

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

\* \* \* \* \*

Oversight Hearing of the  
Board of Probation and Parole

\* \* \* \* \*

House Judiciary Committee

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

Friday, September 15, 1995 - 10:10 a.m.

--oOo--

BEFORE:

Honorable Jeffrey Piccola, Majority Chairman  
Honorable Al Masland  
Honorable Thomas Caltagirone, Minority Chairman  
Honorable Harold James

KEY REPORTERS

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ALSO PRESENT:

Brian Preski, Esquire  
Chief Counsel for Judiciary Committee

James Mann  
Majority Legislative Analyst

David L. Krantz  
Minority Executive Director

Daniel DeLash  
Minority Committee Secretary

Galina Milohov  
Minority Research Analyst

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1                   CHAIRMAN PICCOLA: The hearing will  
2                   come to order. This hearing has been called  
3                   this morning for the purpose of oversight to  
4                   hear from the Pennsylvania Board of Probation  
5                   and Parole. Over the last year or year and a  
6                   half, as a result of a number of high profile  
7                   and badly managed cases by that agency, and also  
8                   as a result of internal strife that has come to  
9                   our attention and public attention within the  
10                  agency, much concern has been developed in the  
11                  General Assembly about the operation of the  
12                  Pennsylvania Board of Probation and Parole.

13                  I personally have some concern that,  
14                  as of the beginning of this year there was some  
15                  sense that the primary mission of the board had  
16                  been lost; that mission being, of course, the  
17                  protection of public safety.

18                  I am heartened by the appointment of 3  
19                  very experienced, new members by Governor Ridge  
20                  and their confirmation by the Senate. These 3  
21                  individuals have extensive experience in the  
22                  parole experience and systems. Probably more  
23                  importantly, they are new and fresh and outside  
24                  faces who did not come from within the existing  
25                  Pennsylvania Board of Probation and Parole.

1           We have invited the entire board here  
2           today to give us a report on what the current  
3           situation in the agency is; to give us some of  
4           their recommendations as to what we might want  
5           to do legislatively, as well as budgetarily, in  
6           order to make sure that the primary mission  
7           of the agency to protect the public safety is  
8           enhanced to the maximum.

9           With that, I would like to introduce  
10          some members of the committee who are present.  
11          Representative Caltagirone from Berks County,  
12          Minority Chairman, and Representative Al Masland  
13          from Cumberland County. I think the rest are  
14          staff that are up here. I'll ask them all to  
15          introduce themselves.

16          MR. LUTTON: Jeffrey Lutton, intern at  
17          Slippery Rock University; Christian Towers,  
18          Weidner University Law School; Chris Farrell  
19          Weidner University Law School.

20          MS. MILOHOV: Galina Milohov, Research  
21          Analyst.

22          MR. PRESKI: Brian Preski, Chief  
23          Counsel of the committee.

24          CHAIRMAN PICCOLA: At this time I'll  
25          recognize the Chairman of the Pennsylvania Board

1 of Probation and Parole, Nick Muller. If you  
2 would introduce before you begin your colleagues  
3 who are seated there so the stenographer has a  
4 record who everyone is before we begin.

5 MR. MULLER: Thank you. First to my  
6 left Mary Achilles, the Victim Advocate; Michael  
7 Webster, member of the board; Gary Lucht,  
8 member; to my right Allen Castor, member; Dave  
9 Dillingham who is a correctional program  
10 specialist with NIC who is here to give a  
11 supplemental presentation, and Sean Ryan, board  
12 member.

13 We appreciate the opportunity to  
14 appear before the committee to give you an  
15 update on where the board stands on some  
16 important issues and our progress. This has  
17 been quite an interesting 11 weeks for the new  
18 board.

19 Within the first few months of taking  
20 office, Governor Ridge was met with the public  
21 furor over the sensational cases of Robert  
22 "Mudman" Simon, Reginald McFadden, Abdul Salaam  
23 Seifullah, and Jason Bader, all of whom were  
24 recent releasees from custody and who had  
25 committed horrible crimes. An assessment of

1 each case raised serious concerns about the  
2 decision making of the parole board and the  
3 supervision of its agents.

4 During the early months of the current  
5 administration, Governor Ridge ordered a  
6 transition report prepared on the Pennsylvania  
7 Board of Probation and Parole. As a result of  
8 findings of deficiencies in our agency, the  
9 Governor ordered that the Office of Inspector  
10 General provide an in-depth and independent  
11 assessment of the agency by conducting a  
12 thorough review of all aspects of the Board of  
13 Probation and Parole's management and operation.

14 In an executive summary dated June 27,  
15 1995, the section entitled "System-Wide  
16 Assessment" asserts that the OIG found serious  
17 deficiencies in the management and operation of  
18 the Board of Probation and Parole. The agency's  
19 problems are routed in its management,  
20 ill-defined mission, inadequate human and  
21 technological resources, increasing parole  
22 population, and overcrowded prisons.

23 There were hearings before the  
24 Judiciary Committee of both Houses of the  
25 legislature that echoed these concerns. During

1 the confirmation hearings and individual  
2 meetings with various senators and  
3 representatives, Mike Webster, Sean Ryan and I  
4 heard these issues.

5 The Governor took steps to address the  
6 first of the Inspector General's observations in  
7 putting a new management team into place at the  
8 Board of Probation and Parole. We have a  
9 unanimous commitment from all board members to  
10 work together to root out the historic problems  
11 that have interfered with our efforts, and to  
12 return our agency to the respect it once  
13 enjoyed.

14 If I may divert briefly, one reason we  
15 wanted to have all members of the board was to  
16 buttress our feeling that we have a unanimous  
17 board decision to go forward.

18 We are in the process of refining our  
19 mission by looking thoughtfully at what we are  
20 doing and what we should be doing. To the  
21 extent we are able, we have pledged to provide  
22 the needed leadership and control that our  
23 agency needs and deserves.

24 The increasing parole and prison  
25 population exist. The growth of the prison



1 population has been faster than that of our  
2 agency, partially because of our agency. We  
3 have taken seriously the charge of the Governor,  
4 the legislature, and other responsible voices  
5 around the Commonwealth that have called for  
6 close scrutiny of any decision that will return  
7 violent, or potentially violent predators to the  
8 community. Consequently, there has been a  
9 careful, though time-consuming, review of the  
10 cases being reviewed for parole or reparole.  
11 That will continue.

12 On the other hand, there is the widely  
13 accepted understanding that inmates should be  
14 paroled at their minimum date, barring  
15 misbehavior in the institution or new  
16 information that would preclude release. This  
17 understanding has been asserted by people  
18 carrying out the oath of office that we took in  
19 performing careful reviews of the instant  
20 offense, the characteristics of the offenders,  
21 the progress in the institution, and foremost,  
22 the safety for the community.

23 In these reviews, we consider the  
24 quality of the supervision that will be given to  
25 parolees under our jurisdiction, and this is no

1 indictment of the professionalism of our parole  
2 agents. Rather, it is a simple matter of  
3 numbers and resources.

4 There are many offenders who merit  
5 parole at the earliest possible time. There are  
6 some who do everything they can to obviate any  
7 consideration for parole. It is the case in the  
8 middle ground that is the tough call. It's not  
9 a question of where the vast majority of  
10 prisoners are released, but when. I submit that  
11 it is preferable to have almost any prisoner  
12 released under supervision for a significant  
13 period of time, rather than to have him or her  
14 return to the community with no controls.

15 It is difficult to consider ordering  
16 the release of a person who will require  
17 intensive supervision, knowing full well that  
18 that parolee will become just another of  
19 hundreds of cases that get, at best, token  
20 supervision. If the decision means that we  
21 cannot in good faith feel that the people in the  
22 community are reasonably being protected, the  
23 refusal of parole is the better option. We do  
24 not deal in guarantees. We deal in risk  
25 reevaluation and control. Enough failures will

1 occur in the normal course of human interaction.  
2 We strive not to contribute to those failures by  
3 putting people in the communities who have  
4 failure written all over them.

5 As you know, there were only 2  
6 members, Allen Castor and Gary Lucht from early  
7 May until early June when Michael Webster began  
8 his term. In July, Sean Ryan and I joined the  
9 board.

10 There was a backlog of approximately,  
11 1,985 cases that required review by board  
12 members. This backlog has resulted in an  
13 increase in the number of inmates in the control  
14 of the Department of Corrections. In order to  
15 work on this, especially on the cases requiring  
16 multiple signatures by board members, we  
17 assembled the members and support staff on 3  
18 occasions of 2 to 3 days to review a total of  
19 approximately 1,200 cases. This was a laborious  
20 procedure for a number of reasons.

21 First was the serious nature of the  
22 offenses and the people who committed them.  
23 Second, there was the sheer volume of files  
24 before us. Third, as you have been advised over  
25 and over, there's a severe deficiency in the

1 information systems in our agency. Hopefully,  
2 we will work through the backlog in the near  
3 future, but there will constantly be an influx  
4 of new cases to consider.

5 In addition to the above reviews, 701  
6 cases were reviewed and signed in Central Office  
7 or in regional offices, and all but 388 cases  
8 have been entered as of September 11, 1995. Of  
9 these, 288 are being checked for victim input.

10 There are approximately 1,000 new  
11 cases that are awaiting board action that have  
12 originated as a normal course of activity at the  
13 board.

14 In our estimation the IG's observation  
15 that we have experienced, and continue to  
16 experience inadequate human and technological  
17 resources, presents the foremost problem for our  
18 agency. However, this is hardly new  
19 information.

20 During the 10-year period from 1983 to  
21 1993, there were 8 reports that pointed out the  
22 fact that, in various ways, we are a resource  
23 starved agency. These were reports from the  
24 Pennsylvania Commission on Crime and  
25 Delinquency, a Governor's task force, the

1 Legislative Budget and Finance Committee, a  
2 Governor's Commission, and the House Judiciary  
3 Committee. We are here to echo the message that  
4 we simply must have more resources to get the  
5 job done.

6 In June of this year, after Senate  
7 confirmation, Governor Ridge presided at the  
8 swearing-in of Mary Achilles as the  
9 Commonwealth's first Victim Advocate. This much  
10 needed position was placed at the Board of  
11 Probation and Parole. A vivid example of the  
12 state of our resources is that Mary had to  
13 borrow secretarial help from the Pennsylvania  
14 Commission on Crime and Delinquency to get her  
15 operation started. We are still in the process  
16 of securing the support positions for this  
17 integral part of our mission of protection of  
18 the public. Why, you may ask, did we not simply  
19 assign people to work for Mary, or hire someone?  
20 There were simply no positions available.

21 Mary Achilles, the Victim Advocate, is  
22 dedicated to the rights of the victims of the  
23 offenses committed by the offenders in  
24 institutions and those on parole supervision.  
25 She has opened communications within the

1 victims' services community, as well as  
2 correctional professionals. She deserves the  
3 resources to fulfill her mission.

4 Another glaring example of the  
5 inadequate human and technological resources at  
6 the board can be seen in the safety concerns of  
7 board personnel. At a recent staff meeting in  
8 the Philadelphia district office, a new parole  
9 agent pointed out that in 5 months she had not  
10 received her handcuffs. She was not  
11 complaining. She simply wants the tools to do  
12 her job.

13 Some of our parole agents have been  
14 issued ballistic vests that were handed down  
15 from the Pennsylvania State Police because their  
16 warranties had run out. We did not intend to  
17 issue inadequate equipment, but an old vest is  
18 better than no vest. Our agents go into  
19 dangerous situations with radios that are  
20 inadequate to summon assistance from the police  
21 if needed.

22 Our C Street location in Philadelphia  
23 is in a building festooned with gang-related  
24 graffiti, with grates installed over the windows  
25 for protection. There was a previous

1 arson-related fire in our quarters, and a little  
2 over a week ago a fire in another part of this  
3 warehouse has disrupted our operations. At its  
4 best, this location is not fit for carrying on  
5 the professional business of this Commonwealth.

6 Strangely enough, though, when I  
7 toured this embarrassing excuse for office  
8 space, the agents were smiling and had a  
9 relatively positive attitude. This is a tribute  
10 to the kind of dedicated staff that works for  
11 this board; certainly, not a reflection of  
12 respect that has been shown them in their work  
13 area.

