

Testimony of Leslie M. Grey, Esquire
Board Member

Pennsylvania Board of Probation and Parole

My name is Leslie Grey and I am a Board Member of the Pennsylvania Board of Probation and Parole (“Parole Board”).

Thank you for the opportunity to provide testimony to the Committee and to voice my concerns and objections to Senate Bill 859, which would place the Parole Board under the purview of the Pennsylvania Department of Corrections (“DOC”) as an Administrative Board.

I believe that the proposed merger will not serve the citizens of the Commonwealth’s interest in public safety and should not be adopted.

Like my colleague, Mr. McKay, I am an attorney, licensed to practice in the Commonwealth for nearly thirty (30) years. Prior to my current service as a Parole Board member, I served in law enforcement for fourteen (14) years with the Pennsylvania Office of Attorney General and another sixteen years in private practice.

The Parole Board is widely recognized as a national model of good practices among parole boards. That recognition grows from the Parole Board's use of evidence-based practices in decision-making and the supervision of offenders.

With its eyes always focused on its mission of public safety, the Parole Board engages in continuous review and statistical analysis of the effectiveness of its decision-making, condition-setting and community supervision practices, always ready to adjust its practices as warranted in order to best serve public safety. See Mission Statement.

In my opinion, there is no rationale for the merger (or "takeover") of the Parole Board by the DOC. The Parole Board and the DOC simply do not share identical or duplicative missions.

The DOC pursues its work of the care, custody, and management of offenders. The Parole Board determines whether, when (within the parameters of the sentences imposed by the court), and under what conditions an offender may be returned to the community without undue risk to public safety.

First and foremost, the Parole Board must maintain full independence of decision-making. I will echo my colleagues' comments on that point and refer to the Committee to the reporting of the Nebraska experience, where Parole Board members spoke out about being pressured to release inmates based primarily on the need to reduce the prison population. See attached items (NebraskaWatchdog.org 11/25/14; www.Omaha.com 5/2/15).

In Pennsylvania, in addition to making release decisions, the Parole Board oversees the practices and methods of its Agents, who supervise the offenders and work to ensure that Board-set conditions are met in order to ensure public safety while assisting the offenders in beginning a successful next chapter in their lives.

There may be a perception that the Parole Board operates in a vacuum, far-removed from the on-the-ground mission and the public that we serve. I'd like to provide the Committee with a general idea of how we work.

The Board Members interview offenders at the SCIs, and therefore have direct interaction with the Offenders through the interview process.

One very full day each month is dedicated to hearing from crime victims face-to-face, as part of the parole decision-making process for “their” Offender. Victim impact is, by law, included among the factors to be considered by the Parole Board when deciding whether or not an Offender should be paroled.

Another factor that becomes a part of the Parole Board’s decision-making is the input from involved Judges, District Attorneys, which is sought by the Board as part of the preparation for Offender interviews.

Truly the Parole Board hears and considers the voice of the entire community when making its decision as to whether or not the Offender may be SAFELY returned to the community, weighing many factors, including: the input of judges and prosecutors; information provided regarding home and/or work plans the Offender may have made; information from those who express willingness to assist the Offender in their reentry; and the victims of crime themselves. See also Office of Victim Advocate hondout,

Lastly, Board Members, whether working from a District Office or from “headquarters” in Harrisburg, have

routine ongoing interaction with the Agents working in the SCIs and in the community. This sort of interaction allows the Board Members another opportunity to observe and consider the real-world demands upon the Agents as they work to ensure public safety (including their own) while supervising and providing services and direction for Offenders as they rejoin the community.

I, too have reviewed the DOC's "Reducing Costs, Reducing Crime" document and echo my colleague Mr. McKay's comments on that document and I would like to expand on Mr. McKay's comments regarding the Parole Board's fine team of dedicated Agents and the excellent work they do in supervising Offenders released on parole.

The Parole Board currently works very hard to target resources to high-risk Offenders and to address specific crime-causing needs. For example, Parole Board field supervision includes specialized Field Agents who supervise sex offenders, and other specialized Field Agents who supervise offenders with mental health issues.

As noted in the DOC document, many Offenders are impacted by drug addiction and by alcoholism (with or without co-occurring mental health disorders) and these conditions, without appropriate treatment and medication

can result in new crimes and new victims. Parole Board Agents have long worked with such Offenders and District Directors work to maintain partnerships with existing community resources.

