

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
140 MAJORITY CAUCUS ROOM

THURSDAY, MAY 25, 2017
10:00 A.M.

PRESENTATION ON THE
PROPOSED CONSOLIDATION
OF THE
PA DEPARTMENT OF CORRECTIONS
AND THE
PA BOARD OF PROBATION AND PAROLE

BEFORE:

HONORABLE RONALD MARSICO, MAJORITY CHAIRMAN
HONORABLE BECKY CORBIN
HONORABLE BARRY J. JOZWIAK
HONORABLE KATE A. KLUNK
HONORABLE JERRY KNOWLES
HONORABLE JEFFREY P. PYLE
HONORABLE RICK SACCONI
HONORABLE TODD STEPHENS
HONORABLE JESSE TOPPER
HONORABLE MARTINA A. WHITE
HONORABLE JOSEPH A. PETRARCA, DEMOCRATIC CHAIRMAN
HONORABLE DOM COSTA

* * * * *

Debra B. Miller
dbmreporting@msn.com

COMMITTEE STAFF PRESENT:

THOMAS DYMEK

MAJORITY EXECUTIVE DIRECTOR

SARAH SPEED

DEMOCRATIC EXECUTIVE DIRECTOR

I N D E X

TESTIFIERS

* * *

<u>NAME</u>	<u>PAGE</u>
JOHN E. WETZEL SECRETARY, PA DEPARTMENT OF CORRECTIONS.....	8
DR. KRISTOPHER "BRET" BUCKLEN DIRECTOR, BUREAU OF PLANNING, RESEARCH & STATISTICS, PA DEPARTMENT OF CORRECTIONS.....	16
GEORGE LITTLE DIRECTOR, BUREAU OF COMMUNITY CORRECTIONS, PA DEPARTMENT OF CORRECTIONS.....	17
ED MARSICO DISTRICT ATTORNEY, DAUPHIN COUNTY.....	78
DAVID J. FREED DISTRICT ATTORNEY, CUMBERLAND COUNTY.....	80
LEO L. DUNN, ESQ. CHAIRMAN, PA BOARD OF PROBATION AND PAROLE.....	90
LINDA PASTROFF ROSENBERG BOARD MEMBER, PA BOARD OF PROBATION AND PAROLE.....	93
CHRISTIAN STEPHENS DIRECTOR, FIELD PROBATION AND PAROLE SUPERVISION, PA BOARD OF PROBATION AND PAROLE.....	100
EDWARD L. BURKE BOARD MEMBER, PA BOARD OF PROBATION AND PAROLE.....	144
LESLIE M. GREY, ESQ. BOARD MEMBER, PA BOARD OF PROBATION AND PAROLE.....	157; 166

TESTIFIERS (continued):

<u>NAME</u>	<u>PAGE</u>
CRAIG R. McKAY, ESQ. FORMER BOARD MEMBER, PA BOARD OF PROBATION AND PAROLE; ASSISTANT DISTRICT ATTORNEY, WASHINGTON COUNTY.....	160
PAUL DESCANO PRESIDENT OF THE PA CRIMINAL INVESTIGATORS, FRATERNAL ORDER OF POLICE, LODGE 92.....	190

SUBMITTED WRITTEN TESTIMONY

* * *

See submitted written testimony and handouts online
under "Show:" at:

[http://www.legis.State.pa.us/cfdocs/Legis/TR/Public/tr_finder_public_action.cfm?tr doc typ=T&billBody=&billTyp=&billNbr=&hearing month=&hearing day=&hearing year=&NewCommittee=Judiciary&subcommittee=&subject=&bill=&new title=&new salutation=&new first name=&new middle name=&new last name=&new suffix=&hearing loc=](http://www.legis.State.pa.us/cfdocs/Legis/TR/Public/tr_finder_public_action.cfm?tr%20doc%20typ=T&billBody=&billTyp=&billNbr=&hearing%20month=&hearing%20day=&hearing%20year=&NewCommittee=Judiciary&subcommittee=&subject=&bill=&new%20title=&new%20salutation=&new%20first%20name=&new%20middle%20name=&new%20last%20name=&new%20suffix=&hearing%20loc=)

P R O C E E D I N G S

* * *

MAJORITY CHAIRMAN MARSICO: Good morning,
everyone. I would call the hearing to order.

If I could have all your attention, please.
Thank you. Please silence your cell phones.

And welcome to the House Judiciary Committee
hearing on the merger, the Administration's proposal to
merge the Department of Corrections and also the Board of
Probation and Parole into a new State agency to be called
the Department of Criminal Justice.

Last session, I think maybe you do recall that we
did have a hearing on this issue as well regarding two
Senate Bills. Now, the Senate has taken this up for
consideration, the two bills again this session, to enact
the proposed merger, which are Senate Bills 522 and 523.
Those bills are still under consideration. I guess now the
Senate did pass those bills out yesterday and sent them
over to the House, and I would imagine this Committee is
going to receive those bills.

As we learned last session, the merger of the two
independent criminal justice agencies would be a major
change to the correctional system in Pennsylvania. This
Committee and the General Assembly have been actively
reforming the State correctional system to enhance public

1 safety in recent years.

2 For example, 5 years ago, we passed the Justice
3 Reinvestment Initiative, which was another historic
4 correctional system reform. The goal of JRI was to reduce
5 recidivism, reduce crime, and therefore, over time, reduce
6 correctional costs.

7 Importantly, the JRI reforms were enacted only
8 after years of study by this Committee and the General
9 Assembly and by the Administration to assure the Members
10 that public safety would be enhanced by the reforms.

11 A renewed effort is currently underway to further
12 reform the correctional system and a second stage of the
13 Justice Reinvestment Initiative. Staff, Members, the
14 Department of Corrections, the Board of Probation and
15 Parole, and others have all been working on legislation to
16 further reduce recidivism among those who re-enter our
17 society, while deterring crime and keeping in prison those
18 who are the most dangerous offenders.

19 And today we are joined by a number of
20 testifiers, all with deep and varied experience with the
21 Commonwealth's criminal justice system. Welcome to all of
22 you, and thank you for being here today. I'm looking
23 forward to your testimony.

24 Before we get started, I would like to ask
25 everyone here to, like I said before, silence your

1 cell phones. We are being recorded, as you can see. But I
2 also now ask the Members of the Committee to introduce
3 themselves, starting from my right, far right.

4 REPRESENTATIVE COSTA: Representative Dom Costa,
5 the 21st District, the city of Pittsburgh, Allegheny County.

6 MS. SPEED: Sarah Speed, Democratic Executive
7 Director.

8 MINORITY CHAIRMAN PETRARCA: Rep. Joe Petrarca,
9 Democratic Chair.

10 MAJORITY CHAIRMAN MARSICO: Ron Marsico, Chair.

11 MR. DYMEK: Tom Dymek, Executive Director.

12 REPRESENTATIVE TOPPER: Jesse Topper, the
13 78th District, Bedford, Franklin, and Fulton Counties.

14 REPRESENTATIVE JOZWIAK: Barry Jozwiak, the
15 5th District, Berks County.

16 REPRESENTATIVE SACONE: Rick Saccone, the
17 39th District, representing southern Allegheny and northern
18 Washington Counties.

19 REPRESENTATIVE STEPHENS: Todd Stephens, the
20 151st District, from Montgomery County.

21 REPRESENTATIVE KLUNK: Good morning.

22 I'm State Representative Kate Klunk, the
23 169th District, from southern York County.

24 REPRESENTATIVE CORBIN: Becky Corbin, the
25 155th District, Chester County.

1 REPRESENTATIVE KNOWLES: Jerry Knowles, the
2 124th District, portions of Schuylkill, Berks, and Carbon
3 Counties.

4 REPRESENTATIVE PYLE: Good morning.

5 Jeff Pyle, 60th Legislative District, Armstrong,
6 Butler, and Indiana Counties. Let's go, Pens.

7 MAJORITY CHAIRMAN MARSICO: Is that everyone?

8 Okay. Thanks, Members, for being here. I
9 appreciate your time and your attendance today.

10
11 PANEL I

12
13 MAJORITY CHAIRMAN MARSICO: We're now going to
14 start with Panel I.

15 Panel I is the Secretary of Corrections,
16 John Wetzel; Dr. Bret Bucklen, Director of the Office of
17 Planning and Research in the Department of Corrections; and
18 George Little, the Director of the Bureau of Community
19 Corrections within the Department.

20 Welcome, and you may begin when you feel that
21 you're ready to go.

22 SECRETARY WETZEL: All right. Thank you very
23 much, and I appreciate it.

24 As you know, Dr. Bucklen is the head of our
25 research.

1 MAJORITY CHAIRMAN MARSICO: Mm-hmm.

2 SECRETARY WETZEL: You may not have met
3 George Little yet. George came on board about a year ago,
4 a year and a half ago. It could have been months ago; I
5 don't know.

6 Either way, George was in my position, Director
7 of Corrections in Tennessee, prior to coming here and
8 actually went through a merger as the Director of
9 Corrections in Tennessee. So I think his expertise is
10 especially relevant to this.

11 And Chairman, we submitted remarks. I won't
12 reread those, but I really want to attach on to your point
13 about Justice Reinvestment, both I and II, and the process
14 of Justice Reinvestment specifically in using data to drive
15 decisions.

16 And to your point, we took -- the Justice
17 Reinvestment, although it officially started in January of
18 2012, it really began as soon as the Corbett Administration
19 came on in early 2011. And it was a collaborative process
20 where we really hashed out and argued points, but at the
21 end of the day, data drove the day, and data drove us to
22 policy that would likely reduce prison population without
23 increasing crime.

24 And, you know, 5 years later, almost 5 years
25 later, we see almost 3,000 less inmates. Over the

1 timeframe between 2010 and 2015, we saw a double-digit
2 reduction in crime in Pennsylvania. So I would submit that
3 we got that right.

4 Now, to your point, these decisions, major
5 changes in criminal justice policy, should be done
6 thoughtfully and should be data driven. And I just want to
7 point you to a couple of data points that I think are
8 relevant for this.

9 When you look at the overall crime rate in
10 America, I think the good news is that Pennsylvania has the
11 11th lowest crime rate in Pennsylvania. And one of the
12 concerns with this merger is that it will impact crime
13 rate, and specifically around parole violations seems to be
14 one of the biggest concerns of individuals.

15 And I would argue that if in fact a system chose
16 not to violate people or chose not to hold people under
17 supervision accountable, you would likely see an increase
18 in crime. So when you look at the 10 States that have a
19 lower crime rate than Pennsylvania, 8 of them have a merged
20 system. So that would suggest that you can have a merged
21 system and still have relatively low crime rates as it
22 relates to the national picture.

23 The second data point I would point to you is the
24 two most recent States that merged and looking at
25 specifically around their parole violation rates. And one

1 of those is Tennessee, the other is New York, and the
2 parole violation rate stayed flat. So I think the crux of
3 this from the Administration's standpoint is that we can
4 reduce costs and reinvest some of that cost to increase
5 supervision in the field and ultimately get better
6 outcomes.

7 And the measure will always be crime rate. That
8 will always be our measure. It has been our measure since
9 2011, since we walked through the door. You can find all
10 that data on our website, and we'll continue to focus on
11 reducing crime rate. And when we reduce recidivism, we
12 reduce crime, because we released between 18,000 and 20,000
13 people.

14 So we would be happy to answer any questions you
15 all have. Thank you for your time today.

16 MAJORITY CHAIRMAN MARSICO: So the last hearing
17 we had on this, as I alluded to before, and now we're going
18 to have testimony from law enforcement, the DAs, and with
19 submitted testimony from, I believe, the State Troopers
20 Association and also the State Corrections Officers and the
21 FOP, and they all, I know, are opposed to this merger.

22 What is your response to their concerns and their
23 opposition?

24 SECRETARY WETZEL: Yeah.

25 I mean, I think, again, I think it's around

1 parole violations, and I think we can put checks and
2 balances in place to assuage those concerns.

3 Like, there's no way that if you're measuring
4 crime rate, that you can achieve crime rate reductions or
5 not have a crime rate increase if you're just simply not
6 violating people. Part of holding, especially higher risk
7 parolees accountable, if you're just letting them run wild,
8 you're going to get an increase in crime. So I think that
9 that would be my response.

10 Again, a lot of this is speculation on intent and
11 those kinds of things, but we don't need to speculate. We
12 can look at the 40 other States that have merged systems.
13 And again, the fact that 8 of the 10 States that have a
14 lower crime rate than us have a merged system would suggest
15 that you can achieve this.

16 MAJORITY CHAIRMAN MARSICO: I would hope that you
17 would have time to stay for the entire hearing, or at least
18 until the law enforcement, the DAs' testify, to hear
19 firsthand their concerns. We would appreciate it. I think
20 if you had time to do that, we would appreciate that.

21 I recognize Representative Jozwiak.

22 REPRESENTATIVE JOZWIAK: Thank you, Mr. Chairman.

23 Secretary Wetzel, you brought parole violators
24 up. That was one of my concerns. How many parole
25 violators are put back in jail?

1 SECRETARY WETZEL: I don't have that number
2 offhand, but we can get it to you.

3 REPRESENTATIVE JOZWIAK: Are any put back in jail
4 or are they put in programs?

5 SECRETARY WETZEL: Both. It depends on the
6 severity of the violation.

7 REPRESENTATIVE JOZWIAK: Well, I'm under the
8 impression that you're reducing the amount of people in
9 jails by not putting parole violators back in, dangerous
10 people. They're in programs in different halfway houses.
11 They commit more crimes, and then they're put in another
12 program. They don't go back to jail, and I would like to
13 know why that's occurring.

14 SECRETARY WETZEL: Well, currently, that wouldn't
15 be my decision. I think perhaps what you're referring to
16 is some of the changes made in the first Justice
17 Reinvestment that the Chairman was referring to.

18 But again, there are certainly people violated
19 back to prison.

20 REPRESENTATIVE JOZWIAK: Another question I have
21 is, are you taking prisoners from out of State into our
22 State system?

23 SECRETARY WETZEL: Yes.

24 REPRESENTATIVE JOZWIAK: And is Vermont one of
25 those States?

1 SECRETARY WETZEL: Vermont is the only State
2 currently.

3 REPRESENTATIVE JOZWIAK: The only State.

4 And as I'm looking at a report here, it says
5 you're going to collect \$72 a day to house these
6 prisoners?

7 SECRETARY WETZEL: Yes.

8 REPRESENTATIVE JOZWIAK: Okay.

9 In this same report, it says it costs \$40,000 a
10 day -- or \$40,000 a year to house one prisoner to cover
11 food, housing, medical needs, and transportation. So it's
12 \$72 a day. That's \$26,280 a year.

13 SECRETARY WETZEL: Mm-hmm.

14 REPRESENTATIVE JOZWIAK: So we're losing money.

15 SECRETARY WETZEL: No, we're not. That's a
16 discussion around marginal costs versus actual costs.

17 So the 40,000 that you quote is just simply
18 taking the number of inmates and -- the number of inmates
19 and dividing it by the budget amount. Or vice versa; I'm
20 not sure which one is on top and which one is on bottom.

21 But when you talk about the actual cost of
22 housing somebody, it's a marginal cost. So if we have
23 100 less people, we don't say 40,000 times 100 less people.
24 We save about \$17 a day.

25 REPRESENTATIVE JOZWIAK: Well---

1 SECRETARY WETZEL: So we anticipate bringing in
2 somewhere between, I think around 5 million perhaps,
3 somewhere in that ballpark, assuming, I think, 250 or
4 270 inmates.

5 REPRESENTATIVE JOZWIAK: Well, as I'm reading
6 this -- and that quote is not mine; that's Amy Worden's
7 quote, and according to her, it would cost \$110 a day to
8 house an inmate in a State prison.

9 SECRETARY WETZEL: Again, you're talking about
10 overall costs, just dividing the total budget number by the
11 total inmates versus the actual cost of one inmate, which
12 is called a marginal cost.

13 REPRESENTATIVE JOZWIAK: Okay.

14 Thank you, Mr. Chairman.

15 MAJORITY CHAIRMAN MARSICO: The Chair recognizes
16 Representative Topper.

17 REPRESENTATIVE TOPPER: Thank you, Mr. Secretary.

18 You know, obviously the benchmark you said is
19 crime rate, right? But we're talking about a merger as we
20 look at our overall budget picture, so there's another
21 benchmark at play, and that's cost savings.

22 SECRETARY WETZEL: Yeah.

23 REPRESENTATIVE TOPPER: I would assume that that
24 is also a big part of what we're trying to accomplish with
25 the merger.

1 And as someone who is not intimately familiar
2 with the system, as I look over the *Merger Savings Summary*
3 in the testimony, you know, are we saying that the savings,
4 most of it, is going to come by not having or by not
5 bringing inmates back? Are we looking at staff reductions?
6 Are we looking at a combination?

7 If we could just kind of explain the merger
8 savings, that would probably be helpful as we look at this
9 in a budgetary sense.

10 SECRETARY WETZEL: Yeah.

11 So it's about half and half. About half of it
12 is reducing duplicative services, especially at the
13 Central Office level, and the other half is a projection
14 of, I believe a 10-percent recidivism reduction?

15 DIRECTOR BUCKLEN: Five percent.

16 SECRETARY WETZEL: Do you want to discuss that
17 part?

18 DIRECTOR BUCKLEN: The recidivism part is, we are
19 projecting a 5-percentage-point reduction in recidivism.

20 Conservatively, based on improving Community
21 Corrections' outcomes, as you may know, historically our
22 Community Corrections Centers have not produced good
23 results, and we have been open about that in multiple
24 reports that have been conducted on those Community
25 Corrections Centers.

1 And that's the population -- and Director Little
2 can speak better to this -- that really crosses over
3 between our two populations, between DOC and the Board of
4 Probation and Parole. They're stuck in the middle there.
5 The Department of Corrections pays for those centers. The
6 Board of Probation and Parole supervises them.

7 And so, again, historically we have had pretty
8 bad results from those centers, and we think by this merger
9 we can improve those results in a number of different ways.
10 And so we project, again, conservatively, that we can
11 reduce recidivism by 5 percentage points. That translates
12 into about 600 less inmates over a 3-year period of time.

13 Just by way of reference, we're down 1,200
14 inmates this fiscal year. So another 600 inmates over
15 3 years we definitely think is achievable, again, not on
16 the backs of not violating parolees but by reducing crime,
17 by doing things smarter and actually increasing public
18 safety.

19 REPRESENTATIVE TOPPER: And I -- so let's talk
20 also about the reduction in duplicative services. Can you
21 give us some examples?

22 DIRECTOR LITTLE: Good morning.

23 I think there are several opportunities. And to
24 be clear about it in terms of reduction of duplicative
25 services, what we're talking about is reductions through

1 attrition where appropriate.

2 We currently on the DOC side operate the State
3 Intermediate Punishment program, and we house those in our
4 Bureau of Community Corrections Centers. Those individuals
5 are actually, for instance, the investigations for the home
6 placements, which is one of the last phases of that
7 program, are currently done by BCC staff. We have three
8 individuals to cover the entire State.

9 This is something that the Board of Probation and
10 Parole currently does statewide and has the capacity to do
11 home-plan investigations. We could redeploy those three
12 staff that we currently have to other duties.

13 Actually, we have three positions to staff. I
14 could do without one of those positions, which would be an
15 immediate savings through elimination of that vacancy, that
16 those investigations could be readily absorbed in the
17 overall workload as far as home plans. That is just one
18 example.

19 REPRESENTATIVE TOPPER: Yeah. And just my last
20 question.

21 Could some of those savings, in your opinion,
22 especially when it comes to personnel, be achieved without
23 the merger?

24 DIRECTOR LITTLE: I think that, to speak just to
25 the example that I used, at the heart of the merger, while

1 the operations relative to supervision and sanctioning
2 would remain largely the same, there are jurisdictional
3 boundaries that right now keep us from working like that.

4 We could not ask Parole, for instance, to do
5 investigations for the SIP participants. We could not
6 coordinate on transportation, which we believe is another
7 opportunity.

8 And so I think to the extent that we break down
9 the jurisdictional boundaries, that is key and that is at
10 the heart of the legislation. To the extent that we can
11 better coordinate our services by not being under, if you
12 will, separate silos, I think that's another set of
13 opportunities.

14 REPRESENTATIVE TOPPER: Okay.

15 Thank you, Mr. Chairman. Thank you.

16 MAJORITY CHAIRMAN MARSICO: The Chair recognizes
17 Representative Knowles.

18 REPRESENTATIVE KNOWLES: Mr. Chairman, I'm going
19 to be waiving off. My question was answered just now.

20 MAJORITY CHAIRMAN MARSICO: Representative Klunk.

21 REPRESENTATIVE KLUNK: Thank you, Mr. Chairman.

22 And thank you, gentlemen, for joining us today.

23 I was at the hearing a year ago where a number of
24 these items were mentioned that you include in your
25 testimony here today about areas of redundancy. And one

1 thing that I had charged you and Probation and Parole was
2 to really, if we can't merge right now, work together to
3 try and focus on these areas of redundancy.

4 And some of those areas really seemed like
5 no-brainers to me, and my thought was really, why? Why
6 can't you guys work together with Probation and Parole?
7 What are those limitations in statute? What are those
8 limitations in the law that are really preventing that
9 right now? Or is this a bureaucracy turf war that has been
10 created between the two agencies and it's maybe more of a
11 personality conflict?

12 Because from -- and I'm just looking from the
13 outside in. There just seems to be a lot of areas where
14 you guys could have really worked together over the past
15 year and come back and really checked off some of those
16 areas on the list that you gave us a year ago.

17 So what have you done over the past year to set
18 things up for a merger, and what are you working on, if we
19 don't merge, to really work on these areas and find these
20 areas where you can work together and save money, because I
21 just feel like we're at the same place where we were a year
22 ago, and that's really unacceptable.

23 SECRETARY WETZEL: Yeah. And George can speak to
24 that, along with the Parole staff. They meet on a very
25 regular basis and have made significant progress in working

1 together.

2 So George, if you could get into some specifics
3 on that.

4 DIRECTOR LITTLE: Very quickly.

5 By way of background, my background is not
6 entirely on the institutional side. I actually served an
7 extended period in probation services and also parole
8 services, and so I understand what it means to both be on
9 the inside of the fence working and outside of the fence.

10 Although it may seem like a year or a year and a
11 half, I have actually only been on the job for about 8 or
12 9 months, and during that time, along with Director
13 Christian Stephens and also Director Luis Rosa, we have
14 been working closely, certainly in the time that I have
15 been here. I can't speak to what happened before.

16 We have been meeting now just about every
17 2 weeks. We're focusing both on immediate tactical issues,
18 like individuals in hard-to-place cases and how we can work
19 better to get those individuals home, provide them
20 appropriate services to meet the needs of those
21 individuals, but also provide appropriate levels of
22 supervision and sanctions. But also working strategically
23 around streamlining the home-planning process, identifying
24 individuals, for instance, who have been in our centers for
25 120 days.

1 We have got individuals -- our centers really are
2 plans to work just within BCC. With some of the
3 adjustments that we have had to make as a result of some of
4 the findings relative to the program performance and the
5 budget, we're really trying to turn over our BCC beds more
6 quickly.

7 The best place for an individual to do well is in
8 the community with appropriate supervision and services
9 that meet their needs: alcohol and other drugs being an
10 obvious one; mental-health issues being another. We
11 provide the community service lots that are actually used
12 by the Board of Probation and Parole.

13 And certainly my experience in coming in as
14 Director was I felt like I was head of a bed-and-breakfast
15 system that somebody else ordered the services, actually
16 partook of the meals, and showed up when they wanted to
17 show up. We had very little control over that.

18 What we have been working on for the last 6 or
19 8 months is getting better coordination of who is in the
20 center: Do we have low-risk individuals who really don't
21 need to take up a bed?

22 I mentioned the individuals who have been in the
23 center for more than our targeted 60 to 90 days. We have
24 got individuals who have been in for 3, 4 months or longer.
25 We're actually looking both at the level of individual

1 cases to figure out why those individuals are in the
2 center, what we can do to move them out, as well as in a
3 broader sense identify ways that we can limit those who
4 stay for long terms at \$73 a day, I might add, to those who
5 absolutely positively may have certain transitional needs
6 that can only be met in a center.

7 So those are our advantages, I think, not only of
8 our working together now but put us in a good position
9 should we move forward with this merger.

10 SECRETARY WETZEL: I think one of the obvious
11 barriers to some of these areas is the fact that we have
12 two separate budgets.

13 So, for instance, on the Parole side, we talked
14 about a 3,000 inmate reduction and a 1,200 inmate reduction
15 this year. One budget allows us to shift resources to
16 follow where the population flows.

17 I think two of the real areas that we have real
18 opportunities to increase efficiencies, one, is the
19 prepping for parole hearings and who does that work right
20 now. There is a lot of duplication between counselors and
21 parole officers.

22 But I think the other area, as George alluded to,
23 is transportation. It's very oftentimes a lot of overtime
24 for parole officers to transport inmates who violate or
25 parolees who violate to a prison.

1 At the same time, we have this huge
2 transportation infrastructure where we transport about
3 700 inmates a year. Now, I think -- or 700 inmates a week.
4 I apologize. I think the good news is, over the past
5 couple of years, we have initiated more efficient -- we
6 have reduced that, the number of transports, by 20 percent.

7 So building on this transportation infrastructure
8 we have, I think we have an opportunity for efficiency.
9 But to do that with two separate budgets, if it increases
10 spend on the Corrections side with two separate budgets,
11 then is that expense justified? And I think that's really
12 -- it's more of a budgetary thing than a philosophical
13 thing.

14 I think that, you know, Christian and Luis and
15 George and EDS Moore Smeal have done a great job over the
16 past year and took the charge of, let's figure out,
17 assuming that merger is not going to happen, let's figure
18 out how we can work together better, and I think we
19 continue to make progress.

20 REPRESENTATIVE KLUNK: And what are those
21 specific things that you have done to work together?

22 DIRECTOR LITTLE: Okay.

23 REPRESENTATIVE KLUNK: I would love to know if
24 you could give me your top five things of what you have
25 come away from that last hearing from last year, where you

1 gave us those areas of redundancy and areas of improvement,
2 where you sat down and said, look, you know, this merger
3 might not happen, but how can we really work together.

4 What have you done, because I think that work
5 sets up a good merger if we do merge. So what have you
6 done to set that up?

7 DIRECTOR LITTLE: Again, I can't speak
8 specifically to the hearings last year, but let me give you
9 five things off the top of my head, which is always
10 dangerous but I'll go there.

11 One, we have created space for the parole agents
12 to actually come in, in some cases to be embedded in our
13 centers, in other cases to work in our centers with their
14 clientele. What we found is that the re-entrants may do
15 perfectly well when they go visit their agent in their
16 office, but they may not behave so well in the centers. By
17 having the agents actually in the center, we are cutting
18 out some of that game, if you will.

19 Two, we have gotten access to parole case notes.
20 What this allows us to work towards is one document, if you
21 will. It sort of becomes the legal Bible, if you will,
22 that, again, documents the behavior and helps to ensure
23 consistency.

24 So again, if you're looking at behavior on the
25 part of the re-entrant that may be one way in the center

1 and another way when they meet their agent in the field, we
2 have not.

3 That also helps us in a third area, which is
4 sorting out roles and responsibilities. The Secretary
5 alluded to the role of our institutional counselors versus
6 the institutional parole agent, and also our center
7 counselors versus the parole agents.

8 We're in the process of identifying what is
9 overlap in the duties and responsibilities of these various
10 job classes. And part of it is changing job descriptions,
11 maybe allowing more focus on case management in one
12 instance, so the other one -- by the way, this is a work in
13 progress. We're by no -- we're not even close.

14 I have some of my counselors who would love to be
15 life coaches. I'm not quite sure with my correctional
16 background that I'm ready to go with life coaching, but
17 it's a good discussion. So that would be a third
18 opportunity.

19 Working on home plans and trying to get them
20 done on a more expeditious basis. And getting more
21 transparency.

22 We notice, in going back to the issue with some
23 of the ongoing issues with re-entrants, that when they
24 leave us, many times it's because of the uncertainty on the
25 approval of their home plan. So if they're not sure after

1 2 months, 3 months in what their status is vis-à-vis going
2 home, then they may decide to take a pass involuntarily --
3 or voluntarily, I guess -- and just leave us, which results
4 in involvement.

