

Testimony of Catherine C. McVey  
Chairman, PA Board of Probation and Parole  
Before the House Judiciary Committee  
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Good morning, Chairmen Caltagirone and Marsico, and members of the House Judiciary Committee. Thank you for the opportunity to discuss the Board's efforts to identify violent offenders, repeat violent offenders and the work of Dr. John S. Goldkamp of Temple University in order to manage these offenders differently to protect the safety of the public.

The Pennsylvania Board of Probation and Parole understands that it is important for the citizens of Pennsylvania to know that the parole system does work. We are accountable to the public and they need to know, with all assurance, that protecting public safety is our highest priority and that we constantly strive to consider and evaluate appropriate decision making and supervision strategies to reduce victimization.

I want to extend, on behalf of the Board, my heartfelt sympathy to the loved ones of the victims who were killed at the hands of parolees. I also want to express my commitment to continue to improve our parole system by working to identify offenders who are likely to re-offend violently.

Further, the Board seeks to do its part to improve our criminal justice system as a whole. We work with judges, prosecutors, defense attorneys, law enforcement and other partners in the criminal justice system to address problems that need the attention of the entire system. Mayor Nutter and Commissioner Ramsey have concurred that the current challenges in Philadelphia need to be examined across the entire criminal justice system. Sentences of violent offenders need to be reviewed. Probation and parole entities need adequate reentry resources in the community. Police officers need to be properly equipped and trained for the new phenomenon

they are facing. As Mayor Nutter has called for, citizens need to share information with law enforcement, especially information about individuals who possess illegal guns.

Over the last three years the Board has, in greater numbers than ever before successfully paroled and supervised offenders, with our overall performance continuing to improve in terms of reduced recidivism, no statistical increase in parolee criminal convictions and increases in successful completion of parole.

The responsibility of considering some 20,000 cases per year for parole, and annually supervising over 45,000 offenders in the community is a formidable task. However, in spite of overall system improved outcomes, we have had a small number of parolees go on to re-offend violently. In a three year study that tracked the outcomes of paroled state cases from 2005 through 2007, it was determined that less than 1% of offenders went on to be recommitted for a violent conviction. We are continuing to aggressively pursue system improvements to enhance the safety and effectiveness of our parole decision making, reentry and offender supervision.

We continually strive to improve our approaches and strategies to parole. Our efforts to apply evidence-based practices are a reflection of our commitment to do what we can to reduce recidivism. Thus, our vision is the same as yours – to return offenders to their communities as law abiding citizens. Our challenge, working in coordination with the Department of Corrections, is to reduce the likelihood that someone will commit another crime.

I would like to provide an overview of the progress the Board has made, the changes currently being implemented regarding violent offenders, and our challenges. Through the implementation of new policies and practices based on what research has proven to be most effective, we are beginning to see improvements in our performance that enhance public safety:

- The number of offenders who successfully completed parole in FY07/08 was 6,382, a 16% increase since FY 05/06. This means thousands of offenders successfully completed their period of parole supervision through the expiration of their sentence.
- Improvements have begun in Pennsylvania's recidivism rate based on preliminary one-year recidivism data. The one-year recidivism rate for parolees released from state prison has dropped from 28% in 2003, where it had remained for three years, to 21% by 2007.
- Despite the increasing supervised population, technical parole violators are only 1% of the population, or 2,846.
- Convicted parole violators have remained stable at 0.65% of the population or 1,738 annually.

It is important to acknowledge that 80% of offenders paroled are first time parolees; only 20% are offenders granted re-parole. The Board does not re-sentence cases; we defer to the sentencing court as the arbiter of justice. When individuals reach the minimum sentence date established by the court they are eligible for a parole interview. From the period after the minimum sentence date up to the maximum sentence date the Board's job is to assess if there is evidence that the offender's risk has been reduced. We use evidence-based practices, structured interviews, and establish conditions of parole to structure an offender's period of community supervision.

We recognize that in spite of the use of professional judgment, clinical assessments, actuarial information and sound parole supervision the possibility exists that some parolees may commit another crime - an unfortunate and tragic reality that has been demonstrated too often this past year.

A review of data from 2008 reveals that 95% of parolees were not convicted of a crime while under parole supervision. Following the tragic death of Sgt. Liczbinski last May, we determined that while we have always held violent offenders to a higher decisional standard, we

would in practice raise the decisional bar even higher for certain offenders. As a result and prior to Dr. Goldkamp's analysis, the Board:

- 1.) Began applying more intensive scrutiny and an even higher standard on violent offenders: those with a prior violent offense, use of a gun to commit a crime, or a parole violator.
- 2.) Added to our annual professional development training the enhancement of interviewing skills and the strategies used to recognize the deception and manipulation that some offenders exhibit during their parole interviews.
- 3.) Gained additional knowledge regarding detecting dangerous offenders, those with intrinsic violence, and then will manage them in a distinctly different manner.

