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Summary and Recommendations

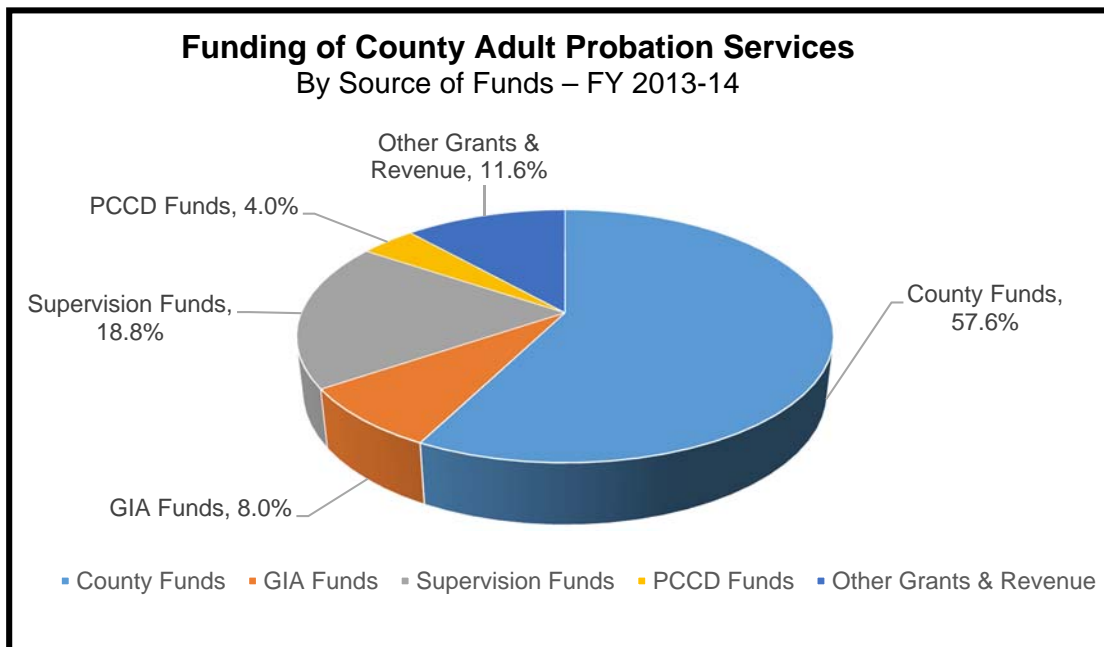
House Resolution 2014-619 called on the Legislative Budget and Finance Committee to conduct a study of the costs and services of Pennsylvania's county adult probation system, specifically the Grant-in-Aid (GIA) formula, county costs, and supervision fees, to determine the impact these and other factors have on the quality and level of program services offered through the county adult probation system.

We found:

- ***The large majority (86 percent) of all probation and parole cases are under county jurisdiction (p. 2).*** As of December 31, 2013, county probation and parole offices supervised 233,345 offenders, compared to 39,036 offenders at the state level. The probation and parole population (both state and county) account for 72 percent of the entire Commonwealth's criminal offender population.
- ***Turnover rates for county probation and parole officers averaged 6.0 percent in 2011, down from an average of 7.8 percent in the late 1990s (p. 4).*** To the extent that turnover measures are indicative of job satisfaction, this would appear to be a positive trend.
- ***Many new responsibilities have been placed on county probation and parole offices in the last 10 years, with little or no additional funding (pp. 8-20).*** County probation and parole offices must contend with new responsibilities, including increased emphasis on evidence-based practices, many of which are labor intensive; registration provisions of the Adam Walsh Child Protection and Safety Act; monitoring ignition interlock devices for certain DWI offenders covered under Leandra's law; collecting DNA samples from offenders; and various reporting requirements from the Pennsylvania Commission on Crime and Delinquency (PCCD) and the Administrative Office of Pennsylvania Courts. Counties have received little or no new funding for these additional tasks. Actuarial presentencing assessments—a time-consuming requirement—is likely to soon be another unfunded mandate.
- ***The Commonwealth's Justice Reinvestment Initiative (JRI) has not yet generated significant savings (pp. 11-14).*** The goal of the JRI is to manage criminal justice populations more efficiently, with savings to be reinvested in system improvements. The JRI was estimated to result in a decline of 538 inmates by 2014, but the actual decline was only about half that amount (264). According to the PCCD, JRI savings realized and applied in FY 2013-14 totaled only \$43,000. The federal Bureau of Justice

Assistance noted that, due to changes made in the JRI bill that was finally enacted, cost-savings in Pennsylvania are likely to be modest.

- **The County Chief Adult Probation and Parole Officers Association of Pennsylvania has received a grant from PCCD to obtain the services of a consultant to guide the association with regard to recommended county policies for implementing evidence-based practices and workload analysis (p. 18).** Under the terms of the \$30,000 grant (all federal funds), the consultant is to create a strategic plan for the development and implementation of statewide evidence-based practices and to develop a method of workload analysis to support these practices. The report is expected to be completed by December 31, 2014.
- **The percentage of county funds used to support county probation and parole offices has been increasing and varies widely across the state (p. 24).** As state GIA funds have fallen, the amount counties contribute to their probation and parole offices have increased. On average, county funds comprised 58 percent of total funding for county probation and parole offices in FY 2013-14. In FY 1998-99, county funds comprised, on average, only 45 percent of total funds. We also found that the percentage of county funds varied widely from county to county, with Huntingdon County using only 11 percent county funds and Bedford County using 85 percent county funds.