5 The police have to -- PSP has to go out and
6 arrest them. They take up bed space, if they're caught out
7 and about, in a jail, and so that's a problem for the
8 entire system. And, of course, if they're out
9 unsupervised, there's no accountability in terms of their
10 actions in the community.

11 And then the fifth thing that I mentioned is
12 just sort of an overall population-management issue. I
13 mentioned the 120-day report.

14 Working to more effectively make sure that we
15 have got the right people in the right beds. Parole is
16 embarking on certain measures, which I will certainly defer
17 to Chairman Dunn and Director Stephens and Director Rosa as
18 far as what they are undertaking.

19 But as they begin to make moves to increase
20 accountability and efficiency and effectiveness in the
21 community, we in turn, because now we're in a conversation,
22 are working to tighten up our programs in the centers.

23 So in fact to the earlier question about the
24 disposition of the violations, we're in a better position
25 now in Community Corrections for our jail placements and

1 our local jail contracts with our parole violator
2 centers.

3 And so often individuals come back because --
4 again, speaking to the opioid epidemic -- because of
5 relapse. And so we can respond immediately to those
6 relapse issues.

7 And that has been a major issue for us as we deal
8 with overdoses and making sure that we in Parole, when we
9 have to pull somebody out of a center and send them to
10 detox, that they don't fall between the cracks, that there
11 is a seamless handoff, hopefully with the Centers of
12 Excellence, to get these individuals treatment just as
13 quick as they can, because the sooner we do that, the less
14 of a chance that there's another victim beyond obviously
15 the use of alcohol or other drugs.

16 SECRETARY WETZEL: I would add two other areas.

17 One, we have merged the research. That saved us
18 six positions. Obviously the Governor has an initiative
19 around merging HR and IT. Our IT has already been merged,
20 but the HR we're working. HR 1, I believe, is the name of
21 the initiative, so that's coming.

22 And I think right around the time of the hearing,
23 I'm not sure if it was before or after the last hearing, we
24 merged -- the Department of Corrections had a separate
25 Office of Victim Advocate within Corrections. We merged

1 that actually under Jen Storm and her office. And she's
2 unable to be here today, but she says that they gained
3 about 60 different efficiencies from that merger.

4 So that's seven areas that we have made progress
5 on.

6 REPRESENTATIVE KLUNK: Thank you, Mr. Secretary.

7 And as a follow-up to that, so it sounds like you
8 are working together, which is fantastic. That's really
9 great to hear after a year, so good things have come over
10 the past year.

11 I would like to see some dollars in savings and
12 that, because it sounds like you have, you know, merged IT,
13 merged research, merged HR. So what's the dollar figure in
14 cost savings over the past year? Do you have---

15 SECRETARY WETZEL: Yeah, we can get that. We can
16 get that to you.

17 REPRESENTATIVE KLUNK: I think that would be very
18 helpful for us to see, just in some of the little things
19 that you have done over the past year and really what we
20 are looking at in cost savings.

21 And so, you know, you go down through, and it was
22 almost about 10 things that you guys have done, which I
23 think is very encouraging. But it also makes me think, do
24 we really need to merge? If you are able to achieve all of
25 these items through just working together as two separate

1 departments and being creative and finding those solutions,
2 do we really need to merge?

3 SECRETARY WETZEL: Yeah.

4 What I think---

5 REPRESENTATIVE KLUNK: What would be the
6 advantage of merging even after we're able to achieve all
7 of these without merging?

8 SECRETARY WETZEL: Yeah.

9 Well, I think the 10 million-dollar savings in
10 the first year shouldn't be overlooked.

11 I mean, I think that you all passed a budget out
12 that cuts the combined agency, which was assumed in your
13 budget, by an additional \$100 million, even after the
14 prison closures and those kinds of things.

15 So I think clearly we're in a budget situation
16 where every dollar counts, and I think that if there are
17 legitimate concerns, I think that we can work together with
18 both Parole and Corrections and the DAs and whoever and put
19 checks and balances in place to assuage those fears. But
20 if we can save 10 million in the first year, I think we
21 have a responsibility to do that.

22 REPRESENTATIVE KLUNK: Well, thank you,
23 Mr. Secretary.

24 And again, like I had said the last year, I
25 charge you -- I don't know how this is going to end up with

1 the merger. We don't know yet. I think we still have a
2 lot of questions. But I would charge you and Parole to
3 work together, to continue to work together, to find these
4 cost savings on behalf of the taxpayer, because no matter
5 if we merge or not merge, these items need to be figured
6 out, not only for the protection of the people of
7 Pennsylvania but also the taxpayer as well.

8 Thank you.

9 SECRETARY WETZEL: Absolutely. Thank you.

10 MAJORITY CHAIRMAN MARSICO: The Chair recognizes
11 Representative Costa.

12 REPRESENTATIVE COSTA: Thank you, Mr. Chair.

13 Mr. Secretary, thank you for being here. And
14 gentlemen; I appreciate it.

15 I have a couple of questions. I want to flash
16 back to us taking prisoners from Vermont, accepting. How
17 many did we accept?

18 SECRETARY WETZEL: I think the initial shipment
19 -- they're not here yet. They come, I think June 13th,
20 somewhere around there.

21 REPRESENTATIVE COSTA: Okay.

22 SECRETARY WETZEL: But I think the initial is
23 going to be about 270 inmates.

24 REPRESENTATIVE COSTA: Okay; 270.

25 Okay. How many PA prisoners do we release every

1 year, on the average, I guess?

2 SECRETARY WETZEL: Between 18,000 and 20,000.

3 REPRESENTATIVE COSTA: Okay. So here's my
4 question as far as that goes: Are we putting a greater
5 workload on our officers, you know, because we're releasing
6 that many prisoners that need supervised, because you just
7 don't get out of prison and nobody is supervising you.
8 Have we increased the parole officers? Have we increased
9 any of their ability to track these folks? Have we---

10 We're taking on prisoners. We closed the prison
11 in western Pennsylvania and we're taking on prisoners.
12 We're paying a massive amount of overtime to staff, and I
13 just don't understand it. It seems like we're chasing our
14 tail now.

15 I don't believe that -- I'm not a corrections
16 person, by no means, but I don't believe we should be
17 taking on prisoners if we're closing prisons, number one,
18 from another State. The only prisoners we should be taking
19 on are our prisoners, okay?

20 And I think we're putting an overload on our
21 guards because of the overtime; it's obvious. The turnover
22 has been increasing. We're losing guards. They're burning
23 out. And I know I wouldn't want that job, no way, because
24 in essence you are a prisoner for 20, 30 years of your
25 life. You go in, you close the gate, and you're there all

1 day.

2 I just think that that concept there is a bad
3 idea. And we're doing this whole thing to save money. I
4 mean, I am no mathematician, but as Representative Jozwiak
5 had said, if we're getting this much and it's 26,000 and
6 we're estimating it at 40,000, and I don't know how we
7 crunch our numbers, it just doesn't make sense to me to
8 take prisoners, unless we're getting the equal to that
9 40,000. So that's number one.

10 And I guess most of all my concern is, 2 years
11 ago -- it was June. I was at that hearing, Secretary, and
12 I have no greater respect for anybody in your business than
13 you. You know corrections, you really do, you know, and I
14 think you're the best in the country, and we have him right
15 here. But the problem I have is, 2 years ago we had this
16 same conversation, and here we are, a month, not even a
17 month, a few days before June of 2017, and this is -- the
18 last month is about the first time that anyone from
19 Corrections, anyone from the Administration, anyone has
20 approached us and gave us an update: This is what we would
21 like to do.

22 I mean, when we left it last hearing, 2 years
23 ago, we were assured that somebody would be in touch with
24 us and get our feedback, get everyone at the table, all the
25 stakeholders, and we have nothing. And here we are, less

1 than a month out of the budget, into the new budget,
2 you know, trying to get a new budget anyway, and we're
3 trying to rush this through again, and I think that's a
4 mistake.

5 And, you know, again, as I said, as far as
6 corrections, I think you are the best in the country, no
7 question. But what kind of caught me was your opening
8 statement. You said, I think we can make this work. I
9 want to make sure that we can make this work, sir. Not
10 "think"; I want to make sure, okay? And by doing that, we
11 have to sit down, put all the heads together; put everybody
12 at the table. I think we're rushing this through. Until I
13 can get some affirmative answers, I can't support this.

14 So, you know, Mr. Chairman, thank you very much,
15 and Secretary, thank you. Like I said, I do respect you,
16 sir, and---

17 SECRETARY WETZEL: Can I respond?

18 REPRESENTATIVE COSTA: If you want to respond,
19 please do. Sure.

20 SECRETARY WETZEL: Thanks.

21 MAJORITY CHAIRMAN MARSICO: Would you like to
22 respond?

23 SECRETARY WETZEL: Yeah.

24 First of all, our Administration has worked
25 pretty diligently, I believe, with the staff of this

1 Committee, and we can provide you with all the work that
2 has been done here since then. But let me address a couple
3 of things.

4 First of all, we have empty beds, and we have a
5 significant budget issue, and if we can bring in \$5 million
6 from Vermont and put them in empty beds and not have to
7 increase the staffing to accommodate that, I think we have
8 a responsibility to do that.

9 We're really looking to offset further prison
10 closures. I mean, the reality of a budget situation is,
11 with the budget that the House passed, we're \$100 million
12 in the red, and we have to find a way to make that up, you
13 know? So I think it is responsible.

14 We're not -- I mean, since we announced the
15 closure of SCI Pittsburgh, which now has zero inmates in,
16 our population is down another 600 just since January when
17 we made that announcement. So we certainly have the empty
18 beds to accommodate without increasing staffing.

19 When you talk about supervision and the increased
20 number of releases and the increased onus on parole staff,
21 I think that's one of the strongest arguments for the
22 merger. We're talking about over 100 officers that we can
23 deploy into the community that directly affects the bottom
24 line as it relates to caseloads, which directly improves
25 and increases accountability. So I think that's one of the

1 stronger arguments for the merger.

2 When you talk about correctional officer
3 overtime, we have reduced it this year. We're down to less
4 than 1 percent vacancies. And our turnover rate has not
5 increased. You know, things like talking about pension
6 reform and those kinds of things, that is going to
7 potentially increase those things. And I would be happy to
8 provide you with the work we have done in overtime and the
9 specific numbers. This is the second year in a row where
10 overtime is down.

11 I think that addresses -- I think I hit all your
12 questions. I'm not 100 percent sure.

13 REPRESENTATIVE COSTA: Mr. Chairman, if I could,
14 please.

15 MAJORITY CHAIRMAN MARSICO: Sure.

16 REPRESENTATIVE COSTA: Okay. Thank you.

17 Yeah, but here's one of my issues. There has
18 only been, to my understanding, two meetings with our
19 staffs concerning -- in 2 years -- over this merger-type
20 thing.

21 When it went belly up the last time, we were
22 assured there would be meetings with the Representatives
23 and stuff like that, but there had only been two meetings
24 where our staffs were informed of what Corrections wanted
25 to do and things like that.

1 And it was very -- you know, basically, there
2 wasn't a lot of detail to it. It was only, this is what we
3 would like to do; this is the way we're going. So it
4 brought no insight to us as Representatives.

5 I think this Committee is made up of a lot of
6 former law enforcement, former prosecutors and attorneys,
7 and I think that we are knowledgeable enough in the field
8 that we would like some input. And I think any time that I
9 work any problem out, it's at a table with the
10 stakeholders. I didn't see anything with the Troopers
11 Association, the FOP, the Corrections Officers, Probation
12 and Parole officers, who are probably the main ones
13 affected, and the guards' union.

14 You know, I think that they all need to have a
15 seat at that table so that we can hear everybody. Instead
16 of sitting in a public hearing with a limited amount of
17 time, and I know the Chairman is going to cut me off in a
18 second, but I think that we need to do that before we move
19 forward with something like that.

20 That's all. And again, Secretary, thank you so
21 much.

22 Thank you, Chairman.

23 SECRETARY WETZEL: Yep.

24 MAJORITY CHAIRMAN MARSICO: Representative
25 Saccone.

1 REPRESENTATIVE SACCONI: Thank you, Chairman.

2 Thank you, Mr. Secretary. And I echo that, that
3 you are very well respected, and we're glad to have you in
4 Pennsylvania.

5 I'm a little disappointed, though, because I
6 would expect that you would have anticipated some of these
7 questions on the details of some of the statistics and so
8 forth; rather than saying, we're going to get them next
9 time, that you would have come with them. Because I think
10 your best case for the merger is that you found some
11 efficiencies already, and we would like to see the details
12 of that, where those dollars come out.

13 SECRETARY WETZEL: Yeah.

14 REPRESENTATIVE SACCONI: And that a merger would
15 bring more efficiencies and here's exactly where they're
16 going to be, not, there's a 10 million-dollar savings out
17 there. We don't know what that is, and I'm not sure I know
18 exactly where that's going to, how that's going to, you
19 know, fan out. So I would've liked to have seen you come
20 with that information in hand rather than get back to us.

21 Now, you mentioned some certain things like a
22 20-percent cut in transportation. Now, I'm assuming that
23 comes from maybe those videoconferences and so forth like
24 that that you can do so you don't have to transport
25 prisoners around, but I don't know that, and if you had

1 laid some of those things out. And I know some of that
2 maybe requires some additional investment, then you can
3 reduce costs, but we need to know that.

4 And so I'm just trying to help you out here. I
5 mean, those are the kinds of things that if you had come
6 and laid out for us, I think it helps make your case.

7 SECRETARY WETZEL: Well---

8 REPRESENTATIVE SACCONI: I understand the thing
9 about overhead and I understand the thing about bringing
10 prisoners in from Vermont, because you already have the
11 officers there and there are empty beds, so you're not
12 increasing. There's a cost savings there because you're
13 not having to increase officers.

14 But at the same time, now you have officers
15 supervising a larger number of people than they would if we
16 didn't have those Vermont prisoners coming in. And we have
17 officers that we feel or we're hearing that are overworked
18 already, and now you're adding that they're going to have
19 to supervise this many people as opposed to this many
20 people. There is an effect for that. There is a cost for
21 that. There is a human cost for that.

22 So I don't know. I think we need to explore
23 that, and I don't see all that laid out. And maybe, you
24 know, you'll get back to us with it, but that's maybe too
25 late. Today's the day we need it. We're running out of

1 time. We need to hear all these statistics and where these
2 efficiencies and where the dollars are actually coming
3 from, so.

4 SECRETARY WETZEL: Yeah. And I thought we
5 provided the specific spreadsheet with the breakdown of the
6 cost savings. I can run them down for you.

7 As far as Representative Klunk's questions, we
8 don't have -- I can't do the breakdown of those cost
9 savings offhand, but we can certainly provide that.

10 But in Corrections' Central Office, the
11 administrative reduction is \$3.297 million. The Central
12 Office of Parole, \$1.380 million. And then the recidivism
13 reduction is 5.132 million, for a total cost savings of
14 9,809,000 -- I'm sorry. I'm sorry. The re-entry
15 reduction, the utilization of how we use halfway house beds
16 and those kinds of things, that is the 5.1 million. The
17 recidivism reduction is 800,000, for a grand total of
18 \$10,609,000.

19 And I can, again---

20 REPRESENTATIVE SACCONI: So for that, so for that
21 recidivism reduction, for example, how did you arrive at
22 that figure of 800,000? Where does that come from?

23 DIRECTOR BUCKLEN: The recidivism reduction,
24 that's based on looking at our historical data and looking
25 at when we talk about improvements over the last couple of

1 years and quantifying those improvements.

2 We have reduced our recidivism rates by about
3 2 percentage points over the last couple of years, so
4 that's a quantifiable, discrete thing that we can point to
5 that we have achieved by working together with Parole, and
6 that translates into a couple hundred people that are not
7 committing crimes now in Pennsylvania.

8 So now what we're saying is, and it is a bit of
9 an extrapolation in projection, but what we're saying is,
10 if we can get that 2 percentage points without a merger,
11 working together, then we believe that we can get an
12 additional 3 percentage points, for up to 5 percentage
13 points, by working under a merged system and doing the
14 things that we have talked about in terms of merging.

15 SECRETARY WETZEL: And I would add that one of
16 the strategies that we have talked about at length is
17 Swift, Certain, and Fair. And looking at Washington,
18 Washington saw significant reductions in crime by parolees
19 by initiating statewide Swift, Certain, and Fair.

20 We didn't put a number in here for it because
21 Washington is a much smaller State than ours, and to scale
22 that systemwide will take longer than the first-year
23 savings. But we have, again, real data, a real analogous
24 situation where we believe we can drive this number down.

25 DIRECTOR LITTLE: And if I may, in my roughly

1 5 years as Commissioner, we saw our recidivism rate drop
2 from 44 percent for our population down to 38 percent, I
3 mean total. So that's about a 15-percent drop over
4 5 years, with the merger beginning to kick in in year five,
5 and it has gone forward with additional enhancements now.

6 As to where the recidivism rate is currently,
7 frankly, I haven't looked at those numbers in probably
8 6 years.

9 REPRESENTATIVE SACCONI: I know we have to move
10 on with those questions. But something like that, there
11 are so many variables involved with that. It's hard to
12 look at this scientifically and say, yeah, this is the
13 cause of that. There are just too many variables in there.
14 And so extrapolating these out is dangerous, you know,
15 because you really can't tell, because you can't pull out
16 all those variables and see what is really causing that.

17 But I -- it's a big problem. I'm not saying --
18 you know, you have done a good job of trying to do this.
19 I'm just hoping that we can really get down, dig down into
20 the details. And that's where those meetings that
21 Representative Costa was talking about, that's where you do
22 that, not at a hearing like this. We should be sitting
23 down and really going through that: How much are those
24 people that you're going to eliminate, positions that will
25 be eliminated, what are the salaries and benefits and

1 pensions of those, and each one. We need to hear that so
2 we see how much money. We need to see that out in detail,
3 and I think those meetings are where that happens.

4 SECRETARY WETZEL: Just to be clear, this doesn't
5 assume that anybody gets furloughed or laid off. This
6 assumes we achieve the personnel savings through attrition.
7 So I just want to be very clear about that. Obviously that
8 would be a hot-button item for staff.

9 REPRESENTATIVE SACCONI: Okay. Thank you.

10 Thank you.

11 MAJORITY CHAIRMAN MARSICO: The Chair recognizes
12 Representative Martina White, who has joined us. Welcome.

13 REPRESENTATIVE WHITE: Thank you very much. I'm
14 happy to be here today, and thanks.

15 MAJORITY CHAIRMAN MARSICO: Representative Pyle,
16 please, for remarks, questions.

17 REPRESENTATIVE PYLE: Thanks, Chairman.

18 Are we making statements or asking questions?
19 I'm curious.

20 MAJORITY CHAIRMAN MARSICO: Whatever you want to
21 do. It's your time.

22 REPRESENTATIVE PYLE: I'll ask some questions.

23 Being from all the various parts of the
24 Commonwealth, we all have a microcosmic view about how this
25 is supposed to work, and in the first 50 minutes I heard

1 the magic phrase twice, "opioids," okay? In my little
2 stretch of the Commonwealth, Armstrong County is the second
3 highest per capita opioid-repeater place in the State,
4 right after Philadelphia.

5 A couple of years ago we got really lucky with a
6 grant that the Senate slid in there for the use of
7 Vivitrol. For those of you that are unfamiliar with
8 Vivitrol, it is an opioid-withdrawal drug that is very
9 expensive, that has been used exceptionally effectively to
10 cut down repeat incarcerations in Armstrong County.

11 Talking to the warden up there, he says his
12 repeater rate on opioid use has dropped close to 40 to
13 50 percent. Now, if we're going to address the elephant in
14 the room, let's talk about this.

15 When we get into Probation and Parole, yeah, I'm
16 a little hesitant to go there, because right now it seems
17 to be working for us. But in reducing that recidivism,
18 have we looked at use of Vivitrol, and, I mean, that gets
19 you to where you want to go. The guy's not addicted and
20 breaking into cars anymore. Could you speak a little bit
21 about Corrections use of Vivitrol?

22 SECRETARY WETZEL: Yeah.

23 Actually, we did our first pilot of Vivitrol in
24 2012 under the Corbett Administration where we, similar to,
25 I assume somewhere to Armstrong County, where the

1 individual gets their first shot of Vivitrol before they
2 leave. And then the first pilot was five subsequent shots.
3 We have now expanded that to 11 subsequent shots. We have
4 also been able to put a mechanism in place to sign the
5 individual up for Medical Assistance, so that offsets the
6 State's spend and puts it on the Federal dollars for now,
7 right?

8 But beyond that, I believe it was 2015 we got
9 \$1.5 million to grant out to counties to replicate that.
10 So there are 11 counties that received that grant for
11 Vivitrol.

12 You know, as you point out, Representative, the
13 number of individuals who come in addicted to opioids has
14 doubled for us, from 6 percent to 12 percent. I would
15 imagine anything we have, any percentage we have at the
16 State level, it would be higher at the county level.

17 And I think that the truism here and I think one
18 of the real good news stories around our approach to this
19 is we're working across agencies, so working with the
20 Department of Human Services and the Department of Drug and
21 Alcohol and those kinds of things. Because this is, you
22 know, a historic epidemic, and it's not going to be fixed
23 by just one entity.

24 But we are really, I think, working together with
25 everybody. And I think, again, this certainly isn't their

1 merger hearing, but I think a lot of the impetus around
2 merger is understanding that when we reduce administrative
3 redundancy, it gives us more resources to use to fight
4 these significant concerns.

5 And it's difficult getting someone who is
6 addicted off drugs. It's a difficult battle. Add in
7 criminality, add in a felony record, this is difficult
8 work. And I really feel strongly that we need to spend
9 every dollar we can on the ground and less dollars in
10 administration. And I think that's really one of the
11 drivers behind both of the mergers.

12 REPRESENTATIVE PYLE: Well, thank you for that
13 answer.

14 I'm looking at, how do we stop this? I don't
15 want to treat it, I want to stop it. And if Vivitrol is
16 producing the effects it is in Armstrong County, cutting
17 down recidivism that requires us to put this person back in
18 lockup, we should be pursuing that with all vigor.

19 I don't intend to use my time to make it a
20 soapbox for getting clean off of heroin, but it really is a
21 family experience.

22 SECRETARY WETZEL: Mm-hmm.

23 REPRESENTATIVE PYLE: Because the first thing you
24 see is grandma's jewelry getting sold and, you know, that
25 TV nobody thought you were keeping your eye on going out

1 the door. Even in little, wee special places like where I
2 live where we don't have these big murders and all of that,
3 it's drugs driving the discussion.

4 I appreciate your efforts with Vivitrol. I wish
5 every Member of this Committee would familiarize yourself
6 with them.

7 Now, I'm sure your recidivism rate on drug
8 offenses has to have been diminished somewhat by that use
9 of Vivitrol. Have you ever compiled any kind of data
10 numbers?

11 SECRETARY WETZEL: We don't have the final data.
12 What we know is that relapse has been significantly
13 reduced. I'm not sure that we have seen in the preliminary
14 numbers a significant reduction in recidivism, but it's
15 early.

16 REPRESENTATIVE PYLE: Give a call-out to
17 Armstrong. We can give you good news.

18 Thank you, Mr. Chairman.

19 MAJORITY CHAIRMAN MARSICO: The Chair recognizes
20 Representative White.

21 REPRESENTATIVE WHITE: I have a question
22 regarding some of the costs associated.

23 I mean, obviously you did a cost-benefit analysis
24 here, and the assumptions that you're making are hard to
25 rationalize in the sense that you may be reducing

1 recidivism, but, you know, are you releasing folks who
2 could be potentially, you know, committing more crime, that
3 we're maybe not catching them again? Have you taken that
4 into consideration?

5 And also, what are the costs associated with all
6 of the additional, you know, detectives that have to do
7 additional research, psychologists, psychiatrists,
8 therapists? What are the additional costs on the other
9 side of this spectrum that I haven't seen in here in terms
10 of being able just to, you know, I guess serve these folks
11 who are not necessarily being put into prison and having
12 the parolees, typically what they would normally do in
13 their career?

14 SECRETARY WETZEL: So to start on the
15 decisionmaking, this legislation still maintains the
16 independent decision--- or release decisionmaking of the
17 Board. So that is not impacted by this legislation.

18 REPRESENTATIVE WHITE: Mm-hmm.

19 SECRETARY WETZEL: As for the second, the other
20 part of the equation, I'm not sure, I'm not sure what
21 you're talking about with that. Maybe you could clarify.

22 REPRESENTATIVE WHITE: Sure.

23 So you're saying that we're reducing recidivism
24 -- right? -- but are we potentially increasing crime out in
25 the community?

1 SECRETARY WETZEL: Well---

2 REPRESENTATIVE WHITE: Is that a consideration?

3 SECRETARY WETZEL: So our definition of
4 "recidivism" includes new arrests. So our definition of
5 "recidivism" is not just returns but it's a combination of
6 returns and incarceration and new arrests within a 3-year
7 window. So that's factored in.

8 REPRESENTATIVE WHITE: What kind of tasks are
9 parolees typically supposed to be doing in the field?

10 SECRETARY WETZEL: I'm going to defer to, the
11 Board is the next one. They are the ones who run field
12 supervision, so.

13 REPRESENTATIVE WHITE: But this is a merger that
14 is now going to be under your control, correct?

15 SECRETARY WETZEL: Yeah, but you're asking what
16 happens today, and that's under the Board.

17 REPRESENTATIVE WHITE: Okay. So you're not
18 familiar with any of those things right now?

19 SECRETARY WETZEL: Yeah. I mean, yes, I am
20 familiar with it.

21 Go ahead.

22 DIRECTOR LITTLE: If---

23 REPRESENTATIVE WHITE: So then if you're the one
24 that's going to be in charge of this group, then how can we
25 entrust you to do that if you're not familiar with these

1 things?

2 SECRETARY WETZEL: Yeah, I'm certainly familiar
3 with it. I didn't want to answer for the Board, since this
4 is current.

5 So first and foremost, home plans, looking,
6 making sure that they have an appropriate place to live;
7 that what we know is, certain neighborhoods have higher
8 crime rates than others, and so making the decision of
9 where someone lives is very important.

10 What we also know about individuals who get out
11 of prison is that 50 percent of everybody who gets out is
12 going to recidivate within the first year, right? So the
13 first year -- you could make an argument that every day we
14 keep somebody out, they are less likely to come back. And
15 in order to do that, their individual release plan has to
16 be based on their criminogenic risks.

17 So, for instance, if a risk factor, like
18 Representative Pyle was talking about, is addiction, then
19 we need to ensure that they're in the proper level of
20 treatment, especially upon release.

21 The sweet spot for someone who is addicted is to
22 get the proper dosage of treatment right before they get
23 out and then follow up with the proper dosage in the
24 community, and that's one of the areas where we're
25 bolstering in Community Corrections.

1 But we also know that things like employment and
2 having sustainable employment are an important part. We
3 have done a fair amount of work around modifying our
4 internal vocational offerings to increase marketable job
5 skills, but we recently got a million-dollar grant from I
6 believe the Department of Education around workforce
7 development for individuals getting out of prison.

8 We actually started this initiative, I believe in
9 2011 but it could have been 2012, around developing
10 offender workforce development teams around the State. So
11 employment is another key factor.

12 For higher risk people, we know they need more
13 frequent supervision, tighter supervision, more check-ins,
14 more drug tests, because they are most likely to
15 recidivate. The Board has done some great work with
16 Dr. Richard Berk around predicting violent recidivism. We
17 anticipate maximizing that, and really with the extra
18 officers that we'll achieve by that, really reducing the
19 caseloads of those most high risk for violence.

20 So a super-structured environment. It's one of
21 the rationales behind taking like a day-reporting approach
22 for high-risk individuals coming out where they have to
23 check in on a very regular basis.

24 And then when you have behavioral health needs, I
25 think one of the areas where we really have an opportunity

1 to expand. The Board currently uses what they call ASCRA
2 agents, who are specially trained in doing programming and
3 those kinds of things, but taking that specialized approach
4 and partnering with the new Department of Health and Human
5 Services, assuming that happens, to partner case management
6 with parole supervision.

7 We have seen counties -- Chester County in
8 particular initiated that model, I believe in 2007 or 2008,
9 where it's a really intensive, structured supervision
10 approach for individuals who have mental illness that has
11 shown some outcomes.

