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Good Afternoon,

My name is Terry L. Davis. I am the Director of Adult Probation and Parole for Dauphin County. I presently serve as the President of the Chief Adult Probation and Parole Officers Association of Pennsylvania.

On behalf of the membership of the Association, I want to thank you for this opportunity to present testimony to the Intermediate Punishment Task Force.

I want to start by saying that I am in full support of the Intermediate Punishment sentencing option that is available for the Courts. Our Association members have accepted and developed the necessary programs that have made the option available at the local community within the Commonwealth.

County Adult Probation and Parole is truly the real testing and

proving ground for Intermediate Punishment, and due to this option that was made available for the Court, we have really become more than a probation office and parole department, we are the “community corrections” experts in the Commonwealth. We have fully supported this concept, and in fact, encouraged the Court to utilize Intermediate Punishment. I have to go back to the early development of Intermediate Punishment, when Commissioner Joseph Lehman, Bureau of Corrections, presented the concept to us in State College. It was described to us as a means to reduce prison overcrowding. When Joe offered counties a portion of his State Prison Budget to participate, I knew immediately that the goal was not to reduce “jail population” but to reduce SCI population. The carrot was, “cash” to the Counties who would utilized the program. Along with the Intermediate Punishment sanctions

came Act 71 which provided \$200 million to counties to add onto our prisons. I asked myself why? Upon reading and understanding the Acts, it made sense. Commissioner Lehman could give up 3 million dollars out of his budget, if less prisoners were sent to SCI. If Counties build another 1000 or so beds onto their institutions, the probability that the State would see less offenders sentenced to their institutions. This all sounds logical, and in fact it was a pretty good idea from the State's point of view. My Court and many of the other Courts would prefer to have offenders under the supervision of the local agencies as compared to the State agencies. By providing this money, what really happened is that the Counties have now added beds in the county prisons, which will forever be a burden on the local tax payers. This is equally true for County Adult Probation and Parole Departments that have added additional

staff. We have created programs that help the offender with community supervision needs, upon their returning back in our neighborhoods. This has not all been a bad thing for us, because we have now been able to expand somewhat, but now the Counties are paying the costs.

I would like to present a brief overview of County Adult Probation and Parole; its role in the Commonwealth's criminal justice system; and our relationship with the Intermediate Punishment Sentencing Scheme which began in 1993.

There are approximately 240,000 criminal offenders under some form of state correctional supervision in Pennsylvania. (Does not include Federal Offenders, who we all know also live in our neighborhoods). Of that number, 165,000 or 70% are under the direct supervision of County Adult Probation and Parole Depts. For comparison, the Pennsylvania Department of Corrections

houses approximately 35,000; county jails, 20,000, and the Pennsylvania Board of Probation and Parole supervises the remaining 20,000 offenders.

I must also take this opportunity to discuss the serious issue of under funding of the County Adult Probation systems over the past 15 years. As you know, the General Assembly created the improvement of Adult Probation Services Program in 1965.

The program is commonly know as the “Grant-in Aide Subsidy” within the PA Board of Probation and Parole’s budget. This incentive program established a financial promise to the Counties that calls for a reimbursement of 80% of officers salaries who meet specific education and training requirements.

The clear intent was to professionalize the County Adult Probation Community. I think we can all agree that the quality and quantity of probation services have dramatically increased

over the past 33 years. You have and will continue to hear my colleagues and me state that if you expect probation to continue as the “Keystone” of the criminal justice system, and for us to even think we can maintain a level of public safety that the taxpayers, professionals, and politicians demand, we must not be overlooked any more in the budget process by the Commonwealth.

The Grant-in-Aide funding in the current fiscal year budget is \$17.5 million. This is \$13.7 million short of the funds required to fund County Probation at the required 80% level. The reimbursement rate for this year is only 46%. As the Governor and General Assembly strive for a safer Pennsylvania, it is imperative that you provide us with the necessary funds to carry out our responsibilities.

As President of the County Chief Adult Probation and Parole

Officers, I feel that we have opened the gate for a “Trojan Horse” in the Intermediate Punishment Village. When this was presented to us we eagerly opened the gate for this sentencing option, with the promise of funding support for the future. This has caused us to do a more involved Pre-Sentence Investigation that has to include all the IP options, we have had to organize and operate the programs that require specialized equipment and staffing, and we are doing more for less. I know this is a popular budget statement, but the empty promises since 1965 has caused a serious budget issue for County Commissioners who are being forced to fund programs that the Courts are demanding. This places us, County Chief’s, in a position where we have to fight for funding and we are being told that they really do not want to continue supporting programs that are forced upon them.

When the Intermediate Punishment funding became available many of us applied for the support so that we could effectively operate these programs. Three years later we find out that all of our staff that we have added to do these programs are not eligible for Grant-in-Aide. So when we ask for new positions to supervise these new offenders the County Commissioners are not really supportive, and as caseloads have seen drastic increases that in some cases within the State we are not able to get the support to adequate staff these caseloads. Therefore we are placed once again in a position that creates tension within the County systems.

I was not here in 1965 when State Subsidy began, but I have been with the County since 1972, and I have seen the problems that have come about, because back then we opened the gate for the Trojan Horse, and the promise was not fulfilled until 1985.