14 We have made efforts to attack the  
15 deficiencies in the Board of Probation and  
16 Parole. Please allow me to relate some of our  
17 efforts.

18 The former practice of allowing the  
19 cases of parolees, who were in absconder status  
20 at the expiration of the period of supervision,  
21 to be closed has been discontinued. All such  
22 previous orders have been rescinded and  
23 pertinent cases have been placed in delinquent  
24 status so that they will remain in NCIC and  
25 other data bases.

1           The board has undertaken a  
2 regionalization project for the members and the  
3 way we approach our work. In the past members  
4 would travel to institutions all over the  
5 Commonwealth for hearings. Given the location  
6 of the members, 2 in the northwest and 2 in the  
7 southeast, it was decided that there would be  
8 regional assignments to reduce their travel  
9 time. Gary Lucht and Michael Webster regularly  
10 meet in either Erie or Mercer to staff cases  
11 requiring multiple reviews, as do Allen Castor  
12 and Sean Ryan in Philadelphia. Cases requiring  
13 third signatures come to Central Office where I  
14 perform administrative management for the board.

15           In mid August a director of the office  
16 of Management Services was added to provide  
17 oversight for administrative functions.

18           We have met with a representative of  
19 the National Institute of Corrections who has  
20 been very responsive to our requests for  
21 technical assistance. We have asked for their  
22 help in reviewing our case management practices,  
23 our system of management of information, and we  
24 have with us Dave Dillingham who will give  
25 further information on that this morning.



1                   The Executive Directors of the  
2                   Pennsylvania Commission on Crime and Delinquency  
3                   and the Pennsylvania Sentencing Commission have  
4                   agreed to work with us to provide external  
5                   review of the parole decision-making guidelines.  
6                   These agencies have a long association with the  
7                   Board of Probation and Parole, a clear  
8                   understanding of our mission and operation, and  
9                   most importantly, the expertise to guide us  
10                  toward guidelines that are statistically valid  
11                  and reflect the state of the art in current  
12                  correctional practices. This process will take  
13                  several months, but the product will be well  
14                  worth that investment in time.

15                  Though not at the initiative of the  
16                  board itself, we have been enhanced by Governor  
17                  Ridge's appointment of Mary Woolley as the  
18                  policy officer for criminal justice. Ms.  
19                  Woolley has been of great assistance to us in  
20                  providing liaison with the Governor's office and  
21                  with the other agencies under her aegis,  
22                  primarily the Department of Corrections.

23                  I have been appointed by Governor  
24                  Ridge to a task force to work to improve the  
25                  procedures regarding the interstate compact. As

1           you will recall, one of the systemic breakdowns  
2           in the Robert Simon case concerned how he came  
3           to be transferred to New Jersey, and the  
4           supervision that resulted from inadequate  
5           information. I am working with counterparts  
6           from New Jersey and Delaware under the direction  
7           of their chief executives to review how we can  
8           all do a better job and protect citizens of all  
9           states.

10                        At this time I wish to switch gears  
11           and give you a report on the state of the Board  
12           of Probation and Parole.

13                        Senator Mike Fisher has posed a  
14           serious question: Are there anymore, quote,  
15           Mudmen, closed quote, out there? We have taken  
16           a serious look at the information that we have  
17           available, and it is hard to answer directly.  
18           We certainly hope that there are no cases that  
19           represent the series of breakdowns in the  
20           paroling and supervision process that  
21           characterized this case.

22                        We have directed all district  
23           directors to review the cases under their  
24           control and to determine if there are any  
25           offenders who even approach the characteristics

1 of such a case, and take any necessary action to  
2 impose conditions of supervision to reduce the  
3 risk of the tragedy that was the "Mudman". I  
4 can assert that all cases that have been  
5 considered for release on parole have been  
6 subject to thorough review, with an eye toward  
7 the dangerousness of the individual, in addition  
8 to any programming and behavior in institutions.

9 A large number of parolees have  
10 characteristics of a violate offender, as much  
11 as 20 percent of our population. We are in the  
12 business of risk control. I feel that the  
13 parole agents of this board are dedicated public  
14 servants who are doing the best that they can to  
15 provide supervision, but the odds are against  
16 them. The caseloads are entirely too high to  
17 effectively control the risk to the public.

18 The numbers of 85 to 1 for general  
19 caseloads and 45 to 1 for specialized units have  
20 been proffered as goals. They would be a  
21 drastic improvement for our embattled agents  
22 with average caseload of 109; but even those  
23 numbers are too high. It is difficult to give  
24 an optimum suggestion for the ratio of parolees  
25 to agents; but something on the order of 60 to 1

1 for general caseloads and 35 to 1 for  
2 specialized units would seem more appropriate  
3 for the people whom we supervisor.

4 A simple glance at the numbers would  
5 suggest that if an agent supervising a  
6 specialized caseload, one that would demand  
7 close supervision, gave each of 35 cases one  
8 hour of attention per week, there would be very  
9 little time left for travel, paperwork, lunch,  
10 illness, etc. Granted, a general caseload would  
11 require less intensive casework, but less than a  
12 half an hour of attention each week is not much.

13 There have been calls for increased  
14 review of cases for paroling decisions. With  
15 the current 5-member board we are stretched to  
16 accommodate the hearings at 21 state  
17 institutions, and many county jails, much less  
18 to provide the multiple reviews of dangerous  
19 people being considered for parole. We agree  
20 that there is a definite need for multiple  
21 reviews to better control the risk of releasing  
22 the wrong people, but we need help to do the  
23 job. We are recommending that the parole board  
24 be increased to 9 members, so that we can keep  
25 up with a population that has drastically

1           increased over the years.

2                       We realize that this committee is not  
3           the proper venue to ask for increased funding,  
4           but we must point out the fact that our agency  
5           is sorely underfunded. It has often been  
6           suggested that the simplest procedures manual  
7           for any operation is three words: Do your best.  
8           For our agency that translates to: Do your best  
9           with what you have.

10                      Our agents are not only battling  
11           staggering caseloads, but they also lack the  
12           safety equipment and support to get their jobs  
13           done. The agents of the Pennsylvania Board of  
14           Probation and Parole are professionals who are  
15           risking their lives every day in an occupation  
16           that is every bit as hazardous as any police  
17           agency in this Commonwealth.

18                      The temptation is to say, why not just  
19           keep them locked up? We do not have enough  
20           institutions to accomplish that now, and I do  
21           not believe that it is feasible to do so for the  
22           future. Commissioner Horn absolutely needs  
23           increased funding. Corrections has, just like  
24           the board, been underfunded for so long that it  
25           is a credit to his management that he has been

1           able to keep control of the population that he  
2           has, with some old institutions that are far  
3           from the state of his art. I submit that both  
4           of our agencies can be served by increases in  
5           funding for the Board of Probation and Parole.

6                         With more parole agents on the street,  
7           and increased surveillance available, the tough  
8           calls for parole decision making can be made  
9           with better chance for risk control. With more  
10          commitment options, such as intermediate  
11          punishment initiatives, we can recommit  
12          violators to shorter term, intensive programs,  
13          conserving bed space in the institutions for  
14          those more in need of them.

15                        We have great respect for the  
16          Department of Corrections, but our 2 agencies  
17          are only part of the spectrum that is the  
18          criminal justice system. I may seem to be  
19          working at cross purposes to the theme of more  
20          resources for our agency, but I must point out a  
21          disturbing thing that pops up again and again in  
22          review of cases; that is, domestic violence.  
23          We have identified a need for specialized  
24          programs for parolees who are perpetrators for  
25          domestic violence. We'll work with the Women's

1 Planning Commission on Pennsylvania Commission  
2 on Crime and Delinquency toward that end. I  
3 urge the legislators to continue the effort to  
4 prevent domestic violence at all levels.

5 Education and intervention in the  
6 communities is necessary. By the time an abuser  
7 gets to a state institution, a trail of victims  
8 is left in his or her wake.

9 We appreciate the time that you have  
10 afforded us to report on where we are at this  
11 time. We fully intend to seek such  
12 opportunities in the future.

13 For the information of the committee  
14 we have, I guess they would roughly be called  
15 visual aids. We have taken some pictures of  
16 some of the issues we are concerned with. We  
17 have a series of pictures of the filing system  
18 that is used for this branch of the government.  
19 Basically, it's boxes. We are working with  
20 1950, maybe 1940 technology, and we wanted to  
21 present 7 photos to the committee just to  
22 indicate the technology.

23 The last, Representative, is a picture  
24 of the C Street that I referred to. This is a  
25 picture that represents the state of our art at

1 one of our offices in Philadelphia. This  
2 picture is pre-fire. It's not quite even this  
3 pretty at this point.

4 We have other charts available to the  
5 committee created with the cooperation of PCCD  
6 who has some very nice chart making capabilities  
7 to present different aspects of the supervision  
8 that we perform. In there the second actual  
9 chart presents contingencies that are used. Our  
10 position is, we're reticent to send anyone to  
11 the street who is not getting good supervision.

12 In the past we have had very large  
13 caseloads. In order to have some sort of  
14 administrative control over these caseloads,  
15 contingencies were introduced. Essentially,  
16 when a caseload reaches a point that is  
17 unmanageable, a lower contingency, meaning fewer  
18 contacts, but contacts as understood by the  
19 board as a minimum come into play.

20 In 1990 a rather small percentage of  
21 our caseload met the contingency level. In  
22 1994, we're at the position that in excess of 80  
23 percent of the people under supervision are  
24 being given less supervision than we would like  
25 for them to have. This is not an indictment of





1 committee, I'd like to introduce Dave Dillingham  
2 from NIC who is a correctional program  
3 specialist to present some information on how we  
4 might approach that goal.

5 CHAIRMAN PICCOLA: Before you do, Mr.  
6 Muller, would you tell the committee precisely  
7 how many agents you now have and then what the  
8 increased complement is? I understood you said  
9 you were increased by 57 agents.

10 MR. MULLER: We are right at 279  
11 agents on the street. Then the 54 that the  
12 Governor specifically designated as agents are  
13 going to be added to that; plus, we have  
14 identified a need of approximately 9 more out of  
15 the remaining portion of the 81 as agents.

16 CHAIRMAN PICCOLA: I think that will  
17 help when we get into the caseload issue.

18 MR. MULLER: Yes, sir. I misspoke.  
19 We have 294 and then we are going forward with  
20 the 54.

21 CHAIRMAN PICCOLA: Mr. Dillingham, you  
22 are recognized.

23 MR. DILLINGHAM: Thank you. Mr.  
24 Chairman, and members, I appreciate the  
25 opportunity to be here today and to talk briefly

1 about 2 innovations in probation and parole.  
2 One is objective classification and a little  
3 more extensive on workload case management.

4 In our attempts to deal with the crime  
5 and provide public protection in the United  
6 States, attention is focused largely on prison  
7 populations. However, this ignores what has  
8 been going on in the community, primarily in  
9 probation and parole. Our prison population is  
10 up. The number of individuals on probation has  
11 increased at an even faster rate and parole is  
12 the fast growing of all. Pennsylvania is  
13 certainly an example of that.

14 Out of this unprecedented growth and  
15 population that's to be supervised, two  
16 innovations have occurred. One is the use of  
17 objective classification. A process of sorting  
18 offenders into various levels of risk,  
19 likelihood to reoffend so the resources can be  
20 targeted against those of the highest risk.

21 The second is the use of workload  
22 measures. Both have resulted because of the  
23 population growth occurring during a time when  
24 there's been very limited resources; in many  
25 cases declining resources. Objective risk

1 classification seeks to sort individual  
2 offenders in homogeneous or like groups with  
3 varied degrees of risk to reoffend. Much like  
4 the insurance companies go about assigning risk  
5 to automobile owners, so correctional  
6 researchers develop instruments looking at  
7 factors which are commonly associated with  
8 reoffending, and then can assign risk to those  
9 groups of individuals. In the simplest terms,  
10 the more of those risk factors which are present  
11 the greater the likelihood that a reoffense will  
12 occur.

13 Applying these risk instruments to an  
14 offender population then produces subgroups of  
15 more homogeneous offenders who can be assigned  
16 to difference levels of risk; normally high,  
17 medium and low, depending upon the likelihood of  
18 reoffending.

