

**Testimony of Michael C. Potteiger, Chairman  
Pennsylvania Board of Probation and Parole  
House Appropriations Committee  
February 12, 2014**

Good morning Chairman Adolph, Chairman Markosek and members of the House Appropriations Committee. Thank you for the opportunity to meet today to discuss the Board of Probation and Parole's (board) 2014-15 budget. I look forward to answering your questions about how the board will continue to protect the public while working with other criminal justice partners to find ways to maximize efficient and productive spending of criminal justice dollars while reducing recidivism.

In addition to the board's General Government Operations (GGO) request, the budget proposal includes state funding for the Sexual Offenders Assessment Board (SOAB) and the Grant-in-Aid (GIA) Program for Improvement of Adult Probation Services. This budget takes the board's work to the next level in our efforts towards Governor Corbett's vision of building a stronger Pennsylvania.

Specifically, the state appropriation breaks down as follows: the board's GGO budget request is for an increase of \$12.98 million, which includes the following items:

- \$10.5 million for the cost of the board to continue operations (mandated contractual increases and cost-to-carry expenses); and
- \$2.49 million for additional complement needed to manage the growing parole population which includes \$300K for global positioning system (GPS) technology.

The SOAB's budget proposal includes a slight decrease of \$38K while allowing it to continue its current operations without impacting public safety. I am pleased to report that the budget request for GIA funds has been level funded.

This budget proposal continues to address the commonwealth's focus on core functions of government, of which public safety is a priority. While the board is acutely aware of the prison population and the attendant costs to operate state prisons, the board continues to act in the best interest of the safety of Pennsylvania's citizens and communities and does not make paroling decisions based on the prison population. This budget continues the focus of providing resources so that agents can help offenders with employment, education and healthcare so that they may become contributing members of our great commonwealth.

We are an active participant in the commonwealth's Justice Reinvestment Initiative (JRI) as incorporated into Acts 122 and 196 of 2012. The commonwealth has benefitted from this initiative and has implemented many improvements in its operations and processes. Even prior to the passage of the JRI legislation, the board took several actions to more effectively utilize resources. The first was prioritization of parole interview scheduling to focus on those inmates who had all programming completed, all documentation prepared, and a positive recommendation for parole from the Department of Corrections (DOC).

Another action was to streamline the parole release process to reduce the time between parole approval and release. Between June 30, 2013 and January 31, 2014, 72% of offenders approved to be released on their minimum sentence date (excluding short minimum and late interview cases), were released within one week of their minimum date and 86% were released within one month. During the same period one year earlier, the respective percentages were 53% and 75%.

Since Act 122 was signed into law in July 2012, the parole population has increased by 3,183 offenders. We have been able to safely manage this increase through the restructuring of the community corrections system within Pennsylvania. This restructuring is a consequence of the justice reinvestment mission to increase the number of offenders who may be safely and effectively supervised in the community. This is accomplished by re-focusing community corrections spending from pre-release housing to resources that provide parole agents with more options to improve offender reentry and better manage technical parole violations.

While the parole grant rate has remained relatively stable, the number of offenders granted parole but not released due to incomplete programming, no approved home plan and other factors has decreased. This decrease is because Act 122's elimination of the DOC's pre-release program as of June 2013 allowed those paroled offenders, who were waiting to be released but were unable to develop an approvable home plan, to be placed in a community corrections center (CCC) bed. These offenders released to a CCC can then seek employment and find suitable housing rather than attempting to do so while remaining in a state correctional institution. These CCC beds are also available for parolees who the board has determined would benefit from a structured step-down environment upon release from prison and who may need additional programming before being able to return to their homes. By utilizing the CCCs in this manner, the number of offenders approved for parole by the board, but not yet released from prison has dropped from a six month average of 2,669 between January 1 and June 30 of 2012, to a six month average of 1,601 between July 1, 2013 and December 31, 2013.

In addition, Act 122 enabled the board to manage technical parole violators (TPV) in several new productive and cost-saving ways. As part of the sanctioning process, appropriate lower-level technical violators may now be sanctioned to programs located in a CCC or to community-based programs in lieu of return to a state prison. The elimination of the pre-release program made more beds available within the DOC's community corrections system for this purpose.

The board also worked with DOC and the Council of State Governments to establish contracts for additional community-based treatment services so that offenders will not be returned to prison simply because such treatment is not available in the community. These services include sex offender treatment, family group counseling, housing vouchers, day reporting, veterans' services beds, employment assistance, cognitive behavioral interventions, substance abuse treatment, mentoring, and in the spring of 2014 enhanced mental health services. The contracts came on-line in December 2013 and we expect to see their impact in the coming months.

Technical parole violators who do not meet statutory criteria to be returned to a state prison, yet have higher level violations, are referred to a secure parole violator center program. These programs are established within either a DOC-owned or contracted secure CCC or a contracted county jail (CCJ). Currently there are ten parole violator centers. Parole violator centers are designed to immediately address the behavior that is causing the offender to violate. Parole violator centers have parole agents assigned to them to continue to manage the offender and to conduct some of the cognitive behavioral programs that agents have been trained to facilitate. Offenders are placed into programming and typically spend 60-90 days in the center, and (per Act 122) the length of time is capped at six months.

Since the January 1, 2013 effective date of Act 122's TPV provisions through January 31, 2014, 4,352 state sentenced TPV have been diverted from state prison (community-based inpatient treatment (1,204), halfway back programs (1,678), and parole violator centers (1,470)). TPV diverted to parole violator center program sites spent an average of three months in a center before being continued on parole.