This was the only year in the 33 year history that counties received the proper funding. How many times can I go to the Commissioners and tell them that I can get them State assistance for projects that the State has passed down to us? We the professionals want to support programs that will in fact protect the community, provide means to rehabilitate the offender, but the Commissioners are not going to continue to open the village gate, and I cannot blame them.

We at least need to add the staff that has been hired due to Intermediate Punishment funding to the Grant-in-Aide and receive at least that portion of funding. When the State Parole added it's 100 new Agents, they were hired, and funded to provide the necessary protection to the community from offenders released from the State Correctional Institution. When the Counties added their 100 or so new IP officers to supervise

offenders that normally would go to the State Prison System, what we got was an empty “Horse”.

Funding is critical, and to reinforce where we are coming from, I also want to present an overview of County Intermediate Punishment from a County perspective.

73% of the County IP Coordinators,(49 of the 67 counties) are Chief Adult Probation Officers. In all counties, except Mercer and Venago Counties which do not have an Adult Probation Department and Bucks County where IP supervision is provided by the jail personnel, County Adult Probation and Parole provide the direct correctional supervision to IP offenders. It is important to note that IP is an additional responsibility for Adult Probation Departments. As you know, the intent of Intermediate Punishment is to make available to the Court another sentencing option for offenders who would otherwise receive jail or prison

sentences. Intermediate Punishment has had little impact on traditional probation caseloads. That is not to say they have not reduced the number of offenders placed on probation. The overall effect of IP has been an increase in the responsibilities and the offender population under the control of county departments. I have attached a packet of information that gives you a more detailed summary of the services we provide.

We have gathered some data from the Pennsylvania Commission on Sentencing that demonstrates the impact of intermediate punishment on our agencies. Specifically, I am using 1994 data to 1996 data comparing sanctions. In 1994 the sentencing guidelines were revised with the intent of defining intermediate punishment eligible offenders. Just looking at total theft categories, misdemeanor theft, felony retail theft, etc, we can examine the overall impact on the entire criminal justice system.

In 1994 the following sentencing breakdown represents the type of sentences received for theft category offenders: 12% (1,526) received prison sentences; 40% (5,066) received county jail sentences; 2% (198) received IP sentences and 46% (5,719) received probation sentences. In 1996 the breakdown had changed to the following: 7% (1,110) received prison sentences; 34% (5,832) jail sentences; 4% (758) received IP sentences; and 55% (9,329) received probation sentences. The data clearly demonstrates that a shift in responsibility has occurred. More offenders are receiving their sanctions in the county setting, either jail with county parole, intermediate punishment or county probation. Obviously the most dramatic increase was in the County Adult System.

Unfortunately, the funds necessary to provide supervision and control have not followed this shift in population. I presented

earlier the funding crisis in County Adult Probation and Parole.

A similar crisis exists in the Intermediate Punishment Funding.

In the 1993/94 fiscal year the General Assembly appropriated \$5.3 million for IP funding, since that time that figure has not increased, even though the number of IP sentenced offenders has increased, and the costs of the programs go up.

In 1997/98 fiscal year budget, \$10 million was earmarked for IP eligible offenders in need of drug and alcohol treatment. While we all agree that this is a worthwhile endeavor, we do not agree with the restrictions on the use of these funds. Regulations state that no more than 10% or \$1.0 million of these funds can be used for criminal justice supervision. The offender targeted for treatment are high risk offenders who otherwise would be receiving state prison sentences. They are now receiving non-jail sanctions and, in our opinion, need intensive supervision

while under County Probation Supervision.

I do not want to give you the impression that we do not support the use of Intermediate Punishment Sanctions, on the contrary, County Adult Probation and Parole wholeheartedly endorses the continued and expanded use of Intermediate Punishment. We are the criminal justice professional best positioned to carry out the intent of this sentencing option.

In my County, Dauphin, I assumed the total control over the “prison work release program” because I feel I am better suited to supervision of offender who are released into the community, even if it is partial release, than the prison officials. I am sure you are aware that the committee will visit my center at the end of the month, and I know you will find a criminal justice facility that exceeds the original intent of the intermediate punishment legislation. I am looking forward to providing you with this

visit, and to explain in more detail the cost effectiveness of my program to the local taxpayer. Intermediate Punishment funding has also assisted my Court with the funding for the electronic monitoring program, the intensive drug supervision program, and our community service program, so it cannot be said that we have not been appreciative, but what our Courts want, our Commissioners must fund. That is the dilemma that we are faced with every time we approach the Commissioners for available support for improving our Court system. This of course is state wide, from Philadelphia to Allegheny and everywhere in between.

The Chief Adult Probation and Parole Officers Association fully supports the new legislation on being tough on criminal offenders, and we support the funding issues like “supervision fees” that help support some of our efforts, but we need to be

seriously considered at budget time, because we are the major player in the whole system. This is clear just based on the number of offenders we deal with everyday.

In closing, I want to thank the Committee for scheduling these hearings and we urge you to expand them to examine the entire county-base community corrections system, the county Adult Probation and Parole, and the Intermediate Punishment Programs. As I stated earlier, county Adult Probation is poised to continue providing high quality community corrections supervision while maintaining public safety throughout the Commonwealth. However, to carry out these responsibilities, we must receive the necessary resources.

On behalf of our Association Membership, thank you for this opportunity to testify and I am available to answer any question you may have.