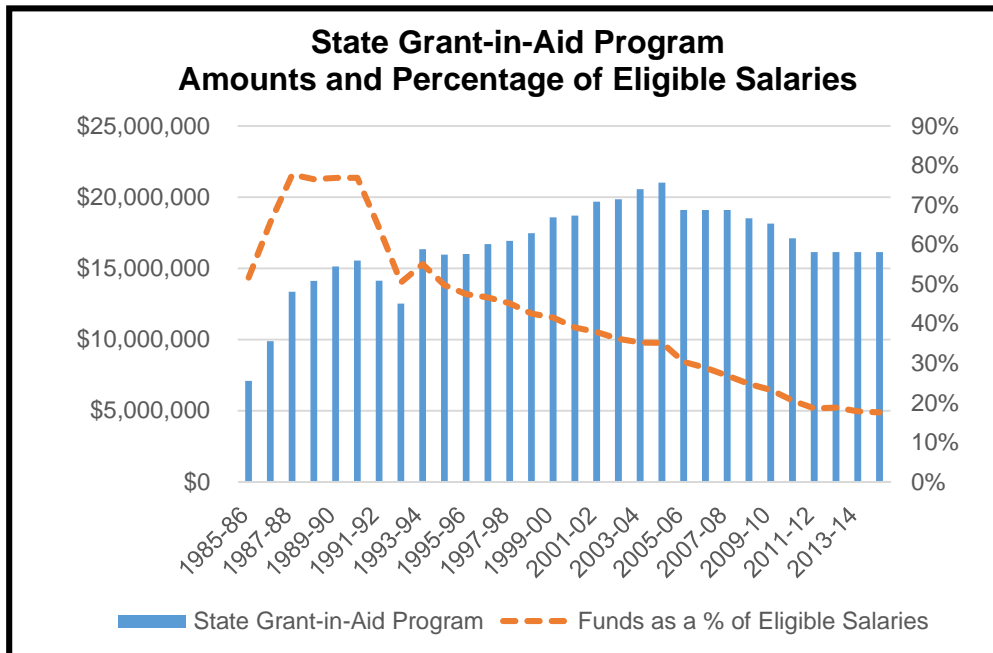
- **The cost of probation is far lower than the cost of incarceration (p. 28).** The Pennsylvania Board of Probation and Parole reports that the cost of incarceration in a state correctional institution in FY 2014-15 is \$41,100 a year. This compares to costs of about \$1,000 per offender in the county

probation and parole system and \$3,348 per offender supervised by the PA Board of Probation and Parole. To some extent, the probation and parole cost differences can be attributed to a higher percentage of felons at the state level (close to 100 percent felons) compared to the county probation and parole system (about 30 percent felons).

- **Average county probation and parole caseloads have fallen from 117 active cases per probation officer in 2002 to 113 active cases per probation officer in 2013 (pp. 29-37).** Caseload statistics, however, can be misleading. Workload measures, which take into account the many variables which impact the amount of time required to supervise different types of offenders, are much preferable measures. But the way workloads are calculated varies significantly from county to county, making intercounty comparisons difficult.
- **Average caseloads for state probation and parole agents are about 76 offenders; average caseloads for county probation and parole agents are about 113 offenders (active cases only) (pp. 29-37).** While workloads are a better measure of required effort than caseloads (some offenders require much supervision, others very little), counties do not have a uniform way to calculate workload statistics. For that reason, we compared average caseloads of state probation and parole agents against average caseloads of county probation and parole agents. We found that county caseloads are oftentimes two to three times greater than average caseloads for state agents. Caseloads for state agents, however, are typically comprised of more serious offenders, with over 90 percent being felons in the state probation system versus 32 percent felons for county systems.
- **The number of felons in the county probation and parole system has been increasing (p. 39).** The number of felons in the county probation and parole system has increased significantly (35 percent) over the past eleven years, from 55,650 in 2002 to 74,971 in 2013. This is in part because the total population of offenders in the county probation and parole system has been increasing, but also in part because the percentage of felons in the county system has also increased, from 26.6 percent of all offenders in 2002 to 32.1 percent in 2013.
- **Evidence-based practices hold the promise of lowering recidivism rates (pp. 40-42).** Certain probation and parole practices, such as conducting an actuarial risk assessment to determine the risk an offender poses and making efforts to enhance an offender's intrinsic motivation, have been demonstrated to be effective in reducing recidivism rates. Almost all counties are using at least some of the practices, but are limited in their ability to do so by resource constraints.
- **PBPP audits the counties, which are generally in compliance (pp. 43-45).** The Pennsylvania Board of Probation and Parole (PBPP) requires that

counties must follow the American Correctional Association’s standards for probation and parole services to qualify for GIA funds. The ACA has promulgated 173 such standards, and the PBPP audits one-third of those standards in every county every year. The audits indicate the counties have had a high degree of compliance with the standards, with 62 of the 65 county offices having achieved a compliance rate of 90 percent or higher.

- State Grant-in-Aid funding has declined markedly in the last 10 years, both in real dollars and as a percentage of eligible salaries (pp. 46-59).** The GIA program, established in the Improvement of Probation Services Act of 1965, was amended in 1986 to include the goal of covering 80 percent of eligible county salary costs. Eligible costs are defined as the salary costs of additional personnel needed since 1966 to improve county probation services. Although GIA funding came close to meeting the 80 percent goal in the late 1980s (78 percent of eligible costs in FY 1988-89), GIA funding as a percentage of eligible salaries has declined steadily since then. In FY 2013-14, GIA funding to counties totaled \$16.15 million, which only covered 17.9 percent of eligible salaries. Some counties report that GIA funding has been reduced to levels where they are questioning whether it is worth it to adopt the standards that are tied into the GIA program.