For example, in the Erie District Office, since 2001, has been an active participant in the CROMISA Program (Community Re-Integration for Offenders with Mental Illness and Substance Abuse), which provides treatment, housing and re-entry services for such Offenders. See attachment describing CROMISA Program.

In addition, the Parole Board utilizes Agents called ASCRAs (Assessment Sanctioning Community Resource Agent). The ASCRAs dedicates their time to locating and coordinating with community resources to assist re-entry and providing services such as: (1) job screening, referrals and job development for unemployed or underemployed Offenders; and (2) behavioral interventions such as cognitive behavioral groups which help avoid violations.

The Parole Board is keenly aware that its funding comes from the taxpayers, and that all funding must be used wisely, so as to benefit public safety.

However, releasing Offenders based primarily on financial concerns and SCI institutional needs, rather than providing for public safety, does not serve the public's interest and does not constitute good government. Again, I echo my colleagues' comments on that point. Public safety must always come first.

It should be noted that additional Agent hires are currently funded, but the hiring process can be slow and difficult. Simply merging the Parole Board into the DOC will not alleviate the delays inherent to a government hiring process.

The DOC document in support of the merger/takeover proposal simply asserts its premise, which amounts to a mere bald conclusion that cost savings will be somehow achieved but fails to present a scintilla of factual information in support of that conclusion.

It should be noted that one of the main areas of operation in which the DOC document asserts that savings may be realized is through "streamlining ... and modernizing our use of technology." In fact, in 2006, the DOC took operational control of the IT systems of the Parole Board in order to unify it with the DOC and streamline the technology and administrative process.

Since that time, the most conservative estimates are that \$20 million have been spend in that effort, with no operational system to date.

The merger bill was conceived and drafted without any meaningful consultation with, or notice to, the Parole Board.

More importantly, the merger as proposed in Senate Bill 859 was conceived and drafted without conducting any professional inquiry or objective study regarding how to achieve meaningful cost savings without sacrificing the public's safety.

Thank you for this opportunity to voice my opinion of Senate Bill 859 and to state my opposition.

MISSION STATEMENT

The Pennsylvania Board of Probation and Parole is committed to promoting public safety, utilizing sound decision making practices that include evidence-based approaches, employing effective methods to aid offenders in reentering society and to reduce recidivism, addressing the needs of crime victims, and improving county adult probation and parole services.

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Nebraska parole chair: 'I felt pressured' to parole more prisoners

By Deena Winter / November 25, 2014 / 22 Comments

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By Deena Winter | Nebraska Watchdog

LINCOLN, Neb. — The head of Nebraska's parole board told lawmakers Tuesday the board has been pressured by Gov. Dave Heineman's administration since 2008 to increase the number of prisoners paroled.

She said the state corrections director pressured the board to the point it became more of an instrument of corrections rather than the independent gatekeeping agency it's supposed to be, by law.

Esther Casmer, chairwoman of the state Parole Board, detailed the pressure put on her by former corrections director Bob Houston and Heineman's chief of staff, Larry Bare. She seemed hesitant and reluctant to tell lawmakers what's been going on behind closed doors for years — pausing, sighing heavily and wiping at her eyes — but she was subpoenaed to testify under oath before the special committee, which is investigating several prison scandals.

Casmer, who's been appointed by governors to the parole board since 1997, said when she began serving on the board, most prisoners weren't paroled until they completed all their programming, such as treatment for substance abuse or anger manage-

ment.

That changed around 2008, when Houston pushed to treat more parolees in the community, loosen up on parole violations and approve more paroles to get more inmates out of prison and ease overcrowding. She said Houston made it very clear he had permission from his superiors to move prisoners out more quickly.

Vouchers were available to help pay for some of parolees' treatment in the community, but they were expected to cover most of the expense, and that becomes problematic, Casmer said. As the number of parolees increased, so did the number of revocations, in some cases because parolees didn't get treatment. Then parole administrators were encouraged to "work with" parolees, and give them more chances before revoking their parole, she said.

The parole board is a separate agency from the corrections department, and by law is supposed to be neutral, but that changed under the Heineman administration as the prison population spiraled beyond capacity, she said.

