.
8 Since Veronica only had 2 more months to be
9 supervised, it was not likely the money she owed
10 would be paid back.

11 In January 1993, I again spoke to the
12 same parole agent who indicated that Veronica
13 had absconded sometime in November and he was
14 instructed to pick her up only if she incurred
15 new charges. If Veronica was not picked up, her
16 case would be closed January 22, 1993. It was.

17 Restitution is a major factor in most
18 of the cases my agency gets involved with. In
19 the preceding case, the victims did what was
20 expected of them. The system did not make
21 Veronica completely accountable. Veronica, in
22 turn, failed in her responsibilities and
23 obligations. Would I walk away from a \$12,732
24 debt if no one made me or expected me to pay?
25 It's certainly something to consider.

1 I feel that in Dauphin County we are
2 asking victim to choose between punishment, jail
3 time, or financial restoration. If a defendant
4 is sentenced to a county sentence in Dauphin
5 County, there is a much better chance of
6 financial recovery. However, is it fair for a
7 victim of a stabbing to agree to a lesser
8 sentence in exchange for money? We do it.

9 Personally, I believe in the parole
10 system. I am very much afraid of flat sentences
11 in Pennsylvania. I want someone to be watching
12 ex-inmates who have spent 10 years of their life
13 in prison, gets released and who needs the
14 structure and support of being reintegrated into
15 society.

16 Victims trust that parole of an inmate
17 will not only hold them accountable if they
18 commit a new crime, but the offender will be
19 accountable for the original offense as well.
20 Supervision is a good thing. However,
21 supervision in terms of what victims and the
22 community perceive it to be and what it actually
23 is may differ. Drug dealers may be supervised
24 by an intensive drug unit and those offenders
25 may be seen by a parole agent 2 to 3 times per

1 week.

2 I am not suggesting that drug
3 offenders should not be highly supervised. I am
4 suggesting that an offender on medium
5 supervision may only be visually seen once every
6 3 months with collateral contacts in the
7 interim. An offender on minimum supervision may
8 be visually seen once per year. Assuming an
9 offender has done well at the other levels,
10 after 2 years they may be transferred to
11 administrative supervision, which means they may
12 be seen once per year. Is this supervision in
13 terms of what we want or think it should be?

14 When an offender is sentenced, whether
15 it be to a probationary sentence or jail time,
16 most victims want the system to somehow fix or
17 habilitate that offender. Victims are often
18 perceived to be revengeful when, in fact, they
19 just do not want anyone to ever have to feel
20 like they are feeling.

21 In order to prevent further
22 victimization of others, the problem the
23 offender has needs to be treated. Victims trust
24 and believe, and are lead to believe, that
25 fixing takes place in prison and/or when the

1 offender is being supervised on the street. If
2 that were the case, why do we have repeaters?
3 If the sentencing court mandates sex offender
4 treatment, the victim assumes that it will
5 happen.

6 A case in point was a severe domestic
7 violation case in which the defendant repeatedly
8 stabbed his wife and let her lay to die. She
9 did not. The defendant was sentenced to 2 and a
10 half to 5 years, less a day, in the county
11 prison after pleading guilty but mentally ill.
12 The defendant was to be transferred to a
13 veteran's hospital for inpatient counseling as
14 soon as a bed was available.

15 The victim was agreeable to the
16 sentence because she truly believed the offender
17 needed treatment. To this day, she still
18 believes he needs treatment. The defendant
19 spent almost 4 years in prison, spent the
20 remaining time on parole under the supervision
21 of the state parole system, and has never gone
22 to treatment except for the short-term
23 counseling provided through the jail.

24 Did the Parole Board know the details
25 of the agreement that was made? Probably not,

1 which leads me to the major point I would like
2 to address in talking about reform in the state
3 probation and parole system.

4 I would agree that there needs to be a
5 change and reform within our state system of
6 supervision of offenders. My biggest fear,
7 however, is that the whole system will not be
8 addressed. We may only be band-aiding a major
9 problem that I see as two-fold: Lack of
10 communication and lack of accountability.

11 Quite possibly, a third issue is lack
12 of concern. Until crime hits home we conduct
13 business as usual. We are asking the state
14 system to handle cases from 67 different
15 counties that handle the process differently in
16 each county. There is no uniformity which
17 creates confusion.

18 In York County, for instance, judges
19 often let restitution be determined by the State
20 Board of Probation and Parole. We don't see
21 restitution as being a major issue on the state
22 level as far as collection is concerned. How
23 can we expect the determination of an amount of
24 appropriate restitution by the board to happen?
25 Is anyone telling the board that they are

1 responsible for such a task?