- The methodology used for distributing state Grant-in-Aid funding was changed in 1991 and now may not conform to the original legislative intent (pp. 46-59).** Under the 1986 amendments to the Improvement of

Probation Services Act of 1965, if the legislature did not appropriate sufficient funds to cover 80 percent of the counties' eligible costs, the counties were to receive a prorated reduction in the GIA. In 1991, the Governor's Office of the Budget changed how the proration was calculated by placing an "administrative cap" on the number of eligible positions, at 1,014 positions. This cap has been frozen since 1991, resulting in increasingly distorted proration amounts at the county level. For example, in FY 2013-14, eight counties received amounts greater than 25 percent of their eligible salaries, and six counties received amounts totaling less than 10 percent of their eligible salaries.

- ***Counties believe the statutory requirement that half of the monies they collect in supervision fees be sent to the Commonwealth, only to be returned back to them on a dollar-per-dollar basis later in the year, is unnecessarily burdensome and deprives them of the interest that could be earned on those funds (pp. 59-63).*** The Crime Victims Act of 1998 requires that adult offenders under the supervision of a county probation agency pay a monthly fee. The county is to retain 50 percent of the fees it collects and remit the remaining 50 percent to the Commonwealth's State Offender Supervision Fund. To encourage counties to collect these fees, the PA Board of Probation and Parole has established a policy of returning the fees to the county on a dollar-for-dollar basis. During the time the fees are with the Commonwealth, any interest earned is retained in the state General Fund. Although the returned supervision fees must be used for probation and parole, because the fees are typically returned to the county General Fund rather than the County Offender Supervision Fund (which is under the control of the county president judge), county commissioners have blocked efforts to amend the law to allow the county to retain all supervision fees. A recent 2014 court decision regarding Bradford County may alleviate some of these concerns.
- ***The manner in which supervision funds and Grant-in-Aid funds are portrayed in certain public documents is confusing and potentially misleading (pp. 63-66).*** County chiefs of probation believe that part of the reason legislators get confused about the level of state funding of county probation and parole offices is the way funds are presented in certain state documents. For example, in the PA Board of Probation and Parole Annual Report, the portion of supervision funds required to be remitted to the Commonwealth are combined with the state Grant-in-Aid funds when calculating the state contribution to county probation and parole offices. This results in a much higher level of state funding than if the supervision fees, which are assessed and collected at the county level, were considered as county funds. Also, it is unclear from the Governor's Executive Budget document how much, if any, of the Improvement of Adult Probation Services appropriation is allocated to the counties.

- ***The percentage of supervision fees actually collected varies widely from county to county (pp. 69-71).*** We asked counties to estimate what the percentage of the supervision fees they assess is actually collected. The answers ranged from a low of about 25 percent to several counties that indicated they collected 90-100 percent of the fees they assess. Several counties described processes and approaches that they have found successful (e.g., contempt models and civil judgments) that may warrant consideration in other counties.

Recommendations

1. ***The Improvement of Probation Services Act of 1965 be amended to re-define and re-purpose the county Grant-In-Aid program.*** The original intent of the GIA program was to encourage improvements to county probation services by funding certain additional positions created after 1966. While this goal may have made sense during the 20th century, tying the GIA program to base year complement levels that are almost 50 years old can result in the funds being used for purposes that no longer reflect today's priorities. Additionally, in 1986 the GIA program was amended to establish a goal of covering 80 percent of eligible salaries. In FY 2013-14, the GIA covered only 18 percent of eligible salaries, a percentage so low that it renders the 80 percent goal virtually meaningless. Finally, in 1991 the Governor's Budget Office established an arbitrary cap of 1,014 eligible positions as the basis for allocating the GIA funds. With the cap having been in place now for over 20 years, we found that county allocations, at least in some instances, deviate markedly from what they would be if the GIA funds were prorated as originally intended.

For all these reasons, we recommend the GIA program be re-defined and re-purposed to better reflect current needs and realities. In particular, we recommend the Governor's Advisory Committee on Probation review the upcoming study¹ that is developing a strategic plan to implement evidence-based practices and workload analysis at the county level and consider incorporating the concepts recommended in this study as key components of a new approach for distributing Grant-in-Aid funds. Such an approach would also be consistent with Act 2008-81, which provides for the PA Board of Probation and Parole to establish a Recidivism Risk Reduction Incentive (RRRI) program designed to ensure that nonviolent prisoners participate in evidence-based programs proven to reduce recidivism.

As part of a new approach, we recommend the Advisory Committee target a realistic goal for funding the GIA program, perhaps as a percentage of

¹ The study is funded by the Pennsylvania Commission on Crime and Delinquency and is being conducted under the auspices of the County Chief Adult Probation and Parole Officers Association of Pennsylvania.

the cost to implement a county's EBP/workload analysis plan. The Committee should review the policy and procedures being used by the Juvenile Court Judges Commission in its GIA program as a possible model for the adult GIA program.² We recommend the Advisory Committee then develop amendatory language to the Improvement of Probation Services Act of 1965 to implement this new approach and submit its recommendations to the Governor.

