

TESTIMONY BEFORE THE HOUSE JUDICIARY  
COMMITTEE

"PENNSYLVANIA BOARD OF PROBATION & PAROLE  
REFORMS"

Presented by

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Good morning, my name is Stover Clark and I am the Executive Director of the County Chief Adult Probation and Parole Officers Association of Pennsylvania. I want to thank Chairman Piccola and the members of the Judiciary Committee for this opportunity to present testimony regarding recommended changes to the Pennsylvania Board of Probation and Parole (Board).

Before I address my proposals, I want to describe the relationship between county adult probation and parole and the Board. County adult probation, while under the control and authority of the county court and the county commissioners, has a direct relationship with the Board. In 1965 the Parole Act was amended to expand the authority of the Board to create county probation regulations and standards regarding the hiring of new probation staff. The Grant-in-Aid program was initiated to encourage county departments to hire probation officers who met certain qualifications. In return for hiring officers meeting those standards, the Board would reimburse the counties up to eighty percent (80%) of the officers salaries. Over the past thirty years the Grant-in-Aid program has been very successful in professionalizing the operation of county probation. I would be remiss if I did not take this opportunity state that the Commonwealth has never funded the Grant-in-Aid program at the full eighty percent (80%) level. The proposed 95/96 State Budget calls for \$16.1M in state dollars for Grant-in-Aid -- a forty-seven percent (47%) reimbursement rate. This is a five percent (5%) decrease from the 1994/95 State Budget. To fund the Grant-in-Aid program at the full eighty percent level would require \$29.9M, or an additional allocation of \$13.7M. This decrease comes at a time when the responsibilities placed on county adult probation are increasing. We currently supervise over 140,000 offenders and it is projected that by the Year 2000 we will supervise over 200,000 offenders.

Changes to The Pennsylvania Board of Probation and Parole will have a direct relationship to the entire criminal justice system - county probation, county jails and the state prison system.

The incidents occurring over the past few months require that the current paroling system be reformed. While these incidents have been tragic, we must not lose this opportunity to put in place a revamped paroling system that does not compromise public safety and strives to assist inmates re-entering the community to become tax paying, law abiding citizens. I am confident we can accomplish this.

The following recommendations are consistent with Representative Piccola's reform legislation before us today.

1. We must differentiate between violent and non-violent offenders and the procedures for their parole hearing; and if released, the manner in which they are supervised in the community.

Offenders convicted of violent offenses should be interviewed by at least three board members, and there must be unanimous approval for release.

Non-violent offenders should be interviewed by a least two Board members, again requiring a unanimous approval.

Hearing Examiners would only be responsible for revocation hearings.

2. Establish a release classification grid for violent and non-violent offenders. The grid would create incrementally structured supervision levels. It is unrealistic to expect an offender who has been incarcerated for a substantial period of time to possess the skills and self discipline to rapidly adjust to community living. More importantly, higher levels of supervision and control would afford the Board more opportunity to scrutinize the offender and his potential for a successful re-entry.

This approach would be consistent with recently implemented reforms to the Pardon's Board that now require a minimum one year participation in a halfway house upon release.

The classification system would take into consideration the facts of the crime, age of offender, length of incarceration, as well as input from all concerned parties. Also considered, would be input from the correctional institution regarding their recommendations, but I would suggest that this information be given less weight than the other listed factors. The exception to this decreased value of correctional system input would be the information regarding institution misconducts - they should be given the same weight as other listed factors.

3. Establish internal procedures that ensure all pertinent information is gathered and available for all parole hearings. There must be a standard set of required information for review. Prior to a hearing, the Board as the must solicit information from the sentencing judge, district attorney and crime victim. Those parties should be given adequate time to forward their input to the Board. Parole hearings would not take place until that information is available. This would allow Parole Board members to view in totality the record of the offender under consideration. In cases where there is unsuccessful contact with any of these parties, it must be noted in the hearing record.

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

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

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

The Board currently has an employee compliment of approximately 650: of that number only 250 are actually supervising offenders in the community. I am not a management expert, but I would urge an examination of staffing patterns that would place more parole agents in the field. One

possible method to achieve this is the increased use of automated information management systems. This would decrease the amount of clerical support needed and increase the accuracy and timeliness of available information.

The use of automated information management technologies would improve the efficiency of the Board and would also allow the exchange of pertinent data between criminal justice agencies. Let me offer two examples of the benefits of automated information systems.

