

**Testimony of Michael C. Potteiger, Chairman
Pennsylvania Board of Probation and Parole
House Appropriations Committee
March 6, 2012**

Good afternoon Chairman Adolph, Chairman Markosek and members of the House Appropriations Committee. My name is Michael Potteiger and I was recently appointed as Chairman of the Pennsylvania Board of Probation and Parole (Board) on Feb. 1.

I would like to begin by thanking you for the opportunity to meet with you today to discuss the Board's 2012-13 requested budget. I look forward to answering your questions about how the Board will continue to protect the safety of the public while bringing about needed government reforms to continue to make the Board more efficient. I think this is good for the taxpayers and for our communities.

The Board recognizes that the commonwealth has big challenges this fiscal year as it did last year, but one of the most basic responsibilities of government is to protect its people. This budget helps us to do that. The Board is one of a few agencies to have an increase in the Governor's budget two years in a row. We are grateful for these additional resources and the Governor's recognition of the importance of the Board's mission regarding public safety.

Our proposed budget allows the Board to continue to fund positions for parole agents who are out in the community monitoring parolees and engaging in problem solving strategies to change criminal behavior. Our priority for funding continues to be our field agents, while at the same time we continue to seek ways to reduce operating costs.

The total budget for the Board is \$136.348 million, which includes funding for the Sexual Offenders Assessment Board (SOAB), the Grant-in-Aid program for Improvement of Adult Probation Services, the Firearms Education and Training Commission (FETC) and state and federal augmentations.

Specifically, the state appropriation breaks down as follows: the Board's General Government Operations (GGO) budget request is for an increase of \$5.3 million, or 5.1%. Included in this amount is continuation funding for 53 positions approved in the current year's budget (2011-12 budget) and 13 new positions (12 agents and 1 supervisor), mandated contractual increases and cost-to-carry expenses, and an increase for the implementation of the Adam Walsh Act, which significantly modified Pennsylvania's Megan's Law. The changes to the offenses requiring registration under Megan's Law, combined with the retroactivity provision, will require the criminal history file of every offender under the jurisdiction of the Board to be reviewed to determine whether or not the offender needs to be registered under the new statutory requirements. This will be accomplished primarily through overtime.

The SOAB's budget request includes an increase of \$365K and three new investigators to meet the mandates of the Adam Walsh Act. The SOAB projects that it will receive approximately 320 additional requests for court-ordered assessments after the law goes into effect in December 2012.

Grant-in-Aid funding was reduced by \$854K, but the budget calls for a legislative reform to keep the county supervision fee at the county level. It makes no sense for resources to be spent on sending this fee to the state only to have the state process it and then return 100% of the funds to the counties. This will benefit the counties because they will have these funds sooner to meet their most pressing needs.

The Board's budget is predicated on some cost-saving initiatives that were developed recently. But before I discuss those, I'd like to point out what I think is probably obvious, but nevertheless, should be stated - the Board does not make decisions to grant parole to an offender based on the size of the prison population. The Board's job is to determine if an offender's risk has been reduced and if he is a suitable candidate for parole. However, having said that, we continue to examine the parole process from beginning to end - - from the time an offender enters state prison, which is when re-entry really

begins, to discharge from parole -- and make changes to our processes and procedures that result in a more efficient system that does not risk public safety.

The Board has been making improvements of this type for several years, which has resulted in positive benefits to the system. For example:

- The median number of days for an offender to be released following the minimum date has decreased by 6 days from 2010 to 2011, excluding all 'short min' cases.
- The number of technical parole violators (TPV) returned to prison has decreased by 36% since FY05/06, which is when we began in earnest our evidence-based practices efforts.
- The number of offenders who successfully complete parole has increased.
- Our three-year recidivism rate has decreased almost 6 percentage points over the past five years. At 42% it is lower than the national average of 51.8% (BJS, *Recidivism of Prisoners Released in 1994*, June 2002).

