

General Business Meeting
March 20, 2015
Toftrees Conference Center
State College, PA

Attendance: Bob McCullough, Sally Barry, Mark Wilson, Paul Ruffner, Chris Murphy, Cory Seymour, Amanda Moore, Edward McCoy, John Stahl, Jeff Shaw, Bob Williams, Michelle Beaver, Todd Harpster, Jim Miller, Jayne Smail, Jamie Jendrysik, Jason Foltz, Dan Hoover, Trevor Oates, Adam Wagner, Andy Stahl, Christopher Zaleski, Pam Scoran, Robert Merwine, Tom Daugherty, Chris Francescai, REghina Himes, Danielle Hibbard, Jeff Roney, Carrie Peters, Nick Honyara, Sandra Larson, Steve Barnett, Carl McKee.

Meeting called to order by President Sally Barry at 9:00 a.m. with Pledge of Allegiance

J-Net: Joe Centurione reported that the website has a new look as of 1/28/15 with enhancements. Four (4) counties are working on a secure pipe moving over circuit migration of the internet. Some counties are experiencing problems with PA SORT- it will have secure internet capability.

- County IT contact list now available
- Share probation and parole information with the State of Maryland
- Gang Project awareness data in probate
- JNET federated search will include Maryland- ok'd by PA Chiefs
- JNET users have access to Risk Gang queries nationwide
- County Integration meeting in State College May 6-7.

J-NET Inter-County Transfers: JNET received a PCCD grant to build transfer services- not doing ICOTS but just sending and receiving information. Target date of July after Probation/Parole and the IT committee has input. Perhaps incorporate PBPP 325's; PSI, Prothonotary and CPCMS.

President's Report: Sally Barry announced that gift certificates and plaques will be mailed to the following retired Chiefs: Bruno Mediate, Westmoreland County; Tim Guisier, Huntingdon County, Ron Seyko, Allegheny County, Ed Joyce, Pike County. Welcome to newly appointed Chief's Jeff Angradi, Pike County; Sharon Bold (Interim Chief Westmoreland County, Cory Seymour, Blair County.

Vice-President's Report: Mark attended the APPA Conference and presented a Mark Carey, Carey Guides presentation. NIC (National Institute of Corrections) has a series of webinars on Treatment Courts, EBP, Veteran's Courts and Specialty Courts. Los Angeles will host a world conference on Probation and Parole.

Secretary's Report: Paul presented minutes from December's meeting. Carl McKee made a motion; seconded by Jim Miller to approve minutes. Motion passed.

Treasurer's Report: Chris presented Treasurer's report. Jeff Shaw made motion; seconded by Bob Williams to approve report. Motion passed.

Presentation: Chris Zaleski presented Cordant Lab's vision to "increase likelihood that positive outcomes occur by:

- **T** True Randomization – to help recovery
- **R** Test according to Risk
- **U** Test what is being abused/used
- **S** Switch and surprise
- **T** Technology

Norchem labs can be reached at 1-800-348-4422.

"Once offenders know they cannot get away with it, they will switch to recovery"

-C Zaleski

COMMITTEE REPORTS

EBP Committee: Chad Libby reports that committee is meeting with Dr. Hyatt and Dr. Barnes from University of Pennsylvania at 1:00 today to complete the Strategic Plan on Workload. Analysis and EBP. This will complete the requirements for the Grant. At the latest, the material will be presented at the June meeting.

Firearms Committee: Michelle Beaver reports that there is no Executive Director hired yet. Courses 2-7 will be released this week through email; Course 8 will be listed in a separate email. Course 9 has been approved but on hold due to finances. There was considerable discussion about ways to reduce costs. The \$5 fee on adult offenders is the only source of revenue which has been decreasing steadily over the past decade. Chief's want to present feedback on the higher qualification standards; the number of instructors on courses that may be unnecessary; the instructors are on the curriculum committee which may present a conflict of interest; multiple instructors at non-range trainings; reduce mandatory trainings for more senior staff who have already taken courses multiple times. Mark Wilson moved, seconded by Carl McKee to take recommendations to Firearm's Committee.

- Act 158 charge juvenile delinquents \$5 fee for firearms. Made by Mark Wilson, seconded by Carl McKee. Motion passed.
- 75% score and short and long range combined during firearms qualifications; Steve Barnett moved; second by Carl McKee. Motion passed.
- Limit number of instructors on non-range events; motion by Paul Ruffner; second by Jim Miller; motion passed.

PBPP Interstate Services; Margaret Thompson reported 3 vacancies on Board; Ryan Smith is new director, Council meeting is April 27th. ICOTS training 4/17/15 and 8/12/2015.

