

PENNSYLVANIA BOARD OF PROBATION AND PAROLE
TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE

September 15, 1995

We appreciate the opportunity to appear before the Committee to give you an update on where the Board stands on some important issues and our progress. This has been quite an interesting eleven weeks for the new Board.

Within the first few months of taking office, Governor Ridge was met with the public furor over the sensational cases of Robert "Mudman" Simon, Reginald McFadden, Abdul Salaam Seifullah, and Jason Bader all of whom were recent releasees from custody and who committed horrible crimes. An assessment of each case raised serious concerns about the decision-making of the Parole Board and the supervision of its agents. During the early months of the current administration, Governor Ridge ordered a transition report prepared on the Pennsylvania Board of Probation and Parole. As a result of findings of deficiencies in our agency, the Governor ordered that the Office of the Inspector General provide an in-depth and independent assessment of the agency by conducting a thorough review of all aspects of the Board of Probation and Parole's management and operation.

In an Executive Summary dated June 27, 1995, the section entitled "System-wide Assessment" asserts that the "OIG found serious deficiencies in the management and operation of the Board of Probation and Parole. The agency's problems are rooted in its management, ill-defined mission, inadequate human and technological resources, increasing parole population, and overcrowded prisons."

There were hearings before the Judiciary Committees of both Houses of the Legislature that echoed these concerns. During the confirmation hearings and individual meetings with various Senators and Representatives, Mike Webster, Sean Ryan, and I heard these issues.

The Governor took steps to address the first of the Inspector General's observations in putting a new management team into place at the Board of Probation and Parole. We have a unanimous commitment from all Board Members to work together to root out the historic problems that have interfered with our efforts, and to return our agency to the respect that it once enjoyed. We are in the process of refining our mission by looking thoughtfully at what we are doing, and what we should be doing. To the extent that we are able, we have pledged to provide the needed leadership and control that our agency needs and deserves.

The increasing parole and prison populations exist. The

growth of the prison population has been faster than that of our agency, partially because of our agency. We have taken seriously the charge of the Governor, the Legislature, and other responsible voices around the Commonwealth that have called for close scrutiny of any decision that will return violent, or potentially violent, predators to the community. Consequently, there has been a careful, though time consuming, review of the cases being reviewed for parole or reparole. That will continue.

On the other hand there is the widely accepted understanding that inmates should be paroled at their minimum date, barring misbehavior in the institution or new information that would preclude release. This understanding has been asserted by people on both sides of the prison bars. We firmly believe that we are carrying out the oath of office that we took in performing careful reviews of the instant offense, the characteristics of the offenders, the progress in the institution, and, foremost, the safety for the community. In these reviews we consider the quality of the supervision that will be given to parolees under our jurisdiction. And this is no indictment of the professionalism of our Parole Agents. Rather, it is a simple matter of numbers and resources.

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

It is difficult to consider ordering the release of a person who will require intensive supervision, knowing full well that that parolee will become just another of hundreds of cases that get, at best, token supervision. If the decision means that we cannot in good faith feel that the people in the community are reasonably being protected, the refusal of parole is the better option. We do not deal in guarantees; we deal in risk evaluation and control. Enough failures will occur in the normal course of human interaction. We strive not to contribute to those failures by putting people in communities who have failure written all over them.

As you know there were only two Members, Allen Castor and Gary Lucht, from early May until early June, when Michael Webster began his term. In July, Sean Ryan and I joined the Board.

There was a backlog of approximately 1,985 cases that required review by Board Members. This backlog has resulted in an increase in the number of inmates in the control of the Department of Corrections. In order to work on this, especially

on the cases requiring multiple signatures of Board Members, we assembled the Members and support staff on three occasions of two to three days to review a total of approximately 1,200 cases. This was a laborious procedure for a number of reasons. First was the serious nature of the offenses and the people who committed them. Second, there was the sheer volume of the files before us. Third, as you have been advised over and over, there is a severe deficiency in the information systems in our agency. Hopefully, we will work through the backlog in the near future, but there will constantly be an influx of new cases to consider.

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

There are approximately 1,000 new cases that are awaiting Board action, that have originated as a normal course of activity at the Board.

In our estimation the IG's observation that we have experienced, and continue to experience inadequate human and technological resources, presents the foremost problem for our agency. However, this is hardly new information. During the ten year period from 1983 to 1993 there were eight reports that pointed out the fact that, in various ways, we are a resource starved agency. These reports were from the Pennsylvania Commission on Crime and Delinquency, a Governor's Task Force, the Legislative Budget and Finance Committee, a Governor's Commission, and the House Judiciary Committee. We are here today to echo the message that we simply must have more resources to get the job done.

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

Mary Achilles, the Victim Advocate, is dedicated to the rights of the victims of the offenses committed by the offenders in institutions and those on parole supervision. She has opened communications within the victims' services community, as well as correctional professionals. She deserves the resources to fulfill her mission.

Another glaring example of the inadequate human and technological resources at the Board can be seen in the safety concerns of Board personnel. At a recent staff meeting in the Philadelphia District Office a new Parole Agent pointed out that in five months she had not received her handcuffs; she was not complaining, she simply wants the tools to do her job. Some of our Parole Agents have been issued ballistic vests that were handed down from the Pennsylvania State Police because their warranties had run out; we did not intend to issue inadequate equipment, but an old vest is better than no vest. Our agents go into dangerous situations with radios that are inadequate to summon assistance from the police if needed.

Our C Street location in Philadelphia is in a building festooned with gang related graffiti, with grates installed over the windows for protection. There was a previous arson-related fire in our quarters, and a little over a week ago a fire in another part of this warehouse has disrupted our operations. At its best this location is not fit for carrying on the professional business of this Commonwealth. Strangely enough, though, when I toured this embarrassing excuse for office space, the agents were smiling and had a relatively positive attitude. This is a tribute to the kind of dedicated staff that works for this Board, certainly not a reflection of respect that has been shown them in their work area.

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

The former practice of allowing the cases of parolees, who were in absconder status at the expiration of the period of supervision, to be closed has been discontinued. All such previous orders have been rescinded and pertinent cases have been placed in "delinquent" status so that they will remain in NCIC and other databases.