In September, following the killing of Sgt. Patrick McDonald, Governor Rendell asked Dr. Goldkamp, a criminal justice expert, to conduct an independent review of the DOC and Parole systems. After two months of research and review of documentation, Dr. Goldkamp stated that, "the paroling process in Pennsylvania met or exceeded standards and best practices in effect in the United States." Specifically, Dr. Goldkamp found that the practices relating to violent offenders in Pennsylvania "stand up well." Dr. Goldkamp concluded that despite the best efforts to identify all risks and needs of offenders to preserve the safety of the community, there are offenders who confound the system. Small subsets of offenders re-offend violently, and the consequences of their actions if they re-offend are often heartbreaking and senseless. The stakes involved in these violent offenses demand that we take a closer look at our system and the strategies we have available to us.

Dr. Goldkamp's report included 15 recommendations designed to more precisely identify offenders who are violent, and to strengthen the programming, reentry and supervision of

offenders who possess characteristics indicative of violence. The Board supported Dr. Goldkamp's report and its recommendations.

In concert with the DOC, we immediately undertook the implementation of many of these recommendations and we are *developing procedures for those that require more time to implement*. A full list of recommendations with the status of our efforts to implement them is attached.

The most significant policy changes adopted per Dr. Goldkamp's recommendations include:

1. Modifying the definition of a violent offender to include a conviction or adjudication for a violent offense at age 15 or earlier, use or possession of a gun, and prior violent history and the offender's level of risk. This revised definition of violent offender does not depend solely on the crime for which the offender is currently incarcerated. These offenders will be held to tougher standards for parole release and supervision.
2. Implementing a Violent Offender Management Protocol which requires that the most serious violent offenders be paroled to a specialized community correction center with greater restrictions and closer monitoring. These offenders will be supervised at the maximum level under a curfew for the first 90 days of release and receive violence prevention aftercare programming that is a continuum of the programming they received in the Department of Corrections.

In addition, the Board has taken this a step further to ensure all offenders reenter the community in a highly structured manner. All offenders released from state prison, whether violent or non-violent, whether to a non-specialized community corrections

center or home plan, are being supervised at the maximum level and placed on a curfew for at least 90 days of supervision.

3. Guiding the decision making process by the modified definition of violent offender to examine degrees of violence.
4. Reviewing all 30,000 parole cases in the community to evaluate the need for adjusted supervision levels in light of the new definition and classification system.
5. As indicated by Dr Goldkamp, all these adjustments represent policy changes that must be validated for the Pennsylvania state offender population to ensure that these indicators are predictive of future violent re-offenses, and that the additional supervision requirements have the desired outcome of further increasing public safety. The Board will work with the Pennsylvania Commission on Sentencing to initiate this process.

As is true in any field, the work of parole decision making and supervision can only advance as rapidly as the science of what we do. Although the Board has always considered the totality of each offender's history, the ability to precisely predict future violent offending in decision making is extremely difficult. Within the discipline of criminology there are no proven risk assessment instruments that specifically isolate factors predictive of future violent re-offending. Current risk assessment instruments are able to assess the overall likelihood to re-offend, but we don't have one specifically predictive of violent re-offending. Pennsylvania, like other states, is transitioning from not only assessing an offender's likelihood of re-offending generally, but now identifying an intrinsically violent subgroup of the larger offender population most likely to commit a violent crime in the future. Thus, the work of the Board, DOC and Dr.

Goldkamp is constructive, but we are still left with the need for an adequate risk assessment tool that can assess the likelihood of a future violent re-offense.

The Board has been researching other jurisdictions' efforts to develop such tools. The University of Pennsylvania and the Philadelphia Adult Probation Department have embarked on a significant research project to determine if high-risk probationers would commit homicide or attempted homicide within two years of beginning supervision. The work of Dr. Lawrence Sherman and Dr. Richard Berk, which is reported in "Forecasting Murder within a Population of Probationers and Parolees: A High Stakes Application of Statistical Learning", March 2008, included an analysis of some 60,000 Philadelphia County probationers and parolees through 2006. This shifts the focus from repeat offending of any kind to a re-offense that is highly harmful to the community. We are pursuing a research partnership with Dr. Berk to conduct a future analysis of the state parole population to identify those factors most predictive of violent reoffending and to create a violent risk assessment tool. This would build off of the valuable work by Dr. John Goldkamp whose recommendations for system improvements is already well along in being implemented.