"I was constantly being told by the director how many people should be paroled to keep the numbers down," Casmer said. "No, I did not comply."

She said Houston began stopping by her office — in the same building as his — almost daily, pressing her to parole more people. She was given a quota of paroling 168 people per month, about 68 more than the average. Houston turned up the heat by reminding Casmer he had daily conversations with Bare.

"I felt pressured," Casmer said. "We were always given what we should do, how we should do it and it just became a constant."

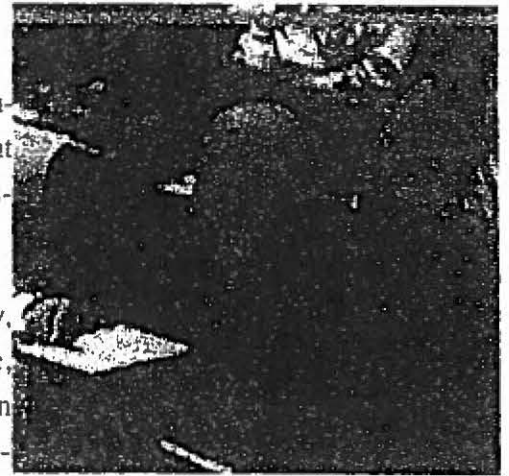
She said the parole board's role was compromised as she was pressured to be a "team player."

"I was expected to work very closely with the Department of Corrections in order to reduce the population," she said. "I take pride in what I do and I did not want to be viewed as someone who was not willing to cooperate although I didn't always agree. I didn't always do it, but that was the situation the board was placed in. We did not want to be viewed as obstinate, set in our ways."

She occasionally met with Bare, too, where Houston often talked about closing units and decreasing the prison population and asked what she was doing to help parole more people. Then they began reducing the threshold for when misconduct reports were filed if a parolee had drug or alcohol violations, initially deferring their hearings for six months, then reducing that to three months and finally, giving no sanctions until a second violation.

"I feel that we had compromised ourselves, none of us felt good about it, but this is what we were expected to do in order to attempt to resolve the situation," she said.

Asked if her job was ever threatened, Casmer sighed loudly, paused and then said yes, both she and her vice chairman, James



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PRESSURE The chairman of Nebraska's parole board said former corrections director Bob Houston pushed the board to parole more prisoners to ease prison crowding.

Pearson, were threatened in Bare's office, after Pearson expressed concerns.

"Bare told us, 'Don't be concerned about losing your jobs for paroling people, be concerned about losing your jobs for not paroling people.'" Casmer said.

Casmer said the corrections system needs to adequately treat inmates before releasing them, because ex-cons often don't have the resources to get treatment in the community, where they're already grappling with myriad issues.

She also talked about how more prisoners were released before they were eligible for parole through a re-entry furlough program, which Casmer actually suggested during a corrections brainstorming meeting to alleviate overcrowding. But she proposed it only be open to nonviolent offenders and those within six months of being eligible for parole.

Houston took the idea and ran with it, Casmer testified. He asked her to help him sell the idea to Douglas County judges in about 2009, and they did, promising no violent offenders would be allowed in the program.

"I gave my word and so did he," Casmer said.

Late last month, prison committee chairman Steve Lathrop, D-Omaha, [contended that Washington.org/2015/05/02/nebraska-governor-houses-parole-scandals/](http://www.washington.org/2015/05/02/nebraska-governor-houses-parole-scandals/) the furlough program was created illegally, forgoing the proper channels, and allowed at least 162 violent offenders out of prison. Corrections officials and Attorney General Jon Bruning disagree, saying the program was created by internal policy and wasn't subject to administrative procedures.

In 2011, the furlough program was revised to allow violent criminals on the streets, including five people in jail for second-degree murder, two for manslaughter and others for robbery, terroristic threats, firearm charges and first- and second-degree assaults, according to Lathrop.

Casmer didn't realize violent offenders were furloughed through the program until a judge complained and it hit the press. That practice has since ended, she said.

"I offer my deepest apologies to the judges in Douglas County," she said. "I never had any intentions of going against my word that I gave to them. ... I'm a person of my word, and I gave it and someone else changed the oath of the promise that was given."

In the spring of 2013, she met with Houston and Bare and told Houston to respect the boundaries between their agencies. That was the last conversation she had with him; he resigned abruptly in September 2013 after a string of fatal prison flubs.