19 For administrators, correctional  
20 administrators and certainly for the public,  
21 this has obvious benefits. Limited resources  
22 can now be focused on those groups most likely  
23 to commit new crimes.

24 The second innovation that we are  
25 talking about is the use of a workload

1            accounting system. It's closely linked with  
2            this idea of classification. It's a matter of  
3            better managing resources. Classification  
4            process sorts individuals into different  
5            categories of risk. Then workload management  
6            can be used to better determine the resources  
7            which are needed to provide and give a level of  
8            service and how to best distribute those  
9            resources equitably.

10                    The concept of workload represents a  
11            departure from the commonly and more  
12            traditionally used method of relying on caseload  
13            size, simply looking at the number of offenders  
14            assigned to each officer to supervise. The  
15            assumption with caseload is that, size equates  
16            with the opportunity to deliver services and  
17            more services that are delivered, either  
18            surveillance or interventions will result in  
19            better outcomes. The smaller the caseload, the  
20            more service delivery, assuming then you will  
21            have better outcomes.

22                    At some point when caseload sizes  
23            begin to increase, there will be a decline in  
24            that favorable outcome. Sooner or later that  
25            reaches an unacceptable level. Likewise, in

1 terms of workload management, it's assumed that  
2 all caseloads of a given size are roughly equal.  
3 Workload will be distributed equally among all  
4 staff if they have the same size caseload. It  
5 recognizes that some cases take more time than  
6 others, but it assumes that overtime, and on the  
7 average a case that requires a good deal time  
8 will be offset by a case that requires less  
9 time. So, you have equity among caseloads.

10 In practice, however, this approach  
11 has serious flaws. Research has consistently  
12 failed to show any corollary between caseload  
13 size and beneficial outcomes. It's become clear  
14 with research that it's not the time to deliver  
15 services that makes a difference, but the kinds  
16 of services that are delivered to the different  
17 kinds of offenders. The key to enhance outcomes  
18 is delivering services to higher risk cases and  
19 targeting those deficits or needs of the  
20 offender that are closely linked with criminal  
21 behavior.

22 The problem with caseload and without  
23 a workload system is that officers may have  
24 their own ideas about what is important to  
25 change, who is important to watch, and this may



1 effort required for supervision, investigation  
2 and other essential tasks of an agency and its  
3 staff are measured and determined, and then  
4 standard is set for acceptable performance.  
5 Total workload is determined by connecting a  
6 time study to see how long it takes to do those  
7 tasks at that level of performance that you  
8 decided you want. Then by looking at the total  
9 workload effort required, the number of staff,  
10 you have a rational and more empirically based  
11 bases for determining the staff and the  
12 resources which are needed to perform the task  
13 of that agency.

14 The second issue is then, how those  
15 resources, staff and resources can be most  
16 equitably distributed so that the work is done.  
17 It requires clearly identifying the task that  
18 the agency wants performed. It requires  
19 developing standards reflecting the level of  
20 performance that's expected, and it requires  
21 some method for objectively determining the time  
22 required to perform those tasks. With these in  
23 hand, it becomes possible with the staff  
24 available and determine whether you have enough  
25 or don't have enough.



1           The total work hours in a month are  
2           determined by taking the total number of hours  
3           available to staff in a given week and then  
4           deducting out of that nonservice delivery time,  
5           vacation, sick leave, administrative task. That  
6           time left over then serves as the time you have  
7           for delivery of services. That then, prepared  
8           with the workload, gives you an idea of how well  
9           you are doing in terms of staffing resources.

10           The advantages over caseloads is a  
11           means of defining needy resources are relatively  
12           obvious. Done correctly the process requires  
13           objectivity and rationality in determining  
14           what's needed; how many staff are needed at any  
15           given level to provide a level of service.

16           If the resources are not there, then  
17           it becomes possible to either argue for more  
18           resources or to say what services need to be  
19           cut? What we're not going to do? If cutting  
20           back is required, and frequently it is, it makes  
21           this an explicit open process with everyone  
22           involved knowing what's being given up and what  
23           the potential consequences are.

24           Finally, it greatly facilitates the  
25           equitable distribution of work among staff.

1           Given any mix of clients and level of service to  
2           be provided, the work involved is known and the  
3           resources can be shifted as needed.

4                       That's, in brief, the concepts of  
5           classification and workload. They really do  
6           represent the direction that probation and  
7           parole are going throughout the country, and I  
8           think holds a good deal of the promise what can  
9           be done here in Pennsylvania. It represents a  
10          way of better doing the job, providing the  
11          protection that the public has every right to  
12          expect, and doing it in the most cost-effective  
13          way possible.

14                      I thank you for the opportunity to  
15          make those comments. If there are questions I  
16          will be glad to answer them.

17                      CHAIRMAN PICCOLA: Well, my first  
18          question is, how much of that -- It sounds  
19          eminently commonsensical. How much of that is  
20          being done in Pennsylvania, if any?

21                      MR. DILLINGHAM: Pennsylvania can  
22          answer that better than I. I do know they have  
23          used the workload in the past. There is an  
24          obvious gap between resources available and what  
25          needs to be done.

1                   MR. MULLER: Mr. Chairman, we promised  
2 Mr. Dillingham that we wouldn't put him in the  
3 middle of trying to evaluate our operation.  
4 He's in as our visiting hired gun to help us to  
5 do something that we know we have a need for.  
6 We've been under the gun, making a lot of  
7 decisions.

8                   In our brief tenure together, we have  
9 exactly the same question. We're not sure.  
10 This is something that we have to take on. I  
11 can't give you an answer. Our suspicion is,  
12 there have been a lot of decisions made on the  
13 flag; filling gaps that have come up, putting  
14 out fires, a lot of other euphemisms for making  
15 quick decisions and institutionalizing.

16                   MR. RYAN: Mr. Chairman, I would like  
17 to respond though too because I am familiar with  
18 the system. The agency that I worked in  
19 previously had implemented the NIC model  
20 classification system which Mr. Dillingham is  
21 talking about. I also want to point out that  
22 the Pennsylvania Board of Parole was the agency  
23 in Pennsylvania in 1983 that initiated workload  
24 based supervision for the entire state.

25                   I will point out that some preliminary

1 research that I had done with the Board of  
2 Parole indicated that we have approximately 130  
3 some hours available for each agent to conduct  
4 supervision, do the paperwork. As Mr.  
5 Dillingham pointed out, we arrived at this  
6 figure after deducting vacation, sick time,  
7 administrative time, and so on.

8 I have also determined and I think the  
9 charts will bear out in front of you that we are  
10 currently operating and have been for some  
11 period of time about 145 percent capacity, which  
12 makes it virtually impossible to carry out  
13 effective supervision on high-risk offenders.

14 I'll also point out that the  
15 contingencies which Chairman Muller had talked  
16 about basically means, instead of adding the  
17 staff that is required to supervise people  
18 safely and effectively, what we have done  
19 instead over the years due to lack of resources  
20 is reduce the amount of supervision for each of  
21 these people in order for everybody to be seen  
22 at least a little bit.

23 I professionally feel that that  
24 approach has really resulted in the Board of  
25 Parole not being able to carry out its mission.

1 I also have definite immediate concerns about  
2 public safety if that's allowed to continue.

3 CHAIRMAN PICCOLA: The individuals who  
4 are entering onto parole that you are making  
5 decisions on now, are they subject to any  
6 classification risk review? Obviously, you have  
7 some 20,000, 30,000 active cases right now.

8 MR. MULLER: Yes, sir.

9 CHAIRMAN PICCOLA: Looking at those  
10 photographs of boxes, that would seem to be a  
11 monumental task to go into them and to classify  
12 them along the lines the gentleman suggested.  
13 What about the ones coming out now from prison?  
14 Are they being classified along risk lines and  
15 workload assigned accordingly?

16 MR. MULLER: We are in the process of  
17 learning more about the different options that  
18 are available to us at all times. We have been  
19 together now for about 11 weeks. The level of  
20 the problem becomes more apparent all the time.

21 The control that I can offer is that,  
22 the 5 of us at various stages through the last  
23 several months have been through an experience,  
24 learning that we have to have careful review.  
25 We have 2 members who are much more experienced

1           than 3 of us. When we conduct our reviews,  
2           especially the ones that require multiple  
3           reviews, there's a lot of interaction among us  
4           with an idea toward reducing to which community,  
5           with which available resources, and what kind of  
6           controls we can put on.

7                         We can't give a hundred percent  
8           assurance that we are putting people out into  
9           really great supervision. We try to put enough  
10          conditions on, mandated by the board members for  
11          more risk control. That's the best answer I can  
12          give you, sir.

13                        CHAIRMAN PICCOLA: This is rather  
14          disturbing because, I mean, and I certainly  
15          appreciate and congratulate you for your  
16          frankness and willingness to come forward, but  
17          it sounds to me like the purpose for which we  
18          created this agency--that is, the protection of  
19          public safety--simply is not occurring to a  
20          large degree unless you and we, along with the  
21          Office of Governor, takes some actions you have  
22          recommended. Am I summarizing that's what you  
23          are here to tell us?

24                        MR. MULLER: Yes, sir.

25                        CHAIRMAN PICCOLA: The specific

1 questions on your testimony, the 1985 cases that  
2 you characterize as a backlog, do I understand  
3 that to be individuals within the Department of  
4 Corrections under their custody who have reached  
5 their minimum but not yet been reviewed for  
6 parole?

7 MR. MULLER: Yes, sir. The backlog  
8 occurred at a point where we had basically only  
9 2 members trying to do the work of 5. So, it  
10 was difficult to keep up, and with the "Mudman"  
11 hearings and the agency disruption that the  
12 whole "Mudman" experience created, we fell  
13 behind. It has taken us time to go into,  
14 basically, a retreat situation where we put  
15 enough people in the same room to force our way  
16 through these boxes of cases.

17 CHAIRMAN PICCOLA: What is the backlog  
18 now?

19 MR. MULLER: It's under, I don't  
20 recall the exact number, 388, 488, something  
21 like that. It gets confounded, Mr. Chairman, by  
22 more people constantly coming in. We can never  
23 have a moratorium on releases so we can catch  
24 up. They are constantly feeding into the  
25 pipeline.

1                   CHAIRMAN PICCOLA: But it's  
2 significantly less than the --

3                   MR. MULLER: Yes, sir. We have made a  
4 conscientious effort. I can speak for the other  
5 members who have been putting a lot of miles, a  
6 lot of hours, working in institutions,  
7 conducting hearings, taking boxes in cars home  
8 to work on them to work through the backlog.  
9 When we meet in our little retreats to go  
10 through these cases, it's a boiler room  
11 technique where you try to overwhelm the boxes  
12 with the bodies. There's been a conscientious  
13 effort I can guarantee the committee.

14                  MR. WEBSTER: Mr. Chairman, if I may,  
15 I think we can accurately characterize, Mr.  
16 Mueller and the other board members I hope will  
17 agree with this. I think it's reasonably  
18 accurate to state over and above the normal  
19 course of business with the new releases and the  
20 new inmates approaching their minimum, we are  
21 probably two-thirds of the way through the  
22 unusual backlog that has developed. I think  
23 that's a reasonable accurate estimate of where  
24 we are at at this point in time.

25                  CHAIRMAN PICCOLA: On page 3 you make



1 reference to deficiency in the information  
2 system of the agency. You have provided us with  
3 photographs of the current information system  
4 which are your boxes of files. What, if any,  
5 initiative have you begun to remedy that  
6 situation?

7 I know the Governor has some interest  
8 in computerizing more state agencies and make  
9 them compatible with one another. I don't  
10 understand computers that well, but I know they  
11 have to be able to talk to each other. What, if  
12 any, initiatives have you taken in that regard  
13 and under whose direction?

14 MR. MULLER: Our new Director of the  
15 Office of Management Services within the Board  
16 is working with our research and automation  
17 wings and the other procurement. All of those  
18 toward, where can we go with what we have? We  
19 have a visit coming from NIC. They have been  
20 very forthcoming with some short-term  
21 assistance.