12 REPRESENTATIVE WHITE: Now, have you taken into
13 consideration the costs associated with those things when
14 determining that we should be combining these entities?

15 SECRETARY WETZEL: Yes. And again, so when you
16 talk about lower caseloads, reducing the redundancy and
17 redeploying---

18 REPRESENTATIVE WHITE: Excuse me.

19 You just mentioned that you're going to be
20 having, you know, more frequent interactions with folks,
21 having more officers. You know, these folks are going to
22 be put through, you know, rehabilitation centers. All of
23 those costs are taken into consideration.

24 When you are saying that we're going to be
25 reducing costs, are you accounting for these other things

1 that are coming in on the other side of the equation in
2 terms of being able to provide quality care for these
3 people who need the help?

4 SECRETARY WETZEL: Yes.

5 And as I was saying, so when redeploying the,
6 I believe it's 136 officers, that allows us, gives us the
7 opportunity to really reduce those caseloads and the
8 check-in, and leveraging other departments, especially
9 Health and Human Services, who already are---

10 REPRESENTATIVE WHITE: Burdened. They are very
11 burdened right now.

12 SECRETARY WETZEL: And they're already
13 responsible for this population. So better coordinating
14 those efforts, again, creates efficiency.

15 REPRESENTATIVE WHITE: Okay.

16 MAJORITY CHAIRMAN MARSICO: Representative
17 Jozwiak.

18 REPRESENTATIVE JOZWIAK: Thank you, Mr. Chairman.

19 I just thought of a couple of questions. These
20 are easy ones.

21 SECRETARY WETZEL: Yeah; right. Heard that
22 before.

23 (Laughing.)

24 REPRESENTATIVE JOZWIAK: How many prisoners are
25 incarcerated today in the State system?

1 SECRETARY WETZEL: It's about---

2 DIRECTOR BUCKLEN: 48.7.

3 SECRETARY WETZEL: 48,700.

4 REPRESENTATIVE JOZWIAK: So 49,000 roughly,
5 right? Okay.

6 Do you have any prisoners in county jails?

7 SECRETARY WETZEL: What's our number? We use
8 some county work-release programs.

9 DIRECTOR LITTLE: We have roughly 250 on PVs and
10 maybe another hundred on work release and the like --
11 actually in there. We have more beds under contract than
12 that.

13 REPRESENTATIVE JOZWIAK: So 350? 450?

14 DIRECTOR LITTLE: 350; 400.

15 REPRESENTATIVE JOZWIAK: And the other question I
16 have is, what is the mission of Corrections?

17 SECRETARY WETZEL: To reduce -- I mean, first of
18 all, obviously, care, custody, and control; make sure that
19 the people who are sentenced to the Department of
20 Corrections stay there in a safe environment for staff and
21 inmates.

22 But beyond that, we have a public safety mission,
23 which includes attempting to release people less likely to
24 commit a crime than when they came in.

25 And ultimately, again, our measure is crime rate.

1 REPRESENTATIVE JOZWIAK: Thank you, Mr. Chairman.

2 MAJORITY CHAIRMAN MARSICO: Representative
3 Stephens.

4 REPRESENTATIVE STEPHENS: Thank you,
5 Mr. Chairman.

6 Good morning.

7 SECRETARY WETZEL: Good morning.

8 REPRESENTATIVE STEPHENS: So I want to dig in a
9 little bit on this issue of recidivism and the definition
10 that you use. So that includes -- why don't you tell me
11 what the definition is you use.

12 SECRETARY WETZEL: Rearrest -- it's a
13 combination. We call it overall recidivism: the
14 combination of anyone who is rearrested within 3 years and
15 reincarcerated within 3 years.

16 REPRESENTATIVE STEPHENS: Of release?

17 SECRETARY WETZEL: Yes.

18 REPRESENTATIVE STEPHENS: So someone who is
19 convicted of a crime while they're in your custody is not
20 considered a recidivist?

21 SECRETARY WETZEL: No, because they haven't
22 gotten out.

23 REPRESENTATIVE STEPHENS: But admittedly, they
24 have engaged in criminal behavior since they were last
25 charged.

1 SECRETARY WETZEL: Sure.

2 REPRESENTATIVE STEPHENS: So the Board uses a
3 different definition of "recidivism," right?

4 SECRETARY WETZEL: Currently, yes.

5 REPRESENTATIVE STEPHENS: Well, do you know what
6 theirs is?

7 SECRETARY WETZEL: No.

8 REPRESENTATIVE STEPHENS: I don't either,
9 actually. I can ask Chairman Dunn, obviously, when we get
10 there.

11 So why the difference?

12 SECRETARY WETZEL: So from our standpoint -- and
13 this, again, I believe was initiated in 2012. When we were
14 pushing reforms, one of the things we didn't want to do,
15 one could make the argument that the rate at which you
16 return people is more a policy decision than a measurement
17 of your success, right?

18 REPRESENTATIVE STEPHENS: Agreed.

19 SECRETARY WETZEL: So when you add rearrest --
20 and there are arguments by some against rearrest because
21 depending on what Zip Code you come back to, over policing
22 and those kinds of things. But all things being equal, to
23 use that as a baseline we believe is a better and more
24 sensitive measure, a true impact of the system. So that's
25 why we added the additional thing.

1 And what our charge was from Governor Corbett was
2 really, let's make sure we're really measuring and making
3 sure we're not having a negative impact as we reduce the
4 population. So that's what drove it.

5 REPRESENTATIVE STEPHENS: I want to dig in on the
6 other piece of it. Not the rearrest piece; I want to dig
7 in on the other, the reincarceration piece.

8 So folks that go to your Community Corrections
9 Centers, are they included within that recidivism rate?

10 SECRETARY WETZEL: Those who go to -- go ahead.
11 Go ahead.

12 DIRECTOR BUCKLEN: Yeah. Those who are in a
13 secure Community Corrections Center.

14 REPRESENTATIVE STEPHENS: Okay.

15 DIRECTOR BUCKLEN: Parole violator centers, we
16 call them.

17 REPRESENTATIVE STEPHENS: So the parole violator
18 centers are secure?

19 DIRECTOR BUCKLEN: Yes.

20 DIRECTOR LITTLE: Yes.

21 REPRESENTATIVE STEPHENS: The technical parole
22 violators?

23 DIRECTOR BUCKLEN: Yes.

24 REPRESENTATIVE STEPHENS: Okay.

25 How about -- so maybe I need to understand the

1 different centers that you have that are not State
2 correctional institutions and which ones are secure and
3 which ones are not.

4 DIRECTOR LITTLE: So we have general population
5 Community Corrections Centers for males and females. We
6 have parole violator centers, technical parole violator
7 beds as well, some of which are actually in our centers,
8 some of which are housed in the jails that we do under
9 contract. We have---

10 REPRESENTATIVE STEPHENS: Can I -- I'm sorry to
11 interrupt you, but just so I understand correctly.

12 So those folks that go to county jails that you
13 contract with, they're not included in your recidivism rate
14 even though they're going to a county jail?

15 DIRECTOR BUCKLEN: Yeah; they're included.

16 DIRECTOR LITTLE: They're included.

17 DIRECTOR BUCKLEN: They are included.

18 REPRESENTATIVE STEPHENS: Oh; I thought you said
19 the parole violator centers were not. Okay. All right.

20 So tell me about the centers that are not
21 included.

22 DIRECTOR LITTLE: Okay. So general population,
23 male and female, we have a variety of treatment centers:
24 male and female for alcohol and other drug inpatient
25 treatment; mental health treatment. We have State-operated

1 -- one State-operated special needs facility up in
2 Wernersville. And that really covers pretty much the gamut
3 of the centers that we either operate directly as State
4 centers or under contract.

5 SECRETARY WETZEL: So in general, Representative,
6 if I could draw a line.

7 REPRESENTATIVE STEPHENS: Yes.

8 SECRETARY WETZEL: So technical parole violator
9 centers, they are recidivists. If someone is brought
10 back to whatever specialty center that is not a secure
11 center---

12 REPRESENTATIVE STEPHENS: Sure.

13 SECRETARY WETZEL: ---that is an increased or
14 enhancement in supervision, like halfway-backs. So they're
15 starting to go in a bad direction and they are put into an
16 enhanced level of supervision. That is not considered a
17 recidivist until they enter up to like a parole violation
18 center, or some of the county jail beds we use for that
19 function.

20 REPRESENTATIVE STEPHENS: Okay. So look, can we
21 call those collectively treatment centers, the last group
22 that you just described?

23 SECRETARY WETZEL: Almost.

24 REPRESENTATIVE STEPHENS: Because they would be
25 substance abuse, mental health, whatever, you know.

1 SECRETARY WETZEL: Yeah. Some of them -- I'm
2 hesitating, because we have some just general housing.

3 REPRESENTATIVE STEPHENS: Well, what do you call
4 them? I mean, how do you -- what do you refer to them as
5 in the Department?

6 SECRETARY WETZEL: All the different things that
7 George just described.

8 REPRESENTATIVE STEPHENS: All right.

9 SECRETARY WETZEL: In essence, we have a
10 continuum of community halfway houses.

11 REPRESENTATIVE STEPHENS: Sure.

12 So I guess here's what my question is: They are
13 a relatively new phenomenon, right? I mean, they are an
14 innovation that you brought in since you came to be
15 Secretary back under Governor Corbett, if I'm not mistaken,
16 right?

17 SECRETARY WETZEL: No. The halfway house system
18 has been here for a long time. We have made some
19 enhancements because of the terrible outcomes around them.
20 We have probably specialized a lot more in response to the
21 opioid crisis, the number of mental healths. So we have
22 modified the system.

23 What the biggest enhancement is is the
24 nonresidential services, like outpatient drug and alcohol
25 and outpatient mental health, the workforce development.

1 Those things are the most recent innovation.

2 REPRESENTATIVE STEPHENS: Would you agree that
3 the Board is relying on them more frequently now? I mean,
4 we have learned a lot about the benefits from those types
5 of programs, right?

6 SECRETARY WETZEL: Yes. Yes; the Board relies on
7 them a lot, and I think it's in response to, our inmates
8 are needier now than they were 5 years ago.

9 REPRESENTATIVE STEPHENS: Sure.

10 And not just they rely on them a lot, they rely
11 on them more than they used to. I mean, there's an
12 increased interest in trying to address the individual
13 offender's needs from the Parole Board, right? If they
14 have mental health issues, they want to get them into that
15 mental health treatment center to---

16 SECRETARY WETZEL: Yeah. We're really shifting
17 the reliance more on outpatient than inpatient. So we're
18 actually reducing the number of residential, especially the
19 nonspecialty ones. So like the general housing?

20 REPRESENTATIVE STEPHENS: Mm-hmm.

21 SECRETARY WETZEL: We get terrible outcomes from
22 those. So we're really just trying to modify the Community
23 Corrections system to meet the needs of the people who are
24 screwing up.

25 REPRESENTATIVE STEPHENS: Okay.

1 So as we rely more heavily on these, I'll call
2 them diversionary programs, obviously that's going to be
3 a reduction in the recidivism rate because they're no
4 longer included, whereas before, they could have been
5 violated.

6 SECRETARY WETZEL: Well, if they're effective.

7 REPRESENTATIVE STEPHENS: Well, even the first
8 stop, before you even know whether they're effective.
9 Before, they would have been violated and included in the
10 recidivism rate. Now they're not violated and, therefore,
11 not included in the recidivism rate, right?

12 SECRETARY WETZEL: Go ahead.

13 DIRECTOR BUCKLEN: No, they wouldn't have been
14 included, only those secure technical violator centers. So
15 what, we're talking about the general group homes, the
16 halfway-backs. Those were never included and wouldn't be
17 included under any change, so.

18 REPRESENTATIVE STEPHENS: But are you saying that
19 prior to these specialized treatment facilities, I'll call
20 them, those individuals were not being violated?

21 In other words, a hot urine, they were not being
22 violated then?

23 SECRETARY WETZEL: Well, they could be.

24 REPRESENTATIVE STEPHENS: Okay.

25 SECRETARY WETZEL: Yeah, just like they're---

1 REPRESENTATIVE STEPHENS: But now they're not --
2 right? -- because now they're going into some type of drug
3 rehabilitation program.

4 SECRETARY WETZEL: In some cases.

5 REPRESENTATIVE STEPHENS: Right. And so that's
6 why we're seeing a drop in recidivism in many instances,
7 because we have these alternatives to the incarceration
8 that you're measuring.

9 I mean, I would be really curious to see if you
10 included all those admissions to those programs that were
11 required of an inmate -- or I'm sorry, of a parolee. Then
12 I would be interested to see those numbers.

13 SECRETARY WETZEL: But we haven't changed that.
14 So it's still---

15 REPRESENTATIVE STEPHENS: But has the Board?

16 SECRETARY WETZEL: It's still comparing apples to
17 apples. So the reduction is still measuring the same
18 things.

19 The fact that we have increased -- I guess your
20 argument is that we have increased the capacity of
21 treatment beds, and because we're putting more people in
22 treatment beds, that's reducing the recidivism. Is
23 that---?

24 REPRESENTATIVE STEPHENS: And I'm not -- yes, but
25 I'm also not saying that's a bad thing.

1 SECRETARY WETZEL: No, no. I'm---

2 REPRESENTATIVE STEPHENS: You know, people throw
3 around the term "recidivism" quite a bit around this
4 building, and depending on who you're talking to, it means
5 something different. If I ask you "recidivism," it means
6 one thing. If I ask the Chairman who is sitting, you know,
7 15 feet away, it means something totally different. And if
8 I brought Mark Bergstrom in here from the Sentencing
9 Commission, he would probably give me a third definition.

10 So, you know -- and frankly, then you talk to
11 folks at academia, and they have got a plethora of
12 definitions. There is no shortage of definitions of
13 "recidivism."

14 So, you know, I know people like to talk in this
15 buzzword of "recidivism," but I'm trying to dig in on
16 exactly what that means.

17 And I guess at the heart of my question is, if
18 the agents on the street are now taking a different
19 approach to this same behavior, we can agree that that
20 would affect recidivism rates, right?

21 SECRETARY WETZEL: Yes.

22 REPRESENTATIVE STEPHENS: So in order to achieve
23 the savings that you're going to realize from recidivism
24 reduction, you're going to have to change the way that
25 agents are handling parolees on the street, right?

1 SECRETARY WETZEL: Yes.

2 REPRESENTATIVE STEPHENS: So have you shared your
3 interest in the changes you would like to see those agents
4 make with the Chairman?

5 SECRETARY WETZEL: Yeah. We have certainly
6 talked about Swift and Certain in particular for probably
7 4 or 5 years, maybe my entire time here. I think the
8 number-one strategy or enhancement to supervision is that,
9 is initiating Swift and Certain.

10 But beyond that, we work with this group from NYU
11 called BetaGov, and I'm not sure if we have shared this
12 with you before. But shortly after we got the lawsuit
13 around the Disability Rights Network and made the
14 settlement, we saw an increase in violence in our prisons.
15 And so our response to that was to bring this group called
16 BetaGov, which is a bunch of academics who come in and meet
17 with our staff.

18 So we have about 250 staff members assigned to
19 this initiative, primarily line staff, about two-thirds
20 line staff, and they come up with ideas that we can
21 initiate to reduce violence. BetaGov then turns that into
22 a measurable study, and we have seen significant reductions
23 in violence. We plan to do the same approach.

24 I think the experts in this field are at the line
25 level, and I think we don't tap on their expertise enough.

1 And I think that we have initiated that -- it's our plan to
2 initiate the same way with the merger to come up with
3 better supervision strategies.

4 But I think one of the things that you have to
5 understand is, if we're supervising people today as we were
6 5 years ago, we're failing.

7 REPRESENTATIVE STEPHENS: Right; agreed.

8 SECRETARY WETZEL: The population is
9 significantly different and requires new and updated
10 strategies.

11 REPRESENTATIVE STEPHENS: And that goes back to
12 my earlier point, that, you know, we are taking a different
13 strategy. So I would take issue with the idea that we are
14 comparing apples to apples, because I think there are
15 different strategies employed at the Board that are
16 affecting your recidivism rate. So I don't know that you
17 can claim those numbers as well as you would like to.

18 But I want to move on to something that you just
19 said.

20 SECRETARY WETZEL: But could I respond to that
21 quickly?

22 REPRESENTATIVE STEPHENS: No, because I didn't
23 ask a question and I got limited time here, and I
24 appreciate the NYU information.

25 My bigger question is, have you shared that

1 information with the Chairman of the Board?

2 SECRETARY WETZEL: Which information are you
3 talking about?

4 REPRESENTATIVE STEPHENS: The strategies that his
5 agents could implement that would help reduce recidivism.

6 SECRETARY WETZEL: Yeah. Actually, they applied
7 for a grant to initiate the Swift and Certain.

8 REPRESENTATIVE STEPHENS: Okay. So if they're
9 initiating it, why do we need legislation to merge you
10 two?

11 SECRETARY WETZEL: Well again, we'll talk about
12 significant cost savings and the ability to redeploy and
13 increase staff to further, especially for those high-risk
14 individuals, to reduce---

15 REPRESENTATIVE STEPHENS: But I'm -- go ahead.
16 I'm sorry.

17 SECRETARY WETZEL: Let me finish. Thanks.

18 REPRESENTATIVE STEPHENS: Yeah; I apologize. I
19 thought you were done.

20 SECRETARY WETZEL: So when you talk about, part
21 of the strategy as our population increases in risk, which
22 is where all these diversions and Justice Reinvestment
23 reduces lower risk individuals, so it increases the overall
24 average risk of people in prison. So we need lower
25 caseloads for higher risk individuals.

1 I mean, that's just the bottom line. That's a
2 huge benefit to the merger, in addition to the
3 administrative savings.

4 REPRESENTATIVE STEPHENS: It sounds to me that
5 what you're saying is that you have strategies that
6 parole agents could implement that would reduce recidivism,
7 right?

8 SECRETARY WETZEL: That's a piece of what I'm
9 saying; yes.

10 REPRESENTATIVE STEPHENS: So if the Board is
11 aware of those strategies and not implementing them -- I
12 mean, this is what it sounds like, is you would be better
13 at managing the parole agents on the street than Chairman
14 Dunn, because you have these strategies and you have the
15 ideas, and either they are not willing to implement them or
16 are unaware of them. I mean, is that---?

17 SECRETARY WETZEL: Perhaps you didn't hear that
18 they're initiating the Swift and Certain, which is the
19 Key---

20 REPRESENTATIVE STEPHENS: Okay. Well---

21 SECRETARY WETZEL: But again, let me finish.

22 ---which is really the Keystone Strategy
23 approach.

24 We have worked -- this is not new stuff. We have
25 been talking about this. The Board is initiating it.

1 But again, I think the big thing is being
2 responsive to the changing in the population and being able
3 to shift and have money follow the individual as they get
4 out.

5 REPRESENTATIVE STEPHENS: All right.

6 So you can agree with me that since the
7 introduction of this bill, you have undertaken, and I think
8 Representative Klunk hit on this, you have merged IT,
9 research, you're in the middle of merging HR -- right? --
10 and those were all areas where you were going to realize
11 savings. But you're going to realize them now without this
12 bill being enacted, right?

13 SECRETARY WETZEL: Yes.

14 REPRESENTATIVE STEPHENS: You just explained to
15 me that on recidivism reduction, you're going to realize
16 savings. You anticipated ultimately \$11 million 5 years
17 from now in recidivism savings. I believe that's the
18 number on the chart, but whatever it is. And you claim
19 that, at the beginning of this, that you are going to
20 realize that by implementing Swift and Certain, but now you
21 tell me the Board is implementing that. So again, you're
22 going to realize those savings without us enacting the
23 bill, right?

24 SECRETARY WETZEL: Well, no, that's not exactly
25 accurate.

1 So the administrative, the couple of
2 administrative positions, six in research, and I'm not sure
3 what the number in HR is, is only a piece of that. So
4 we'll realize additional administrative savings. That is a
5 piece of it, certainly.

6 REPRESENTATIVE STEPHENS: But why? Why does it
7 take us enacting this bill to finish doing what you already
8 started by merging in IT?

9 I don't understand why we as a Legislature have
10 to sort of blow up our current parole supervision system in
11 order for the Department of Corrections and the Board of
12 Probation and Parole to share an IT system.

13 SECRETARY WETZEL: Well, that's misstating.
14 That's -- IT was merged even before I got here.

15 REPRESENTATIVE STEPHENS: Okay. But you---

16 SECRETARY WETZEL: So IT is not part of the
17 savings.

18 And nobody said that the only way we achieve
19 those -- as a matter of fact, we said we're working towards
20 merging everything we can at this point.

21 But some of the rubber-meets-the-road stuff is
22 the redeploying staff, because that, in essence, is
23 shifting costs to follow the individual who gets out, and
24 if it's in two different agencies, we don't have the
25 ability to shift that cost quickly.

1 REPRESENTATIVE STEPHENS: So now we're moving
2 back to the supervision piece, away from the administrative
3 redundancy. But let's stay on the administrative
4 redundancy piece.

5 I'm unclear why we need to enact this bill in
6 order for you to share more resources and coordinate more
7 efforts with the Board. And if you're already undertaking
8 some of these measures, that's going to eat into the
9 savings that's claimed in the bill. I mean, there's no
10 question.

11 When you testified a year ago, you said that by
12 consolidating IT, HR, finances, things like that -- were
13 your words -- you were going to realize it was part of the
14 \$6.1 million in savings that came from eliminating
15 redundancy.

16 SECRETARY WETZEL: Yeah.

17 REPRESENTATIVE STEPHENS: And so now that you
18 have already done them, it's fair to say that that
19 \$6.1 million is no longer the figure that you're going to
20 save, because you're already saving some of that.

21 SECRETARY WETZEL: Correct. Right.

22 REPRESENTATIVE STEPHENS: And I'm applauding you
23 for that. I mean---

24 SECRETARY WETZEL: No, no. And that's reflected
25 on the spreadsheet that you have. I wasn't aware you guys

1 had that spreadsheet. But you'll see that it was 6.1 last
2 year, and now you'll see it's 3.3 plus 1.3, so that's -- my
3 math is not strong.

4 DIRECTOR BUCKLEN: 4.6.

5 REPRESENTATIVE STEPHENS: Got it. Mine either.

6 SECRETARY WETZEL: So to your point, that's
7 reflected. I guess that actually quantifies some of the
8 administrative improvements we have made.

9 REPRESENTATIVE STEPHENS: And so as you continue
10 to make improvements, that number will continue to fall?

11 SECRETARY WETZEL: To a point.

12 I mean, again, the overlap between institutional
13 parole and counselors and those kinds of things, that won't
14 happen without merger. That's the piece.

15 REPRESENTATIVE STEPHENS: Why?

16 SECRETARY WETZEL: And I can---

17 REPRESENTATIVE STEPHENS: Why? Why can't you
18 coordinate efforts?

19 Why can't you, why can't you give the Board and
20 their agents or their counselors or whoever it is that does
21 that, you know, on the outside of the walls access to the
22 inmate? Or coordinate the programming that you're
23 providing for the inmate with what they're going to receive
24 after they're released? I mean, why is it that you can't
25 better coordinate those?

1 And I'll give you another example that we have in
2 State Government, and it comes in early childhood
3 education. I mean, we have an office called OCDEL, right?

4 SECRETARY WETZEL: Mm-hmm.

5 REPRESENTATIVE STEPHENS: Which is, you know,
6 it's the convergence of Human Services and Education for
7 those folks, you know, for our children.

8 I mean, you know, it seems to me like you could
9 have some type of an arrangement like that where, you know,
10 you have a staff member and the Board has a staff member
11 that talk every day and it's their job to work together and
12 figure out where you can streamline your operations and
13 coordinate your efforts and share information and share
14 resources.

15 SECRETARY WETZEL: And actually, OCDEL would be
16 considered a merged agency, so.

17 REPRESENTATIVE STEPHENS: Well, it's its own
18 independent hybrid agency, right? I mean, it has got a
19 piece of both---

20 SECRETARY WETZEL: So it's---

21 REPRESENTATIVE STEPHENS: It has got a piece of
22 both.

23 You know, in the end, it just seems to me --
24 it seems to me that to your credit, you are already
25 eliminating redundancies and working to achieve the

1 cost savings that this bill purports to bring.

2 And I believe that you are capable and able of
3 continuing to do that, and I have faith that you and
4 Chairman Dunn can work together, but while still
5 maintaining the independence, not just of the Board,
6 because the Board is only part of the decisionmaking
7 apparatus that effects the budgetary issues and the
8 recidivism decisions, but also the agents on the street.
9 They need to be independent, and that's my biggest concern.

10 I just think you can do a lot of what is laid out
11 in this bill without turning our parole system upside down.

12 Thank you, Mr. Chairman.

13 SECRETARY WETZEL: And, you know, again, two
14 separate budgets is problematic as it relates to that, and
15 that group in particular.

16 REPRESENTATIVE STEPHENS: I have one other
17 question.

18 SECRETARY WETZEL: But I would also -- I would
19 also state that if we look at other merged systems,
20 80 percent of the country has this. Eight out of the
21 10 systems that have a lower crime rate than us have merged
22 systems, so it is possible to do this.

23 REPRESENTATIVE STEPHENS: Who runs Kintock, this
24 parole violator center and halfway house halfway-back
25 program down in Philly? Is that DOC that -- is that a DOC?

1 SECRETARY WETZEL: Yeah. All the halfway houses
2 contract with DOC.

3 REPRESENTATIVE STEPHENS: But then the Parole
4 Board supervises the individuals while DOC runs the
5 program.

6 SECRETARY WETZEL: Yes, in essence.

7 REPRESENTATIVE STEPHENS: Okay.

8 SECRETARY WETZEL: Yep.

9 REPRESENTATIVE STEPHENS: All right. Thank you.

10 MAJORITY CHAIRMAN MARSICO: Representative
11 Corbin.

12 REPRESENTATIVE CORBIN: Thank you, Mr. Chairman.
13 You can't see me, but I'm hiding behind the
14 podium here.

15 According to your written testimony, you said
16 that Community Corrections Centers "Provide consistent and
17 coordinated supervision and direction for reentrants
18 through a combined Bureau of Community Corrections...and
19 PBPP." That's what you're anticipating.

20 How many Community Corrections Centers are there
21 currently across the State, and do you expect an increase
22 if this merger goes through?

23 DIRECTOR LITTLE: We currently have 12
24 State-operated facilities, a total of 40 facilities that we
25 either have direct State operation or contracts with. We

1 actually anticipate no more facilities unless there is some
2 specific needs. That may be occasion, for instance, as a
3 result of the opioid epidemic.

4 And in fact what we are looking to do is reduce
5 the number of general halfway house beds as we go forward,
6 as we move to a greater emphasis on the specialized
7 treatment for alcohol and other drug needs and hopefully
8 get individuals back home in their communities, because one
9 of their responsibilities upon release is, of course, a
10 stable home plan, but another responsibility is to get a
11 job.

12 REPRESENTATIVE CORBIN: Mm-hmm.

13 Do you have any information on, say, the average
14 length of stay or length of participation at these centers?

15 DIRECTOR LITTLE: It varies. Right now, the
16 average length of stay is, depending, about 80 days, unless
17 they have some specialized program that might entail being
18 in a facility longer than that.

19 And I would differentiate between those who are
20 in the State Intermediate Punishment program, which are a
21 DOC responsibility, and that is structured phases versus
22 those who are on parole supervision.

23 Our goal, commensurate with the reduction in
24 beds, is to reduce the average length of stay, at least for
25 the general halfway house beds, for those individuals

1 coming out of the SCIs to around 45 to 60 days.

2 REPRESENTATIVE CORBIN: Okay. Thank you.

3 MAJORITY CHAIRMAN MARSICO: Do any other Members
4 have questions?

5 Okay. Well, we're going to -- to hopefully
6 accommodate your schedule, we're going to change the agenda
7 here and bring up the DAs next. So hopefully you'll be
8 able to stick around for their testimony.