The Board has undertaken a regionalization project for the Members and the way we approach our work. In the past Members would travel to institutions all over the Commonwealth for hearings. Given the location of the Members, two in the Northwest and two in the Southeast, it was decided that there would be regional assignments to reduce travel time. Gary Lucht and Michael Webster regularly meet in either Erie or Mercer to staff cases requiring multiple reviews, as do Allen Castor and Sean Ryan in Philadelphia. Cases requiring third signatures come to Central Office where I perform administrative management for the Board.

In mid August a Director of the Office of Management Services was added to provide oversight for administrative functions.

We have met with a representative of the National Institute of Corrections who has been very responsive to our requests for technical assistance. We have asked for their help in reviewing our case management practices, our system of management of information, and ...

The Executive Directors of the Pennsylvania Commission on Crime and Delinquency and the Pennsylvania Sentencing Commission have agreed to work with us to provide external review of the Parole Decision Making Guidelines. These agencies have a long association with the Board of Probation and Parole, a clear understanding of our mission and operation, and most importantly, the expertise to guide us toward guidelines that are statistically valid and reflect the state of the art in current correctional practices. This process will take several months but the product will be well worth that investment in time.

Though not at the initiative of the Board itself we have been enhanced by Governor Ridge's appointment of Mary Woolley as the Policy Officer for Criminal Justice. Ms. Woolley has been of great assistance to us in providing liaison with the Governor's Office and with the other agencies under her aegis, primarily the Department of Corrections.

I have been appointed by Governor Ridge to a task force to work to improve the procedures regarding the Interstate Compact. As you will recall, one of the systemic breakdowns in the Robert Simon case concerned how he came to be transferred to New Jersey, and the supervision that resulted from inadequate information. I am working with counterparts from New Jersey and Delaware, under the direction of their Chief Executives, to review how we can all do a better job and protect citizens of all states.

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

Senator Mike Fisher has posed a serious question: Are there any more "Mudmen" out there? We have taken a serious look at the information that we have available, and it is hard to answer directly. We certainly hope that there are no cases that represent the series of breakdowns in the paroling and supervision process that characterized that case. We have directed all District Directors to review the cases under their control to determine if there are any offenders who even approach the characteristics of such a case and take any necessary action to impose conditions of supervision to reduce the risk of the tragedy that was the "Mudman". I can assert that all cases that have been considered for release on parole have been subject to thorough review, with an eye toward the dangerousness of the individual, in addition to any programming and behavior in the institutions.

A large number of parolees have the characteristics of a violent offender, as much as 20% of our population. We are in the business of risk control. I feel that the Parole Agents of this Board are dedicated public servants who are doing the best that they can to provide supervision but the odds are against them. The case loads are entirely too high to effectively control the risk to the public.

The numbers of 85:1 for general caseloads and 45:1 for specialized units have been proffered as goals. They would be a drastic improvement for our embattled agents with average caseloads of 109, but even those numbers are too high. It is difficult to give an optimum suggestion for the ratio of parolees to agents but something on the order of 60:1 for general caseloads and 35:1 for specialized units would seem more appropriate for the people whom we supervise. A simple glance at the numbers would suggest that if an agent supervising a specialized caseload, one that would demand close supervision, gave each of 35 cases one hour of attention per week, there would be very little time left for travel, paperwork, lunch, illness, etc. Granted, a general caseload would require less intensive casework, but less than a half an hour of attention each week is not much.

There have been calls for increased review of cases for paroling decisions. With the current five-member Board we are stretched to accommodate the hearings at twenty-one state institutions, and many county jails, much less to provide the multiple reviews of dangerous people being considered for parole. We agree that there is a definite need for multiple reviews to better control the risk of releasing the wrong people, but we need help to do the job. We are recommending that the Parole Board be increased to nine Members, so that we can keep up with a population that has drastically increased over the years.

We realize that this Committee is not the proper venue to ask for increased funding, but we must point out the fact that our agency is sorely underfunded. It has often been suggested that the simplest procedures manual for any operation is three words: Do your best. For our agency that translates to: Do your best with what you have. Our agents not only are battling staggering caseloads, but they also lack the safety equipment and support to get their jobs done. The agents of the Pennsylvania Board of Probation and Parole are professionals who are risking their lives every day in an occupation that is every bit as hazardous as any police agency in this Commonwealth.

The temptation is to say, "Why not just keep them locked up?" We do not have enough institutions to accomplish that now and I do not believe that it is feasible to do so for the future. Commissioner Horn absolutely needs increased funding. Corrections has, just like the Board, been underfunded for so

long that it is a credit to his management that he has been able to keep control of the population that he has, with some old institutions that are far from the state of his art. I submit that both of our agencies can be served by increases in funding for the Board of Probation and Parole. With more parole agents on the street, and increased surveillance available, the tough calls for parole decision making can be made with better chance for risk control. With more commitment options, such as intermediate punishment initiatives, we can recommit violators to shorter term, intensive programs, conserving bed space in the institutions for those more in need of them.

We have great respect for the Department of Corrections, but our two agencies are only part of the spectrum that is the Criminal Justice System. I may seem to be working at cross purposes to the theme of more resources for our agency, but I must point out a disturbing theme that pops up again and again in the review of cases. That is domestic violence. I urge the legislators to continue the effort to prevent domestic violence at all levels. Education and intervention in the communities is necessary. By the time an abuser gets to a state institution, a trail of victims is left in his or her wake. The resources need to be up front in this fight, so that we do not need them at our end.

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

THE WORKLOAD CONCEPT IN PROBATION & PAROLE

Workload is a process by which the total effort required for supervision, investigations, and other essential activities is measured and distributed among staff. For managers, it determines the staffing resources needed to accomplish an agency's mission. For line officers, it supports equitable distribution of those resources. The process assumes there is a total amount of time one can expect from an employee; work must be completed during a prescribed period of time; and the time required to complete assigned tasks can be quantified.