PA Sentencing Commission: Commission had meetings Wed/Thursday this week. Seminars are on web site with 6 hour and 2 hour trainings available. SGS web will have minor changes in April allowing easier drug offense searches. The Sentencing Commission has presented a proposal to amend 7th edition of sentencing guidelines to include enhancement for Human Trafficking and Bath Salts. SGS Web Module to report revocations of probation, county intermediate punishment and state intermediate punishment. PCCD grant to look at top 10 admissions to DOC on revocations. Public Hearings on Proposed Guideline changes will be held in May and June. Commission is still working on Risk factors.

PCCD: Bob Mervine reported that 14-15 project modifications for County IP grants were submitted; additional funds are available for those counties that are exceeding their grant projections. The 15-16 year IP grant cycle closes April 9, 2015. SMART desk top scanners and equipment needs for Adam Walsh registrations has funding available. Also, 1.7 million in Pre-Trial diversion diverted to level 2 IP offenders.

OLD BUSINESS

Ad-Hoc committed: Committed consists of Cory Seymour, Jeff Roney?, Mark Wilson and Dan Hoover to look at legislative and finance committee budgeting.

NEW BUSINESS

President Barry: All employees in direct contact with children must have updated clearances, PSP, FBI and Child Abuse. A site for the mandated child reporting video will be emailed by Sally.

Location of conference; After discussion of options from the Ramada, Nittany Inn, Days Inn and Penn Stater, the annual conference and quarterly meetings will remain at Toftrees. Motion made by Chad Libby, second by Paul Ruffner, motion passed.

Sally reported that 17 Chief's and Deputies attended the meeting last evening; these meetings will continue for the present time; however, no food will be presented and a cash bar will be available.

A survey will be distributed regarding any concerns or issues with County Controllers regarding the Association fees and assessments.

A discussion was held regarding the Executive Director's increased expenses for business trips to Harrisburg. Bob is contracted at \$50,000 per year for 1640 hours of work. He traveled over

- Senior Officers mandated trainings every 18 months instead of annually; Jim Miller made motion; second by Carl McKee; motion passed.
- 90 day maximum for approval for curriculum submitted for in-house training by Master Instructor; motion by Carl McKee; second by Jayne Smail; motion passed.

Legislative Committee: Carl McKee reported on

- Senate Bill 517 Veteran's Court shall be established by President Judge using funds available.
- SB 290 Ignition Interlock 1st one introduced this year; not moving
- SB 130 Cannot pay in lieu of community service requirement
- HB 446 Megan's Law- Convicted sex offender shall be required to have consecutive 3 year probation on any sentence and can exceed the statutory maximum sentence.
- HB 251 State Lottery Law; more than \$2,500 see if there is outstanding fines, costs, restitution on court-ordered obligations
- HB229: Cyber-Harassment of child is criminal offense
- HB 73: Counselor providing SO counseling must notify DA/Chief Law Enforcement Officer if counseling SVP
- Motion made by Carl McKee; seconded by Jim Miller to ask prime sponsor of Megan's Law about 3 year sanctions after max sentence. Motion passed.

Grant-in-Aid: Chris Murphy reported on synopsis distributed by Bob McCullough regarding the Legislative Budget and Finance Committee. Attached. Hearings are to resume in April.

Inter-county Transfer: Nick Honyara reported that scan and email of transfers is best practice.

Program Committee: No report

Technology Committee: Cory Seymour is not chair of this committee

Ad Hoc Committee: Mark Wilson will report under Old Business

AGENCY UPDATES

CCAP : Live in Forest County now; Web portal now in Northumberland. Help Desk is cleaning up issues; 583 requests in January, 605 in February, 326 in March. The Allegheny DA's office on board, as is York Probation and Venango Probation. UCM connect training April 28 and 29th.

PBPP Probation Services: Tom Dougherty stated that 2.3 million more in Grant-in-Aid is the first increase since 2005.

PBPP Training Division: Lou Perez reports County only BTA in April and another BTA in May, 2015. There are 176 new P.O's statewide.

11,000 miles this year and discussion centered on either a wage increase of up to 3% or up to \$6,000 in travel expenses for mileage. There will be more discussion at June meeting.

Respectfully submitted,

Paul

Funding of County Probation Services

House Resolution 619 called on the LB&FC to conduct a study of the costs and services of Pennsylvania's county probation and parole (hereafter shortened to probation) system.

