

***Testimony of Paul Descano, President, PA Criminal Investigators FOP Lodge 92
Before Pennsylvania House Judiciary Committee
December 7, 2015 – SB 859 – Consolidation of Corrections and Parole***

Good morning. My name is Paul Descano. I am a 37 1/2-year veteran of the Pennsylvania Board of Probation and Parole. I started employment with the PBPP as a clerk, Parole Agent I and II, selected to be an Agent in the Board's Narcotic Unit, Parole Supervisor, Supervisor of an Outreach Office, and Regional Coordinator of 6 Regional Outreach Offices. While in the Narcotic Unit, I operated a group therapy program for parolees in good standing and also a program at the Phila Co. Prison for State Parole violators and Judges of the Courts who sent their violators to the program prior to sentencing. I was appointed as a Board Member, confirmed by the Senate from 1973 to 1981. In 1981, a District Director, and lastly appointed by the Board to Director of the Bureau of Supervision in 1988 where I was responsible for all Board Field operations, as well as the informant program, and remained in that position until retirement in 1996.

I am also proud to serve as President of Fraternal Order of Police Lodge 92 that represents approximately 400 active and retired law enforcement officers throughout the Commonwealth of Pennsylvania, including 350 Parole Agents working within the Board of Probation and Parole.

I would like to extend my appreciation to Committee Chairman Marsico, Democratic Chairman Petrarca and the Committee members for your work on matters of concern to Pennsylvania's Law Enforcement Officers and Parole Agents.

I appear before the Committee today to state my concerns with Senate Bill 859. SB 859 raises concerns over the safety of Parole Agents by merging the Department of Corrections and the Board of Probation and Parole, and specifically, by placing Parole Agents under the direct supervision of the Department of Corrections.

Most parolees under the Board's supervision have failed Juvenile probation, Juvenile detention, County probation, and County parole on numerous instances. All the while, having had the benefits of ARD, PWV, Drug Court including mandated drug treatment programs, as well as Plea Bargains. So, the entire criminal justice system acts as a filter, whereby only the most aggressive and dangerous criminals are sentenced to a State Prison.

After inmates have served their minimum sentence and are paroled by the Board, they are released and placed under supervision of Parole Agents, who assist them in the transition back into society and to lead productive lives. Not all transitions are easy and it is the job of the Parole Agents to supervise these parolees until they have reached their maximum sentence date.

During the supervision process, if a parolee violates a condition(s) of their parole, progressive sanctioning is utilized to modify the parolee's behavior. If the violations are

such that the parolee presents a danger to themselves or public safety, Parole Agents can arrest and detain the violator, which then starts the Board's revocation/hearing process. State Parole Agents have statutory arrest authority as: Legislative Act No 323, August 6, 1941 P.L. 861, Section 37.

Currently Parole Agents are tasked with managing caseloads averaging in the 90's, but can change from month to month. Often, our agents must visit these parolees in their homes, workplaces, and communities. When doing so, the Parole Agent is frequently alone in these encounters, with backup an unknown amount of time away. Imagine the level of hostility that could occur at any given time, if it is found that the parolee is in violation of his/her terms of release. Our officers are trained to react and deal with these situations, but it is nonetheless dangerous work.

In the laudable effort to save taxpayer funds, it seems to me that we must be extremely mindful that we do not do so by reduction in the ranks of Parole Agents, which would further increase Agent caseloads of the parolee population for which we have legal responsibility. If this occurs, it places the safety of citizens of the Commonwealth, as well as Law Enforcement personnel, at greater risk. This also creates a situation that parolees violating the terms of their parole may slip through the cracks, placing law-abiding citizens at greater risk. SB 859 creates the possibility that the newly merged Department of Corrections and Rehabilitation may place parolees into the community, and /or preventing their return as a parole violator to a State Correctional Institution in order to save money

I, as well as the Parole Agents of FOP Lodge 92 are opposed to the passage of SB859. We believe that the Board of Probation and Parole, and its staff, should remain an independent agency as it is now. The DOC is responsible for the custody and control of inmates sentenced by the courts to a State Correctional Institution as convicted felons, who have demonstrated that they cannot play by the rules of peaceful society and they should remain focused on that responsibility. Is there any evidence that a merger of this type has improved public safety in other states?

The present separate system of Corrections and Parole are an important check and balance that best serves public safety. How can the public be assured that decisions to recommit or not to recommit a Parole violator to an SCI will be made solely in the interest of the citizens if the same Department that is responsible for prison custody and control is also responsible for managing parolees in the community? This has already created an illusion of a reduction in prison population by denying the Board and its Parole Agents the ability re-incarcerate Technical Parole Violators after the 2 stage hearing process, which affords the violators due process.

If some inmates of the SCI's are non-violent offenders, instead of the merger, the DOC could do a furlough program if there is prison overcrowding. More funding could go to the PBPP for Parole Agents to cover not only the day to day supervision of parolees, but the Centers as well. Our Parole Agents have the training and are street-wise, and the citizens of the Commonwealth would be safer as we see our function is to

protect society using our law enforcement tools and knowledge. Parole Agents are the last line of defense in dealing with convicted felons who are serving their sentence in our communities.

Additionally the DOC could relinquish their Community Programs, including Centers, etc. Let the PBPP contract with vendors to operate the Centers under the PBPP control. Since the residents of the Centers are entirely parolees, let the PBPP have this responsibility, as it has been charged with Community supervision since 1941. Parole Agents are acutely aware of the problems with the Centers and some of the private vendor programs, and I believe that the PBPP can operate a better and more secure community program.

Presently, Parole Agents and the Board are not recommitting parole violators and instead, moving them into Centers, private programs and local prisons. This is due to the influence of Act 122. These parole violators are circulating in and out of prison or centers until they commit a new crime, with more of our citizens paying the price for this action. The costs for our citizens/victims and local courts also has a large price for the revolving door process.

Fraternal Order of Police Lodge 92 has grave concerns with empowering an agency so invested in prison population reduction with determining and controlling the management of those parole violators who need to be safely removed from the community because of their criminal actions.

On behalf of the Parole Agents of FOP Lodge 92, I want to urge lawmakers to be mindful of the safety of the citizens of the Commonwealth, as well as Parole Agent safety, when considering SB 859, PN 1421.

Let me again thank the Committee Chairmen and members for your continued support of our Parole Agents. We look forward to continuing to work with the Committee on this and other issues in order to provide a safer Commonwealth.