2 In the case of Abdul Salaam Seifullah,
3 another case I have previously alluded to in
4 testifying before this committee, he was a
5 parole absconder. However, he was arrested
6 twice after being listed as an absconder. Are
7 we holding the rest of the criminal justice
8 system accountable for his release as we are the
9 Parole Board? I cannot understand why someone
10 did not catch it. If it was not possible to
11 catch it, then we need to create a way to
12 prevent it from happening again. A life was
13 lost in that case. It does not get any worse.

14 I truly believe that the reform should
15 encourage accountability, communication and a
16 sense of commitment to make a difference. I
17 only have a generic sense of the inner-workings
18 of the board; therefore, it would not be fair to
19 recommend suggestions for change.

20 However, I am in support of seeing
21 change that will not only allow for input and
22 information for crime victims, but a better
23 support and supervision system for the
24 offenders. Without changing the behavior of the
25 offenders we will only continue our efforts in

1 dealing with the aftermath that the victims are
2 left to deal with. Maybe the concept of
3 restorative justice system needs to be
4 evaluated. We need to make offenders
5 accountable to the victim, the community and to
6 themselves.

7 My true sense is that the entire
8 criminal justice system, and each and every
9 player involved, must be responsible for his or
10 her actions and decisions. How can we expect
11 offenders to be accountable and victims to be
12 restored if the system is not being held
13 accountable? We have a system that is
14 structured to work, at least in the design. It
15 may mean we don't totally revamp an existing
16 system, but it may mean tightening up the one we
17 already have.

18 Again, thank you for providing me with
19 this opportunity.

20 CHAIRMAN PICCOLA: Thank you very
21 much. Do members of the committee have any
22 questions? Representative James.

23 REPRESENTATIVE JAMES: Thank you, Mr.
24 Chairman. I just have one question. There's
25 been some suggestive changes and they may have

1 already taken place--things are moving so
2 rapidly up here--in moving the victim
3 compensation board, I think, under the Crime
4 Commission. How do you feel about that?

5 MS. REILEY-SNELL: I'm not sure how I
6 exactly feel about that particular movement, but
7 I would encourage anything that could make the
8 process for victims and filing victim
9 compensation claims and getting those claims
10 processed much more quickly, more efficiently;
11 making the process not so tedious for crime
12 victims. However we can do that to make it work
13 better I would support. If it means moving it,
14 if that would need to be done, then that would
15 be okay.

16 REPRESENTATIVE JAMES: Would that help
17 you as a victim agency locally do you think?

18 MS. REILEY-SNELL: If we made the
19 crime victims comp work more efficient?
20 Absolutely.

21 REPRESENTATIVE JAMES: Thank you.

22 CHAIRMAN PICCOLA: Representative
23 Masland.

24 REPRESENTATIVE MASLAND: Thank you,
25 Mr. Chairman. One observation which I thought

1 was very, very insightful when you used the word
2 habilitate. We always say rehabilitate. We
3 forget the fact that some people are not
4 habilitated to begin with, so how do we
5 rehabilitate? Some people, unfortunately, have
6 to be habilitated, and that was a good
7 observation on your part.

8 Yes, it is the penal system and I
9 believe there should be punishment. Since we
10 are going to eventually allow people to go back
11 on the streets, we do have to as part of a
12 comprehensive program, provide some things
13 within the prison setting so that they can be
14 habilitated. Thank you.

15 CHAIRMAN PICCOLA: Thank you very much
16 for your testimony. That concludes all of the
17 witnesses that we have today. I would advise
18 the members to be aware, this is not going to be
19 the last hearing on this bill. I don't know
20 whether we'll run one yet this month or not, but
21 most certainly it will come before the committee
22 by September.

23 If you have suggested changes,
24 comments or amendments you'd like to see
25 proposed, I suggest that you work with either

1 Majority, Minority, preferably both staff, and
2 bring those concerns to the attention of them
3 and the Chairman because we do intend to press
4 forward with this issue. I want to thank the
5 members for their attendance today. I want to
6 thank the staff for being here. This hearing is
7 adjourned.

8 (At or about 11:45 a.m., the
9 deposition concluded.)

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C E R T I F I C A T E

I, Karen Meister Meister, Reporter,
Notary Public, duly commissioned and qualified
in and for the County of York, Commonwealth
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Karen Meister - Reporter
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