2. ***The line in the Governor's Executive Budget for the Improvement of Adult Probation Services appropriation be clarified to reflect that these funds are used to provide Grant-in-Aid to counties.*** The line item in the Governor's Executive Budget for Grant-in-Aid funds to the counties—officially called the Improvement of Adult Probation Services appropriation—does not include or reference either the term “Grant-in-Aid” or “county.” This can cause confusion with regard to the purpose of the Improvement of Adult Probation Services appropriation and who receives these funds.
3. ***The Crime Victims Compensation Act be amended to allow counties to retain 100 percent of the supervision fees imposed and collected by the counties.*** Under current law, counties must send 50 percent of the supervision fees they collect to the Commonwealth. These fees, which can only be used to support probation and parole activities, are placed in a restricted receipt account within the General Fund. As a matter of policy, the PA Board of Probation and Parole returns these fees, dollar-for-dollar, back to the counties that collected them on a semi-annual basis. This back-and-forth creates additional paperwork for both the state and the counties. It also further complicates the issue of how much county probation and parole offices receive in state money, as in some Board documents supervision fees are combined with GIA funds to yield a much higher state contribution to counties than if the supervision fees were considered county funds.

Additionally, the County Chief Adult Probation and Parole Officers Association of Pennsylvania believes allowing 100 percent of the supervision funds to remain in the County Offender Supervision Fund would incentivize county probation and parole offices to impose and collect additional supervision fees. It would also allow counties to retain all the interest generated by these funds, as the interest generated by the funds sent to the State Offender Supervision Fund is now retained in the state General Fund.

This issue has been debated for more than 10 years but not resolved, in large part because the supervision funds are often returned to the county General Fund, which is controlled by the county commissioners, rather

² JCJC Grant-in-Aid awards are tied directly to the implementation of evidence-based practices, which must be documented in the county's Juvenile Justice System Enhancement Strategy plan.

than the County Offender Supervision Fund, which is controlled by the county president judge. A recent court decision involving Bedford County clarified that county General Funds advanced to county probation and parole offices have first claim to the County Offender Supervision Fund, which should help alleviate the concerns of the county commissioners.

4. ***The General Assembly may wish to revisit the Justice Reinvestment Initiative (JRI) legislation that was signed into law in 2012.*** Pennsylvania's JRI legislation (Act 2012-122) is projected to yield much less in savings that would have been the case had all the polices originally proposed by the JRI working group been adopted. Additionally, the legislation which codified how the JRI savings funds are to be used (Act 2012-196) devotes far less to county probation and parole services than proposed by the working group.

I. Introduction

House Resolution 2014-619 called on the Legislative Budget and Finance Committee to conduct a study of the costs and services of Pennsylvania’s county adult probation system (see Appendix A).

Study Objectives

As described in the resolution, the study objective was:

...to assess the county adult probation system—specifically the Grant-in-Aid formula, county costs, and supervision fees—to determine the impact on the quality and level of program services offered through the county adult probation system.

Methodology

Much of our report is based on information county probation and parole offices report to the Pennsylvania Board of Probation and Parole, the state agency with oversight responsibilities for the county probation and parole system. We also met with staff of the Pennsylvania Board of Probation and Parole and the members of the Governor’s Advisory Committee on Adult Probation.

To obtain input from the counties, we developed a survey questionnaire on Survey Monkey and requested the county Chief Probation Officers to submit responses. We received responses from 41 counties. We also visited and interviewed county chiefs and staff members in six counties representing different areas of the state and different classes (population) of counties.

We met on two occasions with representatives of the County Chief Adult Probation and Parole Officers Association of Pennsylvania, who provided valuable information and insight into the operations and difficulties faced by county probation and parole offices.

Papers and positions developed by national organizations, particularly the American Probation and Parole Association, the National Institute of Corrections, and the American Correctional Association were also instructive.

Acknowledgements

We would like to thank the Pennsylvania Board of Probation and Parole and its staff, as well as members of the Governor’s Advisory Committee on Adult Probation for the excellent cooperation we received during this study. The participation

of the county Chiefs of Probation and Parole, through our survey, the interview process, and through the County Chief Adult Probation and Parole Officers Association of Pennsylvania, was also vital.

Important Note

This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as indicating that the Committee members endorse all the report's findings and recommendations.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.

II. Overview of Adult Probation and Parole in Pennsylvania

As of December 31, 2013, Pennsylvania’s statewide probation and parole caseload was approximately 272,000, up approximately 33 percent from what the LB&FC reported for the final year of our prior report in 2000. Of this number, about 233,000—or 86 percent—of the cases were under supervision at the county probation and parole level (see Table 1). The remainder, over 39,000 offender cases, were supervised by the Pennsylvania Board of Probation and Parole (PBPP). The total of probation and parole cases represented almost 72 percent of the entire criminal offender population, including those incarcerated.

Table 1

State-County Adult Probation and Parole Caseloads		
(As of December 31, 2013)		
	<u>County Caseload</u>	<u>State (PBPP) Caseload</u>
Probation	87,984	--
Parole	56,381	--
Intermediate Punishment	16,216	--
ARD	26,532	--
PWV (Probation Without Verdict.)	1,270	--
Bail.....	3,276	--
Inactive	20,200	--
Absconders.....	19,980	--
Total.....	233,345	39,036

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

Overview of Probation and Parole

Probation and parole are related aspects of the criminal justice system. The U.S. Department of Justice describes probation as when adult criminal offenders are placed by the judicial system under community supervision through a probation agency instead of incarcerating them. Parole is related but involves criminal offenders who have served a portion of their sentence in prison and are then released upon certain conditions to serve out the remaining portion of their sentence under community supervision through a parole agency. Probationers and parolees are typically required to fulfill certain conditions of their community supervision, such as the payment of fines, payment of court costs and fees, and participation in treatment programs. They also need to adhere to certain rules of conduct while in the community. Violation of terms and conditions of probation and parole can result in incarceration. As of 2012, there were approximately 4,781,300 adults under community supervision in the United States. According to the American Probation and

Parole Association (APPA), the purpose of probation is “to assist in reducing the incidence and impact of crime by probationers in the community” through providing investigation and reports to the court, helping develop appropriate court dispositions for offenders, and supervising persons on probation. Parole has a similar purpose and is viewed by the APPA as a

...logical extension of the sentence to provide the opportunity to return offenders to society as productive and law-abiding citizens after a reasonable period of incarceration and at a time when they are assessed to have the capability and desire to succeed and live up to the responsibilities inherent in such a release.