9 So thank you very much.

10 SECRETARY WETZEL: All right. Thank you.

11 MAJORITY CHAIRMAN MARSICO: I know it has been a
12 long, exhausting interrogation.

13 SECRETARY WETZEL: Twenty-five minutes on that
14 agenda, right?

15 MAJORITY CHAIRMAN MARSICO: We appreciate your
16 attendance and your testimony. Thank you.

17

18 PANEL II

19

20 MAJORITY CHAIRMAN MARSICO: With that said,
21 we're going to, like I said, change the agenda and bring up
22 the two District Attorneys representing the PA DAs
23 Association.

24 Familiar to our Committee, two familiar faces:
25 the Honorable Ed Marsico, Dauphin County District Attorney;

1 and also the Honorable David Freed, the Cumberland County
2 District Attorney.

3 Welcome, and you may begin when you're ready.

4 DISTRICT ATTORNEY MARSICO: Sure.

5 DISTRICT ATTORNEY FREED: Good morning.

6 DISTRICT ATTORNEY MARSICO: Good morning, Your
7 Honor.

8 It's our privilege to be here again in front of
9 this Committee. The two of us testified before the
10 Committee on this same topic back in December of 2015.

11 And while we don't dispute the motives of the
12 bill's supporters and the goals of the legislation are
13 certainly laudable, as we have heard here, we still sort
14 of, I think, have a sense that many of the Members of the
15 Committee have, and that is, have there been sufficiently
16 specific arguments in support of the merger?

17 I'm going to deviate, you know, from our written
18 testimony -- you guys have that -- and, you know, sort of
19 respond to some of the things in, listen, we have been
20 privileged to work with DOC on the Justice Reinvestment
21 Initiatives, both I and II, and we have made good strides.
22 And we have made some good strides with this bill since its
23 initial, you know, since the inception of the bill where,
24 you know, the Board is independent, and that was first and
25 foremost on our mind.

1 You know, as we talk about recidivism reduction,
2 I think Representative Stephens hit on something that's
3 important, and that is, you know, what is our definition of
4 "recidivism reduction"? Is it someone that's arrested for
5 a new charge? Is it, you know, someone that is sent back
6 to prison for a parole violation? How do we define that,
7 and I think that's where we get to the question of, how can
8 we quantify that such a reduction is, you know, going to
9 take place?

10 The DOC has been very good at being data driven
11 since Secretary Wetzel took over, and, you know, we all
12 share those goals of using the data, the evidence, to get
13 to the right place.

14 And I know DOC -- you know, my question, I guess,
15 would be, have we seen recidivism rate reductions with all
16 the different things DOC has implemented, and Secretary
17 Wetzel and the individuals with him alluded to problems
18 with the CCCs over the years. You know, what have we seen
19 in that regard, and can we be confident that we're going to
20 see this 5 percent reduction, you know, that has been
21 thrown out there as a big cost savings here.

22 You know, the biggest concern we have is that the
23 agents on the street now will be beholden or answer to, you
24 know, someone else, not to that independent board, and will
25 there be pressure on them.

1 And again, our concern is not this Secretary but
2 the next Secretary of Corrections, you know, the next
3 Administration. Once you set this up structurally, you
4 take out the personalities that we have now that work well,
5 you know, what are we looking at and what is best?

6 You know, my position is we have a system that
7 has worked well. I think we can work to continue to move
8 towards consolidating functions as long as that
9 decisionmaking process stays intact.

10 And I'll turn it over to Dave for a little bit.

11 DISTRICT ATTORNEY FREED: Sure.

12 And thank you, Mr. Chairman and Minority Chairman
13 Petrarca for having us.

14 And I appreciate the words of my senior
15 colleague, District Attorney Marsico. And he can't order
16 me to do things yet, but that's going to happen pretty
17 soon.

18 You know, I'm going to articulate something that
19 happened in my county last week, and I know that can be
20 dangerous territory here when we're testifying. You know,
21 my friends in the data world say, well, you always come in
22 with your examples and your war stories, and we have to
23 look at the data.

24 And I do have to say that I don't think there is
25 any Department of Corrections in the country that

1 understands the data and understands who is in our prisons
2 more than the Pennsylvania Department of Corrections, and
3 that's greatly appreciated in this world of utterly
4 oversimplified talk about criminal justice reform.

5 We know who is in our prisons. I don't know if
6 we know who is in our county prisons, but we sure as heck
7 know who is in our State prisons, and that's a huge step.

8 I mean, Dr. Bucklen, he and I might not agree on
9 what to do with the people that we have in there, but he
10 and some of the people that he has actually encouraged me
11 to look into and read really, I think, have an idea of who
12 is in our prisons, and that's why this is such a tough
13 issue, because we got difficult cases. You know, we have
14 difficult cases in the prison that we have to deal with.

15 You know, Eddie is the Legislative Chair for the
16 Pennsylvania DAs Association, and he's over here all the
17 time, you know, engaged on these issues. I haven't been
18 over here quite as much, and I'm looking at it a bit from
19 the outside, and it's interesting.

20 Now, if I had a leader working under me like
21 Secretary Wetzel, I would probably put him in charge of
22 criminal justice policy, too. But I'm not sure that the
23 Department of Corrections should be in charge of setting
24 sentencing policy, dealing with moving people out of the
25 prison, and then making decisions on who comes back in.

1 That's what I'm concerned about, and I think that gets to a
2 little bit of what Representative Jozwiak was saying, what
3 Representative Stephens was saying.

4 You know, I can control my conviction rate. I
5 can be one of those prosecutors that says, I have a
6 100-percent conviction rate. You know, I always say, show
7 me a prosecutor with a 100-percent conviction rate and I'll
8 show you one who hasn't tried the tough cases, because if
9 you're winning all your cases, you're not trying the tough
10 cases, right?

11 So to an extent, we can all control our numbers.
12 We can control what the prison population looks like by
13 deciding who comes back in and for what.

14 Last week we had a situation in Cumberland County
15 where State parole agents, I think appropriately, engaged a
16 local police department. There was a woman who was on
17 State Parole supervision; ordered, of course, not to engage
18 in illegal activity, not to use drugs. She was back, you
19 know, back to using heroin again; you know, the difficult
20 heroin and opioids issue that we're dealing with.

21 And she was at work. The police were called to
22 the house along with the parole agents and found three
23 bundles of heroin. So a fairly significant amount. You
24 know, that's not a kingpin dealer by any means, but that's
25 quite a bit of heroin, especially for a user.

1 And there was a debate that went back and forth,
2 and perhaps there was a misunderstanding by the parole
3 agents on the street, and maybe we'll hear this is an
4 isolated case; I don't know. But the initial discussion
5 between the parole agents and the police was, okay, police,
6 are you going to file a charge? Sure, we can do a
7 possession here. You know, we don't have the person with
8 it in her possession, but the family is saying it was in
9 her room, and, you know, it's something that we could
10 prove.

11 In a county prison, you know, that person is
12 going to get relatively low bail, right? That's a person
13 who needs treatment. So the discussion happened with the
14 parole agent saying, can we maybe get a detainer put on
15 this person in case her bail is low so that we can try to
16 move this person into treatment. The initial discussion
17 was, no, we can't do both things because that's double
18 jeopardy.

19 Well, that's just legally incorrect, and they got
20 through that. And what it came down to, at least from the
21 agents on the street was, this is not the kind of thing
22 that we violate for. You know, word from the top is we
23 shouldn't be violating for these things because we have to
24 show that parole works.

25 That's not parole working, right? That's a

1 person who we should all be working together to try to make
2 sure that person gets into the kind of treatment that she
3 needs. And that's what those of us who are out there on
4 the street -- and look, everybody's hearts are in the right
5 place here. I understand that. But out on the street what
6 we see are people under supervision that need help. They
7 need something to be done, and if our overarching policy is
8 to control what the numbers look like so we can say we have
9 got this population to control these numbers, how can we
10 ever have a comfort level with the decisions being made
11 about who is coming back in, what we're going to violate
12 people for, and how those people are coming back in?

13 I would love to live in one of those places where
14 crime is down double digits, but it ain't down double
15 digits in Cumberland County. We're up 600 adult cases from
16 2015 into 2016. Some of that probably has to do with the
17 fact that we're one of the faster growing counties in the
18 Commonwealth of Pennsylvania.

19 But looking at the data, about a third of that is
20 directly related to heroin and opioids, and another third
21 of that is driving under the influence of drugs; not
22 alcohol, drugs. That's what we're dealing with out there
23 on the street.

24 I think a couple of things I want to point out,
25 and then we'll be happy to take questions.

1 From our written testimony:

2 You know, we believe certainly the legislation
3 falls short in that it doesn't expressly require a line
4 item for the Board to be separate from the DOC. We think
5 the Board should have its own legal advisors, and we
6 believe the legislation should make clear that the
7 Secretary of DOC shouldn't restrict resources, including
8 staff assistance or limited access to vital information, or
9 present inmate information in a manner that may
10 inappropriately influence the Board in its decisionmaking.

11 Again, we're talking about a different
12 Administration, but if we're writing a bill and a statute
13 that's going to be in place, I think those safeguards need
14 to be there.

15 Also, the Board Secretary should be appointed by
16 the Board, we believe.

17 And then if you look at our questions when we
18 break them out, and this is what we were getting to, I
19 think:

20 Should the DOC have any role in the revocation
21 decision?

22 We believe the answer to that is "no." Under
23 this bill, the DOC will have significant decisionmaking
24 power when it comes to whether certain technical parole
25 violators should be sanctioned.

1 That's what we're worried about there out there
2 on the street. When we talk to our colleagues, we are
3 worried about that, because we are dealing with those
4 people in the community. And we're probably dealing with
5 them more than the agents who are supervising them are
6 dealing with them, because as we heard, they all have huge
7 caseloads and they have somewhat intractable problems to
8 deal with.

9 So again, these are very difficult issues. We
10 always appreciate the opportunity to come in here and
11 express our concerns. We appreciate the time that you
12 spend on this.

13 Unless Ed wants to add anything, we can certainly
14 take questions.

15 DISTRICT ATTORNEY MARSICO: No; I mean, I think
16 philosophically we have seen a shift over the years, you
17 know, throughout law enforcement, whether its Corrections,
18 whether it's the Board, you know, especially with the
19 opioid epidemic, that we're moving towards treatment.
20 We're not throwing offenders back, you know, in prison for
21 one hot urine, as might have been the case 20 years ago.
22 You know, we have taken that approach.

23 And I think, you know, those of you that know
24 Secretary Wetzel, Dr. Bucklen, they are prolific readers
25 and effective users of social media. And, you know, the

1 stuff that they have shown me with Swift, Certain, and
2 Fair, you know, we have been talking about that now for
3 many years, and it's time to see if it works.

4 You know, I don't know. We have read studies and
5 we have heard about Washington. We have heard about Hawaii
6 and Project HOPE and different things, yet those two States
7 still have problems, too. You know, I think that's what we
8 have to look at.

9 And look, Dauphin County has a huge crime
10 problem. We're one of Secretary Wetzel's and Chairman
11 Dunn's biggest providers of customers, you know, of
12 individuals. Our recidivism rate is routinely, and
13 Bret can correct me, but we are always near the top.

14 We're looking at, you know, different things with
15 re-entry and trying to do different things and working with
16 DOC on a Vivitrol project here in our prison that, you
17 know, we're trying to do. And Secretary Wetzel is working
18 with us and the Council of State Governments on an
19 initiative with mental health to try and, you know, reduce
20 that population in the criminal justice system.

21 So, you know, I won't lose sight of the good
22 things that we're all doing trying to work together,
23 despite some issues we have here with this legislation.
24 And, you know, hopefully we'll see some of the fruits of
25 the policies that have been put in place from a

1 cost-savings perspective as well as from a public safety
2 perspective.

3 MAJORITY CHAIRMAN MARSICO: Representative
4 Topper.

5 REPRESENTATIVE TOPPER: Thank you, gentlemen.

6 Obviously as DAs, you work with the Board of
7 Probation and Parole and you work with DOC. Do you see any
8 advantage to having to work with just one agency instead of
9 two?

10 DISTRICT ATTORNEY MARSICO: No, because it's
11 different points in time. You know, maybe something would
12 be streamlined that I can't think of off the top of my
13 head. But, you know, we work well with both agencies now,
14 you know, that they're both effective at what they do.

15 We all need to do better. You know, none of us
16 are doing great when it comes to reducing that recidivism
17 rate. But, you know, we work with DOC when we have to and
18 we work with the Board and their agents on a regular basis.

19 So, you know, I---

20 REPRESENTATIVE TOPPER: But you don't see -- I
21 guess there's nothing, if it's not off the top of your
22 head, then it's obviously nothing that you are struggling
23 with currently.

24 DISTRICT ATTORNEY MARSICO: Nothing that I have
25 been struck with now, you know.

1 DISTRICT ATTORNEY FREED: No.

2 REPRESENTATIVE TOPPER: Okay. Thank you.

3 MAJORITY CHAIRMAN MARSICO: Any other questions
4 from Members? Well, how about that?

5 So thank you very much.

6 DISTRICT ATTORNEY MARSICO: Thank you.

7 DISTRICT ATTORNEY FREED: Thank you.

8 MAJORITY CHAIRMAN MARSICO: As always, we
9 appreciate your expert testimony and your time, and we
10 appreciate you being here. Thank you.

11 DISTRICT ATTORNEY MARSICO: I don't know how
12 expert it is, but thank you all for having us.

13 DISTRICT ATTORNEY FREED: Yours will be more
14 expert in January.

15 (Laughing.)

16

17 PANEL III

18

19 MAJORITY CHAIRMAN MARSICO: So our next panel
20 is Leo Dunn, Chairman of the Pennsylvania Board of
21 Probation and Parole; Linda Rosenberg, who is a Board
22 Member of the Pennsylvania Board of Probation and Parole;
23 and Christian Stephens, Director of the Field Probation and
24 Parole Supervision within the Department of Probation and
25 Parole.

1 Welcome, and you may begin when you're ready.

2 PROBATION AND PAROLE CHAIRMAN DUNN: Good
3 morning, Chairman Marsico, Chairman Petrarca, and Members
4 of the Committee. Thank you for inviting us up here.

5 And while I have everybody's undivided attention,
6 I want to say one thing before we start, and that is, I
7 want to thank the agents that are working out on the street
8 every day, because they do a great job.

9 So with that, it was mentioned regarding the
10 Department and the Board working together, and I think that
11 at this point in time, the two agencies are working
12 together better than ever. And to emphasize that, as of
13 yesterday, because of the work of the two agencies
14 together, the Department's population has been reduced by
15 1,279 beds so far this fiscal year.

16 So I just want to, yes, Secretary Wetzel and I
17 talk. In fact, the first personal conversation that I can
18 ever remember having with the Secretary was regarding the
19 Community Corrections Centers and how they could be better
20 utilized and what the difficulties were.

21 So with that, I want to make sure that everybody
22 understands that the majority of the Board Members, six out
23 of the current eight Board Members, have signed on to the
24 testimony that was submitted and are supportive of this
25 effort.

1 Senior staff has been working very
2 collaboratively with the Department of Corrections' senior
3 staff on plans for what we would do with the merger, and,
4 of course, collaboratively working on the other efforts
5 that we have been doing, this merger of our statistical
6 shops. We are looking at changing and improving the
7 assessments we do together so that we're more in
8 coordination there. The agents in the CCs. The big thing
9 that we got out of JRI I was the more services on the
10 street that you have already mentioned. We have expanded
11 recently our GPS dramatically and have put in a lot of
12 things regarding what agents are doing.

13 So I think that you need to remember that we are
14 all here to support public safety, and very little would
15 change regarding what the Board does because of this bill.
16 We would still have reports from the field. We would still
17 have the input. We would still get the statistics, and we
18 would just be simply more focused on decisionmaking, both
19 outgoing and incoming in that sense. So our core public
20 safety mission would continue.

21 Now, with that, I also want to introduce
22 Board Member Rosenberg, who is with me, and Director
23 Christian Stephens. Christian and Luis Rosa, who is also
24 in the room, are my two Executive Deputies.

25 So with that, I would open it up for questions,

1 Chairman.

2 MAJORITY CHAIRMAN MARSICO: So last hearing, and
3 I know this hearing, we have mixed opinions with current
4 Board Members and former Board Members on this issue. Some
5 are opposed and some are for, as you know.

6 Can you respond to the concerns of the current
7 Board Members who are opposed and those former Board
8 Members? I know you know what their concerns are. Can you
9 just let the Committee know, in your opinion?

10 PROBATION AND PAROLE CHAIRMAN DUNN: Well, I'll
11 start out with, educated people can disagree on their
12 perspectives on any issue, and with that, I know that one
13 of the big issues is independence and decisionmaking: Are
14 we going to be told what to do regarding a case?

15 I do not see that. All of the other States who
16 have merged agencies in this function, their boards operate
17 separately, just as we would continue doing as an
18 independent agency within the proposed Department of
19 Criminal Justice. And I think that was clarified even a
20 little further by the Senate yesterday in some of their
21 amendments, though I haven't seen that final printer's
22 number.

23 But you have that basic thing, and I think that
24 would actually be a good place for Member Rosenberg to
25 talk.

1 BOARD MEMBER ROSENBERG: I would echo what the
2 Chairman said. I think we have an excellent Board, and we
3 all come from different backgrounds. We have different
4 opinions, different experiences, which really is the
5 strength of our Board, right? Because some people may be
6 more liberal, some people may be more conservative. But
7 when you're dealing with very violent individuals, you want
8 to make the best decision, and it's important to have those
9 discussions on how best to make that decision.

10 I think the last time the legislation was
11 introduced, the Board didn't have as much independence as
12 it does in this bill. And in my opinion, we will, as
13 decisionmakers, we will be able to function independently.

14 I mean, we're still going to get all the risk
15 assessments and actuarial tools that we use. We're still
16 going to get all of the criminal history information.
17 We'll still get psych information. We'll still get
18 information from the SOAB. We'll get all the information
19 in terms of how they did if they were supervised before;
20 how they did in terms of misconducts while they were in
21 prison.

22 So, I mean, we go through a wealth of information
23 as Board Members when we consider whether somebody is going
24 to be paroled, and I don't see anything in that legislation
25 that would change that.

1 Personally, I think there is a lot of -- people
2 worry about if the Secretary would change and a new
3 Administration, and you wouldn't have somebody like
4 Secretary Wetzel who was forward-thinking and really looked
5 to reduce recidivism responsibly.

6 But I think the same thing could be said for the
7 Chairman. Fortunately, we have the same thing in the
8 Chairman of the Parole Board, somebody who also has that
9 philosophy. But if that Chairman would change, you could
10 have the same issues that you're talking about that we
11 would have with the Department of Corrections and the same
12 concerns.

13 So in my opinion as a Board Member and our
14 responsibility for deciding who gets out and then deciding
15 on parole violators -- and Act 122. I think you did an
16 excellent job when that legislation was passed, because you
17 really restricted the type of technical parole violators
18 that can come back. And we found that even fewer parole
19 violators are coming back and there wasn't a corresponding
20 increase in violent crime, so we knew that was effective
21 and proven to be effective.

22 So I think as the Chairman said, I think
23 different professionals have different viewpoints. I'm a
24 newer Board Member. My career here has been based on
25 looking at the system and looking for ways to improve the

1 system.

2 I have seen, particularly in the area of
3 technology, I have worked in a system a lot of people here
4 are familiar with called SAVIN, which is a victim
5 information notification system. When we first talked
6 about SAVIN, nobody wanted to do it. We had resistance
7 from every county. We had resistance from the State. And
8 over time, it has become mission critical and everybody is
9 supportive of it. So I think there are a lot of growing
10 pains and acceptance of change, so.

11 MAJORITY CHAIRMAN MARSICO: Representative
12 Jozwiak I think has a question.

13 REPRESENTATIVE JOZWIAK: Thank you, Mr. Chairman.

14 Mr. Dunn, I'm worried about public safety. You
15 keep reducing the amount of people in these jails.

16 Now, the Secretary testified there were almost
17 50,000 people in jail, and now you guys are letting out
18 18,000 to 20,000 people a year. Could you explain to this
19 board, how do you get that high of a number of people being
20 released?

21 PROBATION AND PAROLE CHAIRMAN DUNN: Okay.

22 First off, I want to put a baseline that the
23 Board's parole rate, and what I mean is, the rate, the
24 percentage of people that the Board interviews which we
25 parole every year, is 58 percent typically. That has

1 stayed there. It has fluctuated up and down over the
2 years, and I have been with the Board for 14 years now, but
3 if we go back for the last 30 years at least, that rate of
4 58 percent has been stable over that 38-year period.

5 Now, the number of interviews being done every
6 year, because of the people that are eligible to be
7 interviewed for parole, changes. We are actually down now
8 from our high, which was back in 2013, 2012-13, because of
9 some of the stuff that happened with JRI I. We typically
10 interview about 1,700 individuals a month, and that's
11 between the Board Members and the hearing examiners
12 combined, of course. And we are paroling, as I said,
13 roughly 58 percent of the ones that we interview.

14 That could be their first time up. They could
15 have gone out, came back for something, and they might be
16 up for re-parole. Or it may be that they were refused the
17 first time or two and now they have finally got their act
18 together.

19 But I think, Representative, if I can add a
20 little bit more to that, I think the key here is, look at
21 our what we call CPVs, our criminal parole violators, the
22 folks that come back because of doing a new crime while
23 under supervision. And I just got the numbers yesterday
24 for April. We have 42,048 people that are considered
25 parolees at this point in time. Of those, our CPV rate is

1 only .67 percent, folks that are coming back as a violator
2 that have done a new crime.

3 The last 12 months, if we look back for the full
4 year to see, you know, has that changed, it was .73 over
5 the 12-month period. It typically runs -- and I'm going
6 back for years now -- in my experience, it typically runs
7 just somewhere, as it is now, under 1 percent.

8 I think that speaks of how well our agents do in
9 supervising people out in the field, and I think our big
10 reason that we are seeing some further improvements now is
11 because of JRI I and those service contracts that we
12 referred to to allow the agents to have more resources to
13 refer offenders, too, out in the field.

14 REPRESENTATIVE JOZWIAK: What's a caseload of one
15 of your agents?

16 PROBATION AND PAROLE CHAIRMAN DUNN: Thank you
17 for asking.

18 We have a caseload, and if you're looking at the
19 caseload of the full 42,000, you would probably be talking
20 about, like, 1 to 65, 1 to 70. But if you look at the
21 active caseload, which I think is much more important, and
22 "active" means those parolees that are on the street.
23 They're not in detention or absconder status. That active
24 caseload, when I became Chairman 14 months ago, that active
25 caseload was running right between 170 and 180, depending

1 on which district you were looking at. It is now down at
2 1 to 48. Now, it fluctuates daily, of course, but average
3 statewide is 1 to 48. We have hired in that last 14 months
4 163 new agents. And 150 of them -- well, 153 of them are
5 out on the street. That is where the caseloads got
6 lowered.

7 REPRESENTATIVE JOZWIAK: So you have increased
8 agents to reduce the workload per person?

9 PROBATION AND PAROLE CHAIRMAN DUNN: How else can
10 they do a better job?

11 REPRESENTATIVE JOZWIAK: That's right. I'm glad
12 to hear that, because my next question was, they are
13 probably overloaded with work.

14 How do you determine, when you say "active"
15 parolee versus, what, an "inactive" parolee? What is the
16 difference there?

17 PROBATION AND PAROLE CHAIRMAN DUNN: Okay.

18 If we look at our total parole population of
19 42,000, at any given time, you're going to have those
20 people that have violated parole, that instead of -- and,
21 of course, the first level they would get some type of
22 sanction. We do progressive sanctioning, which Christian
23 could explain to you.

24 But if they were actually, what I will say
25 violated, they are picked up by the parole agent and sent

1 back to a secure center or to an SCI, or they might be held
2 in county jail because they committed a new crime or are
3 arrested for allegedly committing a new crime, they would
4 be in detention status.

5 At any given time, about 15 percent of that
6 42,000 is in detention status. Another 5 percent are in
7 absconder status; i.e., they are not reporting to the
8 agents, and we have turned those cases over to our
9 Fast agents, who do not supervise regular caseloads in the
10 field. And the Fast agents' jobs are to work with the
11 local police and the U.S. Marshals Service and go out and
12 find those absconders and arrest them and get them back
13 into the system.

14 REPRESENTATIVE JOZWIAK: Okay. When you say
15 "into the system," do you put detainers on them---

16 PROBATION AND PAROLE CHAIRMAN DUNN: Oh, yes.

17 REPRESENTATIVE JOZWIAK: ---and you then put them
18 back into SCIs?

19 PROBATION AND PAROLE CHAIRMAN DUNN: Yep.

20 REPRESENTATIVE JOZWIAK: Immediately?

21 PROBATION AND PAROLE CHAIRMAN DUNN: Yes.

22 REPRESENTATIVE JOZWIAK: How many people are put
23 in programs versus back into SCIs?

24 PROBATION AND PAROLE CHAIRMAN DUNN: Okay.

25 Now, those would be the folks that typically they

1 have violated in some way but we're not doing a revocation
2 process for them. And I think it would be better if
3 Christian spoke about how we would actually, I'll say
4 "divert" for want of a better word right now, divert people
5 to some kind of treatment or programming rather than
6 sending them back into custody.

7 DIRECTOR STEPHENS: When we are dealing with
8 individuals in the community at a first-level violation,
9 what we do is we use the Violation Sanction Grid in which
10 we take into consideration what the violation was that had
11 occurred, what their supervision level is, and what
12 supports they are going to need in the community.

13 And based on that violation, we would determine,
14 would that individual be best served going to some type of
15 community programming, would that individual be best served
16 being placed on GPS and some type of inpatient program, or
17 has that violation raised to the level that we need to
18 incapacitate the individual by either sending them to a
19 parole violator center or sending them back to an SCI.

20 REPRESENTATIVE JOZWIAK: So do you have a hearing
21 when you do that?

22 DIRECTOR STEPHENS: Um, at---

23 REPRESENTATIVE JOZWIAK: Do you have hearings?

24 DIRECTOR STEPHENS: Well, at the level that we
25 would initially assess, they would have a conference -- we

1 call it a Con I or a Con II -- with a supervisor or a
2 director. If it was determined they needed to be taken
3 into custody and incapacitated, at that point they would
4 have a hearing before a hearing examiner.

5 REPRESENTATIVE JOZWIAK: So you said a conference
6 hearing, right?

7 DIRECTOR STEPHENS: Yes.

8 REPRESENTATIVE JOZWIAK: Is there a Morrissey
9 hearing? Have you heard of that?

10 DIRECTOR STEPHENS: I believe -- go ahead.

11 PROBATION AND PAROLE CHAIRMAN DUNN: No. At
12 this -- what you're looking at is what would trigger
13 due process, okay?

14 REPRESENTATIVE JOZWIAK: That's exactly what I'm
15 looking at.

16 PROBATION AND PAROLE CHAIRMAN DUNN: And if the
17 agents are not putting them into, or not taking them into
18 custody, they are sending them to a treatment center or a
19 treatment program of some kind, whether it be inpatient or
20 outpatient, that would be a sanction. We would not have
21 triggered due-process requirements at that time.

22 The moment that we decide to actually detain
23 them, we have triggered due process, and then yes, we would
24 be having the first- and second-level hearings to decide
25 whether or not we were actually going to revoke their

1 parole.

2 REPRESENTATIVE JOZWIAK: So my understanding is,
3 in a conference hearing, there is no record of the
4 violation anywhere.

5 PROBATION AND PAROLE CHAIRMAN DUNN: Well---

6 DIRECTOR STEPHENS: I don't believe that would be
7 correct.

8 REPRESENTATIVE JOZWIAK: It would be correct.

9 DIRECTOR STEPHENS: Ah---

10 REPRESENTATIVE JOZWIAK: And why is that?
11 Because these are criminals who are out on the street
12 committing crimes, and you're putting them in a conference
13 hearing, in a halfway house or someplace where they are
14 going to violate it again, and they're going to go out
15 there and the public safety is going to get hurt. They are
16 going to challenge the police officers.

17 These people belong back in jail, not in
18 programs, not in conference hearings. They need to be in
19 these Morrissey hearings where they have a record of their
20 violation.

21 PROBATION AND PAROLE CHAIRMAN DUNN: Okay. I
22 think we have a miscommunication, Representative.

23 REPRESENTATIVE JOZWIAK: Okay.

24 PROBATION AND PAROLE CHAIRMAN DUNN: For someone
25 who has committed a new crime while on parole, sorry, they

1 don't go through that process. That's different. They are
2 being detained, period.