22 There's a state not too far from here  
23 that's the accepted state of the art in  
24 automation. We think we are going to get the  
25 person who designed that to come in and give us

1            advice. We also have, I believe it's in the  
2            Office of Administration, their wing of  
3            automation. They're having an expert come in to  
4            discuss it with us. We want to design this  
5            right the first time rather than simply creating  
6            stop gaps again.

7                         We're almost lucky to be in as bad of  
8            a shape that we are because we can design it  
9            right based on all the researchers out there in  
10          the field. To try to find something good to say  
11          out of terrible, that's it.

12                        CHAIRMAN PICCOLA: One of your  
13          recommendations is an increase of the board to 9  
14          members. Perhaps you could explain for the  
15          benefit of the committee how the present process  
16          works; what cases require review by 2 members of  
17          the board; what kind of cases require the third  
18          signature that you referred to on page 4; and  
19          how would you anticipate a system working with  
20          an increased complement of 9 board members?

21                        MR. MULLER: Again, the 9 members is a  
22          guess. Right now three board signatures are  
23          required for potentially violent predators. For  
24          regular decision making two signatures are  
25          required. The procedure in the past for

1           requiring that end, either it starts with a  
2           hearing examiner or a board member going to an  
3           institution conducting an initial hearing.

4                     The way in the past we have  
5           accomplished the reviews would be to take those  
6           very boxes, Fed-Ex them to Gary Lucht. When we  
7           only had 2 members it was remarkable. We would  
8           send the boxes to either Gary or Allen Castor.  
9           They would look at them, Fed-Ex it to the other  
10          one, and then they would end up in Central  
11          Office waiting for the rest of the Board to come  
12          on board.

13                    What we are trying to do now with the  
14          2 in the northeast, 2 in the southeast, reducing  
15          dead time on the road; having them be able to  
16          get together and provide at least the two  
17          signatures in short order so that we can then  
18          get the third quickly at Central Office where we  
19          then can process the information out. Does that  
20          answer your question?

21                    CHAIRMAN PICCOLA: Somewhat. You  
22          would anticipate the same kind of system though  
23          with additional members?

24                    MR. MULLER: We have some very  
25          interesting things going on; one, of which, is

1 video-teleconferencing. As it so happens, as a  
2 training initiative, video-teleconferencing will  
3 soon be available to us in Erie, Pittsburgh,  
4 Philadelphia, Central Office, Graterford.  
5 D.O.C. is getting on board, other state agencies  
6 are as well. That will help.

7 In order to provide the kind of review  
8 we will need more members to be out there. The  
9 only other alternative is hearing examiners,  
10 which we are not comfortable with having hearing  
11 examiners. We either have to increase hearing  
12 examiners or board members. I think the board  
13 member increase is a better bang for the buck in  
14 that you'll have the actual decision making made  
15 by someone who has had gubernatorial appointment  
16 and review by the legislature. I think this  
17 body would be more likely more comfortable with  
18 board members making that kind of decisions.  
19 That's the level we are hoping to achieve.

20 CHAIRMAN PICCOLA: Your role as the  
21 Chairman is that you are the exclusive, as I  
22 understand, the exclusive administrative officer  
23 of the agency, is that correct?

24 MR. MULLER: I think so. I really  
25 haven't had time to nail that down. We've been

1 on the run. With the help and advice from the  
2 rest of the Board, that's what I'm doing now.  
3 I'm assuming there are many things that by  
4 stature I do have that position.

5 We have a very good working  
6 relationship. We have had monthly meetings.  
7 We've also had our 5 review retreats. We work  
8 with informed consent from the rest of the  
9 Board.

10 CHAIRMAN PICCOLA: The point of my  
11 question was that, since you are in addition to  
12 being charged with administrative responsi-  
13 bilities, also charged with making decisions  
14 relative to release, conditions of release,  
15 conditions of supervision. If we were to  
16 increase the complement in addition to that,  
17 should we not make some kind of administrative  
18 structural change to the Board so there's  
19 someone other than someone who sits in a  
20 position, quasi-judicial position actually,  
21 doing the administrating of the agency?

22 I have always been disturbed by that  
23 kind of arrangement where you are charged with,  
24 really a dual role and you have to be an  
25 administrator as well as a judge, an evaluator.

1 Your comments on that.

2 MR. MULLER: I'm not sure I have a  
3 good recommendation for which way to go on that.  
4 It does help I think with time, as I have become  
5 more familiar with the operation of the whole  
6 agency, the more information you have on how  
7 supervision operates I think it helps the whole  
8 decision-making process; being able to know that  
9 you're getting the kind of supervision that you  
10 want.

11 There are a lot of administrative type  
12 of issues that were on my plate. With our new  
13 Director of Office of Management Services, I've  
14 been able to work less with traditionally  
15 administrative things and begin to concentrate  
16 more on professional operations of the agents of  
17 the board.

18 We're operating with what we have  
19 right now. We're making some progress. That's  
20 about all I can suggest.

21 MR. RYAN: Mr. Chairman, can I respond  
22 to that? One of the models that you are  
23 probably familiar with is at the county court  
24 level where you have a president judge and  
25 number of judges. I think that same model could

1           apply here with increased board members where  
2           the president judge still holds hearings and  
3           conducts hearings, but does have the  
4           administrative responsibility for the Court.

5                       As Chairman Mueller pointed out,  
6           though, with 5 members, and I might add those  
7           numbers are probably the smallest of the top 10  
8           populated states in the country in terms of  
9           parole board members, that it is impossible for  
10          himself to really do both. I personally don't  
11          know how he has done it for these past 11 weeks  
12          to put one foot in each camp.

13                      But, I think you pointed out something  
14          very important in that, when we're in a position  
15          of paroling people, I think it is very important  
16          for the parole board, the decision makers, to  
17          have input into the supervision process also.

18                      I do see if there would be a total  
19          drift in that area or a totally not connected,  
20          we may run the risk of supervision doing  
21          something totally differently than maybe the  
22          paroling authority originally intended.

23                      Again, looking at that county model  
24          that I asked you to look at, the judge,  
25          president judge, also works closely with the

1           probation department. With that in mind, I  
2           think we need that type of close relationship.  
3           I know entirely what you were alluding to on  
4           that, but case in point, I was up in Graterford  
5           I guess it was last week. There were a number  
6           of very serious cases that came through that I  
7           felt the agent needed to take special action on,  
8           make special note on it, and asked the agent to  
9           get back to myself on that. Let me know if,  
10          Number 1, it's is realistic, if they have the  
11          resources available, et cetera. I feel  
12          comfortable with that because we are also the  
13          supervising authority for the supervision part.

14                 I'm not sure how those types of  
15          directives and so on would be perceived if we  
16          didn't have a strong relationship of some type  
17          with supervision.

18                 CHAIRMAN PICCOLA: On that county  
19          model, though, and you are more familiar than I  
20          am, but don't the county commissioners, the  
21          executive county level have some role to play in  
22          the appointment of administrative and  
23          supervisory personnel? The Court isn't solely  
24          the --

25                 MR. LUCHT: Generally not.



1                   MR. RYAN: You might be right, Mr.  
2 Chairman, in some counties. The counties I'm  
3 familiar with, and I'm from Bucks, the president  
4 judge --

5                   CHAIRMAN PICCOLA: Does the hiring?

6                   MR. RYAN: Yes.

7                   CHAIRMAN PICCOLA: On page 5 you made  
8 reference to your parole decision-making  
9 guidelines. I'm reading between the lines,  
10 there is no such document at the present time?

11                   MR. MULLER: There is a document at  
12 this time. One of the directors of the Governor  
13 was to take a hard look at that document.

14                   During the "Mudman" experience, that  
15 document was called into question. We have a  
16 research wing within the Board that developed  
17 the document. What we're looking at is going  
18 outside for an evaluation so that we can have  
19 verification that where we are going is right,  
20 wrong, or should be changed.

21                   That's where we are asking PCCD and  
22 the sentencing commission experts to provide us  
23 some guidance. Are we on target? If not,  
24 looking at the state of the art throughout the  
25 whole country based on research, educational

1 background research; should we be going in a  
2 better direction? We do have a document that  
3 exists, but I think the Governor was very clear  
4 that we take a hard look at the document and  
5 that's why we are bringing some outside agency  
6 people to bear on it.

7 CHAIRMAN PICCOLA: Is our Victim  
8 Advocate going to have insight in writing that  
9 document?

10 MR. MULLER: Mr. Chairman, the Victim  
11 Advocate has direct input in almost everything  
12 we do. Mary is no shrinking violet. We have a  
13 5-person board of board members. The Victim  
14 Advocate, and we hope we are not stepping  
15 outside of the law, is the ad hoc sixth member  
16 of the parole board. We rely heavily on the  
17 information that Mary brings to bear in behalf  
18 of the victims.

19 MR. WEBSTER: Mr. Chairman, with your  
20 leave, with specific regard to the parole  
21 decision-making guidelines that are presently  
22 used, but having been on board just about three  
23 months, but within that time conducted several  
24 hundred parole interviews.

25 Very frankly, and I think my

1 colleagues agree with me, particularly my more  
2 experienced colleagues as well, that our parole  
3 decision-making guidelines have become almost  
4 irrelevant. They seem to favor and assign a  
5 much more weight than the likelihood of  
6 reoffending as opposed to the nature of the  
7 offense and the potential for violence and the  
8 creation of more bodily victims. That is, they  
9 will typically in many instances recommend  
10 parole for somebody who has 2 violent sexual  
11 assaults or a homicide and another type of  
12 assault because, statistically, there is less  
13 likelihood of another homicide occurring.

14 While, somebody who might have a drug  
15 and alcohol problem and have a number of retail  
16 thieves definitely poses a higher likelihood  
17 statistically of reoffending and our guidelines,  
18 therefore, do not recommend parole. I think  
19 it's the sense of the board members that we need  
20 to emphasize the crimes of violence and the  
21 effects on the public of those people  
22 reoffending with greater weight and make,  
23 perhaps, less weight to what some might call  
24 property offenses, or that type of crime;  
25 whereby, yes, there's statistically a greater

1           likelihood of reoffending, but the consequences  
2           of that reoffending aren't nearly as great in  
3           terms of public safety. And it's my sense that  
4           that's the new weighing that has to occur in  
5           this reevaluation of our present guidelines.

6                       CHAIRMAN PICCOLA: Mary, you have been  
7           characterized as a shrinking violet. Do you  
8           have anything you'd like to say that would  
9           remove that characterization?

10                      MS. ACHILLES: No. I thought it was  
11           rather interesting that my colleagues were  
12           laughing, but it's probably more because it's  
13           Friday and it is a very tedious effort to get  
14           through the week for us in addition to all the  
15           public safety issues that we talk about.

16                      Personally, the organizational  
17           dysfunction that exists in the Board of  
18           Probation and Parole makes it very difficult for  
19           us to function. Quite honestly, I haven't slept  
20           very well since the appointment. However, I  
21           think all of us are committed from not walking  
22           away from a challenge that we know we can win if  
23           we are right.

24                      I do want to say a few things though  
25           about the state of the Victim Notification

1 Program and the Board of Probation and Parole.

2 At this point in time we have 5,000 known  
3 registered crime victims in a data base that we  
4 share with the DOC and the Board of Probation  
5 and Parole. We have 4,000 known victims in a  
6 data base that existed in the Board of Probation  
7 and Parole. However, the information of that  
8 data base is not exceptionally accurate or  
9 up-to-date in terms of whether they are active  
10 cases, cases that maxed out on parole, or maxed  
11 out in the institution, or even people who  
12 choose to continue to participate.

13 Then there are countless numbers of  
14 the victims, and my educated guess after 3  
15 months on the board, we have people who have  
16 made contact with the board, written letters to  
17 the board or telephoned the board, whose  
18 information was placed in an inmate's file;  
19 however, his name, address and telephone number  
20 was never put in any data base.

21 The crisis that exists in my  
22 professional opinion and in the Victim  
23 Notification program is a microcosm of the  
24 crisis in the Board. I am greatly concerned  
25 about my ability and my responsibility to notify

1 victims. We have set up a process, whereby,  
2 after board members sign their signature, I  
3 initial the same document. Then Nick knows it's  
4 okay to certify to the Governor that, yes, all  
5 the laws of the Commonwealth have been followed.  
6 I have to say very honestly and very publicly, I  
7 make my initials on that document only to the  
8 best of my knowledge based on the resources that  
9 exist in the Board of Probation and Parole.

