



Testimony

House Judiciary Committee

Public Hearing on Justice Reinvestment II

(Senate Bills 500, 501, 502)

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Presented by:

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Good afternoon Representative Kauffman and members of the House Judiciary Committee.

I am April Billet-Barclay, Director of Probation Services in York County. I am also the current Vice President of the County Chief Adult Probation and Parole Officer Association of Pennsylvania. My remarks today are on behalf of the County Chiefs Association. Thank you for providing this opportunity to testify before this committee on the subject of Justice Reinvestment.

My testimony will focus on specific provisions included in SB 500 and SB 501 that will directly impact county adult probation. Our members will not provide any comments related to SB 501 since its main focus is related to sentencing. We defer to the judiciary on those issues. Our Association has faith in our courts and allowing judicial discretion at time of sentencing.

Therefore, my remarks will address four general areas:

- 1) Background of county adult probation and parole and current challenges;
- 2) The creation of a County Adult Probation Advisory Committee (SB 500);
- 3) Amending the County Offender Supervision Fund (SB 502); and
- 4) County adult probation implementation of evidence-based practices.

Background on County Adult Probation and Parole Departments and Major Challenges

County adult probation and parole departments are under the jurisdiction of the President Judge in each county. Sixty-five of the 67 counties in Pennsylvania operate county adult probation and parole departments. The Pennsylvania Board of Probation and Parole (PBPP) provides all adult probation and parole services in Mercer and Venango Counties.

County adult probation departments supervise 86% of offenders in the community on probation or parole (over 258,000 individuals). The PBPP supervises 14% of offenders in the community (approximately 41,946 individuals).

There are numerous challenges that county probation departments face around the state but I will limit my comments to just a few.

First, the structure of county adult departments is decentralized. The 65 adult probation departments are under the direction of 60 president judges. The probation departments have different levels of resources and stakeholder support. Currently, there is no oversight agency or advisory commission in the adult probation system providing standards and consistency throughout the 65 county adult probation departments. This is in contrast to the juvenile probation system, where the Juvenile Court Judges Commission (JCJC) provides an oversight role by establishing standards in juvenile courts; establishes personnel practices and employment standards used in probation offices; collects, compiles and publishes juvenile court statistics; and administers a grant-in-aid program to improve county juvenile probation. Such a body for adult probation and parole would be a valuable tool for improving and strengthening the county adult probation and parole system.

A second challenge is caseloads are high and continue to grow (see Appendix A). Based on the Pennsylvania Board of Probation and Parole's 2017 County Adult Probation and Parole Report, county adult probation average active caseloads range from a high of 261 offenders to a low of 14 offenders. The statewide average is 108 offenders per officer. This is more than double the recommendation of the American Probation and Parole Association (APPA), which suggests caseloads of 50 offenders to one officer for moderate to high risk population. The PBPP average caseload for State agents is currently at 50. Studies show that reduced caseloads, in combination with evidence-based practices, can lead to improved recidivism outcomes.

A third challenge is a lack of funding. County adult probation funds come primarily from the county and raising revenue is limited. The county adult probation departments carry the largest share of the Commonwealth's correctional workload, but the state provides only a fraction of the funding – an amount that is not adequate to support the provision of effective probation and parole services. The Grant-in-aid program, established in the Improvement of Probation Services Act of 1965, was amended in 1986 to include the goal of covering 80% of eligible county salary costs (see 61 Pa.C.S.A §6133) . GIA funding came close to meeting the 80% goal in the late 1980s (78% of eligible costs in FY 1988-89). Since then, GIA as a percentage of eligible salaries had declined steadily. Based on a 2015 Legislative Budget and Finance

Committee Report on “*Funding of County Adult Probation Services*”, GIA in recent years has been less than 18% of eligible county salary costs.

There are many more challenges that face county probation departments but in the interest of time, I will limit my remarks to the ones just noted.

Senate Bill 500

One component of SB 500 would create the County Adult Probation and Parole Advisory Committee within the Pennsylvania Commission on Crime and Delinquency. Our membership supports this proposed legislation. Part of the duties of this new committee is to develop a funding plan for county adult probation departments and make recommendations related to grant applications. This new committee would advise on all matters pertaining to the administration of county adult probation and parole.