3 REPRESENTATIVE JOZWIAK: Well, what do you mean a
4 new crime versus an old crime? A crime is a crime.

5 PROBATION AND PAROLE CHAIRMAN DUNN: No, no, no.
6 I'm saying a violation of parole.

7 Remember, we have -- they of course have a
8 general condition by law that they have to follow and obey
9 all laws, just like every other citizen does.

10 REPRESENTATIVE JOZWIAK: Right.

11 PROBATION AND PAROLE CHAIRMAN DUNN: However, the
12 Board Members, such as Ms. Rosenberg, Ms. Grey, Mr. Burke,
13 myself, when we are interviewing, we will put other
14 conditions that they have to follow. When they break one
15 of our conditions, they are typically not breaking the law.

16 Like, if I go and put a condition on that you
17 shall not go into an establishment that serves alcohol and
18 they go into Applebee's for lunch, they have just violated
19 the condition I set. That kind of violation or having a
20 drink, having a drink is not a violation of State law, but
21 it could be a violation of your parole, and if you're an
22 alcoholic or have substance-abuse issues, then we do
23 treatment.

24 So I think that's the difference. If they are
25 violating one of our conditions, then we have all these

1 diversion options. If they have violated the law, that's a
2 different story, okay?

3 REPRESENTATIVE JOZWIAK: I understand that.

4 One of the things I'm getting to is, the
5 Philadelphia Inquirer did a story back in January of an
6 individual who was a suspect in three murders and four
7 assaults, and he was violated, if you want to call it that,
8 and you guys did nothing, until the police finally arrested
9 him and locked him up.

10 PROBATION AND PAROLE CHAIRMAN DUNN: Well---

11 REPRESENTATIVE JOZWIAK: And your words were,
12 that was an unfortunate situation.

13 PROBATION AND PAROLE CHAIRMAN DUNN: I would
14 disagree---

15 REPRESENTATIVE JOZWIAK: How did somebody slip
16 through that crack?

17 PROBATION AND PAROLE CHAIRMAN DUNN: I would
18 disagree that we did nothing.

19 In fact, in that situation, I think our agent
20 that was supervising did actually a fantastic job of
21 getting that person into treatment when he initially had
22 some issues while he was on parole. And as soon as we knew
23 that he was a suspect in a case, we actually worked with
24 the Philadelphia Police Department and we went out and
25 arrested that individual and then turned them over to the

1 police. In fact, the Philadelphia Police Department
2 commended our agents for what good work they did on that
3 case.

4 Was it an unfortunate situation? Yes, and we
5 deal with some people that, no matter how much work we do
6 with them, go back to what they shouldn't be doing and hurt
7 other people.

8 In fact, I did sit down with a Member of the
9 Committee and discuss that case.

10 REPRESENTATIVE JOZWIAK: Thank you.

11 Is your intention, when people violate, whatever
12 you want to call it, your rules to not put them back in
13 incarceration, even if they violate it 10 times? Is there
14 some cutoff point where you say, hey, we gave you enough
15 chances---

16 PROBATION AND PAROLE CHAIRMAN DUNN: Well, I
17 think---

18 REPRESENTATIVE JOZWIAK: ---instead of going from
19 program to program?

20 PROBATION AND PAROLE CHAIRMAN DUNN: I think
21 that's where Director Stephens can explain more about the
22 violation sanctioning and the discretion, which we give a
23 high level of discretion on that type of stuff to the
24 agent, the supervisor, and the ASCRA, as was mentioned
25 before, to make those decisions.

1 DIRECTOR STEPHENS: As I said earlier, we use a
2 progressive sanctioning process and we use the Violation
3 Sanction Grid.

4 REPRESENTATIVE JOZWIAK: Right.

5 DIRECTOR STEPHENS: So no one will be given a
6 free pass to continue to violate the same thing
7 continuously without not at some point being taken into
8 custody. It would depend on what the violation was and it
9 would depend on what programs we had in place to be able to
10 effectively address what was going on.

11 But to answer the question, no, no one is allowed
12 to continue to violate conditions without being held
13 accountable.

14 REPRESENTATIVE JOZWIAK: What's the length, the
15 average length of stay of an inmate that you put out on
16 parole? Like, what their sentences are. They do their
17 minimum sentences, and then they go out. Do they come to
18 you for release?

19 PROBATION AND PAROLE CHAIRMAN DUNN: Okay.

20 If we are -- and I'm not sure I understand your
21 question, so I'm going to try to answer it, and then tell
22 me whether or not I'm kind of hitting it.

23 But we are paroling folks typically at, the last
24 numbers I saw, they were about 131 percent of their minimum
25 sentence served, okay? So if they got -- if the average,

1 we'll say if an average sentence is 10 to 20, then they
2 serve probably -- and I'm not good at math; that's why I
3 went to law school -- probably about 12 years, okay?

4 REPRESENTATIVE JOZWIAK: Okay. Yeah.

5 PROBATION AND PAROLE CHAIRMAN DUNN: So they
6 would serve under supervision, and that's assuming that
7 they didn't do any new crime or any major violation that
8 would send them back to prison. They would then be
9 supervised by an agent for the remainder of that full term,
10 you know, whatever that is, and then, well, about 8 years,
11 okay?

12 REPRESENTATIVE JOZWIAK: Okay.

13 Thank you, Mr. Chairman.

14 MAJORITY CHAIRMAN MARSICO: Representative
15 Topper.

16 REPRESENTATIVE TOPPER: Thank you.

17 I appreciate the information about the job you're
18 currently doing, but, of course, you know, this hearing is
19 about the merger, right? The proposed merger.

20 And Ms. Rosenberg kind of touched on something
21 that I want to drill down on. As public policymakers, we
22 can't look at the individuals who are here now. And I
23 know, Mr. Chairman, you had talked right at your opening
24 statement that Secretary Wetzel, there's a good
25 relationship. You feel comfortable with the people in

1 place but that you understand that that might not always be
2 the case, but you still don't foresee a problem with the
3 merger. And yet, we can't just foresee a problem; we have
4 to foresee the potential of a situation where the
5 Department of Corrections would then have the ability to
6 influence Parole decisions. All we have to see is the
7 potential, and that has to catch our eye, because we're
8 trying to create public policy for 20, 30, 40, 50 years
9 down the road, not just the next budget cycle or next year.

10 So as I think about that, I guess the biggest
11 question I would have is, considering that we have 20,
12 30 years of public policy and more that we could be making
13 this on, are the missions of Probation and Parole
14 inherently different than the mission of the Department of
15 Corrections, in your opinion? Are there two separate
16 missions?

17 PROBATION AND PAROLE CHAIRMAN DUNN: I think the
18 mission of both, and I don't like to use buzzwords, but the
19 mission of both is "public safety."

20 REPRESENTATIVE TOPPER: Well, but with all due
21 respect, that could be the mission of the entire
22 government.

23 PROBATION AND PAROLE CHAIRMAN DUNN: Well, but I
24 was going to expand upon that just a little bit, sir.

25 REPRESENTATIVE TOPPER: Okay.

1 PROBATION AND PAROLE CHAIRMAN DUNN: Is,
2 baseline, it's public safety. But thinking about it in the
3 terms of a continuum for that individual offender that
4 we're dealing with, when we're talking about any
5 individual, and that's what all this comes down to, is
6 whatever, making sure that individual, if possible, does
7 not go out and harm somebody else again, is that you are
8 talking about making sure that they are incapacitated,
9 first off; that they get rehabilitation; and that they get
10 re-entry and reintegration services so that they come back
11 out and can become a good, contributing citizen and then
12 finish their term in the community and not come back into
13 the system again.

14 I mean, that's -- that is the goal, and that's
15 how I look at it as far as the mission is won, because it's
16 over the whole thing. In fact, you could actually go back
17 and add the DAs and the public defender and the judge in on
18 the beginning of that, so.

19 BOARD MEMBER ROSENBERG: I would agree. I mean,
20 I think it's a criminal justice system, and I think we all
21 are looking to reduce recidivism, and I think the DOC does
22 an excellent job starting that process.

23 So when they come in to the institution, they are
24 assessed and determined if they need therapy for drug and
25 alcohol abuse, if they are a sex offender, if they need

1 violence prevention, whatever those courses are, and they
2 develop a prescriptive plan for what that offender needs to
3 be successful upon release.

4 They also provide vocational training,
5 educational training. Those are all, to me, important
6 aspects to help somebody to be successful once they are
7 released into the community.

8 And I think our guys reinforce the education and
9 the skills that they learn while they're in prison. So if
10 they take a violence prevention course in prison and
11 they're having infractions, then we'll put them in some
12 type of anger management booster.

13 So we continue the programs in the community that
14 were started while they were institutionalized, and the
15 more seamless it is, I think the more effective it is.

16 REPRESENTATIVE TOPPER: But -- and I get that,
17 but under that description of the mission, and as you
18 included judges and DAs and public defenders, then the
19 point of a merger would be to say then anybody under that
20 mission statement would be under the same Secretary. Are
21 we going to make the Secretary of the new department then
22 in charge of our judicial system as well? Well, no, we're
23 not, right?

24 There are specific roles for the courts, specific
25 roles for Parole and Probation, and that's what we're

1 trying to nail down here specifically about a merger, is
2 are we taking two entities that really have two separate
3 missions within the criminal justice system and trying to
4 make it work when we don't need to.

5 I guess that's -- now, obviously there are
6 arguments that you can, but I think that that broad mission
7 statement probably covers a lot more than what we're really
8 looking for, so. But I appreciate the answer.

9 Thank you, Mr. Chairman.

10 MAJORITY CHAIRMAN MARSICO: Representative Costa.

11 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

12 Lady, gentlemen, thank you for being here.

13 I guess I have a couple of questions about the
14 Board. I don't know a lot about the Board, but how many
15 members are there? There are eight?

16 DIRECTOR STEPHENS: Correct.

17 PROBATION AND PAROLE CHAIRMAN DUNN: We have
18 nine positions. We currently have one vacancy due to
19 Mr. McKay's resignation and return to the District
20 Attorney's Office.

21 REPRESENTATIVE COSTA: Right. Okay. So you have
22 nine positions.

23 All right. How long are the terms of each
24 position?

25 PROBATION AND PAROLE CHAIRMAN DUNN: The terms of

1 the positions are 6 years.

2 REPRESENTATIVE COSTA: Six years.

3 PROBATION AND PAROLE CHAIRMAN DUNN: Yes.

4 REPRESENTATIVE COSTA: Okay.

5 You know, how long are new members appointed?

6 Like, who does the appointments of each member?

7 PROBATION AND PAROLE CHAIRMAN DUNN: Okay.

8 The appointments are proposed by the Governor,
9 confirmed by the Senate.

10 Now, one thing I will go and make a note of,
11 because you mentioned terms, the way our legislation is
12 written, our terms are for 6 years. If someone resigns or
13 has to leave their position because of whatever reason
14 before that term ends, anyone that would replace that
15 position only receives whatever is left in the term and
16 would have to seek a reappointment to a full 6 years,
17 okay?

18 REPRESENTATIVE COSTA: Well, since, say, 2 years
19 ago at our last meeting, June 14th, how many new members are
20 there on the Board?

21 PROBATION AND PAROLE CHAIRMAN DUNN: Well, you
22 have myself. You have -- five of us total, right?

23 BOARD MEMBER ROSENBERG: Mm-hmm.

24 REPRESENTATIVE COSTA: And you are all appointed,
25 or at least nominated by the Governor?

1 PROBATION AND PAROLE CHAIRMAN DUNN: Yes.

2 Everybody is nominated by the Governor.

3 REPRESENTATIVE COSTA: Okay. All right.

4 Then let me ask, the last time, if I remember
5 correctly, there was a number of the Board Members, it was
6 like split, okay? So half wanted the merger, half didn't.

7 You have testified that you -- you have been
8 doing an excellent job the way you are now in the way that
9 Probation and Parole is functioning. And if this is a
10 financial reason for consolidation of these two, then why
11 haven't you as an independent agency come to us and asked
12 us for more financial resources rather than take the apple
13 cart and turn it over and start over?

14 I mean, I would rather see you come and say, we
15 need this to continue to work with Corrections and have the
16 ability to complete our jobs in an effective and just
17 manner, rather than join in the consolidation, which I'm
18 not for in this position.

19 Because again, I see it, as a law enforcement
20 officer, a complete conflict of interest for our probation
21 officers and parole officers to be out there being
22 supervised by the Corrections Department, who wants them to
23 -- their job is to get people out, incarcerate. Public
24 safety is all our job. It starts with the police officer
25 on the street. It starts with a meter person, you know,

1 somebody that is writing tickets -- okay? -- because that's
2 what we do. But to take this whole apple cart and switch
3 it over, it just doesn't make sense.

4 You're doing a great job. If you need more
5 agents, you need to come to us. If you need more
6 resources, you need to come to us. I just don't see how
7 putting your agency in the other agency benefits this
8 Commonwealth in any way, and especially from what a lot of
9 us in law enforcement and prosecutors and stuff like that
10 see as a conflict and a possibility of something. Because
11 once we pull the trigger on this, it's really hard to stop
12 a moving train.

13 So I would rather look back and say, wait a
14 minute, what can we do to improve your department? If your
15 departments aren't functioning right or if they need more
16 funding, then I say that we need to address those issues.
17 If it's communication, we need to address those issues, you
18 know.

19 And the Governor has a lot of resources at his
20 availability to say, do this and do that. He has a lot of
21 authority. And the authority he doesn't have, if it's not
22 statutory, we can do that.

23 So I just think, you know -- and I commend you.
24 I mean, I commend you. I see you up on the Hill all the
25 time, and that's a good thing. That's really a good thing,

1 you know, Chairman. But I just don't understand how you
2 will benefit or Probation and Parole will benefit by being
3 part of a merger if you're doing a good job. And I think
4 you're going to hurt the morale of your officers out there.
5 They're going to be afraid to do the wrong thing.

6 And let's face it; I know Representative Jozwiak
7 and I, we both come from very big departments -- okay? --
8 police departments. And our job descriptions as police
9 officers was, you know, you enforce the law, but if one of
10 your supervisors or someone didn't want you to be in a
11 certain area or told you they would prefer you not be there
12 and you continued, I could have wound up anywhere in the
13 city, and I'm sure Trooper Jozwiak could have wound up
14 anywhere in the State for short periods of time. So there
15 are ways to push your ideas on people, and it gets to a
16 point where they say, why should I even bother? Why don't
17 I just come and collect my pay? That is the problem.

18 I don't believe any of our officers will succumb
19 to those types of things, but it's in their mind, because
20 they have families. You know, like in the city, that's one
21 thing, you know, but to be able to be moved around or your
22 assignment is changed over something -- we can always find
23 something in theory or something within our rules that say,
24 well, we needed this; we needed that, and that person gets
25 the message. That's my concerns. Not to say that anybody

1 would do that, but I have seen it done in the past, and I'm
2 afraid it could be done in the future.

3 So keeping you independent, in my opinion, is the
4 best possible solution, because you have been doing a good
5 job. It's nothing, there is no reason that I see, except
6 economically. The prisons, the Corrections, they have
7 their ability to, any ideas for recidivism, just to prevent
8 it.

9 And like my colleague, Representative Stephens,
10 said, if we could track down the true meaning of that, I
11 mean, it would make it a little easier for all of us. But
12 there are so many definitions that we're flying with right
13 now that it just doesn't make sense.

14 And again, I said it before to the Secretary,
15 that the last meeting was June 15th of -- I mean, June of
16 2015. We're in June of 2017 in a few days, and no one has
17 come to us and said, can we get more money for Parole and
18 Probation? Can we do this? Can we---? You know, no one
19 has sat down with the Legislature, especially the Judiciary
20 Committees, because we're the ones that are actually going
21 to say, okay, we're going to put this out on the Floor for,
22 you know, the other folks to take a look at.

23 So I think we are really putting the cart before
24 the horse. We did it 2 years ago, and we have done nothing
25 to put the horse up in the front in those 2 years to pull

1 the cart. So we have to look back and say, what is best?

2 And if it isn't best, if you can do it, in my
3 opinion, if you can do it with increased funding and
4 continue to do your job -- and as Representative Klunk
5 said, the communication seems to be getting better. You
6 know, I can't see putting everybody under one agency and
7 making it overnight a success.

8 And the Secretary says, I "think" it can work.
9 Well, I have to know it can work, because my colleagues and
10 I, we put these things out, and once we do it, we're
11 talking 30, 40, 50 years down the road for decisions that
12 we make, and I don't want to make the wrong decision,
13 especially when it comes to public safety.

14 So thank you very much, and thank you, Chairman.

15 MAJORITY CHAIRMAN MARSICO: Would you like to
16 respond? It's up to you.

17 PROBATION AND PAROLE CHAIRMAN DUNN: I'm not sure
18 that I heard a question in there.

19 REPRESENTATIVE COSTA: The question is, what, how
20 do you believe it would benefit your agency to be part of
21 it? If it's other than financial, then why haven't you
22 come to us for the finances?

23 PROBATION AND PAROLE CHAIRMAN DUNN: Well, okay.

24 On the finance side of things, I want to say that
25 in fact Secretary Wetzel and I consigned a letter that went

1 out just the other day saying that we needed more money to
2 be put back into the budget, not to receive the budget that
3 was passed by the House and sent over to the Senate. And
4 that would, and I'll put it really bluntly, that would
5 decimate parole supervision. So I think we have asked for
6 more money consistently.

7 And I know that most of the Members here have had
8 me knock on their doors over time. In fact, we are
9 starting the knocking on the Chairmen's doors right now in
10 leadership, talking budget and what those numbers need to
11 be and how we would like to see them back up to the
12 Governor's request.

13 So yes, we're doing that. Have we made the
14 rounds to everybody yet? No, but we're getting there. So
15 on that side.

16 Now, on the side of why, if you're not talking
17 about fiscal, which of course in this building we always
18 have to talk about fiscal to some extent, because you don't
19 have unlimited money to give us, so that's always a
20 concern.

21 But going back to my first conversation back when
22 I was an Assistant Director and the Secretary was brand new
23 and we were talking about the Community Corrections system,
24 parole supervision is set up by law. The Community
25 Corrections system is set up by law.

1 For over 10 years, I personally have talked to
2 anyone that would listen, and back then it was a newly
3 appointed Secretary Wetzel, about those two functions in
4 order to make this State be able to reduce recidivism, no
5 matter how you want to define it, and actually have more
6 contributing taxpayers out there with less crime and less
7 victims, that those two functions need to be put together.
8 You can't do that without legislation, because at some
9 point in the past, the two functions were created
10 separately.

11 REPRESENTATIVE COSTA: Okay. Thank you, sir.

12 We'll have to agree to disagree on that, okay?

13 MAJORITY CHAIRMAN MARSICO: Representative Klunk.

14 REPRESENTATIVE COSTA: Thank you, Chairman.

15 MAJORITY CHAIRMAN MARSICO: Mm-hmm.

16 REPRESENTATIVE KLUNK: Thank you, Mr. Chairman.

17 And, Mr. Chairman, my question is very similar to
18 what I asked the Secretary. So what, in addition to the
19 laundry list of items that Secretary Wetzel provided for,
20 you know, things that you have done over the past year or
21 so since our last hearing in really working towards and
22 setting up things for that merger, looking at cost savings.

23 I know you have some of the individual cost
24 savings in your written testimony when it comes to travel
25 and shipping, technology, transportation, real estate,

1 those types of things. Is there anything else in the
2 testimony or that Secretary Wetzel didn't include that you
3 would like to talk about in your cost savings and how
4 you're really teeing this up to make it work if the merger
5 does go through?

6 PROBATION AND PAROLE CHAIRMAN DUNN: Well, I
7 think the Secretary mentioned a few things, but I want to
8 go further on agents being, I'll say embedded within the
9 Community Corrections Centers. We have done it in two
10 locations -- two or three.

11 DIRECTOR STEPHENS: Three.

12 PROBATION AND PAROLE CHAIRMAN DUNN: Three
13 locations now, and that seems to be improving things quite
14 well there, both communications regarding home plans,
15 keeping the offenders that are in those CCCs monitored a
16 little better, because our agents do have the ability to
17 arrest them at any given time.

18 I also want to say about training. We, and many
19 of you have heard me use the term "EPICS" or heard my
20 predecessors use the term "EPICS," Effective Practices in
21 Community Supervision. We have the majority of our agents
22 now trained and we will have the rest of them trained by
23 the end of this calendar year in that University of
24 Cincinnati-created mode of working in an improved method to
25 get the most out of every contact that you have with a

1 parolee.

2 But we have also started kind of in-reaching and
3 training some of the DOC staff in that same style so that
4 they can start working and using the same effective
5 tactics, because it has been proven, by Dr. Latessa's
6 research, that it works, so we're doing that. Community
7 workforce development; motivational interviewing. We have
8 been getting a lot of things.

9 I mentioned in my initial remarks the assessments
10 that we do as far as, it's kind of time to reevaluate our
11 assessments: what ones do we want to keep; what ones do we
12 need to replace with improved assessments.

13 A lot of the -- and I could bore you for hours
14 with this, so I'll try not to -- a lot of the, when we're
15 talking about the probability of someone committing a new
16 offense, Dr. Berk at the University of Pennsylvania had
17 created an assessment of violence predictability for the
18 Board, which was an outcome of the 2008-2009 problems that
19 we had primarily in the city of Philadelphia with police
20 officers being harmed by pre-release and parolees, and we
21 have incorporated that into our decisionmaking of who gets
22 out.

23 We are also looking at, one of our major
24 indicators we use is called the LSI-R. It's a
25 third-generation risk assessment tool. Well, the question

1 is now, do we want to, because many of them have been
2 validated now over some time, do we want to move to a
3 fourth-generation risk assessment tool that includes case
4 management and some other stuff?

5 So those are the kinds of things, discussions,
6 that we're having with the DOC, the Sentencing Commission.
7 And we're having -- in fact, we have DOC come in to educate
8 us a little bit on what assessments they do in
9 classification. We are having some professionals come in
10 from other parts to educate the Board Members, because of
11 course we have to agree to change how we make decisions in
12 the sentencing guideline with the Sentencing Commission;
13 that we're using this year to kind of educate ourselves so
14 that hopefully by the end of the year, the three agencies
15 agree on, here are the assessments that we use in
16 coordination with each other.

17 So again I go back to the statement, I think
18 we're working together better than ever.

19 REPRESENTATIVE KLUNK: So if you're working
20 together better than ever, what exactly do you need us to
21 do legislatively to make that better? Because it sounds
22 like you are making those steps. You are making those cost
23 savings.

24 So I'm having a hard time of getting to that
25 point of, why do we need to completely reinvent two

1 agencies, from a legislative perspective, to achieve what
2 sounds like you are already working towards right now. And
3 are there minor tweaks that we could make from a
4 legislative perspective that wouldn't completely upset the
5 apple cart when it comes to the two agencies?

6 PROBATION AND PAROLE CHAIRMAN DUNN: Well, I
7 would go back to what Board Member Rosenberg -- and I don't
8 know if she wants to add any, so she's welcome to interrupt
9 me.

10 But in a sense of decisionmaking, a major
11 function of the current agency, you're not going to be
12 upsetting the apple cart, because nothing about it, how we
13 make decisions, will change. We will still be looking at
14 people as individuals. We will still be looking at all of
15 the legislatively mandated, because everything that we have
16 to look at is somewhere in legislation, within our
17 legislation.

18 And, of course, the Parole Board has been known,
19 or maybe not known, but the actuality is, any input that
20 anyone wants to provide regarding any potential parolee is
21 considered. We don't get rid of anything, at least not
22 that I know of. That's why we had to reinforce our
23 file-room floors three times in the last 14 years. So in
24 that sense, you're not upsetting the apple cart.

25 As I mentioned when Representative Costa, you

1 know, when I replied to Representative Costa, is that
2 continuity of service, and what was mentioned by Director
3 Little when he was up here, and what we could do more with
4 the Community Corrections Centers in improving that. To
5 get parole supervision and the Community Corrections Center
6 functions together, it requires legislative change.

7 REPRESENTATIVE KLUNK: Thank you.

8 And then a dollar value. Do you have -- I know
9 Secretary Wetzel unfortunately didn't have a dollar value
10 available to us for how much you have saved since the last
11 time you have come in with some of the initiatives. Do you
12 have a dollar value?

13 PROBATION AND PAROLE CHAIRMAN DUNN: I'm trying
14 to think right now.

15 REPRESENTATIVE KLUNK: Other than maybe what's
16 listed in here, that would just go to Probation and Parole?
17 If you don't---

18 PROBATION AND PAROLE CHAIRMAN DUNN: I don't have
19 it---

20 REPRESENTATIVE KLUNK: We---

21 PROBATION AND PAROLE CHAIRMAN DUNN: I don't have
22 it sitting here.

23 REPRESENTATIVE KLUNK: I think we would---

24 PROBATION AND PAROLE CHAIRMAN DUNN: I have
25 something in my bags.

1 REPRESENTATIVE KLUNK: I think we would
2 appreciate that, because I think it goes to really show,
3 you know, and have us see, you know, the bottom line of,
4 how much is this really going to save? Have you already
5 achieved those cost savings? Do we really need to go
6 through with this merger? Are there other, you know, forms
7 of legislation that we could look at in making some of, you
8 know, those merged services go a little bit better opposed
9 to, you know, a big, huge merger of two entities? So I
10 think we should really have that data.

11 So thank you, Mr. Chairman.

12 MAJORITY CHAIRMAN MARSICO: Okay. Representative
13 Pyle.

14 REPRESENTATIVE PYLE: Thank you very much,
15 Chairman.

16 I'm just going to get down to it: How can you
17 guys save money next year?

18 I'm on Appropriations, as are many of us. We
19 have got a confirmed 1 ½ billion-dollar revenue deficit
20 that is projected to be close to 2 ½ to 3. And I just
21 heard some fellow Members, who I respect very much, saying,
22 you know, all we have to do is get more money in to you. I
23 don't really honestly think that's going to happen, because
24 our revenue numbers are continuing to tank as May and June
25 unfold.

1 You don't have to answer me right away, but
2 rather than getting into this big dance about who's right,
3 who's wrong, and all of that, I'm just going to give you
4 that challenge. How do you save money?

5 PROBATION AND PAROLE CHAIRMAN DUNN: One of the
6 biggest ways that we are working on saving money, which
7 would continue once the merger, because we are trying to go
8 totally paperless at the Board. And with that, I mean, it
9 says in there, and I don't remember the figure, \$95,000 or
10 something we have saved in the last year just on paper
11 transports around the State. Trying to reduce the mileage;
12 overnight expense; anything else regarding travel of the
13 Board Members; the hearing examiners going out to the
14 institutions: We have done that through technology.

15 We are also going to -- we have converted some
16 positions within the Board's Central Office to field
17 agents. We are going to convert more as our technology
18 efforts finalize and some of those positions become
19 redundant. As they have become vacant, instead of hiring
20 new people into those positions, we have either not filled
21 them at all or we filled them with temporaries to get us
22 through until the technology efforts are over.

23 We have been looking at every position within the
24 agency of what value is it giving us and whether or not it
25 needs, with change, to be eliminated and if it can be

1 converted to the field. Because where you get your final
2 savings in this whole correctional setting is by taking
3 that, and I'm just going to use an average here. We throw
4 out so many numbers. If it costs us an average of \$48,000
5 a year to incarcerate somebody, it costs us about \$3,500 a
6 year to supervise that person. So as long as we can have
7 enough agents in the field to safely supervise them, we
8 save you money. How do we do that? We do it by keeping
9 adding more agents and keeping adding more services.

10 BOARD MEMBER ROSENBERG: And also I know that
11 Christian and his team have done a lot to implement GPS.

12 DIRECTOR STEPHENS: Yep.

13 BOARD MEMBER ROSENBERG: I don't know if you want
14 to talk about that as well.

15 DIRECTOR STEPHENS: So some of the innovations
16 that we definitely use technology to provide savings:

17 We have expanded our GPS statewide ability from
18 300 units to 1,700 units statewide so that individuals who
19 have low-level infractions may not have to go back, but we
20 can put them on GPS and then assure that they're going to
21 the program they're supposed to go to.

22 We have also been able to expand our use of the
23 iPads. So right now, all our agents in the State are being
24 deployed with iPads, and we're at this time looking at
25 maybe reducing our office space potentially by two offices,

1 because we want our agents in the field 90 percent of the
2 time.