Some technical parole violators may need to be returned to a more secure setting, such as a correctional institution or to a CCJ. As provided by Act 122, a TPV whose parole violation was: sexual in nature; involved assaultive behavior; involved a weapon; who absconded and cannot be managed safely in the community; or who poses an identifiable threat to public safety shall be returned to prison or a contracted county jail. The DOC has entered into contracts with county jails situated throughout the

commonwealth to accept these offenders. They are returned to a contracted county jail for a maximum of six months and then automatically re-paroled by law, unless they have multiple recommitments or violate certain rules. In instances of more than one recommitment, the length of time is six months for the first recommitment, nine months for the second recommitment, and one-year for third or any subsequent recommitments. If offenders have misconducts involving assaultive behavior, sexual assault, a weapon or controlled substance, spend more than 90 days in segregated housing for misconducts, refuse programming or refuse a work assignment, Act 122 provides that they will not be automatically re-paroled but must instead be interviewed by the board for re-parole. Act 122 also provides for board discretion to reparole prior to the 6 month cap.

While all of these statutory changes have resulted in an increase in the parole population under supervision, the percentage of the supervised population that is either a TPV or a criminal parole violator (CPV) have each remained stable, at less than 1% of the state sentenced supervised population on average over the past year.

The board views these changes positively for improving successful reentry and reducing recidivism. Parole agents must ensure that parolees comply with conditions of parole, but they also are trained in techniques to effectively supervise parolees through use of motivational interviewing and risk reduction strategies. Specialized agents have been trained to deliver cognitive behavioral programming, such as cognitive behavioral life skills, motivational interviewing, drug and alcohol relapse prevention, and employment counseling groups. These programs provide continuity in aftercare treatment and programming after the offender is released from the DOC to the community.

To further improve reentry services, the board has begun several initiatives. We are collaborating with the DOC, Department of Public Welfare and the Department of Drug and Alcohol Programs to improve the transition of eligible offenders from incarceration to community-based programming. In addition, parole agents will be involved in the DOC's expanded pilot for transitional housing units at 11 institutions which will serve to prepare eligible inmates for community reentry

To address the reentry employment needs of the parolee and support Governor Corbett's commitment to job growth, the board held job fairs in each of our ten districts during 2013. The response was overwhelming. Parolees want to work and research shows employed offenders recidivate at a much lower rate. We will be holding job fairs in each district again this year and request that each of you help us connect offenders with jobs by encouraging employers to participate.

The board has expanded our court-allied reentry program to two additional counties, Dauphin and Allegheny, in addition to existing programs in Berks, Lackawanna and York counties. This reentry program provides intensive supervision and oversight of higher risk offenders with a history of substance abuse. The program does so in a unique way by having a board member and common pleas judge meet with the offender on a monthly basis in the court room. The programs operating in Berks, Lackawanna and York counties have shown three year CPV recidivism reductions of approximately 29% compared to average offenders reentering in each county. Of those offenders who graduate from the programs, over 80% have not been recommitted since program completion.

We are partnering with the Philadelphia District Attorney's Office on a truancy initiative. We are also partnering with the U.S. Attorney's Office for the Eastern District of Pennsylvania on Project Safe Neighborhoods. This program targets high risk, violent offenders involved with drugs and weapons in Philadelphia. Forums are developed for offenders and their family to encourage the offenders to make positive choices in their lives. At the forums, parolees hear from ex-offenders and are informed of reentry services that are available for the entire family. They also meet with local, state and federal law enforcement authorities who inform them that they will receive additional scrutiny because of their criminal history and they are cautioned about the consequences of continuing to commit crimes.

The board has partnered with the Harrisburg and Reading Police departments to focus on high risk/high needs offenders by having an agent and a police officer team up to patrol specific neighborhoods to deter offenders who are at risk of re-offending. They also provide the offenders with risk reduction strategies using evidence-based practices that are proven to reduce recidivism.

In June of 2013, Governor Corbett signed House Bill 492 which amended the Crime Victims Act to allow victims of personal injury crimes or their representatives to testify in person before the decision makers on their case. Victims may testify in person or through electronic means. In the past, a victim could submit a written statement or speak to staff members who would submit a summary of the victim's comments to the board. During 2013, 56 victims presented testimony. We are currently projecting that this will increase to 200 during calendar year 2014.

The Board's reentry efforts have resulted in positive benefits to the criminal justice system:

- The three-year parolee recidivism rate of 40% shows a decrease of 12 percentage points over the past five years.
- More than 6,300 offenders successfully completed parole in FY 12/13.
- The absconder rate continues to be at a significantly low 3.2% in FY 12/13.

The board continues to streamline and improve the parole process to ensure that we are operating in the most expeditious manner. One of those efforts is the conversion of the board's files and decision-making process from paper hard copies to a strictly electronic format. This innovation will convert all of the board's 80,000 paper 'active' offender files (these include parolees under supervision as well as all inmates who are at some stage of being considered for parole) to electronic format and allow parole reviews and voting to be done electronically. This innovation will ultimately provide the board with direct savings of \$482,000 and eventually allow us to transfer some positions from central office to the field in FY15/16. This innovation will allow parole releases to be reduced from an average of 30 days to 15 days, resulting in a savings to the Department of Corrections (DOC) of approximately \$1.62 million annually.

Chairman Adolph, Chairman Markosek and members of the House Appropriations Committee, again thank you for your time. We are grateful for the consideration of these additional resources as we all work together to make our communities safer and reduce the number of victimizations. I am available to answer your questions.