10 In addition to the number of highly  
11 publicized cases that have appeared over the  
12 last several months, I know from my previous  
13 position in DOC and since my arrival on the  
14 Board of Probation and Parole that there's been  
15 a blatant abuse of discretion in who shall be  
16 notified and what service shall be provided to  
17 victims.

18 In my initial interviews with the  
19 staff that I inherited from the Board of  
20 Probation and Parole, the statement that I got  
21 was, well, we do this in critical cases. I  
22 asked what a critical case was. That's clearly  
23 rape and homicide but nothing else. I wanted to  
24 make it very clear that those victims who choose  
25 to exercise their right in the post-sentencing

1 process, and all do not, are a critical case.  
2 They have some invested interest either in their  
3 physical or emotional safety in terms of the  
4 community.

5 I wanted to jump back to another issue  
6 that we talked about briefly, is that, until the  
7 Board of Probation and Parole has an adequate  
8 management information system, until resources  
9 planning is put into that, we are going to need  
10 hundreds of people to provide notification to  
11 victims. There is just no way that I could ever  
12 notify 9,000 crime victims, if we don't get any  
13 more to register after today, until there's a  
14 system that tells us where cases are in the  
15 decision-making process.

16 I don't think the state of, what I  
17 appear a crisis in the Board now in terms of the  
18 management and information system is by any  
19 means the reflection of the individuals who  
20 worked there, but clearly it's been a portion of  
21 the agency that has been resource starved.

22 Mike Webster and I are chairing what  
23 we are calling a committee to deal with all the  
24 issues and contact NIC and follow-up on this.  
25 It's just not a user driven system. I'll be

1 very honest with you, I don't know use anything  
2 from the management information system and the  
3 Board of Probation and Parole. I have been  
4 there since June 1st and I'm incredibly grateful  
5 to the Pennsylvania Department of Corrections.  
6 Because, without the information they provide, I  
7 could not be contacting victims today.

8 Now, consequently because it's their  
9 system and not ours that picks up minimums and  
10 reviews, or whatever, I'm dealing in 2 worlds.  
11 We really need to, and I feel a great need to  
12 underscore the need that all of these issues  
13 that we talk about in terms of public safety  
14 really underscore the need for a management  
15 information system that should be in an agency  
16 that supervises such a large number of parolees.

17 It's just incredible to me that any  
18 point in time we can't go to the computer and  
19 see, well, we have one signature for release but  
20 we don't have the second. I am not a technical  
21 person. We have those people on the Board.  
22 Those people are available to us as resources,  
23 but I think that Mike and I both coming from  
24 agencies of similar sized and both having  
25 management background, we are just woefully



1 behind. That really needs to be simultaneously  
2 addressed with all the other issues, because it  
3 is an issue of public safety.

4 Some of the cases involving -- the  
5 Simon case where the victim wasn't notified,  
6 everybody thinks that so bad. It's not going to  
7 be bad, because the worst case scenario is we  
8 won't notified them and it will be the victim  
9 that will be killed and not another person. I'm  
10 very fearful of that. I really wanted to live  
11 up to my colleague description of me of not  
12 being a wilting violet, or whatever.

13 I really feel a need to continue to  
14 say that so we don't get too comfortable with  
15 the good things that I think this Board is  
16 doing. It's actually been a great experience  
17 working in the Parole Board, but the victim's  
18 issues are clearly not just in terms of  
19 notification and input, but we are starting to  
20 look at victim's issues in all the policies that  
21 we make and develop in the boards and I think  
22 that's really as a result of the creation of the  
23 position and caliber of the people on the board.

24 CHAIRMAN PICCOLA: A few months ago  
25 this committee went down to your Philadelphia

1 office and heard about some of the problems  
2 relative to sex offender program and some of the  
3 underlying dissension within that office. To  
4 whatever degree you can, can you indicate what  
5 actions have been taken to try to resolve those  
6 issues and what, if any, success have you had?

7 MR. MULLER: Our first priority was  
8 working through the boxes, getting the backlog  
9 up to speed. We met a little over a week ago, 3  
10 board members, Mary Achilles, Mary Woolley and  
11 our Director of Office Management Services. We  
12 met in the morning with half of the line agents  
13 in Philadelphia and the afternoon with the  
14 supervisors. We're still in the process of  
15 trying to identify what the actual problem is  
16 and what level it's at.

17 With our first meeting with them was  
18 to indicate we are there. We are reaching out  
19 trying to find out what the problem is. No punt  
20 intended, but you basically hear black and white  
21 versions of the same story. With that much  
22 diversion it's hard for us to really nail down  
23 who's right and who's wrong. It is a process  
24 that we know we have to attack and we are  
25 working on it.

1                   We heard a lot of information,  
2                   information that we are going to process. Sean  
3                   Ryan has volunteered to be sort of a liaison  
4                   person for supervision services. That's one of  
5                   the things that he's looking at is the total  
6                   management. I'm not sure what the level of the  
7                   problem is, but I think there's a management  
8                   aspect of it. Are we paying proper attention to  
9                   complaints? Are we treating people in a  
10                  professional management oriented operation?  
11                  Basically, that's kind of where we are.

12                  MR. RYAN: Can I respond, Mr.  
13                  Chairman? First of all, I want to apologize.  
14                  We keep mentioning NIC. I wanted to say that it  
15                  stands for the National Institute of  
16                  Corrections; a federal agency that is recognized  
17                  in providing state-of-the-art support to state  
18                  and local agencies. I bring that up, in that,  
19                  we had also contacted NIC. It was a very  
20                  interesting plight of the Parole Board in  
21                  Pennsylvania. They have hopefully agreed to  
22                  come in and assist with an evaluation of our  
23                  supervision services. That's throughout the  
24                  state.

25                  In regards to Philadelphia, I was one

1 of the board members that attended with Chairman  
2 Muller along with board member Allen Castor. We  
3 gave people the opportunity to speak about their  
4 concerns, and certainly, they were pretty  
5 widespread. The bottom lines what I heard,  
6 anyway, people saying is the workloads are too  
7 high. When the workloads are too high, there's  
8 all these other issues that come into play.

9 I'm not trying to brush aside  
10 anybody's concerns, but the prevailing concern  
11 was, they were overworked; these are terrible  
12 conditions; these are very high-risk offenders.  
13 We don't even have the safety equipment to be  
14 out there in the communities. We need the help.  
15 That's what I heard from the Philadelphia  
16 people.

17 With the managers in the afternoon, we  
18 heard something pretty similar, but we also sent  
19 a message to the managers as well as the staff  
20 that the Board of Parole has a very serious  
21 mission and it's time to move on from the past.  
22 The key to that is certainly strong  
23 mid-management.

24 One of the things that this Board  
25 hopefully can do is revitalize mid-management

1 not only in Philadelphia office but in, perhaps,  
2 other district offices across the Commonwealth.  
3 Following that trickled-down philosophy, we need  
4 that to pass on to agents, and we'll include  
5 accountability issues for making sure the people  
6 are doing the job, doing the job correctly and  
7 safely.

8 We said to them as we are saying here  
9 right now that good management, good management  
10 practices, adequate resources will take care of  
11 a lot of the concerns in the Philadelphia office  
12 and across the Commonwealth.

13 CHAIRMAN PICCOLA: I've pretty much  
14 dominated the questions here. I'm going to  
15 yield to my colleagues in a minute, but I'd like  
16 to thank you for your presentation. I have said  
17 many times that in my view probation and parole  
18 is more critical to public safety than even than  
19 the Department of Corrections. Because a  
20 mistake within the Department of Corrections is  
21 usually confined within the walls of that  
22 institution.

23 When a mistake is made in parole it's  
24 made out in the community and oftentimes with  
25 disastrous results, tragic results. We have had

1           some of those tragic results.

2                       Based upon my observation and your  
3           very forthright and honest testimony today, I  
4           feel that the Board is making a diligent effort  
5           to correct the deficiencies with the limited  
6           resources that we have provided. I think we  
7           have to acknowledge as a General Assembly that  
8           we've been deficient in not providing you with  
9           adequate resources over, not just recent years,  
10          but quite a number of years.

11                      It's my opinion that the Board and  
12          your agency deserves our short-term support to  
13          make the corrections necessary so that you can  
14          get over the current crisis, and then to examine  
15          some long needed, long-term corrections and  
16          changes and reforms to the agency so that we  
17          won't have to be visited in another decade once  
18          we get over the current crisis. I hope to be  
19          able to offer that support whatever degree  
20          possible in the current legislative session.

21                      MR. MULLER: We are very appreciative  
22          of that, Mr. Chairman. Those are our concerns  
23          as well. You touched on institutions, and Mr.  
24          Lucht has done some research for us on  
25          institutional services and, perhaps, can offer

1           some information.

2                   MR. LUCHT: Thank you, Mr. Chairman.  
3           Chairman Piccola, the institutions for  
4           institutional representatives of the parole  
5           board myriads the situation everywhere else.  
6           Obviously with supervision, the concern of the  
7           Board that supervision is adequate at least.  
8           That it's aggressive, well led, well managed and  
9           well monitored. We feel the same way about our  
10          institutions.

11                   Where supervision deals with the  
12          credible supervision of the parolee on the  
13          street, our institutional services speak  
14          directly to the quality of the decision making.  
15          At the present time with the expansion of the  
16          Department of Corrections, the expansion of  
17          their population, which has a corollary to us,  
18          that in the past, historically, planning for  
19          additional parole agents in the new institutions  
20          simply wasn't done at that present time. It  
21          sounds small and has such a dramatic impact is  
22          that, in that level of the correctional  
23          institutions in the Commonwealth we do not even  
24          have a full-time secretary.

25                   We have individuals being bogged down

1 and sidelined with clerical work rather than  
2 gathering information necessary from their  
3 counterparts in the department, gathering  
4 information on parole plans, instituting parole  
5 plans so we can make an effective decision.  
6 We'll be offering to the Governor's office and  
7 to the legislature our numbers in terms what we  
8 feel is necessary to obtain our mission.

9 I'd like to compliment also that  
10 there's a very concise mission from the Governor  
11 and Chairman Muller in speaking to the issue of  
12 how the Board is managed; that it is true that  
13 the Chairman does have the day-to-day  
14 administrative responsibilities of the Board,  
15 but there hasn't been one instance in the last  
16 several months where any policy decision has  
17 been consistently shared with the 5 members of  
18 the Board, with the Victim Advocate, where we  
19 have had an opportunity to sit down together  
20 personally to discuss that. There is consensus  
21 and I do think we are moving forward. I  
22 appreciate the opportunity to make those  
23 comments.

24 CHAIRMAN PICCOLA: Thank you very  
25 much. Representative Caltagirone.



1                    REPRESENTATIVE CALTAGIRONE: Thank  
2                    you, Mr. Chairman. I thoroughly enjoyed the  
3                    review of your operation. There's questions  
4                    that I have and comments that I'd like to make  
5                    sure we get on the record, because we have  
6                    visited and revisited this issue. This agency,  
7                    and I for one have exercised that there is  
8                    recurring here a very strong oversight of the  
9                    operations of our responsibility to the  
10                    Judiciary Committee of the House.

11                    Your second to last page dealing with  
12                    your budget and operations, I think this  
13                    specifically is aimed at the General Assembly,  
14                    the legislature, as well as the Governor,  
15                    current and former governors, because I think  
16                    they continue to miss the mark. They don't get  
17                    it. They really don't get it.

18                    When you look at the 10-year period,  
19                    as you pointed out here, I think that starts to  
20                    paint the picture. You had an increase in the  
21                    Department of Corrections population budget,  
22                    population 99 percent; 293 percent to cover past  
23                    budget, largest single increase of any item  
24                    within the operating general fund budget. Look  
25                    at your budget, 102 percent.

1           The problem with getting tough on  
2           crime, locking people up, is that there's a cost  
3           associated with it. And getting smart on crime  
4           doesn't necessarily equate to having the  
5           intestinal fortitude spending money that will  
6           cost them to follow that up. A lot of things  
7           are said during campaigns and other times. When  
8           reality strikes then, that all of a sudden now  
9           it's time to pay attention.