Casmer said the parole board was put in a bad position.

"We were all under stress at that time," she said. "We were expected to make decisions concerning the public's safety and at times, those lines became a blur to us."

She questioned why people are being released from prison with no treatment — saying they're leaving with the same problems with which they arrived.

"We're sending them back out broken, just like you gave them to us," Casmer said. "I know no one wants to spend the money for programming, I've heard that. Spend now or we're going to spend later."

Casmer said she'll be retiring "very soon," and she'd like to leave the board operating totally independently and not required to sign off on furloughs, work releases and other programs to shuttle people through prison faster.

Senators commended Casmer for her years of service and forthrightness. Omaha Sen. Bob Krist called her "a lady of courage" and Omaha Sen. Ernie Chambers praised her for resisting political pressure "by steel fist or velvet glove."

Houston hasn't responded to a request for comment.

The prisons committee hearing held its final public hearing Tuesday, and will release recommendations in December.

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Deena Winter

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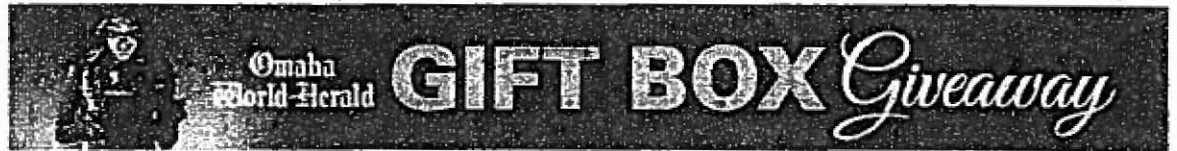


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A large advertisement for a car dealership. The text "Plaza 160 VEHICLES INDOORS!" is prominently displayed in a stylized font. Below the text is a photograph of a car dealership lot filled with various vehicles. On the right side of the ad, there is a portrait of a smiling woman with blonde hair, wearing a dark top. The text "120TH & L" is visible at the bottom right of the image.

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James Pearson



LINCOLN — A second member of the Nebraska Parole Board has come forward to say he felt his job was threatened by the governor's chief of staff over increasing paroles.

Parole Board Chairwoman

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... last week that Chief of Staff Larry Bare threatened board members' jobs if they didn't release more inmates, in part to offset the state's ballooning prison population.

Bare said last week that Casmer took his comments out of context.

Now James Pearson, who has since retired from the board, says he and Casmer understood Bare's intent perfectly.

"I was in that meeting. I heard the same words she heard, and I support Esther's testimony 100 percent," Pearson said Tuesday. "There was no doubt in my mind what came out of that man's mouth."

Casmer and Pearson said board members — who are appointed by the governor to their full-time, paid positions — were meeting with members of Gov. Dave Heineman's staff, including Bare.

"I brought up the fact that I was concerned with some of the serious offenders we were paroling," Pearson said. "I'd had some sleepless nights. And my biggest concern was that some of these offenders would go and offend in a similar manner, again. And that's when the statement was made."

Bare's statement, according to Casmer, was, "Don't be concerned about losing your jobs for paroling people. Be concerned about losing your job for not paroling (enough people)."

Bare said afterward that he was only trying to tell Casmer that she would not lose her job if a parolee committed another crime. He said he understood that she had tough decisions to make in deciding whom to release on parole and whom to refuse.

"What I was saying to her was she wasn't going to get fired if she made an error. You can't be right all the time," Bare said.

Charles Isom, a spokesman in the Governor's Office, said Tuesday that Bare declined to comment beyond what he said last week.

Former Corrections Director Bob Houston said this week that he wasn't at the meeting described but said he didn't think Bare would have threatened anyone over Parole Board decisions.

"At no time did I ever feel that anything Larry said was a pressure or a threat," Houston said. "In fact, it was quite the opposite. He was very supportive of Ms. Casmer."

Bare and Houston said they thought the board could increase the number of "appropriate" inmates on parole.

Casmer, who testified under oath after being subpoenaed, said she felt intense pressure from both Houston and the Governor's Office to increase the number of furloughed and

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paroled inmates. She said the pressure was tied to the administration's effort to reduce the prison population, which currently stands at 158 percent of capacity.

She testified that Houston pressured her to meet a monthly quota of 168 inmates for early release.