Services typically provided by adult probation agencies are listed on Exhibit 1.

Exhibit 1

**Programs and Services Typically Provided
by Adult Probation Agencies**

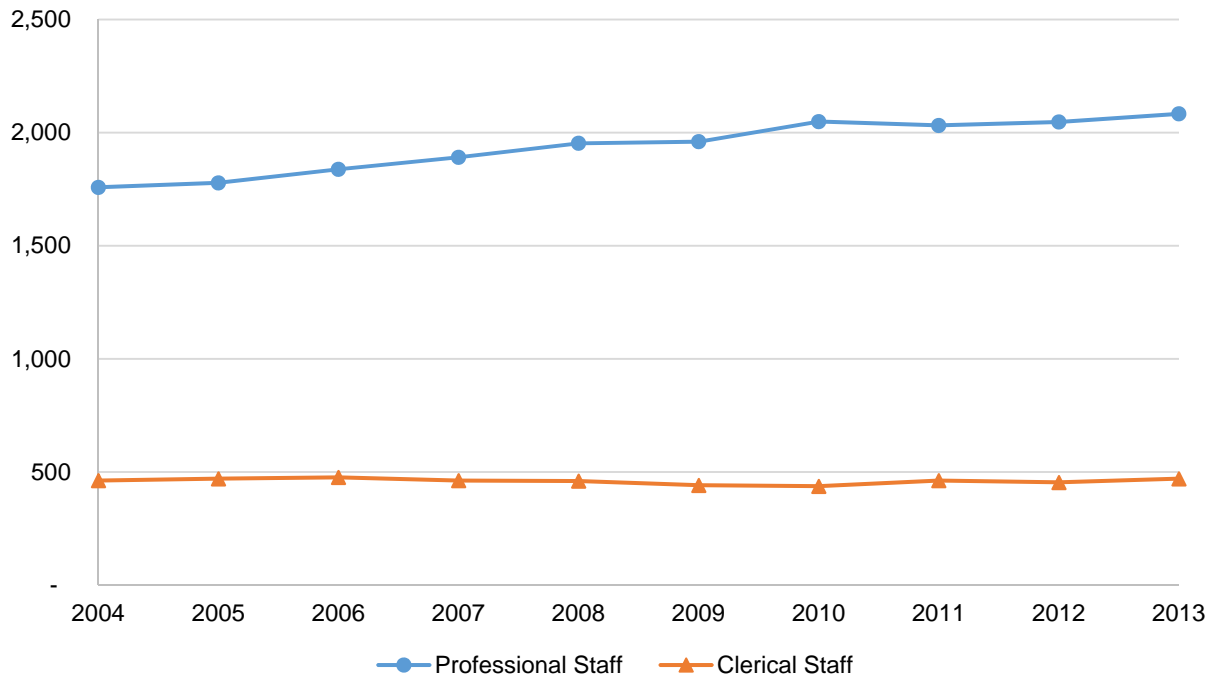
- | | |
|---|---------------------------------------|
| - Presentence Investigation Reports | - Intensive Supervision Program |
| - Intake Assessment | - Drug Offender Programs |
| - Needs Assessment | - Sex Offender Programs |
| - Supervision Planning | - Violent Offender Programs |
| - Monitoring | - Domestic Violence Offender Programs |
| - Intermediate Sanctions | - Community Service Programs |
| - Community Service | - Contracting for Special Services |
| - Outpatient and Residential Treatment Facilities | - Victims' Services |
| - Spatial and Time Liberty Restrictions | |

Source: Developed by LB&FC staff from the Pennsylvania Board of Probation and Parole *County Adult Probation and Parole Annual Statistical Report, 2013*

Exhibit 2 shows the number of professional and clerical staff in the county offices to provide these services since 2004. Turnover rates for county probation and parole officers averaged 6.0 percent in 2011, down from an average of 7.8 percent in the late 1990s. Turnover rates, which were cited as one of the most significant challenges facing county probation and parole offices in the late 1990s, were rarely cited as a concern during this study.

Exhibit 2

Number of Professional and Clerical Staff in County Adult Probation Offices



Source: Developed by LB&FC staff with data provided by the PBPP.

When issuing an order of probation, a common pleas court should consider certain factors and grounds, according to Pennsylvania's Sentencing Code, at §9722. These are:

- That the criminal conduct of the defendant neither caused nor threatened serious harm.
- That the defendant did not contemplate his conduct would cause or threaten serious harm.
- That the defendant acted under a strong provocation.
- That there were substantial grounds tending to excuse or justify the criminal conduct of the defendant, though failing to establish a defense.
- That the victim of the criminal conduct of the defendant induced or facilitated its commission.
- That the defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he sustained.
- That the defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime.