Traditionally, agencies relied on caseload size (the number of clients assigned to each officer) to determine staffing requirements. Conventional wisdom held that smaller caseloads allowed more services to be delivered and outcomes improved with increased services. Administrators sought that "ideal" caseload size -- as large as possible without unacceptable deterioration in outcomes. Agencies also assumed that random assignment of clients to caseloads resulted in equal workloads. Cases requiring intensive supervision would be balanced by those needing minimal supervision. In the end it evened out and staff with similar sized caseloads had equal work to do.

In practice, this approach has serious flaws. Research consistently show little relationship between outcomes and caseload size. It turns out that the key is not available time but time targeted against higher risk cases and against factors most strongly associated with continued criminal behavior. Focusing just on caseload size assumes every officer will intuitively spend his/her time on higher risk cases and on needs linked to recidivism. Even where this is the intention, priorities are subverted in the daily routine by tasks with more immediate consequences. This is particularly true where there is more work than available time. Items resulting in immediate and negative consequences get done regardless of the priority involved..

Because of these and other factors, workload systems are recognized as superior for determining resource needs and allocating work. The system requires clearly identifying the tasks to be performed; developing standards for acceptable performance; and determining the average time required to do each task at the acceptable level. This, along with the number of hours available (currently 128 hours per month per agent in Pennsylvania), gives managers a rational and defensible method for determining staffing needs and for distributing work among staff. For budget development, a workload system makes explicit the resources needed to accomplish a specified level of service. If resources are inadequate, the choice is between adding resources or giving up known services or levels of performance.