3 So right now, we're looking at our agents maybe
4 being in the office one day out of the week and being in
5 the field the rest of the time and being able to work
6 remotely. With the paperless process that the Chairman
7 spoke about, the agents will be able to go on their iPads,
8 look at their files, and make the contacts that they need
9 to make. And where there are violations, they'll be able
10 to use the GPS to track individuals better in the community
11 and keep the community safer.

12 One thing I would also add is, as you talked
13 about the Vivitrol, that we're also piloting right now with
14 the Bureau of Community Corrections in DOC not only doing
15 Vivitrol for individuals who are coming out of the
16 institution initially, but looking at those that violate
17 through opiate use and, when they go back, using the
18 Vivitrol at that time before they return to the community.

19 REPRESENTATIVE PYLE: Thank you very much. You
20 just got to the core of what I was hoping the earlier panel
21 would answer.

22 Here's my point: \$48,000 to incarcerate somebody
23 this year, and I have no complaints about how you all
24 handle that. I feel much better that you're good at what
25 you do.

1 The \$48,000 this year I remember being thrown in
2 my face last year as being \$44,000, and the year before
3 that \$38,000. We are seeing steady, heavy growth in the
4 cost to incarcerate a prisoner.

5 Now, why that 48,000-dollar number is really
6 problematic to me is, that's more than the family household
7 income for a family of four in my county, which tells me
8 those guys, who they just popped out on Route 422 holding,
9 like, 2 pounds of heroin or whatever ridiculous amount it
10 was, we're giving more attention to them than some guy that
11 wakes up and goes and puts on work boots and works at the
12 cement plant, and I think that's kind of where this hearing
13 is supposed to be heading: How do we find efficiencies?

14 PROBATION AND PAROLE CHAIRMAN DUNN: Mm-hmm.

15 REPRESENTATIVE PYLE: That's why I ask you, what
16 can we do?

17 I'm game for anything. I don't want to have a
18 big shootout between Corrections and Probation and Parole.
19 My hope is it's all a big, happy family working towards the
20 same end. But I am looking at, I'm one of the guys who
21 just helped put together a budget that is being widely
22 assailed from every angle, and our approach has been,
23 instead of cutting any program completely, it's more like
24 the death of a thousand cuts: Everybody gets a little
25 shave and kicks in.

1 What I am asking for your answer, and you can
2 email me, you can call me, whatever you want to do: How
3 do we define your slice, is the question. Where do you
4 see a potential for saving money? Because again, that
5 billion-and-a-half-dollar elephant in the room is going to
6 get bigger over the next 30 days when the revenue numbers
7 are realized.

8 Just throwing it out there. Call me next week,
9 the week after that.

10 Thank you, Chairman.

11 PROBATION AND PAROLE CHAIRMAN DUNN: Thank you,
12 sir.

13 MAJORITY CHAIRMAN MARSICO: Representative White.

14 REPRESENTATIVE WHITE: I just had a quick
15 question about, how many parole and probation officers do
16 we have here in the Commonwealth?

17 DIRECTOR STEPHENS: At this time, we have
18 620 parole agents.

19 REPRESENTATIVE WHITE: And they're all under your
20 -- you have the oversight over those officers?

21 DIRECTOR STEPHENS: That is correct.

22 Well, there are 620 field agents, and I believe
23 -- 139? One hundred thirty-nine institutional agents.

24 REPRESENTATIVE WHITE: And should the merger
25 occur, what kind of oversight over the officers would take

1 place? Is it going to change, and how does that happen?

2 DIRECTOR STEPHENS: My understanding is that the
3 oversight will remain the same.

4 REPRESENTATIVE WHITE: So no one would be placed
5 above your group to help guide training of the officers or
6 anything like that?

7 DIRECTOR STEPHENS: Well, when I have looked at
8 the org chart, there would be an Executive Deputy Secretary
9 that would sit above the position I'm in right now, and
10 then it would be the Secretary of Corrections.

11 REPRESENTATIVE WHITE: And is that an appointed
12 position?

13 DIRECTOR STEPHENS: That is an appointed
14 position, yes.

15 REPRESENTATIVE WHITE: And who appoints that
16 position? Who's in charge of that appointment?

17 DIRECTOR STEPHENS: I'm not too sure.

18 PROBATION AND PAROLE CHAIRMAN DUNN: The Deputy
19 Secretaries are appointed by the Secretary and of course go
20 through the normal background checks and approval through
21 the Office of Administration, just like anyone else.

22 And to be honest, that's exactly how Christian
23 was appointed to his position, except that it was, of
24 course, me.

25 REPRESENTATIVE WHITE: Okay. Thank you very

1 much.

2 MAJORITY CHAIRMAN MARSICO: Representative
3 Saccone for a question.

4 REPRESENTATIVE SACCONE: Thank you.

5 Thank you for your testimony.

6 I'm trying to boil down, you know, what the
7 differences are between those who are for this and against
8 it.

9 One of the concerns I see is that people say if
10 we have this merger, the decisions could be made for out of
11 savings, dollar savings, as opposed to public safety, and
12 you say that, no, the decisionmaking process is the same
13 and it really shouldn't be affected. And yet I have
14 trouble with that, because if the Secretary is now over you
15 and has an appointment process or appointment ability,
16 then, you know, there has to got to be some influence --
17 there could be some influence there. I'm not saying there
18 would be.

19 I don't know if that's, if I'm---

20 BOARD MEMBER ROSENBERG: But he wouldn't be over
21 the Board.

22 PROBATION AND PAROLE CHAIRMAN DUNN: Uh-uh.

23 BOARD MEMBER ROSENBERG: So he would have no
24 influence over our docket and how we decide those cases at
25 all. He would have no influence.

1 REPRESENTATIVE SACCONI: Okay. So that brings me
2 to the configuration of the merger, because I guess I'm
3 confused about how that's all going to be set up.

4 So we have -- what? -- 42, 44 States that have a
5 merged system, was said by the Secretary.

6 PROBATION AND PAROLE CHAIRMAN DUNN: Something
7 like that; yeah.

8 REPRESENTATIVE SACCONI: So are they all
9 configured the same, or I imagine there are multiple
10 differences on how these things are configured. And how
11 does ours fit in, our proposed merger fit in with these
12 other States? Is it similar to certain ones, so we can
13 compare apples and apples.

14 Because to say the eight, like he said, the eight
15 below us, they're all merged systems. Well, are they kind
16 of the same configuration as we're proposing or is it
17 something really different?

18 PROBATION AND PAROLE CHAIRMAN DUNN: I believe
19 they're all very similar, though I can't answer in
20 specifics on that, sir.

21 But if you look at the organization chart, which
22 I believe is on the merger website now, as Board Member
23 Rosenberg said, it is basically, the supervision function
24 of the Board and the institutional agents, which, of
25 course, prep stuff for us, would be moved over onto the new

1 Department of Criminal Justice and be under the Secretary's
2 purview.

3 Myself, the Board Members, the staff within the
4 Office of Board Secretary, our legal counsel, our
5 communications, and our policy office would still stay
6 separate, and we basically are off to the side.

7 Oh, and our hearing examiners as well.

8 REPRESENTATIVE SACCONI: See, the way I see it,
9 from what the Secretary said, is the reason he wants a
10 merger is he wants that manpower that you got there
11 somehow. So somehow he -- right now he doesn't, he doesn't
12 supervise the probation agents, but under the new merger he
13 will.

14 PROBATION AND PAROLE CHAIRMAN DUNN: Mm-hmm.

15 REPRESENTATIVE SACCONI: So that's a way for him
16 to get some new manpower in there. And I'm worried that
17 that's the crux of the problem of why some are against it
18 and some are for it. So how do you -- you know, obviously
19 you're for this, but, I mean, how do you---

20 PROBATION AND PAROLE CHAIRMAN DUNN: Well, I view
21 it a little bit differently, sir. I look at it actually as
22 how he could more easily transfer positions, which of
23 course you know are all budget controlled from being, as we
24 move people from being inmates to being parolees, that, as
25 he mentioned, having the money flow with them, but more

1 importantly than just the pure dollars is having the
2 positions be able to flow with.

3 As a Secretary of a merged or consolidated
4 agency, he can take positions that are within the SCI and
5 he can move them to support the field. I can't go and
6 steal his positions from him the way things are structured,
7 that if we need more agents in the field and if we have JRI
8 legislation, he's probably needing about 152 of them for
9 the next fiscal year, or let's say 18 months, and there's
10 no way that those positions are going to come easily.
11 Whereas, he would have the flexibility to say, hey, I have
12 got 50 vacant positions across the State in the
13 institutions, and he could move them and the money that
14 supports them to the field supervision line item.

15 REPRESENTATIVE SACCONI: So maybe the answer to
16 all this is instead of creating another layer of
17 bureaucracy, so it's just going to be another guy above you
18 that's going to, you know, be overseeing some of these
19 things, maybe we just give permission to be able to share
20 resources without merging two complete agencies. What do
21 you say to that?

22 PROBATION AND PAROLE CHAIRMAN DUNN: Okay. This
23 is where the lawyer in me comes out and says, I don't know
24 how you do that.

25 DIRECTOR STEPHENS: Without legislation.

1 REPRESENTATIVE SACCONI: Well, you're doing it in
2 some ways. We do it with COGs. We do it with
3 municipalities. They share resources. They share
4 responsibilities. They have mutual agreements. We do it
5 with the EMS' mutual aid agreements, fire departments. We
6 have all kinds of things like that.

7 What if we had a mutual agreement between your
8 two agencies that you could share, in certain
9 circumstances, resources without actually merging the
10 agencies. Would that satisfy this problem?

11 PROBATION AND PAROLE CHAIRMAN DUNN: I think it
12 could be looked into, but I think we have a fairly good
13 proposal together.

14 REPRESENTATIVE SACCONI: Thank you.

15 MAJORITY CHAIRMAN MARSICO: Representative
16 Stephens.

17 REPRESENTATIVE STEPHENS: Thank you,
18 Mr. Chairman.

19 And thank you, Mr. Chairman, for being here.

20 Just to follow up on, I think it was
21 Representative Jozwiak's question -- the Byron Allen case.

22 PROBATION AND PAROLE CHAIRMAN DUNN: Yep.

23 REPRESENTATIVE STEPHENS: That's the parolee who
24 killed and/or assaulted seven women, I guess, while on
25 parole.

1 I know that we did meet, and I know I owe you a
2 letter. In our meeting, unfortunately you were unable to
3 share -- you shared some information with me, but were
4 barred from sharing a significant amount of information
5 about what DOC and what the Board had done with this
6 particular inmate because of various statutes and barriers
7 to that. Fair to say?

8 PROBATION AND PAROLE CHAIRMAN DUNN: Mm-hmm.
9 Yes. I share absolutely everything that I can.

10 REPRESENTATIVE STEPHENS: No; I'm not disputing
11 that at all, and we could follow up on that.

12 I'm also, you know, I'm deeply concerned about
13 these, and they have all different names, right? We have
14 Community Corrections Centers. We have got halfway houses.
15 We have got these, you know, those parole violator
16 centers.

17 You know, I'm aware of an incident earlier this
18 month down at Kintock where a parolee brought heroin into
19 the facility. Two folks overdosed and were transported to
20 the hospital, and the parolee admitted to bringing the
21 heroin into the facility and was not violated and sent to
22 an SCI. Are you aware of that?

23 PROBATION AND PAROLE CHAIRMAN DUNN: Christian?

24 DIRECTOR STEPHENS: I'm not aware of that
25 situation.

1 REPRESENTATIVE STEPHENS: I mean, you know, I
2 know I'm hitting it with you, you know, here cold. I mean,
3 I just found out about it myself.

4 But, you know, there are, they are just
5 significant concerns, and we heard them here today, that
6 the agencies, the Department of Corrections and the Board
7 of Probation and Parole, that the pendulum has swung so far
8 that they are focused more on budgetary dollars than on
9 public safety. That concern is real. That is a legitimate
10 concern. It was expressed here by some other testifiers,
11 and I tell you, I hear it from the law enforcement
12 community pretty frequently. And it's examples like
13 Byron Allen. It's examples like this -- and again, I don't
14 know if this is true or not, but it's, you know, it's intel
15 that I have received, and if it is true, it's deeply
16 concerning.

17 And, you know, these diversionary programs might
18 have terrific value and benefit for some folks, but to me,
19 if you bring heroin into any kind of a facility that DOC is
20 operating or controlling, you know, while you're on parole,
21 you need to go back to a State correctional institution,
22 especially when you look at the fact that two people -- I
23 know for a fact two people overdosed and were taken to the
24 hospital. I was able to confirm that, out of that facility
25 on this particular date.

1 So whether there's a Board action that resulted
2 from that or not, I'll follow up with you on. But I
3 presume I'm going to run into some of the same challenges
4 that we had with Byron Allen. You're probably not going to
5 be able to give me the entire history of what has happened
6 with this parolee through DOC and through the Board because
7 of these other statutory bars to sharing information with
8 us, right?

9 PROBATION AND PAROLE CHAIRMAN DUNN: Probably.

10 REPRESENTATIVE STEPHENS: All right. Well, we'll
11 cross that bridge at some point.

12 PROBATION AND PAROLE CHAIRMAN DUNN: I got to be
13 honest about it.

14 REPRESENTATIVE STEPHENS: No, no, no. I
15 appreciate it.

16 But these are, look, these are significant
17 issues. And it's this, with the backdrop of these types of
18 cases that, you know, I sit here as a Committee Member and
19 say, well, you know, are the numbers we're getting from DOC
20 real, you know, when they tell us it's \$110 to house an
21 inmate when they do our fiscal notes on our legislation,
22 but then, you know, they tell Vermont they can take an
23 inmate for 72 bucks? Are the numbers we're getting real?

24 It's hard to have faith in a lot of this, and so
25 it's hard for us to say, okay, one of the checks that is in

1 place is having an independent Parole Board with
2 independent parole agents. And it's those agents that are
3 making the decisions, and that's why I made the point with
4 Secretary Wetzel. The decisions that they make about who
5 they violate or who they -- you have an official definition
6 for "sanctions," so I don't want to use that word. But do
7 you know what I mean? How a parole agent intervenes with
8 an offender or a parolee affects the recidivism rate and
9 everything else that they like to tout. So giving them
10 control over that apparatus, for me, is deeply troubling.

11 This issue of sharing resources, I mean, I know
12 parole loans people to task forces and even the Federal
13 Government for certain projects and things like that. I
14 mean, I have worked with agents who were assigned and
15 detailed to different initiatives. Why can't that same
16 approach be used?

17 If you're telling me, if you're telling me that,
18 you know, there are ways that you could streamline your
19 efforts but Secretary Wetzel has the personnel to do it and
20 you don't and there's no way for you to get the personnel
21 onto your ledger in the budget, you know, why can't that
22 arrangement be used? Why can't---

23 You know, it just seems to me, for me at its
24 core, the issue is the independence and autonomy of the
25 agents on the street. And so to the extent that you can

1 bring forth any alternative proposals that allow you to
2 share resources, that allow you to cooperate more, that
3 allow you to utilize the resources that he is not using
4 because it's more efficient, more effective, I'm all ears.

5 But I think the boots on the ground, those agents
6 on the street, need to have that independence and not be, I
7 don't want them focused on budget issues. I want them
8 focused on public safety and doing what's right by that
9 offender and, frankly, the future victims for that offender
10 and by avoiding those future victims. You know, those are
11 my paramount concerns.

12 So what do you say, though, when Secretary Wetzel
13 says that, you know, these home plans are something that he
14 could oversee better -- right? -- by looking at risk
15 factors, looking at employment, identifying the higher risk
16 parolees and requiring more check-ins and more drug tests.
17 I mean, what do you say when he says he would do all that
18 if he were in charge of this operation and that's not
19 what's being done now?

20 PROBATION AND PAROLE CHAIRMAN DUNN: I would go
21 back to the simple thing that we can always do things
22 better. And we are working, and as we said before, the
23 Secretary and I communicate, our staffs communicate, and
24 we are working to make things better. We just jointly
25 reviewed the home-plan process and are putting in place

1 improvements. So we're doing what you are asking us
2 to.

3 And let's remember on all of this, there are
4 always multiple ways that you can reach the same end goal
5 when you look at them, and then you decide collectively
6 that this is the direction that we would like to go. So I
7 would come back to, we did look at a lot of different
8 things, and this is the proposal that we put forth.

9 REPRESENTATIVE STEPHENS: Okay.

10 Let me ask you this: Whose idea was the merger
11 at its genesis? Do you know? Where did it come from? Did
12 it come from the Board -- and maybe it's better to just
13 ask: Did it come from you? Was it your idea, and did you
14 bring this forward and say, hey, I think this would be a
15 really good idea?

16 PROBATION AND PAROLE CHAIRMAN DUNN: Me
17 personally?

18 REPRESENTATIVE STEPHENS: Right.

19 PROBATION AND PAROLE CHAIRMAN DUNN: No.
20 Remember, that was before I came on the Board.

21 REPRESENTATIVE STEPHENS: Fair. I mean, but your
22 predecessor? Are you aware?

23 I mean, did the Board of Probation and Parole
24 step up and say, we need this so let's do it? Were you the
25 driving force behind this or was someone else?

1 attendance today and your testimony. You may begin when
2 you're ready.

3 BOARD MEMBER BURKE: Okay. Good afternoon.

4 My name is Ed Burke, and I'm currently a member
5 of the Board of Probation and Parole.

6 MAJORITY CHAIRMAN MARSICO: Could you bring the
7 mic closer? Thank you.

8 BOARD MEMBER BURKE: Again, my name is Ed Burke.
9 I'm a member of the Board of Probation and Parole.

10 And I truly want to thank this Committee today
11 for doing the right thing, for opening up this session so
12 we can talk about something that I have been involved with
13 for years, something that I'm passionate about.

14 The last time that we testified, I think I'm
15 sitting in Mr. Imboden's seat. I think you guys might
16 remember Mr. Imboden. My personality is a little different
17 than his, but I'm as passionate as him.

18 I also believe that public safety is the
19 paramount responsibility of government, so I want to thank
20 you for having us here today.

21 A couple of the things that prior -- the prior
22 people that testified today.

23 I guess I found out today, when you guys found
24 out, that I'm one of the only two Board Members that didn't
25 sign on legislation, that didn't sign on the proposal. I

1 didn't see it. It wasn't brought to me. It wasn't
2 discussed with me. So I didn't sign it. I didn't see it,
3 and I just found that out today, that six of the eight
4 Board Members signed on it. Okay.

5 I will say that we had a very good discussion
6 last week in our Central Office, and although I'm not
7 shocked, I'm very surprised that six of the eight signed
8 it, but they did.

9 You know, in driving in here from Centre County
10 yesterday, which is where I live, I got an email. I got it
11 about 3:04 p.m., and the email was titled -- it was from
12 the leaders of the Department of Corrections and the
13 Pennsylvania Board of Probation and Parole and it was
14 titled "Unification of the Board of Probation and Parole
15 and the Department of Corrections." This email was sent to
16 the entire staff of the Parole Board, everybody -- the
17 agents, supervisors, district directors. Everybody
18 received a copy of it. Okay.

19 In the email, it went on to describe Senate Bills
20 522 and 523, the overview of the legislation, and the
21 effect of the bill. My take on it was that it was a slam
22 dunk. I was tempted to call in here and ask if we were
23 still going to have this hearing today, if we would be able
24 to celebrate Memorial Day early, because my take was it was
25 a slam dunk.

1 I'll get into a little bit of my background. But
2 I have been with the Board for 33 years, okay? I have been
3 on the Board for 6 years. Prior to that, my father debated
4 the same issue with Governor Milton Shapp in 1971, so it
5 has been going on that long.

6 I received a number of phone calls last night
7 after that email came out, a lot of concern from boots on
8 the ground, our field agents: Mr. Burke, what should we
9 do? Should we look for another job? And I said, no, it's
10 not over; it's not a slam dunk; we're going to talk about
11 it tomorrow, and here we are. And again, I really
12 appreciate you guys opening it up to us.

13 A little bit of my testimony.

14 You know, I don't come before this Committee with
15 malice or a condescending purpose. I don't. I listen,
16 okay? I chose to testify in a matter of public safety, in
17 which I have played a part in for 35 years, over 32 years
18 with the Parole Board.

19 I have listened to and debated this proposal for
20 over 40 years, okay? Since I have been 18, I have been
21 debating, listening, through several Administrations,
22 Democrat and Republican, and in the end, the proposal has
23 continually been viewed as unacceptable or not the right
24 kind concerning public safety.

25 My background includes graduating from Harrisburg

1 Area Community College, which was a wonderful experience,
2 and then I went on to Penn State University, where I
3 graduated in the Administration of Justice.

4 I worked for Dauphin County Juvenile Probation
5 from 1982 to March of 1985, and in 1985 I began my career
6 with the Parole Board at SCI Rockview, okay? So I have a
7 little bit of a different take, not only on field but also
8 pre-Parole.

9 I worked at Rockview for 29 years, and what we
10 were responsible for at Rockview was gathering all the
11 information for the decisionmakers, which is extremely
12 important. We interviewed, Parole Board interviews
13 anywhere between 42 and 56 violent cases in a week, okay?
14 So our decisions are huge, and obviously we don't have a
15 ton of time to make those decisions.

16 My job at Rockview was to get all the information
17 to the decisionmakers, and I was very vested in that. I
18 ended up being a supervisor at Rockview, where I supervised
19 seven agents, an institutional parole assistant, and I
20 always told them, gather the information for the
21 decisionmakers as if you were a decisionmaker.

22 We need to see -- we almost need like a blinking
23 light when we're looking at it. We get ICSAs. It's
24 integrated case summary. Sometimes they're 38 pages long.
25 We get information from the SOAB evaluations. We get a ton

1 of information. And our staff in the institution has to
2 billboard that information to us so it's standing out so we
3 can see, what are we looking for?

4 Right now, the Parole Board has control over
5 those agents. So when I'm in an institution, I could call
6 an agent in. I go to Houtzdale, Huntington, Smithfield,
7 Rockview, Benner. I could call an agent in or their
8 supervisor and say, there's a hole in this report. I can
9 give you an example.

10 I talked to a supervisor at SCI Benner a couple
11 weeks ago, and she said that there was an ICSA that they --
12 what happens is, the Department of Corrections gathers the
13 initial ICSA, okay? And then it goes to our staff, and we
14 add on.

15 So an ICSA came to one of my agents at SCI
16 Rockview, or at SCI Benner, and there was an aggravated
17 indecent assault of a minor, okay? And when it came over
18 to our office, it clearly said "Disposition Unreported."

19 So what happens is, and I'm not here to throw
20 anybody under the bus, but what happens is, the Department
21 of Corrections gives the inmate a questionnaire and they
22 fill the questionnaire out. Sometimes they maybe call them
23 in if they have a question. Most of the time, it's based
24 on a questionnaire, and that's the report that goes to the
25 Parole Board, with our agents compiling more information.

1 It came over to our agent. Our agent thought
2 there was something wrong, so she asked the guy, what
3 happened with this aggravated indecent assault? And he
4 said, well, I don't really remember; I can't remember; I
5 don't know. And she said, were you convicted? And he
6 said, nah, I don't think so; I don't know; what's it say?
7 "Disposition Unreported."

8 So our agent dug in. Two hours, two hours later
9 we come to find out that, yes, he was convicted, and
10 because he was convicted, by policy he had to complete at
11 least a couple of programs. One of them was violence
12 prevention. The other one was, if somebody has a
13 conviction for an offense like that in their background, I
14 as a decisionmaker want to at least have a sex-offender
15 evaluation to determine, does the guy need sex-offender
16 counseling? He probably does.

17 With that said, I was at a meeting this week, the
18 Pennsylvania Association of Probation, Parole and
19 Corrections and also the Middle Atlantic States
20 Correctional Association. A lot of people there, and as I
21 usually do, I walk around the room and try to see people
22 that I don't know, don't know where they're from, and sit
23 down with them. I don't wear my name tag. They don't know
24 what I do.

25 So I sat down with two ladies on Tuesday, and

1 they worked for New York Corrections, okay? The State of
2 New York Corrections, and they worked at Sing Sing. And
3 they said, what do you do? And I said, well, I work for
4 the Parole Board. And as soon as I said that, they said,
5 don't let it merge. Don't let it merge; it was one of the
6 worst things that we did.

7 And I said, well, tell me about that. And they
8 said, listen, we work real hard in the institution. We're
9 counselors in the institution and we work real hard, and
10 we're case managers and we do a good job -- prescriptive
11 programs; run groups -- but we're not vested in the reports
12 that we give to the Parole Board. We don't work for the
13 Parole Board. So we want to do a good job. We want to do
14 a good job with that report, but we don't have the time to
15 get the information necessary to make a decision.

16 I'm not throwing the counselors under the bus.
17 I'm just saying, coming from a pre-Parole where we have
18 institutional parole agents and we're the decisionmakers
19 and we're turning them loose into your counties, I'm
20 telling you, we need thorough, good, accurate information.

21 I'm not saying that the Department of Corrections
22 doesn't do the best they can. I think they do, but now
23 you're putting a hat on somebody who is working for the
24 Department of Corrections. They are not working for us.
25 We come in and we say, this isn't a good report. Who are

1 we going to go to? We don't have anybody in the
2 institution that works for us. We have nobody in the
3 institution that works for us.

4 Okay. My father began his career at SCI -- it
5 was called Farview State Correctional Institution as the
6 athletic director, and he became a parole agent and he rose
7 to the position of Superintendent of Parole. He worked for
8 the Parole Board for over 38 years and debated this issue a
9 number of times. Mr. Paul Descano, who is going to testify
10 later, took my father's position when my father retired,
11 okay?

12 I'm an open-minded person, open to debate, but I
13 have not heard one good reason for the merger. If I did, I
14 would welcome it, and I would. I would say, hey, tell me
15 more about that; tell me more about that. But, you know,
16 listening to the testimony this morning, I thought maybe I
17 should come up and say, listen, I don't want to step on my
18 tongue. I think a lot of the people that testified before
19 me made my point, made my point how well the Parole Board
20 is doing. I didn't hear anybody come up here and say the
21 Parole Board is not doing a good job.

22 It kind of confused me a little bit. I wondered,
23 who is for the merger and who isn't for the merger? When
24 questions were asked, you were told about how well we were
25 doing.

1 We have Christian Stephens here and Luis Rosa,
2 two of our Directors, outstanding young guys. They're
3 doing a great job. They're doing a great job. They don't
4 sit on their hands. We're on the cutting edge of all the
5 Parole Boards in the country. But really, frankly, I
6 couldn't see the argument. I couldn't see the argument.
7 So I almost just came up and said, hey, listen, I really
8 don't have anything more to say; it has all been said for
9 me.

10 For years I paid attention to the system. At an
11 early age, I can recall sitting in the backyard of the
12 Board Chairman's house as I was listening to drafts and
13 discussions of business with public safety at the
14 forefront. I was always impressed with the discussion of
15 professional executive decisionmaking discussed by people
16 with years and years of experience in parole supervision.

17 Training was formulated by executives with years
18 of experience, assessments and evidence-based practices
19 were adopted, and decisionmaking and supervision practices
20 were thoughtfully formulated. I think our Chairman
21 testified to that.

22 The agency was always proactive, always looking
23 at evolving ideas and practices, and we are the experts in
24 field services, field supervision. We are the experts.

25 When discussing the merger, I have been basically

1 given four reasons -- okay? -- and I think we heard them
2 today.

3 Money; \$10 million, okay? So when I heard
4 \$10 million, I said, tell me more about that. I understand
5 we're financially strapped; I do. I'm conservative; I
6 understand we are. But I said, tell me more about that.
7 Give me some line items. Give me something that really you
8 can tell me, and I was told, I'll get it to you. I haven't
9 seen it, okay?

10 And really, is \$10 million in a \$1.3 billion
11 budget worth public safety? I don't see it.

12 Continuity of service. I'm not sure, again,
13 what's meant by that. We have outstanding parole agents,
14 re-entry agents, and supervisors inside institutions who
15 gather information for decisionmaking. I see it now and I
16 have seen it for the past 33 years. These agency employees
17 are very vested and report additional important information
18 not often included in other reports.