- That the criminal conduct of the defendant was the result of circumstances unlikely to recur.
- That the character and attitudes of the defendant indicate he is unlikely to commit another crime.
- That the defendant is particularly likely to respond affirmatively to probationary treatment.
- That the confinement of the defendant would entail excessive hardship to him or his dependents.
- Such other grounds as indicate the desirability of probation.

Before sentencing an offender, a pre-sentence investigation and report must be prepared unless the court specifically orders otherwise. This report includes information on the crime, the defendant, and other pertinent matters.

Probation is one of several options available to the court at sentencing. For crimes other than murder and for those for which there is a mandatory prison sentence set in statute, the court has the discretion to place the person on probation for a period not to exceed the maximum period of imprisonment allowed by law for the offense for which the sentence might be imposed. County probation and parole officers supervise county probationers in all cases except where the common pleas court by special order directs the Board of Probation and Parole to supervise the probationer.

Courts are also to specify how long probation will last and may place reasonable conditions to be met by the probationer during the term of probation, such as meeting family responsibilities, engaging in employment, participating in community service programs, undergoing medical or psychiatric treatment, submitting to a drug and alcohol treatment program, and undertaking studies or vocational training. Probationers may also be required to pay fines and restitution, stay within the court's jurisdiction, and regularly report to a probation officer (or allow that officer a home visit). The court may additionally restrict where a probationer lives and who he or she interacts with and may restrict a probationer from having dangerous weapons without permission. Other reasonable conditions may also be imposed.

Pennsylvania has the statewide Pennsylvania Board of Probation and Parole as well as 65 separate county adult probation departments. Most probation services are administered at the county level. State cases (offenders sentenced to state prison)—about 13 percent of the total caseload—are handled by the state board. Mercer and Venango Counties do not operate a county-based adult probation

program but receive services from the Board of Probation and Parole.¹ The PBPP is an independent Commonwealth agency overseeing the state's probation and parole laws and providing financial assistance, technical support, and training to the 65 county departments. The Board has exclusive authority over state parole and probation matters. County probation and parole offices are headed by Chief Probation Officers who function under the supervision of counties' president judges. County commissioners also play a key role in the operation of probation and parole offices.

State law also provides for the operation of a state probation advisory committee, the Governor's Advisory Committee on Probation. This Committee consists of nine members, seven of whom are appointed by the Governor, with the consent of a majority of the Senate members. At least two must be judges, at least one must be a county commissioner, and the remaining must be qualified in probation and parole by reason of training or experience. The Senate President Pro Tempore and the Speaker of the House of Representatives also each appoint a member from their respective house to serve on the committee. Members serve four-year terms. Judges and county commissioners serve as long as they remain in office. The Advisory Committee is to assist the Board of Probation and Parole in formulating and reviewing standards for probation personnel and probation services in the counties.

Key Funding of County Probation and Parole Services

In 1965, Act 501 significantly broadened the PBPP's powers and duties to include the administration of a Grant-in-Aid program for the improvement and expansion of county adult probation and parole services, to provide protection to the public through effective community correctional services to all county adult offenders who are not in need of correctional confinement, and the provision of training for county adult probation and parole personnel. (See Chapter V for a detailed discussion of the Grant-in-Aid program)

Also, Act 1998-111 requires that county sentencing judges impose upon county offenders, as a condition of supervision, a monthly supervision fee of at least \$25 unless reduced, waived, or deferred, based upon the offender's ability to pay. County supervision fees are to be used to supplement federal, state, and county appropriations for the county adult probation and parole departments and are to be used to pay the salaries, benefits, and operational expenses of those departments. The act provides for the establishment of County Offender Supervision Funds and a

¹ In the late 1960s and early 1970s, the PBPP decided to standardize supervision practices, including assuming the responsibilities of county programs. At that time, the Board assumed operation of approximately six county programs including those of Mercer and Venango Counties. A subsequent Executive Branch policy decision reversed the Board's assumption of the county programs. All counties, except Mercer and Venango, then reestablished their county probation programs. The Board, pursuant to the Board of Probation and Parole Law, has the power to adopt regulations establishing criteria for Board acceptance of cases for supervision and presentence investigations from counties that on December 31, 1985, maintained adult probation offices and parole systems. According to Board officials, it is under this provision that Mercer and Venango Counties are exempt from having county probation offices.

State Offender Supervision Fund. Fifty percent of the monies collected is deposited in the county fund, and the remaining 50 percent is deposited into the state fund. By Board policy, the supervision fees placed in the state fund are returned to counties on a dollar-for-dollar basis. (See Chapter V for a detailed discussion of the County Offender Supervision Fees.)

Other funding for probation and parole services is provided through various other fees and grants. See Chapter III for more detailed information on county probation and parole funding.

Recent Developments

Since our last report in 2000, several developments have occurred affecting the operations of county probation and parole offices. The most significant of these developments are listed below.

Court Funding Responsibility. County adult probation and parole operations and funding are part of the whole issue of the state's responsibility for court funding that has transpired over the past nearly thirty years. The issue began in 1985 when Allegheny County filed a mandamus action against the Commonwealth seeking an order directing that the Commonwealth, and not the counties, provide operating funds for all state courts in order to meet the constitutional requirement of a "unified judicial system." That initial legal action was dismissed, a decision that was then vacated on appeal to the Pennsylvania Supreme Court, which recognized that the system of placing primary responsibility of funding of judicial services on the counties was not constitutional because requiring counties to fund their courts was "fraught with dissention and conflict which produces fragmentation" and is, therefore, not harmonious or unified. The Court, however, stayed its judgment to allow the legislature opportunity to enact appropriate funding legislation.