10           Your operation reminds me -- I happen  
11           to be an Italian extraction. It reminds me of a  
12           sausage machine. At the top of this funnel is  
13           the Governor and the legislature. Right  
14           underneath that next layer, these are the  
15           ingredients that you are putting in to make that  
16           sausage equated to making legislation and alot  
17           of other ways (voice trails off) the police at  
18           all levels, and then you have the courts.  
19           Another ingredient you throw in there. Then, of  
20           course, you have corrections and out comes the  
21           sausage, probation and parole. So if this  
22           funnel is being jammed in, you can only handle  
23           so much at the other end. You can only deal  
24           with what you are afforded.

25           Most people in this room realize that

1 I've been a strong, strong advocate for  
2 computerization. It was my legislation that got  
3 us started with the minor judiciary. I have  
4 been pushing, and pushing, and pushing to get it  
5 at the Common Pleas level, so we have a totally  
6 integrated system. I'm hoping at some point in  
7 the future we'll see that as a realization;  
8 totally integrated with the total justice  
9 system.

10 The point that the young lady made  
11 about getting information between the courts,  
12 the institutions whether they are county and/or  
13 state, and your operation, I think is absolutely  
14 essential. Total computerization, total  
15 integration should be the goal. There should be  
16 a strategic plan to do that and the funds.

17 More importantly, your operation at  
18 this point has been woefully lacking funds. We  
19 have said this year after year after year. You  
20 have to draw the conclusion at some point how  
21 many more "Mudmens are out there. How many more  
22 Camp Hills are out there? You cannot continue  
23 to pack people into these institutions that we  
24 have around this Commonwealth and not expect to  
25 have problems exploding in your face at some

1 point.

2 Without the resources that you need to  
3 get the job done, you are probably going to have  
4 some additional "Mudmens" that are going to pop  
5 up and everybody is going to run and look at you  
6 guys and put you under the microscope and say,  
7 now what's wrong again? It doesn't make sense.

8 We are sitting here, 3 members of the  
9 General Assembly. That message has got to hit  
10 home to the members of the General Assembly that  
11 making policy, Number 1, along with the Governor  
12 and provide the money and resources to do what  
13 you have to do. If that doesn't happen, you got  
14 to try to do everything humanly possible, but  
15 you can't run a shoestring operation unless you  
16 have the resources available. This is what I  
17 don't think people really understand.

18 When you look at those boxes of files,  
19 it reminded me of 19 years ago when I saw the  
20 same situation over at the Department of  
21 Revenue. It's absolutely ridiculous. They were  
22 throwing checks in those boxes at one time.  
23 That was under the Shapp administration. That's  
24 all changed over the years, of course. But, I  
25 think we have got to make that commitment to you

1 if we expect you to do your job, the additional  
2 personnel that you need, the additional  
3 equipment that you need.

4 It's the same way as the Board not  
5 putting on additional state police at the  
6 national level, 100,000 extra police officers.  
7 They don't get it. People just don't get it.  
8 If you don't follow through with the additional  
9 funding at the other levels, how can you  
10 possibly do your job?

11 I'm just throwing these thoughts out  
12 for whatever it's worth. We'll have a copy of  
13 this transcript for members of, hopefully, the  
14 General Assembly. They at some point in time  
15 they will heed the warning, but if you don't get  
16 the resources to do what you need to do. There  
17 are a couple other things I really would like to  
18 ask you about.

19 The amount of parolees and violations,  
20 the technical ones, in 1994 there were 8,971.  
21 Somebody give us an explanation as to what  
22 types, what's the trend?

23 MR. LUCHT: There is a degree of  
24 proportion that has to be made with the figures  
25 from '93, the total caseload went up.

1                   REPRESENTATIVE CALTAGIRONE: From '93  
2 to '94 it jumped 4,812 to 8,971.

3                   MR. LUCHT: There's no question about  
4 it. One of issues involved here goes back to  
5 the level of supervision out on the street.  
6 There was not a product of some tremendously  
7 radical change in policy.

8                   What took place between those 2 years  
9 was a deterioration in terms directly related to  
10 the caseloads out on the street. I am  
11 absolutely convinced. This is not a scientific  
12 presentation, but it is certainly my assessment  
13 of the problem.

14                   The problem that's probably the most  
15 concern to the Pennsylvania Department of  
16 Corrections in terms of the increase of their  
17 population, I believe can be attributed in part  
18 to the increase in the technical violators,  
19 which is directly proportional to the quality of  
20 the supervision on the street. Those  
21 individuals by and large represent egregious  
22 violation of parole. We don't take this  
23 lightly. We do not return people to the  
24 institution at whim. We look at this very, very  
25 thoughtfully.

1           The issue is, our agents on the street  
2           have so many cases, by the time a technical  
3           violator has generated the types of technical  
4           violations that can get you incarcerated, they  
5           have passed the point where an agent can  
6           intervene thoughtfully with adequate supervision  
7           and monitoring, with some intermediate sanction  
8           short of going back to jail. That is the issue  
9           across the state.

10           I'm embarrassed to say before this  
11           committee that we have some electronic  
12           monitoring equipment we are not even using. We  
13           don't have enough people to monitor the  
14           electronic monitor. That is a sanction of a  
15           person in drug abuse that could be used that at  
16           present is going to jail. I believe if we had  
17           enough staff, for instance, if with the  
18           correctional institutions that have gone on-line  
19           had the staff that would have gone into one  
20           institution, approximately 400 employees, for  
21           one institution deployed to the Board Probation  
22           and Parole, I'm absolutely professionally  
23           convinced, the number of technical violators,  
24           the number of returns would be reduced  
25           dramatically. If there's anything we could

1 address immediately to the concern of the  
2 Department of Corrections, it's in that area.  
3 Those numbers are dramatic, I agree.

4 MR. CASTOR: Let me piggy-back on  
5 that, Representative Caltagirone. The reason  
6 for the dramatic increase in that one year is  
7 what we call the rebound effect. From '89 after  
8 Camp Hill, up through most of that time, we used  
9 a series of what would be our own internal  
10 method of intermediate punishment to divert  
11 people from going back to the institution as  
12 part of the general cooperation of this agency's  
13 last administration in terms of helping to  
14 relieve overcrowding.

15 However, you get to the issue of  
16 diminishing returns. At some point you can only  
17 divert for so long and suddenly, as Mr. Lucht  
18 has said, at some point you can no longer  
19 divert. You have to arrest. The mission of  
20 this agency is clear; that it's preferable we  
21 take them down as a technical parole violation  
22 as opposed to wait until they become a new  
23 criminal violation, which means there's a new  
24 public victim.

25 REPRESENTATIVE CALTAGIRONE: I have a



1 questions about the total number under  
2 supervision within the system presently. My  
3 research analyst, that number is how many?

4 MR. LUCHT: Just slightly over 25,000.

5 REPRESENTATIVE CALTAGIRONE: 25,000?

6 MR. LUCHT: Right.

7 REPRESENTATIVE CALTAGIRONE: The cost  
8 of the intermediate punishments, do we have a  
9 figure on that? Your chart that you had  
10 presented on the annual cost of correctional  
11 options in 1994, you had the cost for state  
12 prisons at 22,030; 16,280 for the county. Then  
13 you had your cost of 1,510; the county at 420.

14 MR. LUCHT: The 420 for the counties I  
15 believe.

16 REPRESENTATIVE CALTAGIRONE: The  
17 intermediate punishment costs, have you had an  
18 opportunity to break that out?

19 MR. CASTOR: The figures that are  
20 given there are for probation as a whole and  
21 that includes everything. Basically, one of the  
22 factors that we've always envisioned in the  
23 intensive units because of the stringency of  
24 supervision given by those units as part of the  
25 intermediate process, those units normally

1 factor at around 2,900, 3,000 per case.

2 I don't have the exact figures that  
3 you are looking for, but I would think there's  
4 some analogous relationship between what an  
5 intensive unit and basic intermediate would run.  
6 Basically, the general units are running less  
7 than 1,300 or 1,200 figure. That 1,500 is both  
8 intensive, general, and all the other  
9 intermediate punishment factors we put in.

10 REPRESENTATIVE CALTAGIRONE: You are  
11 indicating there are real intensive supervision  
12 provided?

13 MR. CASTOR: Intensive supervision is  
14 still there.

15 MR. RYAN: Can I respond to that  
16 issue? Just another perspective on that. I'm  
17 sorry to interrupt your thought on that.

18 Often when workloads increased as high  
19 as we have seen to 145 percent capacity too,  
20 there might be more of a tendency to arrest  
21 somebody and put them in prison for a technical  
22 violation if time is not available to spend with  
23 them to safely conduct supervision in the  
24 community.

25 I think that was an excellent point

1 that you made in looking at that. That's one  
2 that came out in our last board meeting, the  
3 increase in the technical violators were  
4 unbelievable especially when you look at that  
5 being pre-"Mudman". We were trying to figure  
6 out what was causing that. Our suspicion is,  
7 again, with the workloads that high, agents  
8 really had no alternative but to take this step.

9 Another part of that, and Allen  
10 mentioned intensive supervision. I don't know  
11 exactly what our numbers are in intensive  
12 supervision. I think the average are about 45  
13 to an officer. I'll share with you that many of  
14 the county intensive departments or intensive  
15 units it's 15 to 1. I think if you look  
16 nationally, it's probably a lot lower than the  
17 45-to-1 figure that we are using at the Board of  
18 Parole. So the question we have to ask, is  
19 intensive supervision really intensive  
20 supervision? I would say no. Thank you.

21 REPRESENTATIVE CALTAGIRONE: One final  
22 question. What part are the p.o.'s planning for  
23 more fully instituting out the options?

24 MR. MULLER: I'm sorry.

25 REPRESENTATIVE CALTAGIRONE: What does

1 the p.o's play in more fully instituting out  
2 the options?

3 MR. MULLER: The actual agent on the  
4 street? We want our agents to work in the  
5 community with sanctions, graduated sanctions,  
6 only returning to incarceration when it's  
7 necessary. Our folks on the street, we need to  
8 work with them so that they know we have  
9 treatment options available to them at our  
10 disposal. We need more of them.

11 The community is where the problem is.  
12 We need to have, actually in the community, an  
13 integral part of it. Our folks are working with  
14 it. I think they serve the Department of  
15 Corrections by having available resources. If  
16 we can keep people out of the institution at our  
17 end, everyone is served, including our customer  
18 the parolee.

19 MR. CASTOR: The other factor is that,  
20 clearly, I.P. starts with the parolee, the  
21 individual, has to note and realize it's a  
22 necessary factor as apposed to just going  
23 immediately to incarceration.

24 But as Sean had said earlier, when  
25 caseloads grow to the levels that they have,

1 agents begin to feel overwhelmed. There has to  
2 be a factor where they believe that there's  
3 sufficient room in working with them so they can  
4 go to that issue of intermediate punishment.  
5 It's all begins with the agent.

6 REPRESENTATIVE CALTAGIRONE: The staff  
7 asked about the policy dealing with the early  
8 release of parole.

9 MR. MULLER: This is an issue that we  
10 are having to deal with. A great many of the  
11 practitioners at the various levels of the  
12 criminal justice system have the assumption that  
13 at minimum they will be released barring  
14 institutional misconduct or other factors.

15 I feel that it was pointed out to us  
16 very clearly during the last couple of months  
17 that the Governor and the legislature is  
18 interested in our position, being, looking at  
19 the whole person, all the background; not just  
20 looking at whether a person managed to be  
21 institutionalized sufficiently to behave in the  
22 institution, but does that person represent a  
23 threat to society?

24 You may have avoided all misconduct in  
25 an institution, but if you are a sex offender

1           who has not taken advantage of sex offender  
2           treatment, perhaps avoidance of any sense of  
3           guilt for what you had done, it causes us to  
4           question whether that person is ready to return  
5           to the street.

6                       This is something that probably will  
7           have to be settled by a body such as this.  If  
8           there is a direction that it's a mandatory  
9           parole at the end of minimum, that's above our  
10          consideration.  We have taken a hard look at  
11          every case toward whether -- If we can't put a  
12          case on the street with a reasonable assumption  
13          that we are contributing to public safety, we're  
14          erring on the conservative side.

