

Pennsylvania Board of Probation and Parole
Testimony of Chairman Catherine C. McVey
Before the House Judiciary Committee
November 15, 2007

Good morning Chairman Caltagirone, Chairman Marsico, and members of the Judiciary committee. Thank you for the opportunity to testify today regarding this legislative package, which is designed to make our neighborhoods and communities safer by reducing victimization. It will provide less serious offenders with the tools they need to avoid committing crimes when they are released. More specifically, it focuses on targeted interventions for offenders, provides incentives for offender behavioral changes, encourages effective parole supervision and allows resources to be used to maximize reduced recidivism. As policymakers addressing the challenges facing the criminal justice system, we must think differently about how we maintain public safety and manage offender reentry.

Given our mission to protect public safety, it is the commitment of the parole system to continue to work toward a reduction in the recidivism rate and increase successful parole outcomes. In Pennsylvania, almost half of released inmates return to prison at least once within a three-year period. The legislative initiatives provide us with an opportunity to more effectively work toward the reduction of our recidivism rate through proven correctional and parole practices to assure that offenders will be less likely to commit new crimes.

The Board has closely examined ways to improve its effectiveness which has resulted in two proposed amendments to the Parole Act to more effectively prepare and supervise offenders. The first provision, rebuttable parole, is premised on the principle that offenders will be motivated to behave in prison and participate in programming knowing that they are more likely

to be paroled at minimum. A more predictable date for parole is a powerful incentive to motivate an offender to complete behavioral programming targeted at crime producing needs. Under rebuttable parole, eligible less serious offenders would be paroled at their minimum date as long as it is determined by the Board that they have met the established criteria. The criteria call for these offenders to complete all prescribed programs, to maintain appropriate institutional conduct, and to have an approved reentry plan. The Board retains the authority to deny parole if they believe there is any risk to public safety in releasing the offender. This process allows the Board to begin "in-reach" into the prison to prepare for release and the anticipated release date provides leverage to increase an offender's participation. In prison, we can begin to plan programming for post-release supervision and the offender is able to more adequately plan for employment and support services that may be needed. Overall, this process enables a better prepared individual to be received from prison onto parole supervision in order to reduce recidivism.

The second provision establishes administrative parole, which allows eligible, less serious offenders who comply with the terms and conditions of their parole for a one year period to be placed on administrative parole for the remainder of their supervision. Administrative parole is consistent with research-based evidence indicating that parolees need the most focused case management and intensive supervision during their first year of release when they are most at risk to recidivate. Administrative parole would be granted by supervision staff who carefully review the supervision history of the offender to ensure that they are successfully adjusting in the community. If so, offenders under administrative parole will be required to update contact information as necessary, to contact their parole agents at least once per year, and continue to comply with their conditions of parole. The Board retains the authority to revoke administrative

parole at any time for parole violations or if they believe it's in the best interest of public safety. Additionally, research also clearly shows that following one year of success under parole supervision, less serious offenders do not receive the same benefit from a continuation of regular supervision, and may actually be more likely to re-offend when traditional supervision is continued after this period. Thus, implementing administrative parole is smart public policy from both a public safety and resource management standpoint as it will allow the Board to focus its time and resources on parolees who need it the most, the higher risk offenders.

The goal of the legislative initiatives is to reduce Pennsylvania's recidivism rate through research-based management tools that have been proven successful and are similar to those working successfully in other states. NY, NJ, MD, OH, KS, and MI are all combining credit for good institutional behavior and compliance with programming with some form of rebuttable parole in order to better manage offenders with less serious convictions under parole supervision. Five of these six states combine these practices with administrative parole in order to efficiently target their treatment resources at higher risk offenders. In addition, these states have or are implementing offender reentry initiatives similar to the parole violator initiatives recently implemented in Pennsylvania. The combination of all these practices come together to reduce recidivism by getting offenders the treatment they need while moving the less serious offenders to parole supervision.

These legislative proposals are based on research at the state and national level concerning effective programs and strategies for reentry. From this research are three key principles that must be applied, whether they are programs or strategies based in prison, a community-based facility or provided on parole. The first principle is the need to assess the risk of the individual to reserve our most intensive correctional treatment and intervention programs

for higher risk offenders. Several studies have demonstrated that participation of low risk offenders in programming that is designed to meet the needs of higher risk offenders can result in an increase in recidivism rates for the lower risk offenders. Second, programs should target an offender's crime producing needs, such as anti-social attitudes, values, beliefs and peer associations, substance abuse, lack of problem solving and self control skills and other factors that are highly correlated with criminal conduct and their risk of reoffending. The third key principle is that the most effective treatment programs are those that are behavioral in nature. Working with offenders to change their criminal thinking patterns can and does result in a change in their behavior.

In addition, many other evidence-based practices are being implemented by the Board in its effort to reduce recidivism. Integrating the lessons of research into how we manage offender reentry provides the opportunity to shape the offender's behavior with the purpose of achieving a reduction in recidivism through successful reentry in the community. Moving less serious offenders who have successfully completed programming onto parole so that we can provide effective supervision through case management continues the alignment of decision making and supervision strategies with evidence-based practices.

In addition to the amendments to the Parole Act, amendments within Title 42 (H.B.4) require the Pennsylvania Commission on Sentencing (Commission) to establish both recommitment ranges for offenders whose parole is revoked and are returned to prison as well as parole guidelines regarding the decision to parole.

Currently, the Board's recommitment ranges are established in regulation and have not been updated since 1988. The Commission develops sentencing guidelines to advise the courts in order to create consistency in sentencing. The Board will work with the Commission to

develop recommitment ranges to provide consistency with revocation decisions and congruency with sentencing policy.

Recommitment ranges are presumptive ranges of time, commonly called back time, that must be served in the institution if parole is revoked. The Board has no authority to sentence or re-sentence parole violators. The Board is only authorized to recommit parole violators to prison to serve part or all of the unserved remainder of a sentence that was imposed by a court. Parole can be revoked under two circumstances: for technical parole violations (TPV) or convicted parole violations (CPV). Recommitment ranges for TPVs vary based on the condition of parole violated and recommitment ranges for CPVs vary based on the offense category. It is not uncommon for the Board to override the recommitment ranges in order to have the offender's treatment needs met.

The current recommitment ranges for technical parole violators who breach a condition of parole typically are less severe than those for convicted parole violators who have committed a new crime. The Board uses a sanctioning matrix to guide the recommitment of parolees to prison when other alternatives have been exhausted or the violation is such that the parolee represents a threat to public safety. Technical parole violators in good standing prior to violating a condition of parole are only recommitted for terms within the original sentence period. Parolees who abscond, or flee, parole supervision lose their time at liberty, or street time, when re-arrested because their sentences are reinstated giving no credit for the period from the date of absconding to the date of capture. Convicted parole violators also lose their sentence credit for all time at liberty on parole. A revocation of parole for convicted parole violators and absconders has the effect of moving the maximum sentence date, but overall it does not change how much time an offender serves.

The provisions related to parole guidelines require the Commission to assess factors such as protection of the public and victim safety, victim input, institutional behavior, programming, targeting of interventions, and the use of valid risk assessment tools. These factors will be integrated into the Board's internal decisional process. The publication of these advisory guidelines will result in greater consistency and more public understanding of how parole decisions are made.

These proposals, consistent with research, recognize that all offenders should not be managed the same. These initiatives target the use of effective treatment interventions and post release transitional support and supervision to successfully address the offender's risk and crime producing factors. Research has determined this type of approach to these offenders can yield a significant decrease in recidivism.

I look forward to working with you on these critical public safety initiatives and would be pleased to answer your questions. Thank you.