Houston said he didn't pressure her. He said he and Bare tried to convince Casmer that paroling inmates as soon as they were eligible could increase efficiency. The department conducted research that showed that the earlier use of parole had the potential to reduce the prison population by 200 inmates, he said.

Heineman has acknowledged that officials were trying to avoid building a new prison but said he _____ to release inmates.

Heineman said Casmer never alerted him that she felt pressured by his chief of staff.

Reached Tuesday, Casmer said she had no intention of getting into a public back-and-forth with the governor and Houston. "I gave my testimony, I told the truth and I'm done with it," she said.

Contact the writer: 402-444-3144, _____

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Office of the Victim Advocate

In-Person Testimony Information

Parole release is a public safety decision. You should know that the Board uses guidelines and considers “evidence based practices” to include risk assessments to assist in deciding whether to parole an individual.

In all cases, the Prisons and Parole Code mandates that the Board consider:

- The nature and circumstances of the offense committed
- Any recommendations made by the trial judge and prosecuting attorney, as well as notes of testimony of the sentencing hearing
- The general background and character of the inmate
- The conduct of the inmate in prison, the inmate’s mental and behavioral history, the inmate’s history of family violence, and the inmate’s complete criminal record.
- The written or personal statement of the victim or victim’s family.

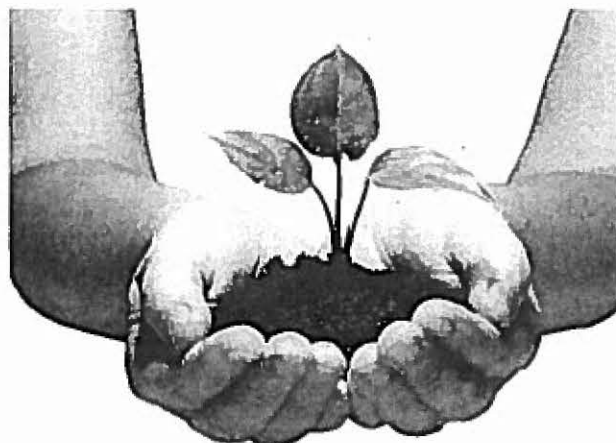
Your testimony will be considered in deciding whether to release the offender, and if released, what conditions to apply to release.

The law requires that the Board keep the contents of your statement confidential, and matters related to the parole of inmates are also considered confidential.

There will be no reference of this statement given to the inmate, or to any other person.

You will be notified of the Board’s decision by the Office of Victim Advocate.

If you have any questions in regards to this process or in general, please speak to your Office of Victim Advocate representative.



In every community, there is work to be done.

In every nation, there are wounds to heal.

In every heart, there is the power to do it.

~ Marianne Williamson
Teacher, Author, Lecturer



CROMISA/STEP

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CROMISA & STEP Dual-Diagnosis treatment and supports for Offenders

For individuals currently incarcerated or leaving the criminal justice system, Stairways has partnered with Erie County authorities and offices to provide specialized supports and treatment for mental health challenges as well as substance abuse.

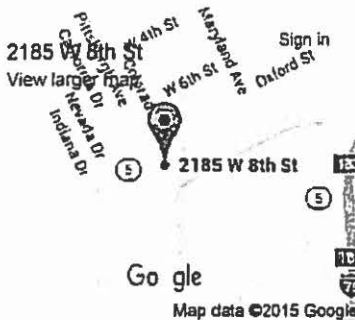
CROMISA (Community Reintegration of Offenders with Mental Illness and Substance Abuse)

Erie County offenders who are incarcerated in the state system, with at least one year of their sentence remaining, and who are struggling with both substance abuse and mental illness, receive services to support community reintegration. Partners include: Erie County Office of Drug & Alcohol Abuse, Erie County Office of Mental Health/Mental Retardation, Gaudenzia Crossroads, Greater Erie Community Action Committee, and Probation & Parole Board of Pennsylvania.

STEP (Supportive Transitional Extension Program)

A joint project with the Erie County Office of Drug & Alcohol Abuse, STEP provides transitional housing and support to CROMISA clients leaving the criminal justice system and also seeking treatment for substance abuse.

Contact Information and Location Map



CROMISA/STEP
814.453.5806
2185 West 8th Street
Erie, PA 16505
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