In 1992, Allegheny County filed a third motion to enforce the 1987 judgment as legislative action in response to the case had not occurred. The Allegheny motion was denied but, later that year, the Pennsylvania State Association of County Commissioners (PSACC) filed a new mandamus action seeking legislative compliance with the 1987 judgment. In response, the Pa. Supreme Court "held that the 'continued existence of an independent judiciary' was imperiled as a result of the General Assembly's failure to act on the court funding issue in the many years since [the 1987 judgment.]" Mandamus was granted, jurisdiction was maintained by the court, and a master was appointed to develop a plan for specific implementation of the order. In 1997, Judge Montemuro issued his Interim Report on the Transition to State Funding of the Unified Judicial System. The Pa. Supreme Court has neither approved nor disapproved of the report. The Montemuro Report envisioned four phases of transition:

Phase I: Institution of an administrative substructure, unification of court rules/procedures, and creation of a judicial commission. This includes placing the court administrators and their deputies on the state payroll.

Implementation Date Recommended: July 1, 1998.

Phase II: Incorporation of the following into the unified judicial system:

- Common Pleas Judges and their personal staffs;
- District Justices and their staffs;
- Pittsburgh Magistrates Court, Philadelphia Municipal Court and Traffic Court Judges and their staffs;
- Court Reporters;
- Data Processing Personnel;
- Masters, hearing officers, arbitrators, and parajudicial officials; and
- Administrative Support Staff.

Implementation Date Recommended: July 1, 2000.

Phase III: Incorporation of the following into the unified judicial system:

- Domestic Relations;
- Adult and Juvenile Probation and Parole;
- Investigative and Diagnostic Services;
- Law Libraries; and
- Miscellaneous Services.

No Implementation Date Recommended.

Phase IV: Incorporation of the following into the unified judicial system:

- Clerks of Court;
- Prothonotaries;
- Clerks of the Orphans Court; and
- Registers of Wills.

No Implementation Date Recommended.

Act 1999-12 implemented the first phase, integrating district court administrators, deputy court administrators, special court administrators, and associate and assistant court administrators into the state budget.

In 2008, PSACC returned to court seeking to enforce the Court's 1996 order as well as to have the court direct the legislature to take steps needed to implement the remainder of the 1997 Montemuro Report. In 2012, the Court decided that the present landscape was fundamentally different from that in which the judgment (and the Montemuro Report) were issued, due in large part to unifying advancements made since and the learning experience of the Court and the legislature in

their cooperative effort to address seeking a unified system and how that should be funded. Moreover, the Court found that inasmuch as fifteen years had passed, the recommendations were stale. The Court stated that “trusting in the continuation of this cooperative process, representing the best of government in action, we decline to require further specific legislative action.” The Court denied to grant further mandamus relief and relinquished jurisdiction of the matter. In its decision, the Court commented that the functions of several offices included for transition under Phases 3 and 4 of the Montemuro Report, including juvenile and adult probation, “are, to say the least, tangential in the extreme to the functioning of a unified judicial system under the overarching authority of the Supreme Court.”

The County Commissioners Association of Pennsylvania states that “since the Allegheny [County] decision and Montemuro report, county responsibility for court funding has actually increased in the face of decreasing state appropriations for court cost reimbursement, domestic relations, adult and juvenile probation and other court functions.” The Administrative Office of Pennsylvania Courts (AOPC), in its 2013 *State of the Commonwealth Courts* report states—through Chief Justice Castille—that “the funding challenge for Pennsylvania courts remains significant,” noting that the state judiciary receives about one-half of 1 percent of the total state budget.

We contacted the AOPC regarding potential involvement of county adult probation offices within any transfer to state funding as envisioned by the Montemuro Report and were told that, although county probation offices were included in Phase 3 of the Montemuro Report’s plan for phasing in state funding of the unified judicial system, the Supreme Court in recent years has rearranged the priorities for unification. Currently, the court is supporting a plan to make the clerks of court and prothonotaries the next group to transition to state judicial employment. Moreover, in the most recent court opinion on state funding of the courts, the court did not adopt the same mandating approach that they had in prior cases. It seems, therefore, that full state funding of county adult probation offices is something that, even if it does occur, is unlikely to happen in the foreseeable future.

Evidence-based Practices (EBP). The move to evidenced-based practices—treatments or programs whose effectiveness can be substantiated by a measurable outcome (e.g., decreased recidivism, increased public safety)—began in the early 2000s. Evidence-based practices in community corrections has changed the nature of probation and parole, moving away from a system that emphasized minimal contact requirements between an offender and a probation/parole officer to now emphasizing certain programs and intervention strategies that research indicates will reliably produce sustained reductions in recidivism, according to the National Institute of Corrections (NIC). A report by the Administrative Office of the United States Courts states that:

Social science research over the past several decades has consistently demonstrated that effective interventions in community corrections adhere to the principles of risk, need, and responsivity.... According to the risk principle, the level of correctional intervention should match the client's risk of recidivism. Higher-risk persons [based on the presence or absence of criminogenic factors] require more intensive services in order to reduce reoffending, while lower-risk persons need less intervention.... Under the need principle, correctional interventions should target known and changeable predictors of recidivism. These are factors that, when changed, are associated with changes in the probability of recidivism².... While an assessment of overall risk suggests the level of correctional services that should be used, the assessment of criminogenic needs suggests the appropriate factors that should be changed in order to reduce recidivism... Finally, according to the responsivity principle, interventions should involve the treatment modality most capable of changing known predictors of recidivism. Research has demonstrated that cognitive behavioral strategies are the most effective way to influence change.³

The NIC has identified eight evidenced-based principles for effective intervention, in developmental order. See Chapter IV for more information on evidenced-based principals and their level of implementation in Pennsylvania's counties.