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HOUSE JUDICIARY

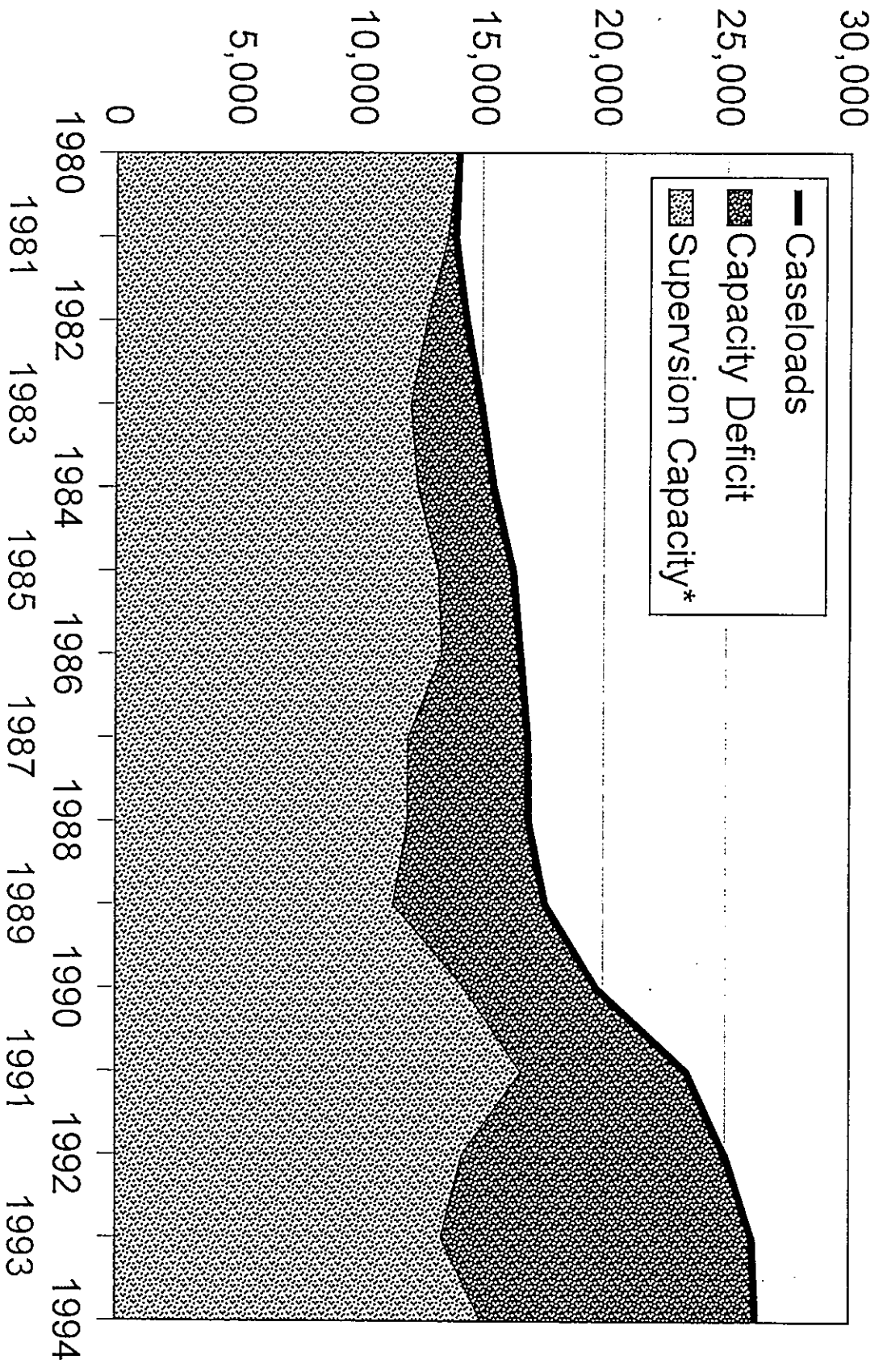
COMMITTEE MEETING

BOARD OF PROBATION AND
PAROLE

OVERSIGHT HEARING

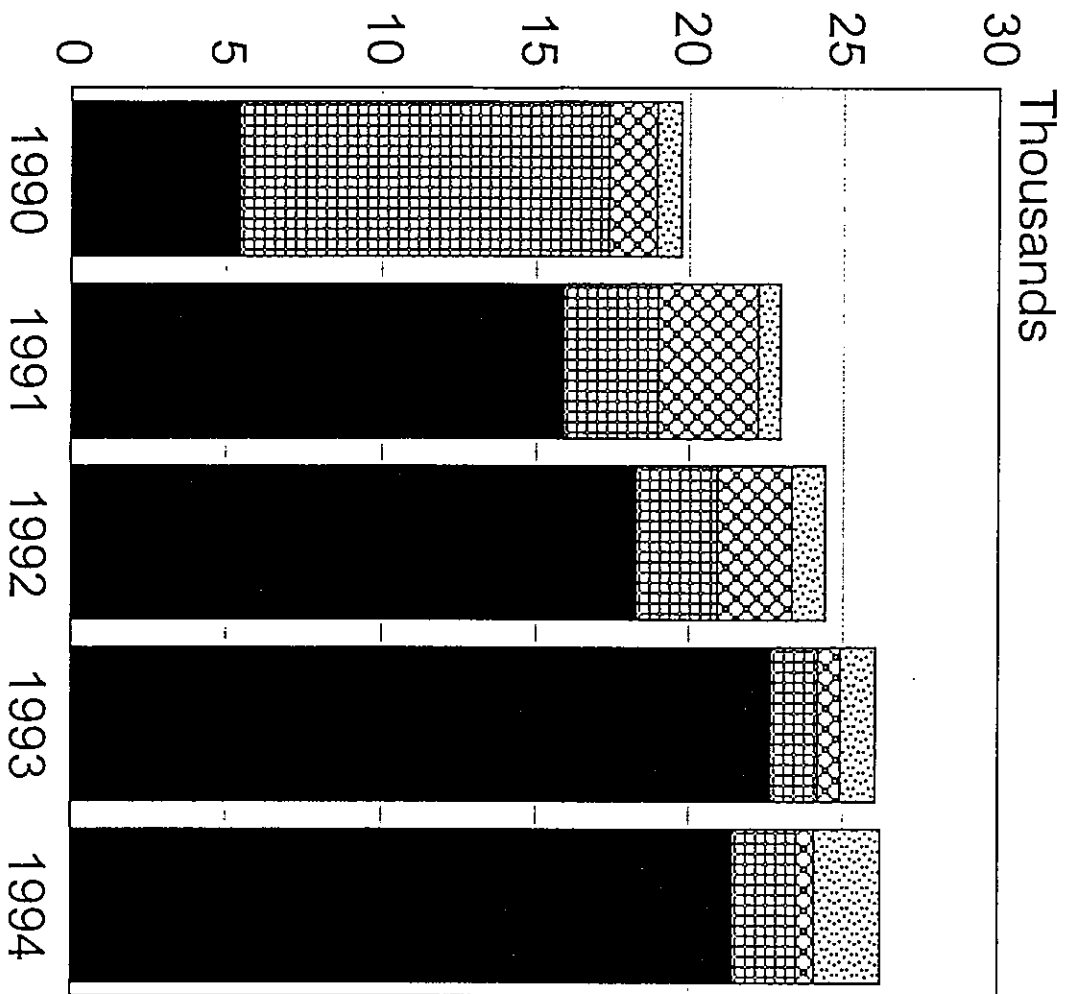
SEPTEMBER 15, 1995

PBPP Supervision Capacity and Caseloads 1980-1994



*Based on number of available parole agents & workloads associated with supervision standards.