15                      REPRESENTATIVE CALTAGIRONE:  Let me  
16          say this also and I'll conclude with this.  From  
17          the studies that we have seen over the years, 40  
18          percent of those who have been incarcerated,  
19          continue to be incarcerated are nonviolent  
20          offenders.  Putting them in for long periods of  
21          time is just a tremendous burden on the system  
22          and all the taxpayers, and not taking a very  
23          close look at those, and I know you are  
24          overworked, and I know you are short-handed, and  
25          I understand the problem with DOC that they

1 don't have enough people, money and programs to  
2 put people through drug and alcohol treatment  
3 while they are incarcerated.

4 But I'll say this again, there's going  
5 to be a tremendous push again for a very large  
6 increase in the DOC budget this coming year.  
7 They may eventually have to built one or two  
8 more facilities. I just think it's ludicrous.  
9 You are not going to change the situation until  
10 you start dealing with the front end.

11 Juvenile probation, by the way, and  
12 nobody talks about that. They keep pleading  
13 with us and pleading with us that they need an  
14 adjustment more so than the adult. Everybody  
15 looks at the adult situation, but where do they  
16 come from. The feeder stream is the juvenile  
17 population that continues to commit offenses and  
18 graduates into the adult, and you have to deal  
19 with it, the education and any other issues  
20 associated with these problems.

21 I just wish people would take a look  
22 closely of what we are dealing with and what's  
23 happening in our society and how we are going to  
24 respond to it. It's going to became a  
25 tremendous nightmare financially for us as the

1           years go forward. Your job is going to become  
2           even more difficult, and more is going to be  
3           expected from you.

4                     The ultimate work that you have been  
5           putting into this, trying to catch up the  
6           backlog and doing all these other things, but  
7           those feeder streams are coming at you.

8                     The policies that we are continuing to  
9           generate will continue to overwhelm your  
10          operation, unless there's some additional  
11          resources and other thinking and other  
12          situations that can be developed to alleviate  
13          those conditions. I think it's going to sink  
14          the boat.

15                    MR. MULLER: I couldn't agree with you  
16          more. The criminal justice system does not  
17          begin at the prison door. Most of us at this  
18          table have worked in various aspects of the  
19          criminal justice system; not just this end of  
20          it. We have experience in juvenile jails,  
21          administration. We've been in the community.  
22          The community has to be the first step. If we  
23          only begin our job in criminal justice when the  
24          person walks in that institution, a good  
25          argument and I think you very well made it, is



1           that it's too late.

2                       REPRESENTATIVE CALTAGIRONE: Thank  
3           you, Mr. Chairman.

4                       MR. CASTOR: To piggy-back one other  
5           comment there. Fundamentally I think this Board  
6           agrees with you in all the comments you just  
7           made.

8                       The one comment I'd like to make,  
9           though, in terms of automatic release, is that  
10          this Board takes very seriously the issue of  
11          reviewing each person as they come up for their  
12          minimum. One thing I'd like you to remember is  
13          the Jason Bader case in which that was an  
14          individual who was automatically released from  
15          boot camp; had no history of violence; and had  
16          we or any member of this Board reviewed that,  
17          I'm fairly confident there were some red flags  
18          that we may have at least held him up a little  
19          bit.

20                      MR. LUCHT: I'd like to follow with  
21          that. I have experience in running a  
22          correctional institution and also have the  
23          pleasure of being on the Board of Probation and  
24          Parole. I ran a county prison that was under  
25          federal court order. A great deal discretion

1 was given in terms of recommending who gets out  
2 and who doesn't.

3 I can't even imagine what Commissioner  
4 Horn is going through right now, but I know from  
5 personal experience that there are some  
6 excellent reasons to maintain an independent  
7 parole authority that can act as a check and  
8 balance, particularly in times of stress and  
9 overcrowding to make reason decisions that do  
10 protect a community.

11 In addition to that, I feel that any  
12 person coming up under minimum, that there  
13 should be great reluctance about automatic  
14 parole taking into consideration, which is a  
15 national feeling and statutory now in  
16 Pennsylvania in terms of victim input, in terms  
17 of looking at that aspect of the case, making  
18 judgments about -- and we discussed briefly  
19 about domestic violence.

20 There's a common thread running  
21 through many, many violent cases, in many cases  
22 in pre-sentences and in prior court records  
23 dismissed as an aside that, of course, they beat  
24 their wife; that yes, this happened several  
25 times and there were numerous complaints. Those

1 types of issues, what is the threat to that  
2 potential victim of an automatic release?

3 What a person is in jail for sometimes  
4 doesn't have anything to do with their  
5 propensity to violence. You have somebody doing  
6 time for retail thief who is very assaultive or  
7 a person has a drug crime now but prior records  
8 of armed robbery. So, there isn't a simple  
9 formula of who gets automatic release and who  
10 doesn't, and I think a measured approach that  
11 deals with individuals, but particularly the  
12 potential victims of those people, requires a  
13 measured decision of whether that person should  
14 get out or not rather than be automated.

15 MR. CALTAGIRONE: But you can't  
16 operate like a shoemaker, and no punt intended.  
17 You can't operate out of a cardboard box. You  
18 can't operate with half equipment or equipment  
19 that you have and you can't use because you  
20 don't have enough people to monitor it. We need  
21 a reality check as to where we are at. You  
22 can't continue to operate this way, I said it  
23 over and over. You know, is anybody listening?  
24 I don't know.

25 This isn't the sexiest area to give

1           you guys money. There are so many other areas  
2           of the budget that are crying out for help; and  
3           everybody has their hands out, we want more, we  
4           want more, and there is only so much to go  
5           around in the pot, and this isn't in the area  
6           where you see a great deal return for your  
7           investment in taxpayers' dollars.

8                        The course of it all, you're trying to  
9           get the legislature as well as the Governor to  
10          realize that if you don't get the commitment of  
11          budget dollars to do the things that you need to  
12          have done, it's just going to get worse. I  
13          think those of you who don't have a gray hair  
14          will probably have gray hair or no hair, like  
15          this, by the time your terms are over. Thank  
16          you, Mr. Chairman.

17                      CHAIRMAN PICCOLA: We have been joined  
18          by Representative Harold James of Philadelphia,  
19          the Democratic Chairman of the Subcommittee of  
20          Crimes and Corrections.

21                      MR. HAROLD: Thank you, Mr. Chairman.  
22          Thank you all for being here. I'm sorry that I  
23          arrived late. I'm sure that Chairman  
24          Caltagirone asked a lot of the questions I was  
25          going to ask.

1                   One of the things I wanted to know,  
2                   there was a report by the Inspector General. I  
3                   just wanted to know, have you as a board been  
4                   privied to the report?

5                   MR. MULLER: I have seen the entire  
6                   report. The Inspector General is working toward  
7                   a presentation for the entire board on the  
8                   entire report.

9                   MR. HAROLD: Are you the only one that  
10                  has seen the report?

11                  MR. MULLER: The entire report? I  
12                  believe so.

13                  MR. HAROLD: Do you feel that report  
14                  should be shared by all your board members?

15                  MR. MULLER: That's what we are  
16                  working with the Inspector General to come in  
17                  and give the entire report with an overview of  
18                  an explanation of what went into it and any  
19                  observations, yes, sir.

20                  MR. HAROLD: From the observation of  
21                  the report, do you see the need for a number of  
22                  necessary changes in the management of the  
23                  parole board?

24                  MR. MULLER: There are definitely  
25                  management issues that we're working toward.

1           Our whole focus needs to be looked at. Before  
2           you joined us we had a presentation by a member  
3           of the National Institute of Corrections. We're  
4           looking at the entire way we do business. It  
5           has to be focused on the need for supervision  
6           out there in the field; not just any arbitrary  
7           decision of how caseloads are numbered. You  
8           make an excellent point. We have to work toward  
9           a better way of managing what resources against  
10          the needs of the people under supervision.

11                   MR. HAROLD: In the report that's  
12           going to be shared by the -- you say you are  
13           being prepared for a review of the overall  
14           report, I'm imagine by the Inspector General to  
15           the board, a presentation?

16                   MR. MULLER: That's in process.  
17           Basically, we haven't really concentrated on  
18           that. We've been going a hundred miles an hour  
19           with reviews of cases.

20                   MR. HAROLD: I understand. It's just  
21           that my concern rises out of the fact that, I  
22           see here you said you had various reports over a  
23           period of 10 years. What I have seen,  
24           institutions always having these reports. We  
25           always have these reports given to us for

1 recommendations. Oftentimes, we don't follow  
2 them for whatever reason until some tragedy or  
3 something happens and then we start moving  
4 toward them.

5 I was just saying that now that we  
6 have the Inspector General's report and the fact  
7 that we have a new Governor, that maybe that  
8 should be shared by all of you and shared also  
9 by the Judiciary Committees of the Senate and  
10 House so we can hopefully be in front of what  
11 the problems and concerns, as was, how that was  
12 introduced in the report so we can work on the  
13 necessary changes that will improve an impact on  
14 the services that you provide.

15 I would just hope there will be a  
16 consideration, and the conversation I had with  
17 the Governor a few days ago, I made that  
18 request. Of course, it's something that he said  
19 he would look into and talk about the  
20 confidentiality of some of the people that had  
21 spoken in the report, which I understand. I  
22 think it's important if we have that  
23 presentation with you, that members of the  
24 Judiciary Committee can share in that  
25 presentation, and we can all be sitting at the

1 table together to see what we can do to work on  
2 our end, from your end in terms of working to  
3 improve the situation.

4 MR. MULLER: Representative, obviously  
5 I don't control the AGE report or it's  
6 dissemination. The Governor, the AGE,  
7 especially the AGE have indicated a willingness  
8 to come in. Whether there's a physical  
9 presentation of the whole report, that's in the  
10 hands of the Governor, but we do recognize any  
11 information that we need to run our operation  
12 better we should have. Whether we get the  
13 actual physical report or not, that's not our  
14 call.

15 MR. HAROLD: There was some problems  
16 as it relates to probation and parole officers  
17 in Philadelphia that was addressed in the  
18 previous reports in management, I think under  
19 Castor's leadership. There was some type of  
20 interim report that caused to have over our  
21 Inspector General's report. I was just  
22 wondering if the supervisors out of the  
23 Philadelphia office that was there when Castor  
24 was the Chairman are still there now?

25 MR. MULLER: By and large they are.



1 We are working on that. We had a meeting a week  
2 ago. Mr. Castor, member Ryan, myself and other  
3 folks were there. We met in the morning with  
4 half the street agents, half because they got  
5 too many to get in the room all at the same  
6 time, and in the afternoon with the supervisors.

7 The supervisors posed the very  
8 question, when is management of Philadelphia  
9 going to be returned to Philadelphia? I'm not a  
10 hundred percent sure exactly where the problem  
11 is. We've heard various descriptions of who's  
12 right, who's wrong, who's discriminated against,  
13 who isn't.

14 At this point we haven't made any  
15 changes -- There's been one change of two  
16 supervisors changed over. We haven't returned  
17 all operation. We're just not a hundred percent  
18 comfortable right now that we have total  
19 information. We recognize we have to get more  
20 and that's why we went there last week to begin  
21 the process of us making an informed decision.

22 MR. HAROLD: So I can be clear for the  
23 record, I'm not talking about supervisors. I'm  
24 talking about, not only the titles for the head  
25 of the operation, but I'm talking about top

1 deputies, or whatever you call them, because I  
2 think that's a concern. If you don't have the  
3 supervisors there, and when there's problems and  
4 complaints and nothing is done about it, and  
5 then we change chairmen, and then the  
6 supervisors come back are still here, then that  
7 sends a bad message to members that want to do a  
8 good job.

9 That's one of the problems with  
10 Philadelphia with police corruption. If you  
11 don't change the leadership where you have the  
12 bosses of Civil Service stay in place, and they  
13 don't make the necessary changes when there's a  
14 sign of a problem. I'm just hoping you will  
15 look at that.