I've highlighted some of our successes and current efforts to identify offenders at-risk to violently re-offend, but in order to accurately reflect the parole system it is necessary to identify the challenges which need to be addressed:

(1) Potential For Individual Offenders to Confound Any System

We are dealing with humans – therefore decisions that predict future behavior will never be infallible. The Board recognizes that in spite of the use of professional judgment, clinical assessments, actuarial information and sound parole supervision the possibility

exists that some parolees may re-offend - an unfortunate and tragic reality that has been demonstrated too often this past year.

(2) Limited By the Existence of Criminal Justice Assessment Capability

While our system overall is relatively safe – a review of data from 2008 reveals that 95% of parolees were not convicted of a crime while under parole supervision - we will never cease pursuing a higher degree of accuracy in evaluating offenders suitability of parole and strengthening the supervision of those under our jurisdiction.

As mentioned previously, we are partnering with Dr. Berk to develop a violence risk assessment instrument for the Pennsylvania parole population.

(3) Recruitment , Hiring, and Retention of Field Parole Agents

We have successfully requested and received additional parole agents in each of the last two fiscal years, which has enabled the Board to begin to reduce the agent workload and resulting caseload sizes. Our authorized complement has been adequate for our parole population, but we acknowledge the need to improve our hiring and retention strategies to maintain desired workload and caseload levels.

We have been particularly challenged in large urban areas with more competition for employment and higher costs of living. Also, the complexities and stressors of working in communities densely populated with offenders are taxing to the field agents. We have responded with four strategies:

- (a) Successfully secured a pay differential for Philadelphia District agents;



- (b) Hired parole agent annuitants to do office-based agent paperwork, to increase agent time for direct parole contact work;
- (c) Created additional wage complement positions to increase the available number of trained agents to offset the six month hiring process and six month graduated training for new agents; and
- (d) Conducting a review of our job requirements and qualifications to improve the pool of candidates for parole agent positions.

(4) Need for Improved Offender Information

We operate within the constraints of the criminal justice system. We would welcome receiving Pre-Sentence Investigations on all offenders to know the complete background history on offenders that we are ultimately responsible for making decisions of parole and supervising in the community. Due to budget constraints in the counties, Pre-Sentence Investigations (PSIs) are usually only provided in those cases proceeding to trial.

We need a complete accountability of arrest history and conviction status. It is far too common for cases on the rap sheets to reflect “Disposition Unreported” or “Nolle Prossed.” Due to the large docket of cases in larger urban areas, parolees are often charged with crimes, arrested and detained by PBPP as parole violators, and have a violation hearing after the charges have been addressed. In some cases the charges are dropped and PBPP must then deal with the remaining technical violations (if any) and without further assistance of the charging entity. In those cases where convictions occur, PBPP is sometimes unable to obtain the necessary certified documents from the courts within a reasonable amount of time. These documents are needed to have the offender returned to prison as a convicted parole violator.

## (5) Resources

Fundamental to successful reentry that will reduce victimization is the need continue to ensure released offenders have access to treatment, necessary support services, employment and adequate housing.

For the class of individuals who violently re-offend we must continue to strengthen how they are managed. They have not benefited from the programming and treatment that has been made available to them. Yet, they are going to be released some day. For these offenders, I defer to the governor, as he has called for in his legislative proposal to deal with repeat violent offenders, and the legislature on how to construct sentencing in Pennsylvania. The Board will, as it now does, operate in the framework of any new laws. The proposed legislation will clearly achieve isolating these offenders who are likely to violently re-offend and require that they serve a longer period in prison and for a specific length of time. The proposed legislation also would require a mandatory five year extended period of supervision following their incarceration, which is critically important for public safety.

The Board uses the most predictive assessments of future offending, the best system of reentry, and the most effective strategies known for supervision to preserve the safety of the community.

We use a structured decision making process along with the personal interview; we have bolstered our reentry activities; and we have shifted to a better balance of surveillance and case management.

Significant training has been provided to parole agents to develop the skills necessary to work more effectively with offenders.

We work hand-in-hand with other correctional and law enforcement agencies to share information and participate in joint public safety operations. We seek opportunities to be an integral component of the local criminal justice system, such as participating on a number of local task forces and attending Criminal Justice Advisory Board meetings.

With the implementation of Dr. Goldkamp's recommendations to further advance our system and the development of a violent risk assessment instrument we will be able to further improve our strategies and practices to reduce victimization.

Having said all this, we recognize the devastating impact even a single violent crime by a parolee has on the victim, the family and the community. Even one crime is too many.