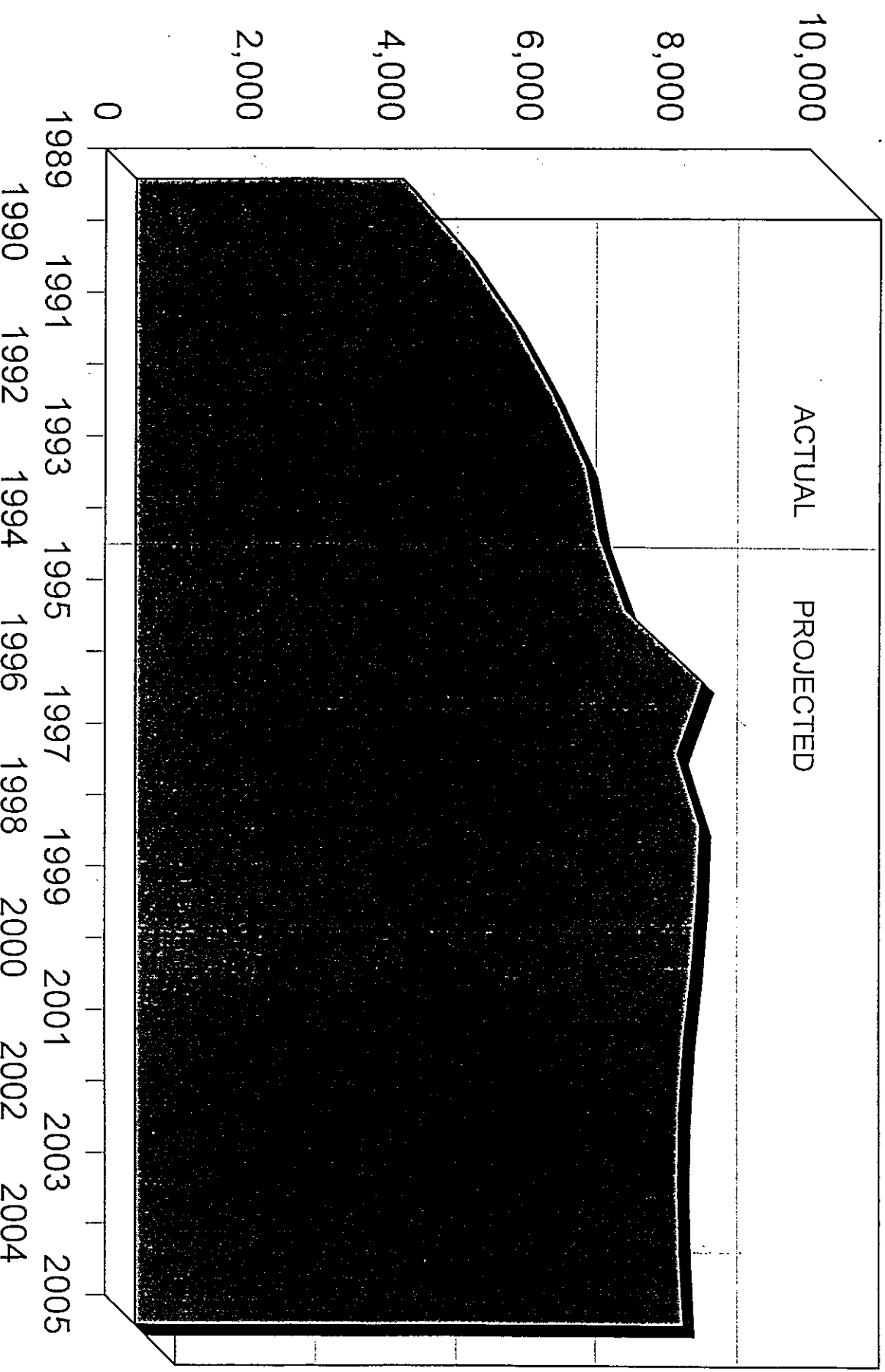
PAROLE POPULATION COMPOSITION BY CONTINGENCY SUPERVISION GROUP



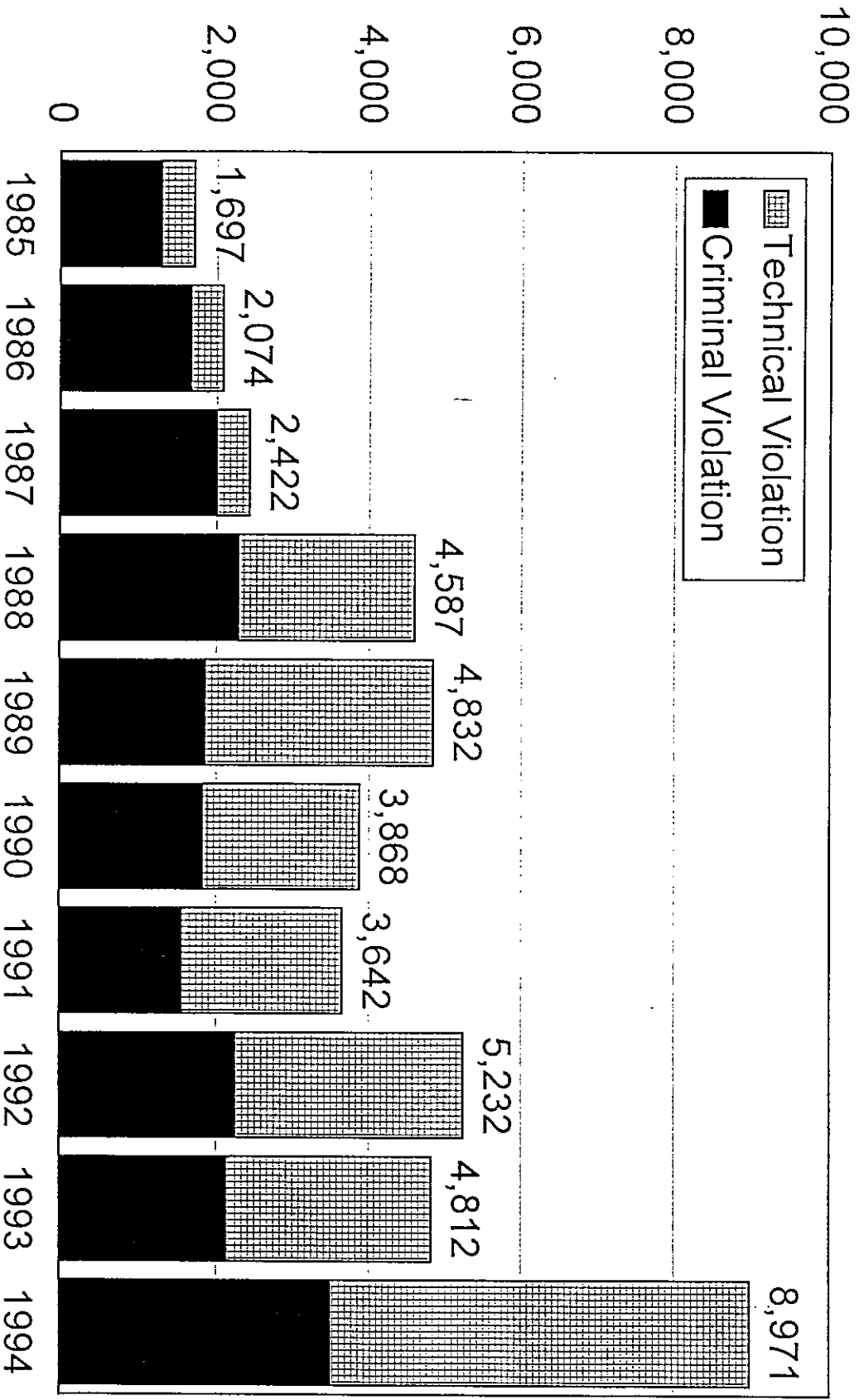
- SPECIAL INTENSIVE
- NONE REDUCED
- LEVELS A &/OR B REDUCED
- ALL LEVELS REDUCED