Such a body for adult probation and parole would be a valuable tool for improving and strengthening the county adult probation and parole system.

This bill also requires funds which are deposited into the Justice Reinvestment Fund to be distributed to PCCD which in turn will be distributed to county adult probation departments via formula funding under the new advisory committee. The first five fiscal years would provide \$16.2 million to the counties which is desperately needed. After year five, we hope the amount will significantly increase due to the savings at the Department of Corrections and can be reinvested at the county level where it is most needed.

Senate Bill 502

Our Association supports the changes to the current county offender supervision funds. There is a provision under the Crime Victims Act requiring adult offenders under the supervision of a county probation department pay a monthly fee (a/k/a supervision fee). The statute currently allows the county to retain 50% of the fee it collects and remit the remaining 50% to the Commonwealth’s State Offender Supervision Fund. To encourage counties to collect these fees, the Pennsylvania Board of Probation and Parole established a policy of returning the fees to the county on a dollar-for-dollar basis. During the time the fees are with the

Commonwealth, any interest earned is retained in the state General Fund. This transfer by the counties of half of the supervision fees to the state and their subsequent return to the counties creates additional administrative burdens. This practice is wasteful in time and administrative effort. It should be noted that the counties earn no interest on this money, while the state does.

Our members support the provision in SB 502 which would streamline the process of county supervision fees. The proposed legislation would remove the requirement that 50% of the money being sent to the State Offender Supervision Fund. This change would allow 100% of the county supervision funds to remain at the county where the fees were collected.

Strategic Plan and Implementation of Evidence-Based Practices

In 2016, the County Chiefs Adult Probation and Parole Officers Association released its strategic plan for advancing adult probation and parole within the Commonwealth. The goal of our strategic plan is to enhance public safety, reduce recidivism, and provide for a more effective use of public funds through the implementation of evidence-based practices (EBPs) in the adult county probation system.

Evidence-based practices are the application of science into operational practice for services and programs for offenders. The goal is to use practices that have been empirically tested and have been shown to reduce recidivism among offenders. Our juvenile probation system has already undergone statewide implementation of EBP under the direction and leadership of JCJC.

The Chief's Association strategic plan is the beginning of a multi-year effort to achieve better outcomes in community-based offender recidivism rates. We believe the strength of our strategic plan lies in the support and collaboration of county adult probation and parole partners and key state stakeholders. The Chief Adult Probation and Parole Officers Association of Pennsylvania has collaborated with several state agencies and created a Statewide EBP leadership team comprised of the following: the Pennsylvania Commission on Crime and Delinquency, County Commissioners Association of Pennsylvania, Administrative Office of

Pennsylvania Courts, Pennsylvania Department of Corrections, Pennsylvania Board of Probation and Parole, Office of the Victim Advocate, and the Pennsylvania Commission on Sentencing.

Implementation of EBP in all counties adult probation departments will be a daunting challenge. But once implemented, county criminal justice systems should see results including:

- Improved supervision outcomes;
- Reduced offender risk;
- Reduced recidivism;
- Reduced use of county jail and state prison for probation and parole violators; and
- Better utilization of public resources.

There are many ways to improve the county criminal justice system and sentencing practices in Pennsylvania but much of the efforts will have to be at the county level with county stakeholders, particularly the judiciary and prosecutors. As stated previously, our Association has faith in our judges and utilizing their judicial discretion at time of sentencing and any potential subsequent proceeding.

As Pennsylvania's county adult probation departments continue to move toward statewide implementation of EBPs, we have been moving away from the old mindset of "trail 'em, nail 'em, and jail 'em" philosophy.

We hope the Legislature will continue to support county adult probation and parole and take the necessary steps to restore Grant-in-aid funding to the amount established in the Probation Services Act and fund 80% of the eligible county salary costs as the statute requires (61 Pa.C.S.A §6133). This would go a long way to support effective probation and parole services in our communities.

