



Pennsylvania Board of Probation and Parole
Testimony of Theodore W. Johnson, Chairman
House Appropriations Committee
February 20, 2020

Good afternoon, Chairman Saylor, Chairman Bradford, and distinguished members of the House appropriations committee. Thank you for the opportunity to appear before you today to discuss the probation and parole budget request for FY 2020-21.

Before I go into the details of our budget request, I would like to highlight a couple of our recent accomplishments and tell you a little bit about the Board and our decision-making process.

The overall goal of our agency is to protect the citizens of the Commonwealth. We take our work very seriously and incorporate science, technology, and professional judgement into all of our decisions. I personally have 44 years of working in the county and federal probation and parole systems. Our board members and hearing examiners similarly have a wealth of professional experience.

During the last fiscal year, our Board interviewed 18,392 incarcerated individuals for parole consideration and granted parole to 60% of these individuals. The one-year recommitment rate of incarcerated individuals released during the 2018-2019 fiscal year was 16%. The three-year recommitment rate of incarcerated individuals released during the 2018-2019 fiscal year was 42%.

I want to assure all of the members of your Committee that our Board votes to release people from prison only after considerable thought and thorough analysis. To determine whether or not to parole someone, decision makers interview incarcerated individuals and review numerous reports and assessments, including actuarial instruments that predict the likelihood of future criminal behavior, criminal history, past parole or probation supervision history, psychological reports, prison-life behavior, vocational and educational program involvement, compliance with prescriptive programs that address criminogenic and/or addiction needs, home plans, and reintegration plans. We also consider recommendations from judges, district attorneys and most importantly — the victims themselves. In the last fiscal year, our decision makers participated in in person victim testimonies with over 1,103 attendees.

In 2012, the Supreme Court ruled in *Miller v. Alabama* that it was unconstitutional to impose mandatory sentences of life without the possibility of parole on juvenile offenders; in 2016, the Court ruled in *Montgomery v. Louisiana* that *Miller* should be applied retroactively. The Commonwealth of Pennsylvania had 521 of these “juvenile lifers” – more than any other state in the nation. Since the *Montgomery* decision, the Board has worked aggressively to interview juvenile lifers resentenced as a result of these decisions. Of the 459 juvenile lifers resentenced by the courts, 310 have been interviewed by the Board and 223 have been paroled, for an overall parole rate of 72%. (Some of those resentenced have not yet reached their minimum parole eligibility date.) To date, only one paroled juvenile lifer has been recommitted on new criminal charges.

The Board continually strives to improve our work. To become more effective in promoting community safety, we regularly monitor parolee outcomes, Board decisions, and the reports and assessments available to us. We are currently in the initial stages of revising our

parole decisional instrument as well as designing a digital dashboard to enable us to more effectively track the results of our decisions.

The Board has embraced the use of technology in all aspects of our decision making and outcome measurement. This has led to numerous efficiencies that both speed up the parole and hearing processes and provide decision-makers with more timely access to critical information. These innovations saved \$324,000 last year and an estimated \$1 million in the coming years.

In October 2017, the Board signed a Memorandum of Understanding with the Department of Corrections to merge portions of our two agencies. With your help this will become a statutory change with passage of SB 968, consolidation legislation being sponsored by Senator Browne. To date, this consolidation has gone smoothly and has helped to streamline the agencies' work. It has kept independent the decision on whether parole is granted or denied, while helping to ensure that all staff work towards the same goal, and do so under unified direction. It has also led to cost savings through the reduction of duplicative job functions.

For the coming year, the agency is requesting funding to support mandated contractual increases and cost-to-carry expenses. The requested amount will allow the agency to serve Pennsylvania's growing parole-eligible population and improve our paroling decisions.

In the current fiscal year, the budget for parole is \$12.1 million. This figure includes essential funding for the Board, which includes the Office of Hearing Examiners and the Office of Board Secretary. In FY 2020-21 we are requesting \$12.3 million to continue to fund our essential operations.

Going forward, in addition to advancing the efforts described above, the Board looks forward to implementing the recently enacted common-sense criminal justice reforms outlined in Pennsylvania's Justice Reinvestment Initiatives (JRI2). The Board and the DOC will be active participants in the newly formed Parolee Homicide Review Team which will report annually on circumstances and efforts to reduce parolee homicides. In 2012, the General Assembly unanimously passed the first such initiative, JRI1, which led to historic reductions in our prison population as well as significant reductions in crime. JRI2 builds on this progress and is in line with Governor Wolf's emphasis on creating a "government that works" for all Pennsylvanians.

I am optimistic that the increased opportunities to reduce recidivism, by using evidence-based practices to deter and reform criminal behavior, will allow us to continue to enhance public safety. I am encouraged by Governor Wolf's leadership in this area, and share the Governor's belief that a safer, more united Pennsylvania is a better Pennsylvania.

Chairman Saylor, Chairman Bradford, and Honorable Committee Members, thank you for your time and consideration of these additional resources. I am happy to answer any questions that you or the members may have.