

Testimony of Craig R. McKay, Esquire

My name is Craig R. McKay. I am an Assistant District Attorney in Washington County, PA.

I am also a former Board Member of PA Board of Probation and Parole. I served the Board for over 5 years and just left the Board 2 months ago to return to my former employment with the District Attorney's Office. I have many years of criminal justice experience which includes positions held as an Assistant United States Attorney in Pittsburgh, Assistant District Attorney and in private practice.

Thank you for the opportunity to present my testimony and voice my concerns/objections to Senate Bill 522, the proposed merger of the PA Department of Corrections and the PA Parole Board.

I believe the proposed merger is not in the best interests of public safety and the citizens of the Commonwealth and should not be adopted.

The Pennsylvania Parole Board is generally regarded as one of the finest independent parole boards in the United States. The Board has a 65 year legacy of being unique and effective as an independent agency which functions at the highest level of expertise. Nationally, while some parole boards are part of the DOC, that is really of no consequence here. It is simply a DOC national model, which is subject to disagreement.

It is my belief that there is no justifiable reason for the Pennsylvania Parole Board to be merged or “taken over” by the DOC. This is not the correct thing to do and this is not a good government.

The Parole Board has worked hard and utilized best practices which has resulted in the continuing reduction in the prison population. The reduction in the prison population has been done safely and resulted in the recent closing of one prison with a consequent savings to the taxpayers of around \$80 million. The Board is now completely electronic which translates to a savings of almost \$1 million.

Recidivism is at an all time low. By all indices, the board and its skilled agents are functioning at a high-level. Public safety has been maintained.

The proposed merger of the Parole Board into DOC would drastically change the criminal justice system in the Commonwealth of Pennsylvania. It would eliminate the Board as an independent agency and reduce the Board to simply a “department board” within the DOC. The proposed merger bill would give the DOC total and absolute power over inmate incarceration, the prison population, parole and parole supervision. All the parole agents employed by the Board would be transferred to the DOC. The Secretary of the Parole Board, the person who controls the docket and records the votes, would be selected and serve at the pleasure of the DOC. The staff of the Parole Board would be paid and controlled by the DOC. The Board would be left with a “department “ staff of probably less than 100 and placed in an agency that numbers over 15,000. The concentration of power into one agency controlled by the DOC, is

very troubling and not in the best interests of the citizens of the Commonwealth.

The Parole Board has always been an independent agency in the Commonwealth. Its parole decisions have never been subject to outside influences or pressures. The Board utilizes evidence based practices and techniques in making its decision whether or not an inmate is ready to be paroled to the community. The Board listens to the recommendations of the Judge, the District Attorney and the DOC. It hears the testimony of the victims and interviews the inmate in person. In the end, the parole decision is based solely on public safety factors and not on prison cost saving considerations. To do otherwise would place the safety of the citizens of the Commonwealth at risk.

The Department of Corrections does a good job in performing primary mission of managing the care, custody and control of the prison population. The DOC's education and training programs are well known. However, the front line public safety

mission of the Parole Board is different than the prison population management mission of the DOC. This is where the missions of the two (2) distinct agencies sometimes collide. This is a compelling reason why the Parole Board and the DOC should not be combined. Maintaining the checks and balances between the Parole Board and the DOC is critical. In this regard, the public safety of the citizens of the Commonwealth mandates that the Parole Board and the DOC remain separate agencies.

The justification for the proposed merger is the alleged savings of \$10 million dollars by doing away with overlapping functions. However, there are no overlapping functions of any consequence and the interface between the DOC and the Board is seamless and electronic. Indeed, there has never been any definitive economic study to support that there will be any savings at all. And, most importantly, saving money by reducing the prison population is no justification for potentially compromising public safety.

As elected officials, you perform many important functions and duties for which I am very grateful. It is often said that an elected official's most important function is to maintain the safety of its citizens and protect them from harm.

In the final analysis, your decision here is to balance the unproven savings of \$10 million dollars versus public safety. Further, I believe there is no amount of money, no price, that can be placed on public safety.

I have spoken to many parole agents regarding this proposed merger. None of them support the merger.

Throughout most of my professional life I have both prosecuted and defended those charged with crime. In each instance I have dealt with the legal principle of "reasonable doubt". The judge usually instructs the jury that "reasonable doubt" is such a doubt that would cause you to hesitate in matters of importance to you. Today you are the judges and the jury in a matter of great importance to the

citizens of the Commonwealth of Pennsylvania.
After the testimony is concluded and you have reviewed all the evidence, I believe there will be no doubt, reasonable or otherwise, that Senate Bill 522 is flawed and you should vote no to Senate Bill 522.

Thank you.