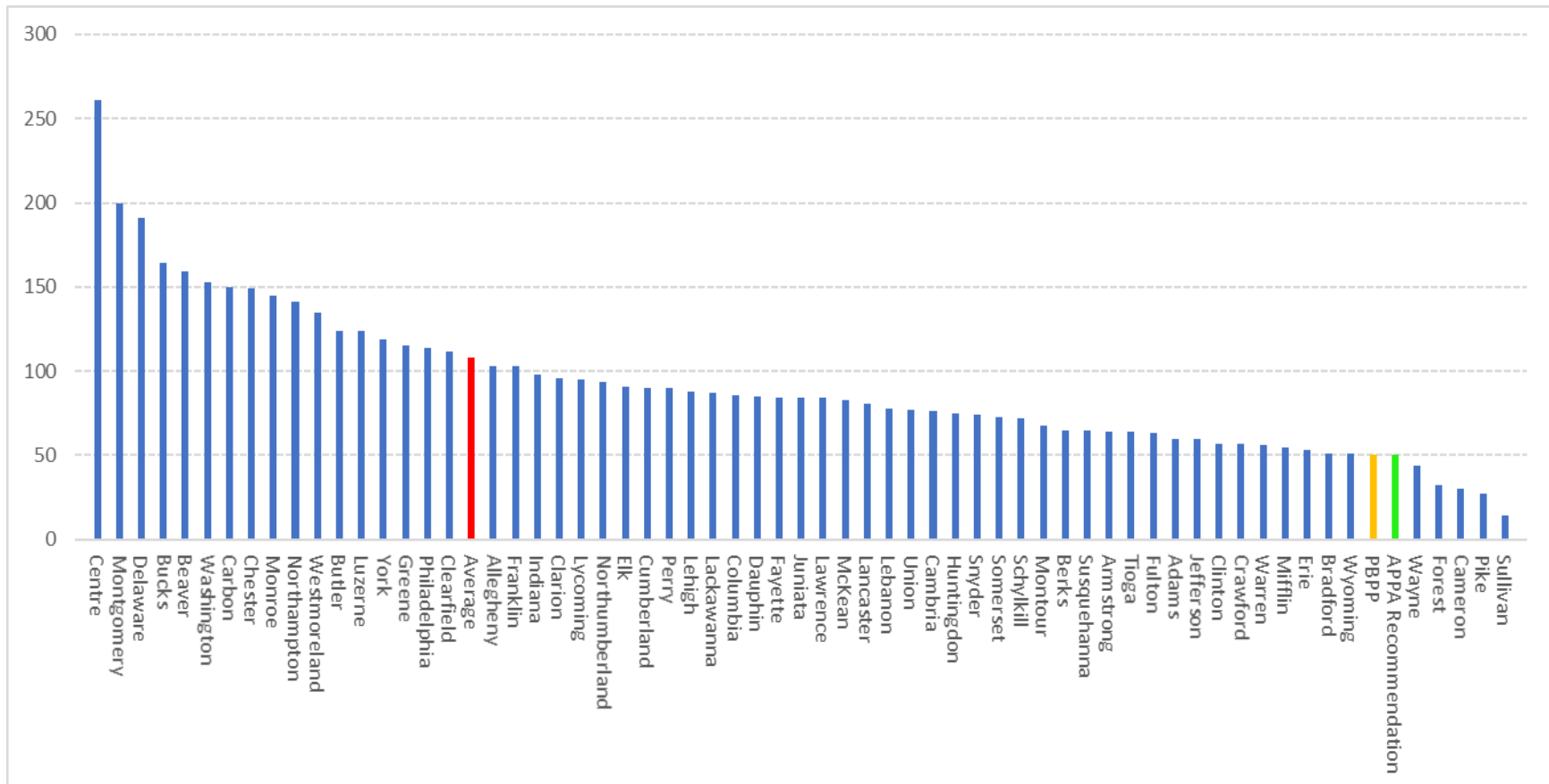
Thank you again for this opportunity to provide remarks. I would be happy to answer any questions.



Appendix A

2017 County Adult Probation and Parole Average Active Caseloads

- 108 = Average Active Caseload in County Adult Probation/Parole Departments *
- 50 = Average Caseload for PBPP **
- 50 = Recommended caseload per American Probation and Parole Association (APPA) ***



* PBPP 2017 County Adult Probation and Parole Report (data not available: Bedford, Blair, Potter, Venango Counties)

** 2019-2020 Department of Corrections Budget Testimony

*** Legislative Budget and Finance Committee Report "Funding of County Adult Probation Services" February 2015