19 We have an outstanding re-entry program.
20 Luis Rosa is here; we have an outstanding re-entry program,
21 including ASCRA agents who provide continuity of care;
22 outstanding re-entry programs including cognitive therapy,
23 violence prevention, booster, family reunification, and job
24 development.

25 We talked about job development this morning.

1 We're doing that. We're doing that. We have agents. We
2 have institutional agents that are re-entry agents, we have
3 institutional agents that are veterans service agents, and
4 we have institutional agents that are mental health agents.
5 We are bridging the gap.

6 Twenty-five years ago if I sat here, I would say
7 there probably was a problem with continuity of service.
8 There isn't anymore. There isn't anymore. We have agents
9 inside the institution that are bridging that gap for
10 continuity of service.

11 We are currently reducing CCC bed dates and have
12 better results. We are sending our offenders home to a
13 home plan, okay? I think I heard -- and I don't hear real
14 well. I can't hear out of this ear. I got a hearing aid
15 in this year. That's old prison injuries that I got. But
16 I think I heard the Secretary testify that we're not
17 getting good results out of the Community Corrections
18 Centers. We're not. We're not getting good results. So
19 we have our agents now talking to these offenders about
20 home plans.

21 We just interviewed juvenile lifers. They all
22 thought that they would have to go to CCCs. I said to
23 them, where is your best chance to succeed? Where is your
24 best chance to succeed, and most of the time they told me
25 home. So we just reduced 1,500 bed dates, and we're

1 basically going away from paroling people at CCCs. Our
2 results are good. I talk to them about going home.

3 Redundancy of work. Again, I'm not sure what's
4 meant by this. Having worked in the institution for
5 29 years and now a decisionmaker, I have seen the necessity
6 of having a vested agency and institutional staff report
7 accurate research information for decisionmakers.

8 I do believe everybody in the business has public
9 safety at the forefront. However, DOC, I think I heard the
10 Secretary say today, is responsible for care, custody, and
11 control, okay? And they do an outstanding job.

12 I worked at Rockview 29 years. The DOC staff
13 there was outstanding. They are responsible for care,
14 custody, and control. We're responsible for making the
15 decisions of who should stay in, who should be left out,
16 and then also who should be brought back.

17 We will not have any -- when you asked about
18 oversight, and I know somebody asked about, will this
19 change in oversight? Yeah, it will change in the
20 oversight. The oversight will be, the Department of
21 Corrections will have our agents. That changes, that
22 changes the oversight, and I'm worried about it.

23 The parole agency is the re-entry and field
24 supervision experts. I do believe both agencies do an
25 outstanding job with it. That's in their responsibilities.

1 Reduction in recidivism. Recidivism rates for
2 offenders who are paroled to a home plan under parole
3 supervision are trending down, okay? So the recidivism
4 rates for people that we parole to a home plan are trending
5 down, whereas paroling to a CCC are trending up.

6 When we look at parole violators, I know
7 Mr. Imboden testified 2 years ago, we now have a waiver in
8 place, okay? So we now have a waiver in place so we don't
9 have to have so many hearings. The majority of our cases,
10 the majority of the people that we're going to take their
11 freedom from, that we're going to put back inside a jail,
12 the majority of them waiver here. They say, okay, yeah,
13 you're right; we give up; you better get us off the street
14 or else there are going to be problems.

15 So it is not out there that -- we're not out
16 there looking to increase the prison population, but when
17 it comes down to it, these guys are telling us, yeah, we
18 waive. We waive; we waive every due process right. We're
19 saying, you got us; we did it. We're coming back; you
20 better get us off the street.

21 We have worked hard to determine public safety.
22 The Parole Board is on the cutting edge of decisionmaking
23 nationally and internationally. We use evidence-based
24 practices, machine-driven forecasts, and our expertise in
25 cognitive behavior to determine public safety risk.

1 Continuity of service is achieved through the
2 training of institutional field agents in re-entry, EPICS,
3 sanctioning grids, and basic field service practices. We
4 remain at the forefront of the Parole Boards in the
5 country. We do.

6 When myself, or I think all three of us were out
7 in Denver last year, Denver, Colorado, at the Department of
8 Justice.

9 BOARD MEMBER GREY: 2014.

10 BOARD MEMBER BURKE: Two years ago.

11 BOARD MEMBER GREY: 2014.

12 BOARD MEMBER BURKE: Okay. 2014.

13 BOARD MEMBER GREY: It was 2014.

14 BOARD MEMBER BURKE: Time flies when you're
15 having fun, I guess.

16 But we were engaged in a conversation to the
17 point that the facilitator of the meeting said, can
18 somebody else jump in here besides Pennsylvania? And they
19 said, we don't have what Pennsylvania has; they are on the
20 cutting edge.

21 The APAI, the Association of Paroling Authorities
22 International, come to us. They're always emailing us,
23 asking us, how are you guys doing? What are you doing?

24 We had a Parole Board come in from -- Australia?
25 New Zealand.

1 BOARD MEMBER GREY: New Zealand.

2 BOARD MEMBER BURKE: We had a Parole Board that
3 came in from New Zealand into Harrisburg to talk to us
4 about how we're doing it. So that's where we're at. We
5 are viewed as one of the top paroling authorities in the
6 country.

7 In closing -- and I know I speak quick. I was
8 down talking to my Legislator yesterday, and they said,
9 slow down; you're speaking too quick, but I'm passionate
10 about it.

11 In closing, I don't see any positives or
12 advantages to this proposal. Consequences are not etched
13 in stone. I have not nor will I ever be convinced that we
14 should risk consequences when we're talking about public
15 safety.

16 So if the system -- and I did have something
17 about a shiny apple cart in here, and I heard you say that.
18 Mr. McKay said, take that out; that sounds corny. And I
19 said, well no, we are a shiny apple cart. We're a shiny
20 apple cart.

21 Thirty-three years I have been with the
22 Parole Board. We debated this. My father debated it in
23 1971 with Milton Shapp. It's not a good idea. It has
24 never been a good idea. If we don't have control over our
25 agents---

1 You know, we talked about, another thing that I
2 know somebody was passionate about in here is the opiate
3 epidemic. We have re-entry courts, okay?

4 I used to have a re-entry court in Berks County.
5 Judge Ludgate, when Judge Ludgate went off the bench,
6 unfortunately that went away. But now I have a re-entry
7 court in Scranton, Judge Mike Barrasse. I don't know if
8 anybody knows Judge Mike Barrasse, but he is the President
9 of the National Association of Drug Court Professionals,
10 which I'm a member of, and we meet in Washington, DC, at
11 the National Harbor in July. It's an outstanding
12 conference. It has to do with re-entry courts, working
13 with veterans, working with drug and alcohol, working with
14 domestic violence. Our results are outstanding.

15 I run one every month in Scranton where we hold
16 people accountable or we work with people. The results are
17 outstanding.

18 So we are doing everything we can to run our
19 field services, to make good decisions. And I'll be honest
20 here today, I think it would be a major mistake if we
21 merged.

22 That's all I have.

23 ASSISTANT DISTRICT ATTORNEY MCKAY: Okay. Well,
24 I'll go.

25 BOARD MEMBER GREY: Okay.

1 ASSISTANT DISTRICT ATTORNEY MCKAY: Well, my name
2 is Craig McKay. I'm an Assistant District Attorney in
3 Washington County, Pennsylvania. I'm that vacancy that
4 Leo Dunn mentioned.

5 I'm a former Board---

6 BOARD MEMBER GREY: You need to get closer.

7 ASSISTANT DISTRICT ATTORNEY MCKAY: Can you hear
8 that now?

9 MAJORITY CHAIRMAN MARSICO: Yeah.

10 ASSISTANT DISTRICT ATTORNEY MCKAY: Okay.

11 Well, I am a former Board Member. I'm presently
12 an Assistant District Attorney in Washington County,
13 Pennsylvania. I am that former vacancy that Mr. Dunn
14 mentioned. I recently left the Parole Board, 2 months ago.

15 But I was a Parole Board Member for 5 years. I
16 do have many years of criminal justice experience, which
17 includes being an Assistant United States Attorney in
18 Pittsburgh, Pennsylvania. I have been an Assistant
19 District Attorney, for the second time. And I also was in
20 private practice, and I defended those who were charged
21 with a crime.

22 So I believe, as I have always believed, that
23 this merger, or proposed merger, is not in the best
24 interests of public safety for the citizens of the
25 Commonwealth of Pennsylvania, and that's why I'm here

1 today.

2 As Ed told you, and I think it's well -- maybe
3 it's not well known, but it's known that the Pennsylvania
4 Parole Board, you're lucky, is generally regarded as one of
5 the finest independent Parole Boards in this country. It
6 has a 65-year legacy of being unique and effective as an
7 independent agency and which functions at the highest
8 level.

9 Now, I know nationally, while some Parole Boards
10 are part of the DOC, that is really of no consequence here.
11 It is simply a DOC national model, which is subject to
12 disagreement.

13 And I looked at the schematic of all the
14 different Parole Boards in the United States one time on a
15 piece of paper, and they're all over the place, and they're
16 all based on that State's culture. Some are in the DOC and
17 they are totally dependent. Some are in the DOC and
18 totally independent. So you really can't look at any
19 particular State and compare it to what Pennsylvania does.

20 Pennsylvania does what it has been doing for
21 65 years, and it's based upon the will of the citizens of
22 the Commonwealth of Pennsylvania and the elected officials
23 who created the Parole Board for sound reasons, and those
24 sound reasons still remain today. And that's my argument
25 today.

1 The Parole Board has worked hard and utilized
2 best practices, which has resulted in the continuing
3 reduction of the prison population. So the prison
4 population continues to go down, and that's through the
5 hard work of the Pennsylvania Parole Board and no one else.
6 They are working very hard.

7 I remember when we were down four Board Members
8 about a year ago. Unbelievable. We were, like, half
9 staffed. I can assure you, we were working 7 days a week.
10 We worked 7 days a week, night and day, because we did not
11 want to let the citizens of this State and you down. And
12 that went on for month after month after month after
13 month.

14 The Board, as has been told you, is completely
15 electronic now, which translates to a savings of about a
16 million bucks a year. We're doing a lot of the interviews
17 with the inmates on videoconferencing. We don't travel
18 around much anymore prison to prison. We have to do it
19 sometimes, but that saves a lot of money, too.

20 And this is what you have to think about, which
21 has already been raised here. I know it has been raised,
22 but this proposed merger of the Parole Board into the DOC
23 is going to drastically change the criminal justice system
24 in the Commonwealth of Pennsylvania. It's going to
25 drastically change the criminal justice system in this

1 State.

2 It would eliminate the Parole Board as an
3 independent agency, a stand-alone independent agency, and
4 reduce the Board to a departmental board within the
5 Department of Corrections.

6 The proposed merger bill that you're looking at
7 would give the Department of Corrections total and absolute
8 power over inmate incarceration, the prison population,
9 parole, and parole supervision. So think about it.

10 The staff of the Parole Board would be paid and
11 controlled by the Department of Corrections. The Board
12 would be left with a departmental staff of, probably it
13 would be less than 100 people, and placed in an agency that
14 numbers over 15,000. The concentration of power into one
15 agency controlled by the DOC, in my view, is very troubling
16 and not in the best interests of the citizens of the
17 Commonwealth of Pennsylvania.

18 The Parole Board has always been an independent
19 agency in the Commonwealth. Its parole decisions have
20 never been subject to outside influences, pressures, or
21 politics. The Board utilizes evidence-based practices and
22 techniques in making its decision whether or not an inmate
23 is ready to be paroled to the community.

24 The Board listens to the recommendations of the
25 judge, the District Attorney, and the DOC.

1 It hears the testimony of the victims. We
2 interview victims every single month, and trust me, it
3 breaks our heart. Every month, we interview victims. And
4 when you say 49,000 people are in prison today in the
5 State of Pennsylvania, that means there are at least
6 49,000 victims. So think about that. And we talk to those
7 people, and we are looking out for their interests, too.
8 They cannot be forgotten.

9 In any event, in the end, the parole decision is
10 based solely on public safety factors and not on prison
11 cost-saving considerations. To do otherwise would place
12 the safety of the citizens of the Commonwealth, I believe,
13 at risk.

14 Look, the Department of Corrections does a good
15 job in performing their primary mission, their primary
16 mission of managing the care, custody, and control of the
17 prison population. The DOC's education and training
18 programs are well known. However, the front-line mission
19 of the Parole Board is different than the prison population
20 management mission of the DOC. This is where the missions
21 of the two distinct agencies sometimes collide. This is
22 the compelling reason why the Parole Board and the DOC
23 should not be combined.

24 Maintaining the checks and balances between the
25 Parole Board and the DOC is critical. In this regard, the

1 public safety of the citizens of the Commonwealth mandates,
2 I believe, that the Parole Board and the DOC remain
3 separate.

4 The justification for this proposed merger is, I
5 guess, the alleged savings of \$10 million by doing away
6 with overlapping functions. However, there are no
7 overlapping functions of any real consequence. And the
8 interface between the DOC and the Board is seamless and
9 practically electronic. Indeed, there has never been any
10 really definitive study that I have seen -- I have never
11 seen one; I guess maybe you have seen one -- to support
12 that there will be any savings whatsoever.

13 And most importantly, saving money by reducing
14 the prison population is no justification for potentially
15 compromising the public safety of this Commonwealth.

16 I'm almost done. Here it is:

17 As elected officials, as elected officials, you
18 perform many functions and duties for which I am very
19 grateful. It is often said that an elected official's most
20 important function is to maintain the safety of its
21 citizens and protect them from harm. In the final
22 analysis, your decision here is to balance the unproven
23 savings of \$10 million versus public safety.

24 Further, I believe there is no amount of money
25 and no price that can be placed on public safety.

1 I have spoken to many parole agents regarding
2 this proposed merger. None of them are in support of this
3 merger.

4 Throughout my professional life, I have both
5 prosecuted and defended those charged with crime. In each
6 instance, I have dealt with a principle called reasonable
7 doubt. The judge usually charges the jury that reasonable
8 doubt is such a doubt as would cause you to hesitate in
9 matters of importance to you. Today, you are the judges
10 and the jury in a matter of great importance to the
11 Commonwealth of Pennsylvania.

12 After you hear the testimony today, after it is
13 concluded, and after you have reviewed all the evidence, I
14 believe there is no doubt -- no doubt, reasonable or
15 otherwise -- that Senate Bill 522 is flawed and you should
16 vote "no" to this bill.

17 Thank you.

18 BOARD MEMBER GREY: Okay. Would you like me to
19 begin? Okay.

20 And again, I can see the clock as well, and I
21 would like to point out to you, I win the prize for the
22 furthest distance traveled today. I drove in here from
23 Erie, Pennsylvania. I did so in my own car, at my own
24 expense, on my time, because I felt it was important to be
25 here and give you the benefit of whatever of my own

1 experience in being a member of the Parole Board.

2 So again, my name is Leslie Grey, and I am a
3 Board Member. I want to thank you for the opportunity
4 again to provide testimony. Clearly this would effect a
5 transformation.

6 I want to remind you that I was appointed by not
7 the current Governor, but I took an oath to start my office
8 and I didn't swear an oath to the Governor. I didn't swear
9 an oath to -- I swore an oath to the law. I swore an oath
10 to protect and use my best judgment, my good sense, and my
11 discretion in order to arrive at decisions that will serve
12 public safety.

13 So in my mind, it's as simple as that. All the
14 decisions I make revolve around whether an inmate I'm
15 talking to can be safely put out into the community,
16 period, in the end, and whether or not they need to be
17 returned out of the community because they create a risk.

18 I am also an attorney. I have been licensed to
19 practice law in Pennsylvania for 31 years. Before my
20 service here, I was a Deputy Attorney General. I served in
21 the Bureau of Consumer Protection and worked with many law
22 enforcement agencies. Sometimes Consumer Protection caught
23 things that criminal prosecutions couldn't make, so we got
24 it. So I have also done criminal defense work, so I have
25 been all over the map, too, as far as practice of law.

1 But I do want to say that I have been very proud
2 to serve the Commonwealth as a Board Member for the Board
3 of Probation and Parole, and I have been even more proud of
4 the agency. I have not worked with a more hardworking,
5 smart, dedicated group of people serving a common purpose.
6 They impressed me from jump street, and I have been with
7 the Commonwealth a long time. The fact is, as my
8 colleagues have said, we are a model of good practices.

9 Prior to -- the first time around, I testified.
10 Some of you may remember me. I certainly remember some of
11 you. And then, I couldn't find a good rationale. None of
12 the information I got made sense to me, that my opinion
13 hasn't changed at all on that point. I remain deeply
14 concerned about public safety and the impact of this
15 organizational redoing, how that would have especially on
16 the field supervision.

17 And also, just to re-illustrate, you know, a part
18 of our decisionmaking, we rely on facts contained in
19 reports that are generated by our staff, and if there is a
20 gap, it's very easy for me right now to say, okay,
21 institutional agent, I need to know fact A, B, C; make sure
22 you get it for me, and I'm sure they are more motivated
23 than DOC staff would be to accommodate my informational
24 request. Not that it's a slam on them, but, you know, we
25 work for who we work for. It's a fact of human nature.

1 So I will again reiterate, DOC does care,
2 custody, and control, management of offenders, and we make
3 decisions. And we follow the parameters of court-imposed
4 sentences, and we set additional conditions with an eye
5 toward public safety, not an eye necessarily toward
6 depriving people of their adult rights and duties but in
7 order to protect public safety.

8 I would like to address quickly a couple of
9 common misconceptions. We did go over it a bit, but the
10 first is that we are really maybe too quick to
11 reincarcerate people for technical violations -- visiting
12 the bar, moving, traveling to grandma's funeral that
13 happens to be out of the district, you know, things that
14 even the mainly law-abiding parolee may be doing.

15 This is where Mr. Stephens talked about the
16 Violation Sanction Grid, and that is a sensible tool that
17 we use to visit a fair, proportionate sentence on a
18 technical violator, someone who is almost, if it helps you
19 make sense, if you think of a juvenile in a status offense,
20 if you're a juvenile and you're out past 12 in some towns,
21 you have a problem. If you're an adult, it's not a
22 problem. The same thing if you're a parolee. Your status
23 may drive some of these issues.

24 So what this grid does is allow for a methodical
25 determination, only on technicals. Of course, the criminal

1 violators are arrested and reincarcerated, and a court will
2 determine what new sentence may apply to them.

3 I do want to bring up Act 122 and focus a little
4 bit on that. That has already revamped our approach. And
5 it sets forth which type of technical parole violations
6 these status offenses, TPVs, merit incarceration in a State
7 prison.

8 And going to, I believe it's Representative
9 Stephens up there that asked that question about
10 Philadelphia, that should be covered by the "Fab Five."
11 And again, I don't want to throw anyone under the bus, but
12 allowing to reincarcerate technical violators can happen,
13 and you can determine for yourself if you think which one
14 is applied here:

- 15
16 • The violation involved assaultive, first,
17 sexual misconduct.
- 18 • The violation involved assaultive behavior.
- 19 • The violation involved possession or control
20 of a weapon.
- 21 • The parolee has absconded, taken off, and
22 can't be safely diverted, emphasis on "safely"
23 diverted, which should take out people who are upset
24 over their home plans, okay? We can work with those
25 people.

1 • There exists an identifiable threat to public
2 safety, okay? And I'll leave you to make that
3 determination.

4
5 But that is captured in our system, and we are
6 already doing that. Just to bring that point home and
7 maybe add a little flesh to the bones that were discussed.

8 I did include that, this separate page, that lays
9 out the "Fab Five" among the materials. Now, I know you
10 have -- I'm sure you have a forest full of paper to read,
11 but anyway.

12 So under Act 122, there are specific parameters
13 about the time of recommitment so we can work with people:
14 the first offense, first time back, 6 months; second time
15 back, 9 months; third and subsequent time, 12 months, and
16 that's it.

17 So, you know, the idea that we lock, you know,
18 people are getting locked up for no reason is inaccurate,
19 let's say. The fact that our system -- our system does
20 provide for those who maybe present more of an identifiable
21 risk and they need to be off the street. They need to be
22 locked up.

23 And also, there is an automatic re-parole with
24 technical violations, unless, unless they act out in
25 incarceration, if they're getting misconducts. The

1 specific is, if they have committed misconducts in their
2 technical incarceration for assaultive behavior, sexual
3 assault, or having a weapon or controlled substances at the
4 place of detention; or if they have spent more than 90 days
5 within separate, you know, in disciplinary custody
6 basically, segregated housing for poor conduct; and the
7 third is if they have refused a treatment program or they
8 have refused a work assignment.

9 So those are reasons they can -- a parolee who
10 has been brought back on a technical may not be
11 automatically released, that it's based on their
12 misconduct. And there are signs that they may not -- I
13 tell inmates, if you cannot maintain your conduct here with
14 people on you 24/7, what can I do? You know, you need to
15 persuade me that you are safe to put out in the public, so
16 please, please, for your own sake and all of ours, take
17 care of it.

18 Quickly, the second common misconception -- and
19 this is just me. If you don't understand this, then I'm
20 sorry. But I often hear the term bandied about on this.
21 We have too many "nonviolent drug offenders" locked up in
22 prisons, clogging up the prison, spending our money when
23 it's not necessary. When we hear that term, it tends to
24 create a mental image in people, I believe, and the mental
25 image is some sick addict, some hapless poor soul who has

1 been incarcerated, you know, locked up because they're an
2 addict.

3 There are such unfortunate people. You know,
4 there are sick, hapless souls, and some of them are more --
5 they're mostly -- let me correct myself. Those addicts,
6 those sick, hapless souls, are not generally locked up for
7 felony-level drug violations -- okay? -- that a nonviolent
8 drug offender is a different sort.

9 The person, the first sick, hapless soul is much
10 more likely to be in State prison for things like burglary;
11 repeated retail theft; credit card or access device fraud;
12 robbery; fraudulent business practices; falsifying
13 prescriptions; breaking into vacant buildings for copper
14 and fixtures, which they all call scrapping, people
15 commonly call scrapping; other thefts and other scams that
16 are aimed at getting drugs or getting money to buy drugs.
17 That's our hapless drug addicts. That's what they are
18 committing.

19 Now, the corrections/criminal justice specific
20 definition, the one where I get documents saying this
21 person is a "nonviolent," quote, unquote, "offender," more
22 accurately applies to that offender who is engaged in
23 felony-level drug sales, including sales of heroin,
24 cocaine, and the like. These nonviolent offenders
25 frequently carry illegal firearms for protection in their

1 dangerous business, but they have not yet been convicted of
2 shooting anyone or otherwise assaulting someone related to
3 their drug-sale activity.

4 In fact, they often may be the entrepreneur
5 running the drug ring, those organizations that are
6 bringing the violence to our neighborhoods. They are
7 demoralizing and intimidating the law-abiding residents and
8 destroying the communities while they're selling a product
9 that kills those who become addicted.

10 And hearing the questions we have from the
11 community, surely you're well aware of all of this and
12 you're aware of the opioid and heroin epidemic that is
13 sweeping Pennsylvania and the death and loss and the sorrow
14 that's associated with that.

15 With that, I did want to add a word about
16 Vivitrol, the gentleman over there who seems to not be
17 there, but I want to answer the question anyway.

18 I make an effort -- I believe my colleagues do --
19 when an inmate I am talking to appears to be a Vivitrol
20 candidate, to make that recommendation and ask that they be
21 evaluated for it. Vivitrol is the agent that blocks the
22 effectiveness of an opioid or an opiate drug. It's also
23 very effective on alcoholics.

24 My passion, where I come from aside from all of
25 my legal work, I have been involved in addiction and

1 recovery for decades. I work with the LCL. I have been on
2 the Erie County Drug & Alcohol program's oversight board,
3 and it's a topic of passion. It's a topic of lived
4 experience, literally, for me. So I am all over this topic
5 and very interested.

6 I recently attended an LCL seminar where I
7 learned some facts about Vivitrol. Basically, that it
8 works. Basically, there were people there who were in
9 recovery who were working with people on Vivitrol. But I
10 want to caution, again, that Vivitrol is the magic bullet.
11 There is no magic bullet for addiction. There is none.

12 What Vivitrol can do for heroin addicts, opiate
13 addicts, and also alcoholics is to slow down the craving so
14 that the counseling and that the recovery programs can
15 work. That's what it does. That is a longer term
16 solution.

17 And I would urge you, whenever you hear the word
18 "treatment," that does not mean recovery. Treatment and
19 recovery are two different things. Treatment is maybe a
20 physical cleansing of the body of the drug. It may be a
21 period of time in a rehab or a halfway house, kind of
22 recovery oriented. But actual recovery is an adopted
23 lifestyle that we hope we can motivate the parolees to buy
24 into and to take steps.

25 I know when I interview people, that's the

1 thrust. I offer my knowledge to the Board wherever
2 possible, wherever asked, and often when not even asked and
3 tell people about this.

4 I think if we can improve in this area, I think
5 we can step up the training of the agents in more effective
6 work with some of these medications and certainly with
7 recovery programs and longer term, a longer term situation.
8 We get so in love with successful completion of something,
9 and that may or may not be it. I think we may -- it's just
10 a fact.

11 It can be a spectacular life-changing thing when
12 an inmate or anyone finds recovery, and I'm happy to serve
13 in that capacity and be a part of it. But I'm also happy,
14 as I tell the inmates, if you don't want to do this and
15 you're hurting people, then you may have to go back to jail
16 and maybe you'll get it the next time. But the part that
17 is unacceptable, you know, to be an addict is what it is.
18 To hurt other people on it is not acceptable, and that's
19 how I view my role within that situation.

20 So I wanted to make that point, and the main
21 point is, medications may be helpful but that it's not the
22 whole answer. There's a whole lot of work, and we can all
23 take part in it.

24 I do want to mention, there was several that
25 mentioned that the DOC has absorbed the Parole Board's

1 research and statistics department. That may create a cost
2 savings. What my hope would be is that access to that
3 staff become a little more open to me and members of the
4 Board. That has not been my experience to date. I know
5 that that circumstance occurred following some discussion
6 with the Board, that let's say it wasn't a unanimous -- the
7 Board wasn't unanimously positive with that move, and
8 perhaps we can adjust the terms of that to make it a little
9 more effective for all of us.

10 As a Board Member, I do want to say, you know, we
11 have heard a lot about that the Board and the Chairman of
12 the DOC have talked, or the Board and the Secretary of the
13 DOC have talked. See, the Board, though, tends to mean, it
14 has intended to mean the Board at large in all of the
15 conversations. So I have read the statute, but it was
16 certainly -- I haven't submitted any proposed changes nor
17 have I been directly asked to do anything like that.

18 I didn't find out about this hearing from our own
19 staff, from our staff. I heard about this hearing, but I
20 didn't hear about it from our staff until last week, at
21 last week's board meeting.

22 What we do know, going back to Act 122 -- and I
23 am close to done, too -- is that it did make significant
24 changes to parole supervision and the management of TPVs,
25 and that was this whole format that I had talked to you

1 about. Act 122 contemplated a 5-year review, so that was
2 2012. This is 2017. This is year five. So I'm kind of
3 wondering why are we not just evaluating the effectiveness
4 of Act 122 rather than trying to merge everything together.
5 You know, we have a law in place that provides for this
6 sort of review.

7 I know that the Parole Board and the entire staff
8 have worked very hard to conform its evidence-based
9 practices and the methods of supervision with the goals and
10 the philosophy contained in Act 122. I take following the
11 law very seriously, along with everyone here. So we have
12 worked to follow those concepts and keep the public safe.

13 We have obtained some very impressive results.
14 Just generally, you have heard all the testimony. Prison
15 population is down, recidivism is down, and substantial
16 money is saved and more may be saved in the future.

17 To me, it's unclear why we're just not reviewing
18 Act 122 and coming up with a solid report card on that
19 process. It was 2 years ago almost that we were here
20 talking about this straight merger. It seems to me it was
21 in the winter, not last winter but the winter before.

22 I would urge you to not roll the dice on public
23 safety. Maybe let's revisit what we have in place and see
24 what's good and what is not and what needs tweaked, as
25 Representative Klunk keeps making a reference to.

1 I do believe that we have worked hard to provide,
2 a motivated inmate is afforded a lot of opportunity to put
3 their life together. However, we have to have that backup
4 for the unmotivated parolee who seems unwilling or unable
5 for the sake of public safety.