Department of Corrections Offenders Eligible for First Parole Review

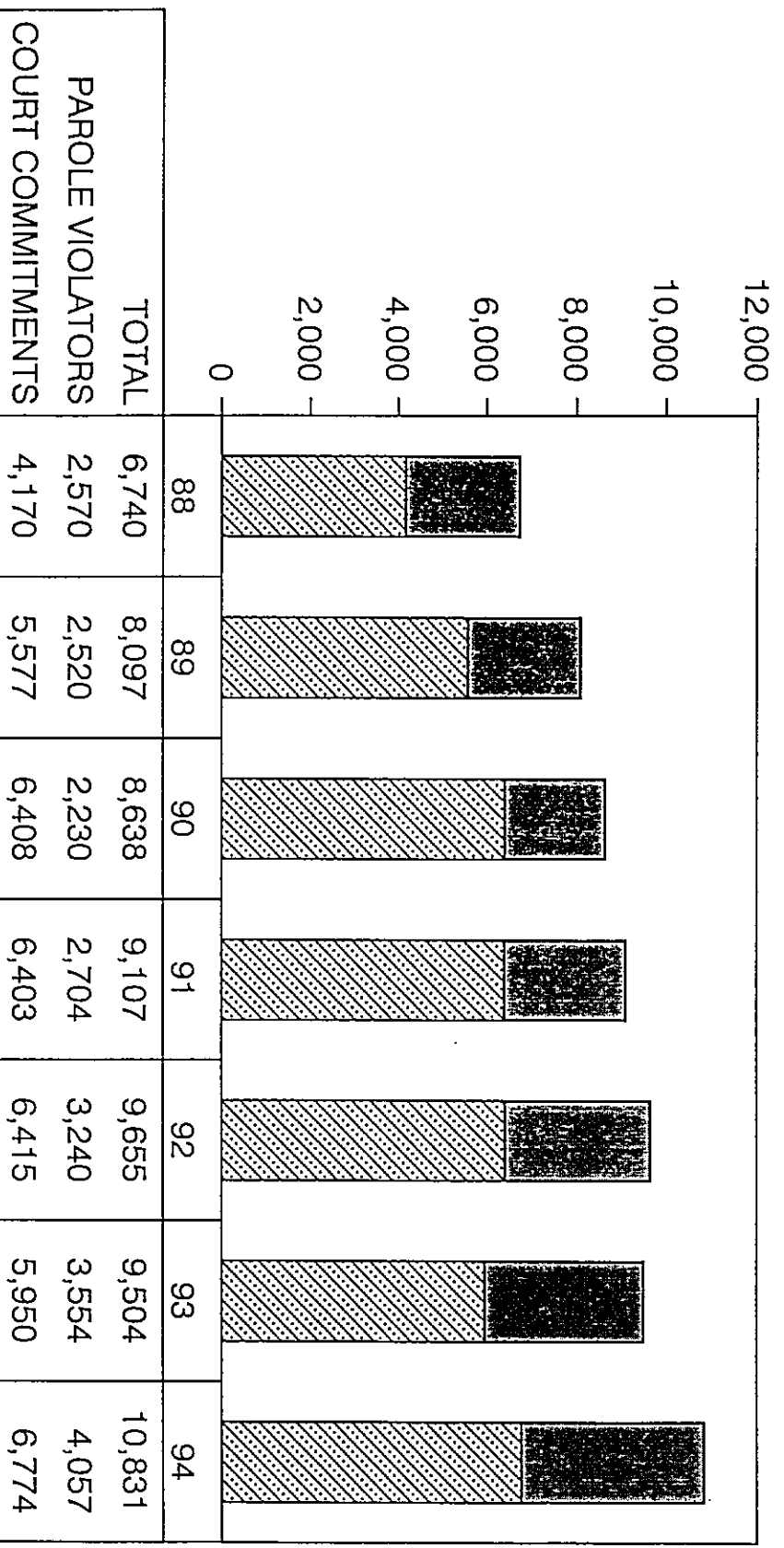
Actual 1989-1994 Projected 1995-2005



Board Decisions to Recommit to Incarceration for Parole Violation 1985-1994



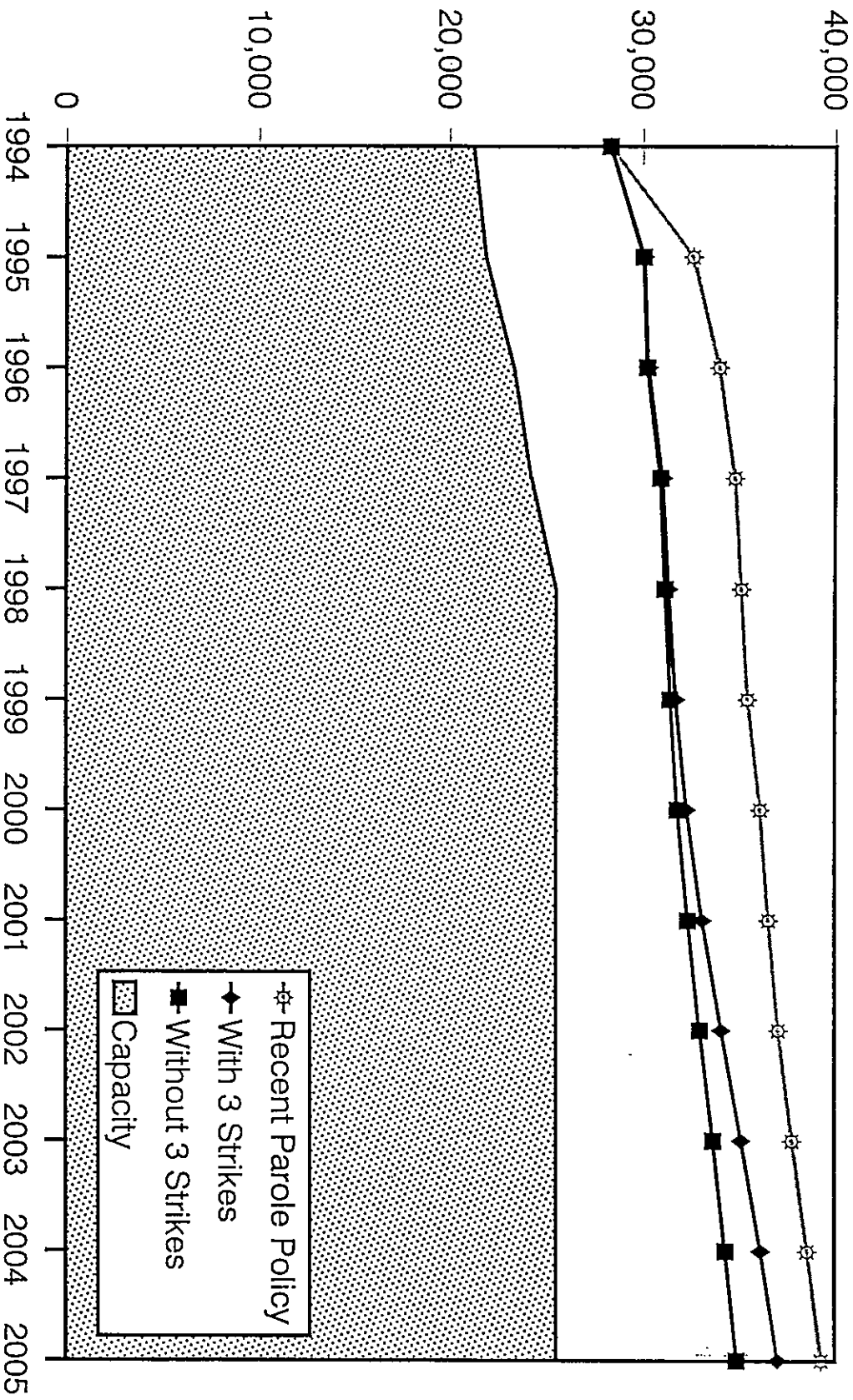
DEPARTMENT OF CORRECTIONS ADMISSIONS 1988-1994