On behalf of myself and the Board, I want to assure you and the citizens of Pennsylvania of our commitment to continue to improve our parole system to reduce the likelihood that anyone will become a victim of another crime. Chairman Caltagirone, Chairman Marsico and members of the committee, thank you for your attention to this important issue of how to best manage violent offenders. I would be pleased to respond to your questions.

Recommendations from Dr. John Goldkamp, Department of Criminal Justice, Temple University Regarding Parole and Related Processing for violent Offenders

**General Recommendations**

**1. Restore parole processing using revised criteria and procedures.**

- ✓ Identified and created a list of “least violent” and “most violent” cases according to Recommendation #2.
- ✓ All cases are being reviewed based on the new criteria and procedures prior to processing.

**Violent Offender Specific Recommendations**

**2. Identify and address types of violent offenders using the following categories as adopted by the Department of Corrections and the Board:**

	Category	Type of Case within Category		
		Instant Offense	Prior Violence	Risk
Non Violent and Least Violent	Category 1	Non-Violent	No	Any
		Non-Violent	Yes	Low
		Violent	No	Low
Violent	Category 2	Non-Violent	Yes	Medium
		Violent	No	Medium
Most Violent	Category 3	Non-Violent	Yes	High
		Violent	No	High
		Violent	Yes	Any

**3. Institute special management protocol for the “most violent” offender category:**

- ✓ Immediately implemented the requirement for all parolees released to community corrections centers to report to their parole agent within 24 hours.
- ✓ Being released to a “specialized” community corrections center as a condition of parole and supervised at maximum supervision with a curfew for 90 days.
- ✓ Special parole agent units will provide parole supervision to the most serious violent parolees to the community corrections centers along with DOC staff.
- ✓ Parole field agents will conduct Violence Prevention Programming booster programs for offenders.
- ✓ The Board has taken this protocol a step further by requiring all state sentenced offenders (violent and non-violent) and all violent county and interstate cases to be supervised at the maximum level of supervision with a curfew for 90 days. These offenders may be in non-specialized community corrections centers or residing in a private residence.

**4. Institute continuous corrections programing through the parole process.**

- ✓ The DOC and Board have developed a process for joint correctional programming which began on January 26, 2009.

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**Recommendations from Dr. John Goldkamp (continued)**

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- 5. Safely transition violent offenders to the community in first 24 hours.**
  - ✓ Implemented new procedures that require violent offenders to report to the community corrections center or parole office within the first 24 hours after release.
- 6. Implement intensive accountability, supervision and services in the first 90 days.**
  - ✓ All state-sentenced offenders are on maximum supervision and a curfew for 90 days.
  - ✓ Established written procedures to ensure intensive services during the first 90 days.
- 7. Note other violence-related information.**
  - ✓ Developed procedures to record more violence related information in the parole guideline case summary.
- 8. Build on current agency efforts to improve risk assessment and information gathering.**
  - ✓ The Board and DOC are examining how they can reinforce existing practices, improve current efforts and close any identifiable gaps.
  - ✓ Use the Joint Reentry Checklist once it is finalized.
- 9. Measure the value of multiple information tools and their evaluation.**
  - ✓ The Board and DOC will continue to share information on assessment tools.
  - ✓ The Board is exploring the use of a “violence risk assessment tool.”
  - ✓ The Board will continue to validate its risk and needs assessment instrument and its Parole Decisional Instrument, as it has most recently in 2007 and 2008.
- 10. Align divergent risk information between the Board and DOC.**
  - ✓ Developed procedure for joint review of cases presenting discrepancies.
  - ✓ Development of a Joint Reentry Checklist: a comprehensive record of all services and interventions used with the offender and all of the supports and services needed in the community.
- 11. Close interagency cooperation at offender transition stages.**
  - ✓ The Board and DOC are examining ways to improve information sharing between DOC and Parole at the parole decisional stage.
  - ✓ Developing an expanded version of the DOC Community Offender Reintegration (COR) program.
- 12. Evaluate the effectiveness of special violent offender management.**
  - ✓ Planning to collect data to evaluate processes and program outcomes on a 3, 6, 9, and 12 months basis.
  - ✓ The Board will work with the Sentencing Commission to evaluate the impact of the policy changes.
- 13. Examine the role of community corrections centers.**
  - ✓ The DOC has completed a review of its community corrections centers. The Board was involved in the review of management strategies for parolees placed in these centers.
- 14. Update guidelines decision forms and related procedures.**
  - ✓ Necessary documentation will be updated on a periodic basis.
  - ✓ The decisional process has now increased the focus on violent offenders.
- 15. Assess available resources against responsibilities to enhance public safety.**
  - ✓ We will adjust workload duties as necessary to maximize existing agent resources and will progressively implement the additional strategies to enhance public safety.