County adult probation is required to provide the Board with an offender status report when there is a change in supervision status, such as: committing a new crime, completed terms and conditions of probation or parole, delinquent status, etc. under current practice the county probation department completes a "308 -Status Report" card and mails it to the Board. Upon receipt, the Board sends the forms off to the Pennsylvania State Police where staff enters the data in their computer system. This information is required to update the police criminal history record that is made available to police departments throughout the Commonwealth when they conduct record checks of suspects or during routine traffic stops. After the information is entered into the State Police system, it is given back to the Board on computer tape for entry into the Board's computer system. Not only is this a cumbersome and costly process, the time required to transfer the data may take months. This results in the lack of accurate data for the police - they may make a routine stop and not be aware that the person is a county probation or parole absconder. Under a project initiated by the Chiefs Association, there are currently twenty-eight (28) probation departments using a standardized information system that has the capacity to automatically transfer offender status reports in real time. The Board is in the process of developing the necessary software and acquiring the hardware to receive county status information and immediately update State Police files. The goal is that every county probation department will have the capacity within the next three years to transfer information to the Board

The county automated management system has the capacity to produce a standardized presentence report and electronically transfer that to the Board. The Board in turn could electronically transfer that information to the Department of Corrections.

These endeavors have been sponsored by the Pennsylvania Commission on Crime and Delinquency and they continue to assist in the advancement of criminal justice system automation projects through their Criminal History Records Improvement Committee.

A significant portion of the information required for paroling decisions resides in the county criminal justice system and can easily be electronically transferred to the Board.

In addition to automated information management technologies, there are available technologies that can assist the Board with case management and increased supervision. Electronic monitoring is underutilized by both county probation and state parole. Electronic monitoring, used properly, can assist parole officers with management of low-risk offenders freeing up time to devote to the more risky offenders. Electronic monitoring can be used as an additional management tool for offenders posing a higher risk. There are private sector companies that provide monitoring services 24 hours-a-day, 365 days a year. These services include immediate notification of law

enforcement officials and other appropriate agencies of home confinement violations. I would urge the Board to utilize these private sector electronic monitoring services as a cost-effective manner in which to improve supervision of offenders. A note of caution - electronic monitoring must only be used as an adjunct or enhancement of parole services and not a replacement.

Next, I would suggest that the Board, as well as the Department of Corrections, develop a better partnership with the county criminal justice system. Since the passage of the Intermediate Punishment Act in 1991, counties have been developing an array of offender programs that are more restrictive than probation but less costly than jail. I think the Board should explore the possibility of contracting with the counties for the placement of technical parole violators into these restrictive programs. This would place the offender in a more restrictive setting while allowing the parole agent to monitor their behavior. It would decrease the reliance of the Board to place technical violators into costly state or county prison space. This approach should only be used for low-risk offenders and be incorporated into the revocation matrix described earlier.

Another law passed in 1991 created the Probation and Parole Supervision Fee. Under this statute, county probation and state parole were authorized to collect a supervision fee of up to \$25.00 per month from each offender under supervision. I must admit that I, as well as many members of the Chiefs Association were skeptical that this would change us into collections agents, increase jail populations with those refusing to pay, while not generating any substantial income for the improvement of probation & parole services. I will admit that I was wrong. In 1994 county probation departments collected over \$12,000,000 in supervision fees. We anticipate that this year \$13,000,000 will be collected. The Board has not been as successful as we have in collecting these fees. In 1994 the Board collected approximately \$700,000 in supervision fees. If the Board collected at the same rate as we do, they would generate an additional \$1.5 for their operations. Needless to say, that amount would help implement some of the proposed reforms.

I must add that supervision fees were intended to supplement not supplant state dollars for the improvement of probation & parole services. Unfortunately, under the past administration, there was a dollar-for-dollar deduction in the Grant-in-Aid subsidy for every dollar collected in supervision fees that passed from the county to the state and then back to the county. I would urge the committee to revisit the Supervision Fee Law and include language that prohibits the Commonwealth from supplanting state dollars with county collected supervision fees.

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

Finally, I support the elevation of Board of Probation & Parole to a cabinet level Department with a Commissioner appointed by the Governor. By elevating the Board to the Cabinet level you bring them in, on an equal basis, to the budget and policy development process. I also think that

it is important for functional purposes - as long as we maintain the current minimum / maximum sentencing structure, parole decisions must remain independent from prison overcrowding issues. We must never find ourselves in the position of releasing violent offenders at their minimum date solely based on the need to free up prison space. This is a disservice to the community and undermines the integrity of our criminal justice system. I realize that finite resource issues must be taken into consideration, and I hope that I have offered some reasonable suggestions to improve the parole system, while not breaking the bank or compromising public safety.

I believe the bill before you today represents a balanced approach for the needed reforms of the Parole Board. I thank you for this opportunity to present these comments and I am available to answer your questions.