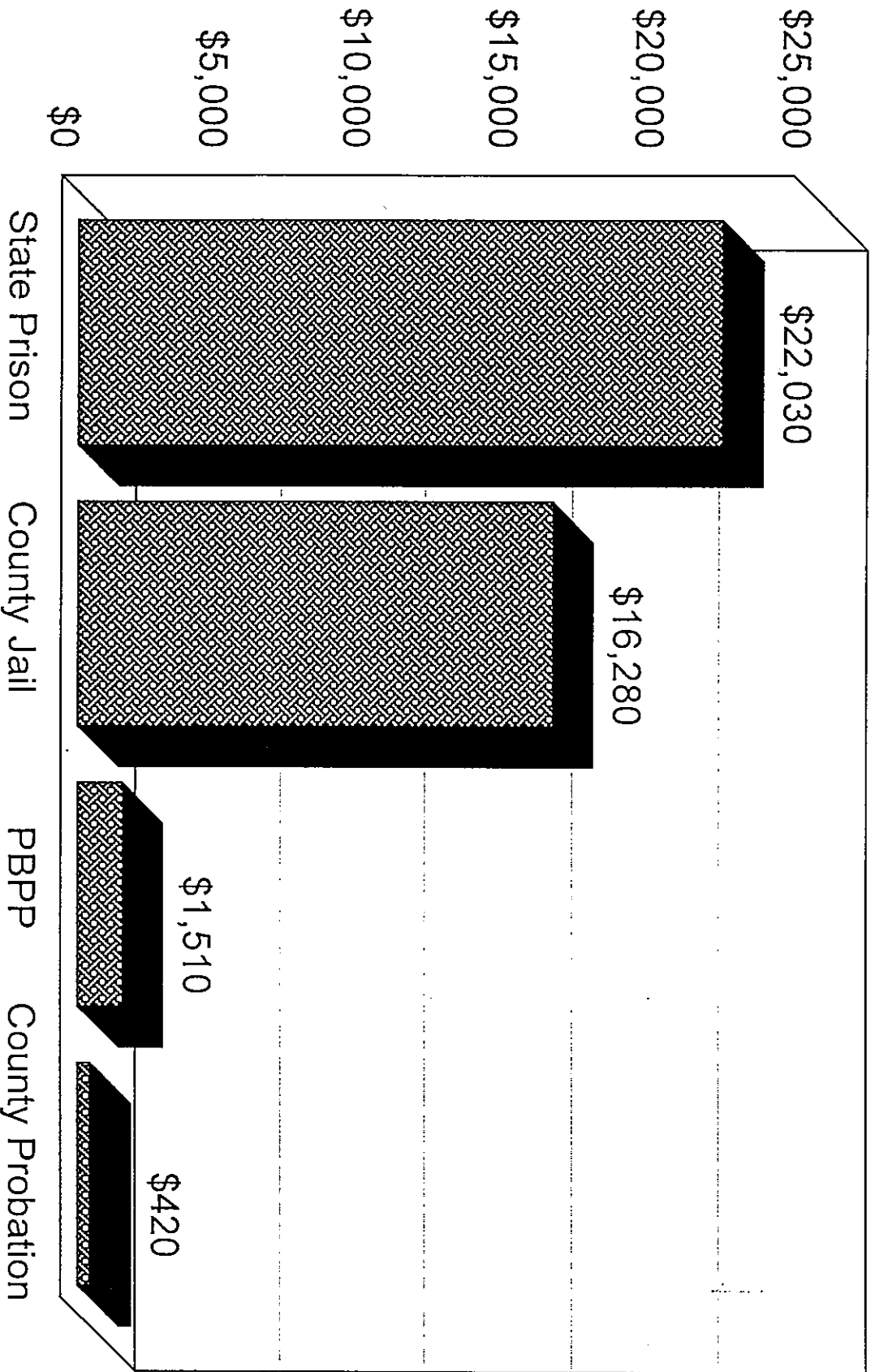
COURT COMMITMENTS
 PAROLE VIOLATORS

SOURCE: PA DEPT. OF CORRECTIONS

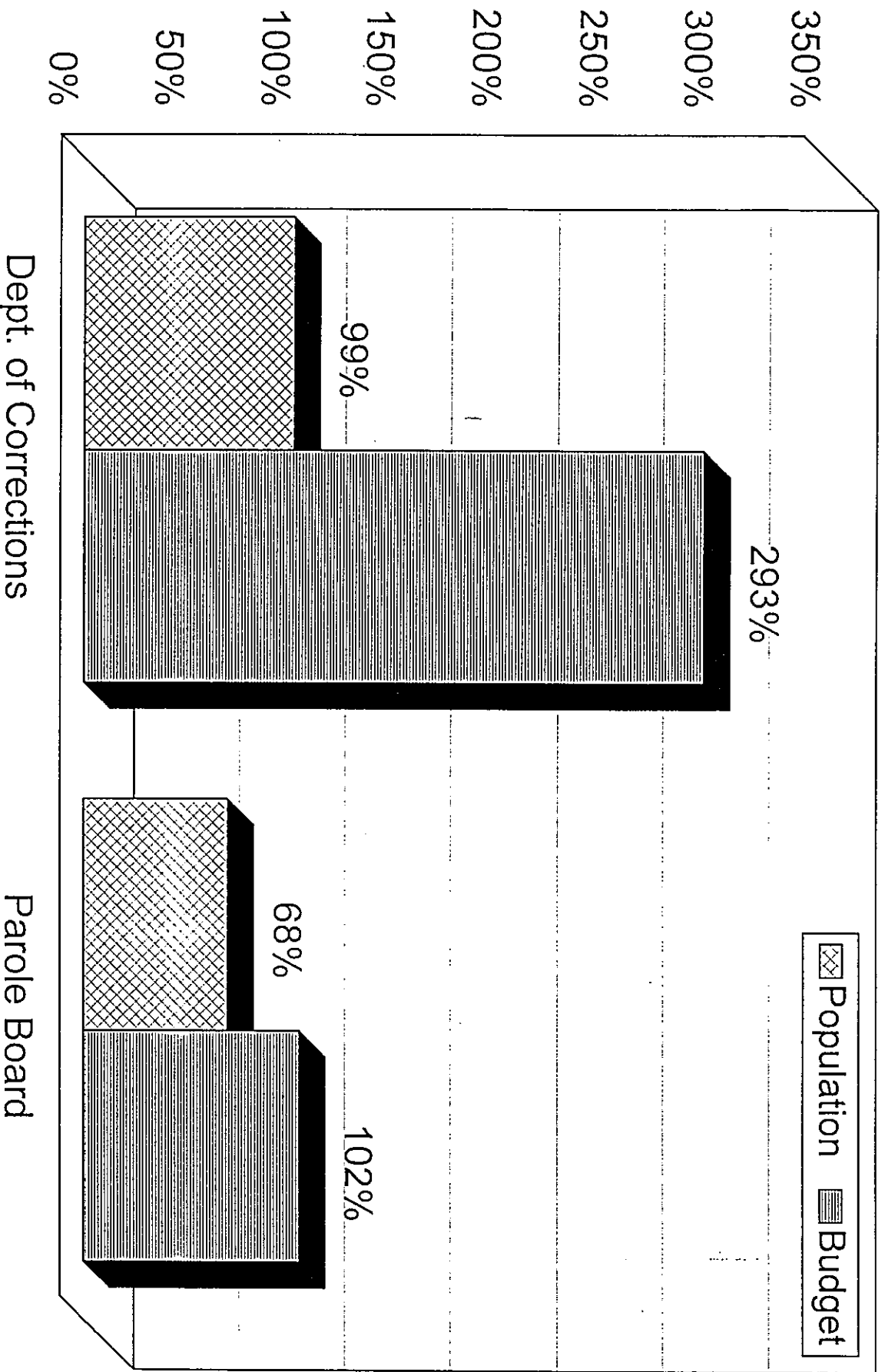
Department of Corrections Projected Populations Under Past Parole Policy without Three Strikes, Past Parole Policy with Three Strikes, and Current Guidelines with Recent Parole Policy 1994 - 2005