6 I guess summing up, to me, to make a merger kind
7 of throws the baby out with the bathwater, you know, or
8 maybe put another way, it's a solution in search of a
9 problem. So with that being said, that's why I'm here.
10 That's why I'm urging you to reject Senate Bill 522.

11 Thanks so much.

12 MAJORITY CHAIRMAN MARSICO: Representative
13 Saccone for questions.

14 REPRESENTATIVE SACCONI: Thank you. It's kind of
15 a question/comment.

16 So I have been listening to both sides here, and
17 it's really good to have both sides here in front of us,
18 listening to it. But it seems that your best argument of
19 being against this merger is the clear perception of a
20 conflict of interest between revenue and public good.

21 And I think that's compelling, but yet having
22 said that, you have to understand that our State doesn't
23 really have a problem with conflict of interest like this,
24 because, you know, we regulate liquor for the public good
25 and yet we promote it and sell it to raise revenue, and we

1 regulate tobacco for public good and yet we promote it to
2 raise revenue, and we regulate gaming for the public good
3 and yet we promote it for public revenue.

4 So I sympathize with you, but do you feel like
5 that's your strongest argument, is this public good versus
6 revenue is why we shouldn't merge it? Or what do you feel,
7 to narrow this down, what is your strongest argument why
8 you're against this merger?

9 BOARD MEMBER BURKE: My strongest argument? I
10 mean, there are strongest arguments for the four reasons
11 that I went over. I don't see one good reason to
12 possibly roll the dice and have some consequences on public
13 safety.

14 We are the experts in field supervision; they are
15 the experts in care, custody, and control. We have done
16 this for 65 years. We have never sat on our hands. We
17 have refined. We are at the cutting edge, the cutting edge
18 of all Parole Boards, all field services. So why? I
19 haven't heard one good reason.

20 Listen, if I did, I would listen. But yeah, I
21 mean, money versus public safety? Yes, that's an argument.
22 I haven't seen where the money is being saved. And
23 \$10 million in a 1.3 billion-dollar budget, I guess my
24 argument is, why risk public safety when we're talking
25 about serious consequences.

1 You know, on this Byron Allen case that you
2 brought up, I was almost sure that he had a hot urine for
3 PCP. I had one of my colleagues look, and he did. He did.
4 So I pose this to the Committee: If somebody commits a
5 heinous crime under the influence of PCP, and for you who
6 don't know what that is, that is a mind-altering drug that
7 makes you psychotic.

8 So I interview somebody in jail who commits a
9 heinous crime: rapes a woman; slices her throat when he's
10 done raping her. He tells me, I was under the influence of
11 PCP; I can't remember. So we get to the point that now
12 we're getting ready to release him. He's done well. He
13 has got some empathy. He has got some insight. He has got
14 some remorse. We get him out of jail, okay?

15 Now, he has committed that crime under the
16 influence of PCP, and we know that. He told us that. He
17 comes out of jail and within 1 month gets a hot urine for
18 PCP. What do we do? What do we do? I'd put him back in
19 jail, you know?

20 And if indeed -- and I don't know the whole -- I
21 do know that he did, and I did talk to Philadelphia. They
22 were at the conference, and I sat down with some of the
23 executives from Philadelphia. And the bottom line, I said,
24 if that happens again, call me; call me in my office. Call
25 me in my office or--- Oh, we can't do that; we can't go.

1 I said, no, call me; I'll go into Harrisburg and I'll have
2 the conversation. But as far as I'm concerned, the guy is
3 coming off the street, as far as I'm concerned.

4 You know, we have these drugs out there now --
5 PCP, K2, bath salts. They're psychotic drugs. You can't
6 risk public safety by leaving these people out there.

7 BOARD MEMBER GREY: Mm-hmm.

8 BOARD MEMBER BURKE: We had a lady come in from
9 Denver. She was a police sergeant. She said the marijuana
10 that's out there now, she smiled and she said, it's not the
11 old ditch weed that we knew in the seventies; this is
12 stripped down PCP. It's 99 percent. She was talking to us
13 about they vape it or something. You know, it makes them
14 hallucinate.

15 BOARD MEMBER GREY: Mm-hmm.

16 BOARD MEMBER BURKE: We can't risk keeping those
17 people on the street. We can't risk it. If they have
18 already committed a heinous crime under the influence of
19 that drug, we can't risk it. We can't say, well, um, you
20 know--- And if I put a condition on somebody, I'll say
21 zero tolerance for PCP if it's a PCP guy.

22 Now, if I do that and we merge, I don't have any
23 control over that. I don't have any control over that. I
24 don't have any control over how that's imposed. And when I
25 do that, I mean it.

1 I'm telling you, it's a public safety risk, and
2 that's my most compelling argument.

3 ASSISTANT DISTRICT ATTORNEY MCKAY: I'll concur.
4 I guess it's three reasons.

5 Like Ed said, I think it's a public safety risk.
6 I have been around the criminal justice system all my life,
7 and I don't think you can really put a price on public
8 safety.

9 Number two is, this Parole Board is doing well.
10 If there's overlapping or any interface problems, that can
11 be fixed. But you can fix those problems -- and I guess
12 they are and we are -- through discussion and hard work and
13 not by changing the criminal justice system.

14 And you don't know what you're going to get. You
15 make this move, as you pointed out very learnedly, it's
16 going to last lifetimes.

17 And I have looked at these numbers. I have been
18 discussing this for 3 years. I question whether you'll
19 save a penny. I mean, what are -- I don't know. I don't
20 want to be melodramatic, but what are you going to tell the
21 woman in Philadelphia whose son has been murdered, or the
22 woman in Erie who has been raped, or somebody in Pittsburgh
23 that has been robbed -- I'm sorry, I was just trying to
24 save some money?

25 That's all I have to say.

1 MAJORITY CHAIRMAN MARSICO: Representative
2 Stephens.

3 REPRESENTATIVE STEPHENS: Thanks to all of you.
4 I'll make it quick.

5 So several of you have touched on the problems at
6 CCCs. Does anyone know the recidivism rate just for those
7 at CCCs? Does anyone know that by any chance? I think
8 somebody said it was going up, and I just wanted---

9 BOARD MEMBER BURKE: So we have parole violator
10 centers.

11 REPRESENTATIVE STEPHENS: Can you get closer to
12 the mic? I'm having a little trouble hearing you.

13 BOARD MEMBER BURKE: We have parole violator
14 centers. They call them PVCCCs. Again, we have no stats
15 department anymore, so it's very hard for us to get
16 statistics. We have to go through our legislative liaison,
17 who has to go to the Department of Corrections, and that's
18 the way we get our statistics. We used to have an amazing,
19 an amazing statistical and research department. The guy
20 was outstanding, the staff was outstanding, and we don't
21 have it anymore. So---

22 REPRESENTATIVE STEPHENS: Let me just stop you
23 there for a second.

24 You have to go through your legislative liaison
25 in order to get statistics?

1 BOARD MEMBER BURKE: Yes, sir.

2 BOARD MEMBER GREY: Yes, you heard that
3 correctly, sir.

4 ASSISTANT DISTRICT ATTORNEY McKAY: Yes.

5 BOARD MEMBER BURKE: And the statistics come from
6 the Department of Corrections.

7 And when I emailed, when I saw this going down, I
8 thoroughly opposed it, but it was a done deal. I had no --
9 I couldn't do anything about it.

10 So I got something -- and again, I don't know if
11 these statistics are correct or not. I can't tell you for
12 sure. What I saw out of PVCCCs, 1 year, 60 percent;
13 2 years, 70 percent; 3 years, 74 percent recidivism.

14 BOARD MEMBER GREY: Mm-hmm.

15 REPRESENTATIVE STEPHENS: All right.

16 Do you think that -- I mean, so as you can tell,
17 I've been trying to dig in on -- I mean, I had, I
18 prosecuted a murder case before I came here with a guy who
19 was on the run from a CCC. He walked out, and while he was
20 out, he committed a murder. And I have had a great deal of
21 difficulty trying to discern where the responsibility lies
22 -- right? -- in these centers that are run by the DOC but
23 with folks that are there that are supervised by the Board.

24 So I kind of get -- I mean, look, I've been
25 frustrated.

1 BOARD MEMBER GREY: Right.

2 REPRESENTATIVE STEPHENS: Because, you know, when
3 I speak to Corrections, they say, well, the Board was
4 supervising.

5 BOARD MEMBER GREY: Well---

6 REPRESENTATIVE STEPHENS: When I speak to the
7 Board, they say, well, that facility is run by DOC, and,
8 you know.

9 BOARD MEMBER GREY: Maybe I can help you a little
10 bit---

11 REPRESENTATIVE STEPHENS: Sure.

12 BOARD MEMBER GREY: ---in just kind of a generic
13 way. Not to interrupt you, sir.

14 But the parolees' body is supervised by Parole
15 Board agents. A CCC facility is run by the DOC. So you're
16 correct. However, if a person misbehaves or they bring
17 drugs into the CCC, what happens -- or let's say they begin
18 to decompensate mentally to some extent. What often
19 happens is there is some rule infraction, and the DOC will
20 then dismiss them from the CCC, which creates a parole
21 violation, or they're about to be dismissed and they take
22 off. So maybe that's helpful to you.

23 REPRESENTATIVE STEPHENS: It is. I just wonder,
24 I just wonder your opinion, just very quickly: Do you
25 think we ought to move those CCCs and whatever funding is

1 necessary to continue to operate them under the
2 jurisdiction of the Board of Probation and Parole as
3 opposed to having them---

4 BOARD MEMBER BURKE: Sir, I do.

5 BOARD MEMBER GREY: That's---

6 BOARD MEMBER BURKE: If I was the king, the BCC
7 would work for us. We are the experts in field
8 supervision. They're out in the field. We can put our
9 people in there. We can put our ASCRA agents in there. We
10 could put our agents in there to do the violence prevention
11 booster.

12 Our whole re-entry, I believe, we can take -- I
13 think the centers should be under us. Yes, I do.

14 BOARD MEMBER GREY: Yeah.

15 I can think of a case where a mentally, literally
16 a mentally decompensating person was put out of a CCC
17 instead of, you know, calling -- you know, they violated
18 them, and they ended up violated instead of the CCC maybe
19 calling the civil authorities and having them 302'd and
20 then calling us as well.

21 REPRESENTATIVE STEPHENS: Did that person commit
22 a crime?

23 BOARD MEMBER GREY: No. They weren't taking
24 their meds.

25 REPRESENTATIVE STEPHENS: Oh.

1 BOARD MEMBER GREY: And what they did was become
2 assaultive, mouthy to the staff, because -- at the CCC --
3 because they were decompensating mentally.

4 REPRESENTATIVE STEPHENS: Got it. Okay.

5 ASSISTANT DISTRICT ATTORNEY MCKAY: I would
6 completely agree. I think the Parole Board would do a much
7 better job in running the CCCs.

8 REPRESENTATIVE STEPHENS: Thank you.

9 ASSISTANT DISTRICT ATTORNEY MCKAY: You can take
10 that to the bank.

11 MAJORITY CHAIRMAN MARSICO: Representative Costa.

12 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

13 Just a quick question, and then just a brief
14 comment.

15 Mr. Burke, you said that you weren't notified,
16 you weren't notified that six Board Members were voting, or
17 not voting, but writing a letter?

18 BOARD MEMBER BURKE: No, I was not.

19 REPRESENTATIVE COSTA: Were you, ma'am?

20 BOARD MEMBER GREY: No; I wasn't either.

21 REPRESENTATIVE COSTA: Okay. So out of eight
22 standing Board Members, two weren't notified?

23 BOARD MEMBER GREY: Correct.

24 REPRESENTATIVE COSTA: Okay. All right.

25 Well, this is getting more disturbing as we talk,

1 because like I said, we are hearing more and more that you
2 can't even get on -- you have to go through a legislative
3 body to go get information, which is absolutely ridiculous,
4 you know, so.

5 But for the comment, I would like to thank the
6 three of you for being here. I have seen you at the last
7 hearings, and I appreciate your courage for coming up and
8 standing up for what is right.

9 I have worked most of my adult life in public
10 safety, and Mr. McKay, as you said, there is no expense
11 that, you know, that can substitute for public safety,
12 because that's our job as Legislators and as government
13 people, to make sure that our people are safe and secure in
14 their homes and, you know, that their families can do that.

15 And we want to thank you. And Mr. McKay, good
16 luck with your new career. Thank you very much.

17 ASSISTANT DISTRICT ATTORNEY MCKAY: Thank you.

18 MAJORITY CHAIRMAN MARSICO: Any other questions?
19 Representative Topper.

20 REPRESENTATIVE TOPPER: Were any of you appointed
21 by the current Governor?

22 BOARD MEMBER BURKE: No.

23 BOARD MEMBER GREY: I was not, no.

24 ASSISTANT DISTRICT ATTORNEY MCKAY: No.

25 REPRESENTATIVE TOPPER: Thank you.

1 MAJORITY CHAIRMAN MARSICO: So thank you very
2 much for coming in at your own expense, your own time and
3 far away.

4 We appreciate your testimony, and thank you once
5 again for your service to the citizens of Pennsylvania.
6 Appreciate it. Thank you again.

7 BOARD MEMBER GREY: Thank you.

8
9 PANEL V

10
11 MAJORITY CHAIRMAN MARSICO: The next to testify
12 is Paul Descano, who is the President of the Fraternal
13 Order of Police, Lodge 92.

14 Paul, welcome, and take your time. It's good to
15 see you again.

16 MR. DESCANO: Good to see you, sir. Thank you.

17 MAJORITY CHAIRMAN MARSICO: Thank you for coming
18 in.

19 MR. DESCANO: Thank you for inviting me.

20 Good afternoon, everyone.

21 I agree with everything they said. Case
22 closed.

23 MAJORITY CHAIRMAN MARSICO: Any questions for
24 Mr. Descano?

25 (Laughing.)

1 MR. DESCANO: Oh, watch out for the messenger.

2 All right. Look, I have been in the field of
3 parole since 1959, and I have held every job in the State
4 Parole Board except the Chairman. And I'm against the
5 merger bill, and so are my agents.

6 Now, I'm here to speak -- I say "my agents"
7 because they're mine, if you know what I mean. I have a
8 very close identity with them. I keep in touch with them.
9 We have meetings, et cetera.

10 Now, I would like to say a few things.

11 Somebody said that every absconder is returned to
12 an SCI with a detainer. That's not correct. Most are
13 returned to a parole violation center, not prison. They
14 are at the PVC center for 30 days flat.

15 Now, if they abscond for months or years, they
16 get 30 days. If they're out for 2 years as an absconder
17 and we get them, 30 days. That's what I'm told by field
18 staff.

19 Center staff. Oh; center staff take urines at
20 the center, not the agents. Agents are not permitted to
21 take urines, and agents are not to search any center
22 without prior permission of the Department of Corrections,
23 which most times the agents go in and search 3 or 4 days
24 later: What took you so long; we heard you were coming in.
25 And usually we can go in to anywhere where we know the

1 parolee is residing and search. So there's something
2 happening there.

3 Okay; taking in Vermont prisoners. That's really
4 interesting. We could have 670 dangerous parole violators
5 in their place in our institutions.

6 Now, I don't know how much of you know, but I'll
7 say something, and I say it a lot: Start on juvenile
8 probation, juvenile probation, juvenile detention,
9 programs, programs, psychologists, psychiatrists, social
10 workers. Then they go to county probation, county
11 probation, and they have plea bargains. Then they have ARD
12 and PWV and all these other social services, et cetera,
13 et cetera. Well, by the time they get sentenced to a State
14 prison, that's a lifetime achievement award. They got a
15 master's degree in crime and manipulation.

16 So all the things they tell you, I learned a long
17 time ago when I worked in the drug unit, if you ask a drug
18 addict a question, you got an answer.

19 Now, let me say something else. Sir, I don't
20 want to keep you long because I know---

21 Now, as far as I'm -- oh, I should read you this.

22 In case you don't know, we have the power of
23 arrest. Under Section 27, "Parole officers appointed by
24 the Board are hereby declared to be peace officers and are
25 hereby given police power and authority throughout the

1 Commonwealth to arrest without warrant, writ, rule or
2 process any parolee or probationer under the supervision of
3 the Board for failing to report as required by the terms of
4 his probation or parole, or for any other violation
5 thereof."

6 So we are law enforcement people, the agents are.
7 But we do a lot of social work, because we get involved
8 with the families and we meet, you know, the parents,
9 et cetera, and they ask us questions: Can I do this? Can
10 I do this?

11 Many times they call us up and say, will you
12 please come and lock him up; I don't want the police to
13 lock him up. He goes, he may get killed or get hurt; if
14 you lock him up, I know he's going to be in State prison
15 under a parole detainer. That happens often.

16 Now, the LSI-R was spoken about. It's a Canadian
17 tool that determines a level of supervision and offender
18 needs in the community based on 52 criteria. The research
19 behind this is solid. However, the Board has agents
20 skewing the numbers or they skew the numbers so that people
21 are lower-level supervision than they really should be.

22 A lot of the LSI-R is self-reporting. Nobody
23 checks on it. He can say whatever he wants. Like I said,
24 you ask a question, you get an answer. Nobody checks on
25 that.

1 EPICS. It's a program developed by the
2 University of Cincinnati. The Parole Board touted it as
3 being based on evidence-based practices. However, it has
4 only ever been implemented in one other county probation
5 program, and they haven't been able to reproduce the
6 results to prove that it is evidence-based. However, the
7 Parole Board has implemented it and has touted it as
8 evidence-based practice.

9 Now, being in law enforcement all my career, when
10 I was on the Board, you have a hearing: He never told me I
11 could go; I told you he could go. The defense says, what
12 are you going to do? So we developed PBPP-348. What this
13 is, it's a notice of violation of warning. The agent
14 writes down the date, the time, what the charge is or the
15 warning. At the bottom, or the middle, it says,
16 "Instructions to Offender." Now, those are instructions,
17 and if he doesn't follow, we can incarcerate him if it's a
18 serious issue.

19 Once we write that down, he signs it and we sign
20 it. We put that in the file. That's evidence-based
21 practices, not some social-work terms that everybody talks
22 about, we're going to do this and we're going to do that.
23 This puts it in writing, and he signs it and the agent
24 signs it.

25 The agent can't get doubled up because the

1 signatures are on there. And the parolee can't get doubled
2 up because he admitted the violations, okay?

3 Now, I don't know if you have everything on a
4 Parole Board detainer, but two Chairmen removed, when he
5 got appointed, he was a great reformer, and all the
6 warrants were taken out. Nobody could get warrants. So I
7 want you to see, and if the television is on, that's a
8 Parole Board warrant. (Holding up warrant.) And at the
9 bottom of it it's signed by the Deputy of the Office of
10 Field Services and Probation. So if an agent wants to lock
11 somebody up, he has got to push the request for the
12 warrant, maybe not all the way now, but at least to the
13 regional director, who hasn't the foggiest idea of what the
14 case is about.

15 They encourage Con I, Con II. The agent
16 recommends incarceration because it's A, B, and C; no, put
17 them in the program. Con II, the same thing; put them in
18 the program.

19 Our agents, they glide from program to program,
20 and when they violate, put them in a program. Maybe
21 they'll get to a PVC center -- maybe. That's what's going
22 on. That's what the agents know. That's what the agents
23 are doing.

24 So if they're telling you guys that, oh, no --
25 but another thing. Go to the hearing, *Morrissey v. Brewer*,

1 there's no hearing. They get them to sign the waiver.
2 There's no violation because there's no record. Put them
3 in a program.

4 So to me -- oh; and I wanted to comment on
5 something else. Agents.

6 There are 94 job essentials for an agent -- okay?
7 -- and they have to do this, and 70 of them are law
8 enforcement. They run after a parolee absconder. They
9 grapple with him in the car. It's a dangerous job. But
10 according to the cosponsorship memo, the recommendation is
11 parole agents need more social work training. Well, no, we
12 don't. Hire social workers. We're not social workers, but
13 we do it. We have a lot of hats we wear.

14 Now, in prison for a reason? The BJA statistics
15 in 2012, as of, 54 percent were violent felons. So
16 everybody we deal with is a very dangerous man, or female,
17 right? Now, we have to take that into consideration. The
18 Board has to take that into consideration when they're
19 deciding on parole or no parole -- okay? -- and whatever
20 special conditions.

21 Now, when I was a Board Member, when I imposed
22 board-imposed conditions, if that guy violated that, he was
23 going to jail, because somebody had to hold him
24 accountable. No silly-willy stuff: Well, you know, he
25 didn't feel good. No, sir. You know what you got. You

1 signed the parole contract when you left prison.

2 I had a guy in Reading who was beating up
3 mom-and-pop stores, and I interviewed him and he denied it
4 all. So I told him, okay, you're going to deny it. I
5 said, here are the conditions: If you're walking down an
6 alley and heroin floats out of the sky and the police grab
7 you, it's your heroin. If you're in a store and a man is
8 stabbed or is slashed and you have a box cutter, it's you.
9 No land of a thousand excuses. That is not what we do. We
10 have to draw the line somewhere as a society, because if we
11 keep continuing, oh, well, he did this and that, we're
12 going to be way behind the eight ball.

13 Now, another thing. Talking about -- where's my
14 glasses -- evidence-based practices. That's really
15 interesting.

16 When I see agencies come up with their own
17 statistics, I don't even want to read them. Now, here's a
18 paper written by Heather Mac Donald, the Thomas Smith
19 Fellow at the Manhattan Institute. It was called
20 *Decriminalization Delusion*, and they're talking about
21 "Evidence-based practices are social-services and
22 therapeutic programs delivered to the 'at-risk' population
23 that have allegedly been...shown to reduce offending," blah
24 blah blah blah blah. Yeah.

25 "The problem with the EBP movement is that there

1 is not much E for the P." Now, the people that she
2 referred to, Joan Petersilia, who was a researcher in
3 Stanford when I had hair, and she wrote great columns and
4 she was a great researcher. Well, they're saying, "As
5 Petersilia herself acknowledges, few programs have been
6 shown to work. And if a program produces an effect in its
7 initial iteration, that result may not be replicable,
8 especially at a larger scale." Pennsylvania. "None of the
9 six programs evaluated by the Justice Department for
10 prisoner reentry was rated as effective. Two had no
11 positive results, while the efficacy of the others had not
12 been established. The federal government funded a large
13 'collaborative' reentry program for serious and violent
14 offenders. Though 'collaborative' is almost as favored a
15 term as 'evidence-based,' the program had no impact on
16 employment or the rearrest and re-incarceration...of the
17 ex-cons," as they call it.

18 Now, I said that.

19 This, I don't understand this, and I helped a lot
20 of parolees in my career, guys battling drugs and
21 alcoholism and doing stupid stuff, because I do stupid
22 stuff: As part of an inmate control program, the DOC has
23 instituted a wide assortment of experimental programs. It
24 is well known that administrative segregation can increase
25 inmate stress.

1 The information below is directly from their DOC
2 Facebook:

3 Therefore, at SCI Laurel Highlands, the Blue Room
4 contains a TV screen so that the restrictive housing unit,
5 or HU inmate, can watch nature images and listen to
6 tranquil sounds such as a streaming river. The room's
7 walls feature a soothing ocean mural, and artificial indoor
8 plants complete the scene. RHU inmates are sent to the
9 Blue Room for 1-hour increments.

10 Retreat completed a trial of the use of
11 aromatherapy to see if exposing inmates to pleasant odors,
12 lavender and eucalyptus, to see if it reduces anxiety and
13 increases productivity and pro-social behavior.

14 Waymart is testing the placement of fish tanks in
15 certain housing units to determine if they help reduce
16 anxiety and increase overall well-being.

17 Mahanoy is using a therapy tool of using adult
18 coloring books and crayons in an effort to reduce anxiety
19 and mood.

20 Now, it appears to me, an officer in this field,
21 that a person who is going through juvenile, juvenile,
22 juvenile, county, county, county parole and State parole
23 and he's in prison and he can't even get along with the
24 other inmates and he's RHU, he gets all this stuff. What
25 about the children who he shot? What about the children

1 who are hurting that can't even go sit on the steps outside
2 at night with their parents? What about the people who are
3 afraid to walk down the street because somebody is
4 shadowing over them? Oh, we don't think about them; we
5 want to hear more about the guys. We have to get a Blue
6 Room.

7 I'm telling you, when I read this -- never mind.
8 I don't commit suicide.

9 The last 4 or 5 years, the Chairman: There are
10 no warrants to be issued, blah blah blah.

11 They had the "Fab Five," but that doesn't matter
12 much.

13 Instead of Swift and Certain, they put them in
14 the programs. I mentioned that.

15 I mentioned that.

16 They are cutting 1,500 community beds, and
17 they're going with GPS systems. Very good. 1,500; GPS.
18 That doesn't stop crime. That tells us where he is when he
19 commits the crime. It's after the fact, GPS. Unless you
20 put them on a curfew and say, you're not working? From
21 7 p.m. to 7 a.m., you are in the house. That's how you use
22 GPS.

23 Because if he goes out, that's a violation, okay?
24 If he has to go to the doctor's, call the agent. Mom gets
25 on the phone, "Dr. So-and-So---" What does the agent do in

1 an hour? "Dr. So-and-So, was Joe there? Thank you very
2 much. Okay." We verify. We don't play games.

3 Now, as I said, we do a lot of social work, and a
4 lot of social workers thanked us when we were involved with
5 their cases. Because you know why? Because we have the
6 hammer to force them into treatment, to force them to go to
7 the social worker.

8 People say, well, you can't change people by
9 making them go. You'll never know if they don't go, and
10 that's why we make them go.

11 Now, I'm a little passionate, but excuse me.
12 Like I said, they're my agents.

13 Let's see, PVC, summary, et cetera, et cetera,
14 redundancy in paperwork.

15 From what I understand, if an absconder is gone
16 for a couple of years and he only has, like, 3 months left
17 until we get him, put him in the center, and at the end of
18 3 months, he's a success on parole while he has been an
19 absconder. I wouldn't be surprised if guys are absconding
20 when they walk out of the prison because nobody does
21 anything about it.

22 And it was mentioned about how we work with the
23 marshals, et cetera, et cetera, okay? There are police
24 departments in the State that won't even work with our
25 agents, because why go get an absconder and take a chance

1 on us getting shot and you getting shot, then we see them
2 on the street in 3 weeks. That's what's going on.

3 Sorry for my emotions. However, that's me. I'm
4 Italian; that's what you get.

5 Thank you for your patience. If you have
6 questions, I'd be glad to try to answer them.

7 MAJORITY CHAIRMAN MARSICO: Well, thank you for
8 your patience and you being here.

9 Again, you were here at the last hearing, and we
10 appreciate that, your testimony and your thoughts.

11 Any questions, Members? Seeing none---

12 So thanks, Paul.

13 MR. DESCANO: That's it?

14 MAJORITY CHAIRMAN MARSICO: That's it.

15 MR. DESCANO: Oh. Thank you very much for your
16 attendance.

17 MAJORITY CHAIRMAN MARSICO: We understand your
18 position, and we thank you for that.

19 MR. DESCANO: Thank you.

20 MAJORITY CHAIRMAN MARSICO: So I wanted to also
21 thank all the testifiers, those that were here today. I
22 feel like we had a pretty open and fair and balanced
23 hearing today, and that's what the Committee was hoping,
24 that we were hoping to have before us.

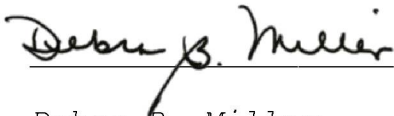
25 I want to also note that we did receive testimony

1 submitted for the record to the Committee from Tom Zeager,
2 President of the Justice & Mercy; from Claire
3 Shubik-Richards, the ED, Executive Director, for the
4 Pennsylvania Prison Society; Joe Kovel, President of the
5 Pennsylvania State Troopers Association; Jason Bloom,
6 President of the Pennsylvania State Corrections Officer
7 Association; and also Jennifer Storm, the Pennsylvania
8 Advocate.

9 So with that, this hearing is adjourned. Thank
10 you.

11
12 (At 2:25 p.m., the public hearing adjourned.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5
6
7 

8 Debra B. Miller

9 Transcriptionist

10
11
12
13
14
15
16
17
18
19
20
21
22
23 * * *

24 DBM Reporting

25 dbmreporting@msn.com