16 There were also some concerns raised  
17 as it relates to racism, as it relates to the  
18 African-American minority officers who work  
19 within the police department who expressed to me  
20 about concerns of supervisors and the work. I  
21 was just wondering if the Board is looking into  
22 that.

23 MR. MULLER: That's part of my  
24 previous response. We are going in and looking  
25 at the whole operation there. We've heard a

1 number of issues brought onto the table.

2 There's no reticence for communication. The  
3 groups both in the morning and in the afternoon  
4 were quite vocal. We couldn't have programmed  
5 it better.

6 Our fear going in there would be to  
7 meet a hostile environment where nobody had  
8 anything to say. We heard a lot from everybody.  
9 We heard totally divergent versions of issues.  
10 The easiest thing for us to do would be to  
11 assume there's a problem. Let's pick a side and  
12 go with it.

13 I realize it's taking a long time and  
14 our own agents probably would like for us to be  
15 more decisive and come in and cure whatever the  
16 problem is. To be honest, I'm not sure exactly  
17 what the problem is and how deep it goes. Until  
18 we're ready to go in and make decisive action, I  
19 think we're better off being slow rather than  
20 make a wrong decision that we have to correct  
21 later.

22 MR. HAROLD: I appreciate that. Also,  
23 you see what happens, one of the things that  
24 happens being in a law enforcement agency for  
25 awhile, is knowing that certain group of the

1 officers are complaining that any one of the top  
2 brass, I say for example the Philadelphia Police  
3 Commissioner Mayor comes into the police  
4 commission, he'll only be around 4 years or 8  
5 years so the top brass says we can tolerate  
6 that, but they continue that over and over.

7           Until the message is sent from the top  
8 to change that kind of management style or  
9 change some supervisors around so they will not  
10 have this problem. If we don't do that when you  
11 have an opportunity now, probably while you are  
12 hearing from both sides and both opposite views,  
13 is that, they see there's a possibility of some  
14 changes as needed because you have the new board  
15 in. So, take advantage of it and make those  
16 necessary changes that's good for law  
17 enforcement and professionalism. I would urge  
18 you to do that. Even if you have to encourage a  
19 lot of the top people to retire, which means  
20 maybe to hack sometimes, in terms to get the  
21 flow going where you are going to have a new  
22 professional operation that's going to impact  
23 our community, because one of the largest fears  
24 people have is crime and the fear of crime.  
25 Even though it may be going down, it's just that

1 fear that Representative Caltagirone pointed out  
2 in juveniles, in the violence that rises in  
3 juveniles with the don't care attitude, lack of  
4 respect for law enforcement.

5 Just last night we had a guy, the  
6 Philadelphia police department had a guy trying  
7 to rob the Olive Garden and he's going to escape  
8 on a bicycle, and they get into a shootout with  
9 the police. It's just that don't care attitude.  
10 I would hope that we seize the opportunity that  
11 is here and you really work on making the  
12 necessary changes. You may just have to  
13 encourage some of them to retire.

14 MR. RYAN: Can I respond also to that?  
15 I had the opportunity to attend the Philly  
16 meeting. One of the things I recognized right  
17 away was the dog had many tails down there.  
18 They appeared, though, to want to wag the dog.

19 Listening to a lot of the people down  
20 there that were individual axes to grind. I  
21 certainly recognize they have had serious  
22 problems in the past, but I heard from Hispanic,  
23 African-American and white agents say, we are  
24 about probation and parole. We are about good  
25 supervision and we need to get on with the job.

1 I'm saying that was the majority of the agents  
2 and managers that I met with down there.

3 I think one of the things Chairman  
4 Muller mentioned, which is real important, for  
5 one agent that I remember said, you guys have  
6 been here 10 weeks now and no heads have rolled  
7 yet. His intent was that somebody's head should  
8 roll; that they should be fired. I think the  
9 reaction to him was that we are not sure exactly  
10 who all the players are at this point. And as a  
11 Board, probably the worse thing we can do is  
12 knee jerk and go in and make the wrong decisions  
13 and then try to play catch up in the past.

14 Philadelphia as we had to say to them  
15 too, it's not the Philadelphia Board of Parole.  
16 It's the Pennsylvania Board of Parole. We need  
17 to make sure that managers as you have described  
18 from the top down are doing their job and not  
19 making decisions that are contrary to what the  
20 Board's policy is.

21 I mentioned previously in some remarks  
22 that I made that this board believes in good  
23 strong mid-management. The message we got  
24 across to the supervisors in the afternoon, if  
25 you have individual axes to grind; if you have a

1           problem here within this agency, then we are  
2           going to have a problem with you.

3                       We rather not micromanage any district  
4           office, but certainly we recognize the need in  
5           Philadelphia. I personally have sat down in  
6           that office ever Friday since I came on board  
7           just recognizing that's where they had the  
8           problems. A number of people have come up to  
9           me, and certainly, it's mind boggling all the  
10          different issues that come up. But again, I go  
11          back to my original comment; that I think if we  
12          emphasize a strong mid-management, get  
13          professional leadership in there and reduce the  
14          workloads which has created high tension in that  
15          office, I think that a lot of those problems are  
16          going to be handled.

17                      REPRESENTATIVE HAROLD: I would agree  
18          with that. I think that's important, to reduce  
19          the workload because that adds to frustration  
20          and stress. One thing also, you want to provide  
21          an opportunity for agents to be comfortable in  
22          terms of talking with you in terms of  
23          suggestions on policy changes. A lot of times  
24          most of the agents, I think Mr. Castor, you were  
25          an agent.

1 MR. CASTOR: Parole agent.

2 REPRESENTATIVE HAROLD: Sometimes you  
3 can get to the top of your profession and  
4 sometimes you don't. I think it's oftentimes  
5 it's good for us to listen to those in the  
6 battlefield working in terms of suggestions.  
7 Also, allow them an opportunity to sometime tell  
8 you about maybe some things that are not right  
9 without retaliation. They should not fear  
10 retaliation. They should not be ashamed to tell  
11 you those problems and concerns, something like  
12 the police department. They don't tell on each  
13 other and you see what happens in terms of  
14 corruption and abuse, etc.

15 I think that it's important that you  
16 allow that opportunity or avenue for agents to  
17 talk to you about how to change and addressing  
18 maybe some issues that they think need to be  
19 changed, and you as a board you should look into  
20 that.

21 Another question I'd like to ask is, I  
22 don't know if this is under your jurisdiction,  
23 but lets's say for an example a person is  
24 charged with aggravated assault and battery and  
25 you actually saw him stab a woman in some type



1 of robbery. He's coming out on, he's got 7 to  
2 15 years and he's coming out doing a minimum.

3 What is your policy as it relates to  
4 that person? Are there any kind of test to see  
5 whether or not -- because I heard you talk about  
6 some changes in terms, just because he's reached  
7 a minimum don't mean they come out. What do you  
8 do to that individual to make sure he may not be  
9 involved in additional crimes?

10 MR. MULLER: What do we do on the  
11 street?

12 REPRESENTATIVE HAROLD: No. What do  
13 you do as your agency when this person coming  
14 out for parole after 7 years? Do you suggest or  
15 would corrections have to make sure that he be  
16 tested by a psychologist or psychiatrist, or  
17 whatever?

18 MR. MULLER: We take a close look at  
19 every part of the person; the total background,  
20 what the person has done in the institution,  
21 taken advantage of any programs. If we don't  
22 have reliable information at the time we  
23 consider the case, we put the case off. If, for  
24 example, as you suggest, there might be a need  
25 for a psychological report, we don't guess. We

1 continue the case and ask for that report.

2 REPRESENTATIVE HAROLD: Does that  
3 report come in every case or is this based on  
4 individuals? Do you say I want this person to  
5 have a psychological test or would you?

6 MR. MULLER: I have to defer to the  
7 experience on the Board.

8 MR. CASTOR: As the example you set  
9 up, if it were in fact a case of violence, the  
10 psychological is supposed to be there. Facts of  
11 crime are supposed to be there in every case.  
12 If those pieces of information aren't available,  
13 the case would be continued. In other words, it  
14 would be on another docket until we have that  
15 information.

16 I think the thrust of your question  
17 though is on assaultive crimes of violence. Is  
18 there a moment of expectation they will be  
19 released at their minimum?

20 REPRESENTATIVE HAROLD: Right, or is  
21 there some kind of a sight test given for  
22 whoever has done a particular violent crime?

23 MR. CASTOR: All crimes of violence  
24 are required to have a psychological evaluation.  
25 There's only one element, one criterion that's

1           looked at is whether or not that individual will  
2           be released.

3                         Quite frankly, the Board, and myself  
4           personally, the board together, is looking at  
5           crimes of violence with an eye of stringency.  
6           Those individuals need to be, in some cases,  
7           incapacitated because they represent the  
8           greatest potential for both psychological and  
9           physical trauma to the community. So that, we  
10          are giving them a much more enhanced look. We  
11          always have. Recent events we're even doubling  
12          those efforts.

13                        There are individuals who have crimes  
14          of violence who will be paroled, but the  
15          psychological is just one factor. There is an  
16          example of a psychological coupled with the type  
17          of crime that occurred, perhaps coupled with a  
18          long history of violence, that individual may  
19          not in fact be released.

20                        REPRESENTATIVE HAROLD: Then would the  
21          victim be notified that the person is going to  
22          be released now?

23                        MS. ACHILLES: They would be notified  
24          prior to the release to submit input into that  
25          process.

1                   REPRESENTATIVE HAROLD: We now have  
2 new legislation or new law allowing the victims  
3 or victim families to have some input?

4                   MS. ACHILLES: Actually, they've been  
5 allowed since '86. The new law allows the  
6 Victim Advocate to petition for denial of parole  
7 or set conditions of parole.

8                   REPRESENTATIVE HAROLD: Who helps to  
9 find the victim? Does the District Attorney or  
10 you have to?

11                   MS. ACHILLES: We don't hunt down  
12 victims, and I won't do that. It is the  
13 District Attorney's responsibility to provide  
14 the victim with the information on their rights  
15 to participate in the post-sentencing process,  
16 to provide them with a registration brochure  
17 which is a joint picture between the Parole  
18 Board and DOC.

19                   We have, however, in certain cases if  
20 board members distinctly for some reason feel  
21 that they need to look at that or they need some  
22 more information from victims, we will through  
23 Victim Service programs in the state attempt to  
24 contact the victim. We don't make it a  
25 requirement in every case. I truly believe

1 victims need to have the right to choose whether  
2 they want to participate in the process.

3 REPRESENTATIVE HAROLD: Right. I  
4 know you have the right person here for Victim  
5 Advocate. Thank you. Mr. Chairman, thank you.  
6 I guess if there are any other questions we can  
7 just submit them to you or any other hearings  
8 along with the fact that the report is ongoing,  
9 the investigation is ongoing?

10 CHAIRMAN PICCOLA: If you are  
11 referring to the Inspector General's report?

12 REPRESENTATIVE HAROLD: Are the Senate  
13 hearings finished?

14 CHAIRMAN PICCOLA: I don't know. We  
15 aren't going to have any more hearings per se on  
16 this issue of probation and parole. At least  
17 there's none planned. There will be, however,  
18 legislation advanced out of the committee within  
19 the next few weeks that will deal with this  
20 subject. You will be duly notified about that.

21 REPRESENTATIVE HAROLD: Thank you.  
22 Thank you all.

23 CHAIRMAN PICCOLA: Thanks to Chairman  
24 Muller and to members of the Board, Victim  
25 Advocate Achilles, and your consultant for your

1 testimony here. It's very informative. We will  
2 continue to work together to try to assist you  
3 in protecting public safety to every extent  
4 possible. Thank you. This meeting is  
5 adjourned.

6 (At or about 12:30 p.m., the hearing  
7 concluded.)

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## C E R T I F I C A T E

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2  
3 I, Karen J. Meister, Reporter, Notary  
4 Public, duly commissioned and qualified in and  
5 for the County of York, Commonwealth of  
6 Pennsylvania, hereby certify that the foregoing  
7 is a true and accurate transcript of my  
8 stenotype notes taken by me and subsequently  
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12 This certification does not apply to  
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15 Dated this 9th day of October, 1995.

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22 Notary Public

23 My commission  
24 expires 10/19/96  
25