Annual Cost of Correctional Options 1994

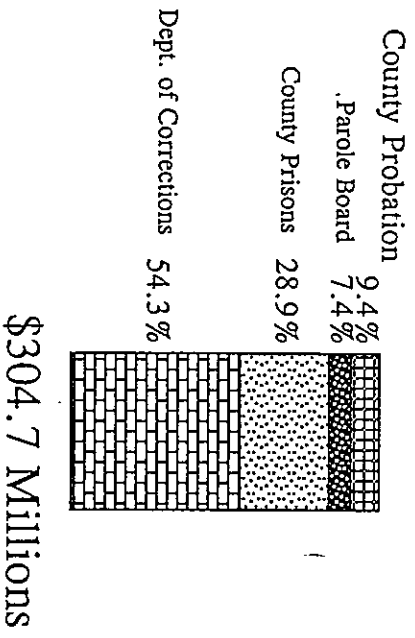


Percent Increase in Agency Budgets and Populations 1985-1994

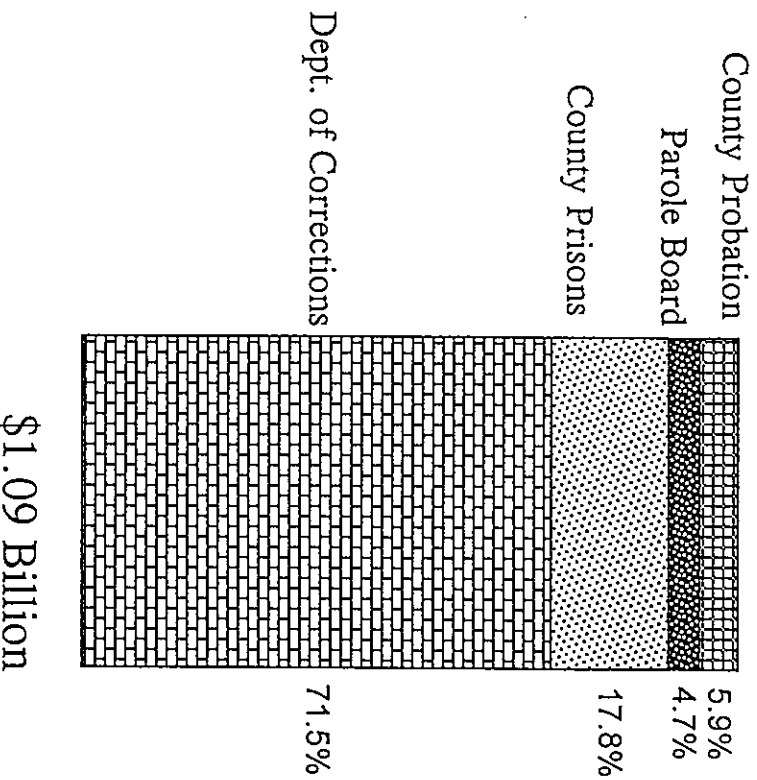


Comparison of Correctional Expenditures 1985 versus 1994

1985



1994



Sources: PA Department of Corrections & PBPP