The study found:

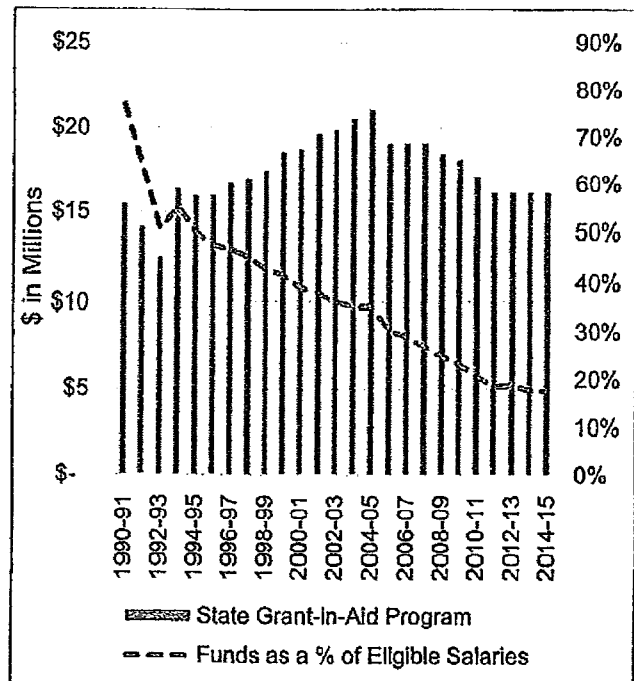
- Most (86%) of PA's probation cases are under county jurisdiction. County probation offices supervised 233,345 offenders, compared to 39,036 offenders at the state level.
- Turnover rates for county probation officers averaged 6.0% in 2011. This is down from 7.8% in the late 1990s.
- Many new responsibilities have been placed on county probation offices in the last 10 years, with little or no additional funding. Actuarial risk assessments—a time-consuming requirement—is likely to soon become another unfunded mandate for county offices.
- The percentage of county funds used to support county probation offices has been increasing. In FY 13-14, county funds comprised 58% of total funding for county probation offices, compared to 45% in FY 98-99.
- Average caseloads have fallen from 117 active cases per probation officer in 2002 to 113 in 2013.
- The number of felons in the county probation and parole system has increased from 55,650 in 2002 to 74,971 in 2013.
- Evidence-based practices hold the promise of lowering recidivism rates. Almost all counties have implemented at least some EBPs, but are limited by resource constraints.
- State Grant-in-Aid funding has declined markedly in the last 10 years, both in real dollars and as a percentage of eligible salaries. State law targets GIA funding at 80% of eligible county salaries. GIA funding was close to this goal in the late 1980s, but by FY 14-15, had fallen to only 17.6% (see graph).
- The statutory requirement that half the monies counties collect in supervision fees be sent to the Commonwealth is unnecessary. These funds are returned back to counties on a dollar-per-dollar basis later in the year. This transfer creates paperwork burdens

and can also present a misleading picture of how much state support counties receive.

- The percentage of supervision fees actually collected varies widely from county to county. Some counties reported collecting about 25% of the supervision fees they assess, while others reported collecting 90% or more.

Recommendations

- The Grant-In-Aid program be re-defined and re-purposed to better encourage evidence-based practices. This would require a statutory change.
- Counties be allowed to retain 100% of the supervision fees they collect. This would require a statutory change, but might encourage improved efforts to collect the fees.
- The Executive Budget document better identify the amount of Grant-in-Aid funds that go to counties.
- The General Assembly may wish to revisit the Justice Reinvestment Initiative legislation. The JRI as was enacted in 2012 is projected to yield much less in reinvestable savings for county probation offices than would have been possible under the original proposal.



LEGISLATIVE BUDGET AND FINANCE COMMITTEE

Funding of County Adult Probation Services

Report Presentation by Rick Jones at
February 24, 2015, Meeting

Good morning. My name is Rick Jones, and I am staff counsel for the Committee. With me today is Anne Witkonis, one of the staff analysts. Anne and I took the lead on the county probation study, and we are here today to present the findings and recommendations of that report.

House Resolution 619 called on our Committee to conduct a study of the costs and services of Pennsylvania's county probation system, which includes both probationers (community supervision rather than incarceration) and parolees (community supervision after incarceration). Pennsylvania has two probation systems, one for state offenders under the Pennsylvania Board of Probation and Parole and one for county offenders, which operates under each county's President Judge. The county system, which is the subject of this report, is by far the larger of the two, accounting for 86 percent of all probation cases. In absolute numbers, county probation offices supervise about 233,000 offenders compared to about 39,000 at the state level.

Much of this study focuses on the financial needs and concerns of county probation offices. When we last reviewed the county probation system in the late 1990s, counties were funding 45 percent of the total costs of the system, with state funds contributing about 20 percent. Supervision fees paid by offenders were also about 20 percent of the funding, with various other grants and revenues comprising the remaining 15 percent. About 15 years later, in FY 2013-14, counties were funding about 58 percent of total costs and state funding has dropped from 20 percent to only about 8 percent of total funding.

Another way to look at it is that state funding for county probation offices in 2014-15 is \$16.2 million, or only slightly more than the \$16.0 million it was about 20 years ago. The high water mark for state funding was \$21 million in FY 2005-06.