All of this is good news and I am proud to be leading an agency that is on the cutting edge of using proven research techniques, to include the development and implementation of meaningful measures of its performance. Yet no system is perfect and additional improvements can be made.

Some of the cost-saving measures included in this budget are:

- Improving our scheduling of parole interviews for offenders who are eligible for a parole interview. We are pre-screening cases where the offender is not physically able to be present for a parole interview so that staff time is not spent on preparing these cases for that month. Next, we are focusing staff time and efforts on preparing materials for those offenders whose case can be fully prepared for an interview. The preparation of a case for an interview depends on the Board receiving some information that is not under its control. None of these changes are changes to our criteria for parole.
- Recently a joint Board and DOC committee examined the release process for potential time-saving changes. As a result, procedural changes have been implemented that will release an offender who has been granted parole, on average, five days sooner.
- Streamlining case processing in multiple areas results in incremental changes at each point of the process which add up to time savings that move offenders through the process more efficiently.
- We are looking to expand the use of parole violator centers. In these centers, TPVs spend an average of 60-90 days versus 14 months in state prison.

- Wherever the Board has joint responsibilities with the DOC, we are examining those processes to make sure there is no duplication of effort and to ensure that we are operating in the most expeditious manner.
- Last year we deployed laptops to each of our field agents. These agents are now able to document their field contacts in a timelier manner, and they receive notification sooner regarding a request to investigate a home plan for an offender who has been granted parole. Along with the DOC we are looking at several offender management systems, which will automate much of our case processing work and move us toward a paperless system.

As noted previously, the Board has decreased the number of TPVs returned to prison by 36% since FY05/06 – that’s approximately 930 offenders per year with an overall growing population.

Importantly, convicted parole violators have been relatively stable as a proportion of the population.

The Board has been able to achieve this through many efforts that are in line with what research and evidence-based practices tell us is most effective:

- A Bureau of Offender Reentry was created in 2006 and it began a massive statewide effort to train parole agents in evidence-based practices. The philosophy of supervision changed to a balance of law enforcement functions (i.e. monitoring conditions of parole) with problem solving case management (i.e. find resources for the offender and the family, if needed, to address problems that may be an obstacle to successful parole completion.)
- The Board used a national consultant to revise its Violation Sanctioning Grid, which applies graduated sanctions based on the severity of the violation, risk level of the parolee, and imminent risk of violence or harm. Parolees who are serious threats to themselves or others, or who have protracted and escalating violations or have a new criminal arrest are returned to prison. Offenders may be sanctioned, sent to a treatment program, or have their parole revoked. On average a parolee has five sanctions prior to revocation of parole.
- The Board has specialized agents (Assessment, Sanctioning and Community Resource Agent (ASCRA)) that intervene with offenders who have not responded positively to sanctions for parole violations and are, therefore, at risk of recommitment to prison. These agents have been trained to provide cognitive behavioral programming within our district offices; they may refer an offender to community-based programs or treatment for drug and alcohol relapse or mental health issues. They specialize in working in the community to develop relationships with community providers and maintain a resource directory for the district.
- In 2010, parole violator centers were established. The use of some form of parole violator center is how many other states have reduced their prison population. These centers are able to immediately address the needs that are contributing to an offender having difficulty while on parole.

Right now is an exciting time for the criminal justice system in Pennsylvania. The growth in corrections spending across the country has prompted many states to reexamine their laws, policies and practices regarding incarceration and community supervision. The Justice Reinvestment Initiative, as led by the Council of State Governments, is a data-driven strategy for policymakers to reduce spending on corrections and to increase public safety. It brings together all stakeholders within the criminal justice system. As a representative on this committee, I look forward to discovering further ways to reduce our corrections costs and reduce recidivism so that more funds are available for education and important social services for our most vulnerable citizens.

Chairman Adolph, Chairman Markosek and members of the House Appropriations Committee, thank you again for your time. I am available to answer your questions.