In 1986, the General Assembly amended the statute providing for state funding for county probation

offices, known as the Grant-in-Aid program, to establish a goal of funding 80 percent of eligible salary costs. Without getting too complicated, eligible salaries are the cost of the additional personnel needed since 1966 to improve county probation services. In the late 1980s, the legislature got close to meeting that goal by passing an appropriation that covered 78 percent of eligible salaries. Over the past 25 years, however, the percentage has dropped pretty much steadily, to the point that in FY 2013-14, the \$16.2 million appropriation covered only about 18 percent of eligible salaries.

The Grant-in-Aid funds are divided up on a pro-rated basis, which last year resulted in 20 counties receiving less than \$50,000. Given that these funds come with some pretty substantial strings attached by the Pennsylvania Board of Probation and Parole in terms of audit and performance requirements, it is perhaps not surprising that several counties told us that it has gotten to the point where they feel applying for state funding may not be worth the effort.

Another significant issue raised during the study is the way supervision fees are handled. The Crime Victims Act of 1998 requires that adult offenders under the supervision of a county probation agency pay a monthly fee of at least \$25. These fees now range from \$25 to \$75 a month, with the average being \$41 a month. The counties retain half of the supervision fees collected, and the other half is sent to the Commonwealth and deposited into the State Offender Supervision Fund. The state Board of Probation and Parole then sends these funds back to the counties on a dollar-for-dollar basis.

Virtually everyone we spoke with agrees this back-and-forth does not make much sense and requires a fair amount of paperwork and accounting effort at both the state and county level. The reason it has not yet been addressed appears to be due to the issue of who has control at the county level over the returned funds. But the supervision fees can only be used for probation and parole services, so we recommend the Crime Victims Compensation Act be amended to allow county probation offices to retain

100 percent of the supervision fees they collect. Allowing county probation offices to retain 100 percent of what they collect should also incentivize the counties to impose and collect additional supervision fees, as we found that both the amount of the monthly supervision fee and the percentage of the fees collected varied widely from county to county.

The report contains several other findings about how county probation office workloads, practices, and responsibilities have changed over the past 15 years and some other more technical issues related to the funding streams, but in the interest of time I'll skip to the report recommendations.

First, we recommend that the General Assembly consider re-defining and re-purposing the state-funded Grant-in-Aid program. As I mentioned, the current legislative goal of the Grant-in-Aid funding is to cover 80 percent of the cost of certain eligible salaries. While for a brief time in the late 1980s and early 1990s, the Grant-in-Aid program did cover something at least close to 80 percent, it now covers less than 18 percent of the eligible salaries, which essentially renders the current goal meaningless.

We therefore recommend the Grant-in-Aid program be re-focused to better reflect current needs and realities. Specifically, we recommend the statutorily created Governor's Advisory Committee on Probation recommend a new approach to distributing Grant-in-Aid funds based on a strategy of encouraging counties to implement nationally recognized evidenced-based practices, such as conducting risk-screening assessments and employing cognitive behavioral therapies, which have been proven to reduce recidivism. Many counties have already begun to implement such practices, but the level of implementation varies widely from county to county.

Allocating funds in this manner will certainly be more challenging than simply distributing the money using a formula based on current salaries. But the Pennsylvania Commission on Crime and Delinquency, at the request of the County Chief Probation Officers Association of Pennsylvania, has funded a

study to recommend ways counties can better implement evidenced-based and workload analysis practices. The recommendations from this study should be helpful in designing a new funding approach, which would then need to be authorized in legislation.

Second, we recommend that clearer language be used in the Governor's Executive Budget in describing the Grant-in-Aid appropriation. This may be a minor recommendation, but it is difficult to tell from the budget document either how much money is being targeted to the Grant-in-Aid program or that the funds are distributed to the counties.

Third, as I mentioned earlier, we recommend that counties be allowed to retain 100 percent of the supervision fees they collect, both as a way to cut down on needless paperwork and as a way to incentivize county probation offices to impose and collect these fees.

Finally, we recommend that the General Assembly may wish to revisit the Justice Reinvestment Initiative (JRI) legislation that was signed into law in 2012. Although the JRI had the potential to provide significant additional funding to county probation offices, the bill as it was finally adopted resulted in fewer savings and directed most of the money to victim services and other purposes not necessarily envisioned by the original bill. As a consequence, one of the key concepts of the initiative—providing pre- and post-release services to offenders to help reduce the number of repeat offenders—has received little of the additional money generated by the JRI.

In closing, we would like to thank the Chairman and staff of the Pennsylvania Board of Probation and Parole for the excellent assistance they provided during this study. We would also like to thank the County Chief Probation and Parole Officers Association of Pennsylvania and the many County Chief Probation Officers that responded to our questionnaire and allowed us to interview them during this project. Thank you for your attention.