Justice Reinvestment Initiative (JRI). The federal Bureau of Justice Assistance (BJA) within the U.S. Department of Justice initiated the Justice Reinvestment Initiative in 2006 to provide policymakers with resources and tools to work toward a more effective justice system. JRI was a response to decades of justice approaches that relied heavily on incarceration strategies, which resulted in significant increases in incarceration rates, criminal justice spending, and probation and parole rates. Moreover, recidivism rates remained high.

The idea of justice reinvestment is “to manage and allocate criminal justice populations more cost-effectively” by collecting and analyzing data addressing the drivers of criminal justice populations and costs, then effecting policy, practice, and program modifications to increase how productive the system is, while measuring how fiscal issues and public safety concerns are affected by the changes. Two of the key JRI strategies that impact county probation and parole offices are creating

² Empirical research has shown that the needs most associated with criminal activity include procriminal attitudes, procriminal associates, impulsivity, substance abuse, and deficits in educational, vocational, and employment skills.

³ This modality is designed to alter dysfunctional thinking patterns through 1) explaining what cognitive behavioral therapy is and how it works to replace dysfunctional thinking; 2) role-playing and other scenario exercises to give clients practical experience in how to apply it, especially in situations that typically trigger dysfunctional responses; and 3) pro-social modeling and the proper use of authority by correctional officials and treatment providers.

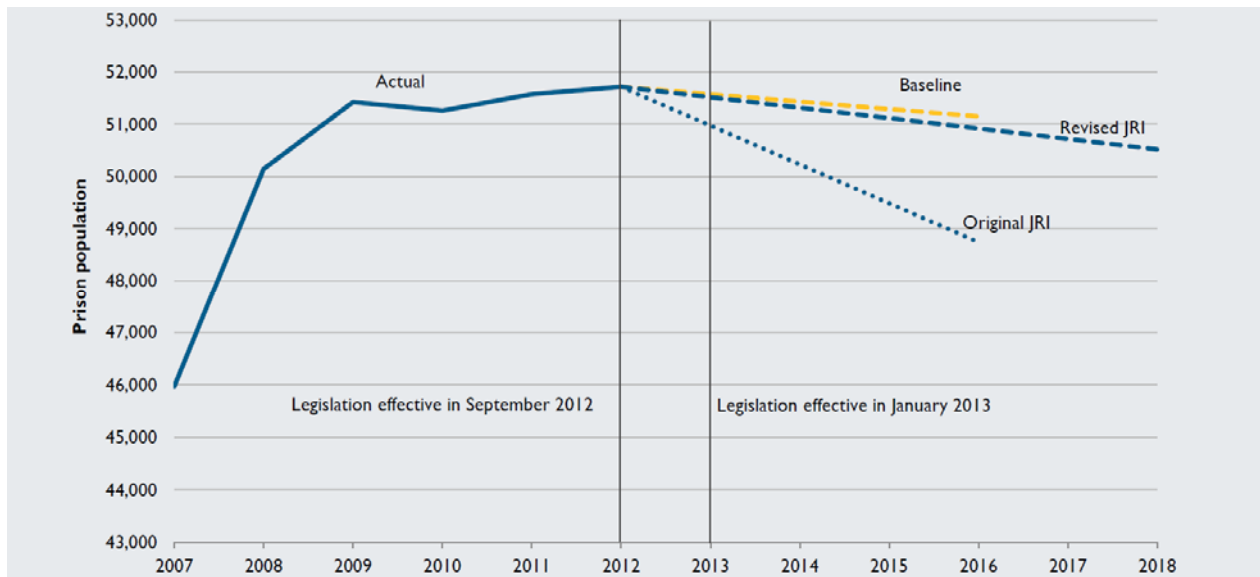
more alternatives to jail for unsentenced populations and preventing repeat offenders from returning to jail by increasing services both before and after their release. Savings generated by such efforts are to be reinvested in evidenced-based strategies and practices.

Since the formalization of JRI in 2010, there have been 17 participating JRI states nationwide, including Pennsylvania. An initial assessment by the BJA in January 2014 concluded that the JRI has “successfully promoted interest in justice system reform and the use of EBPs across the 17 JRI states.” North Carolina has reported, for example, that since 2011, its prison population has fallen by nearly 3,400 people, allowing it to close 10 prisons and use some of the savings generated to improve supervision practices by adding 175 probation and parole officers. The BJA notes that further assessments will be needed to more fully understand JRI’s impact on population reduction and cost-savings.

Pennsylvania joined JRI in 2011, working with the Counsel of State Governments Justice Center and establishing a working group that gathered input from stakeholders and non-stakeholders, as well as further analyzed statewide justice system data to identify population and cost drivers. Certain policy options were enacted via two legislative vehicles, Senate Bill 100 and House Bill 135. SB 100 created new sentencing guidelines for probation and parole revocations, expanded existing programs designed to reduce recidivism, mandated lowest level misdemeanor offenders not receive prison sentences, eliminated the pre-release program, revised parole board policies regarding sanctions for parole violators, and increased use of technology to reduce processing delays. The JRI legislation did not, however, include all of the policies proposed by the working group, so the impacts were revised from a reduction of approximately 3,000 in the Pennsylvania prison population from 2012 to 2016 to a reduction of approximately 750. (See Exhibit 3.)

Exhibit 3

Estimated Pennsylvania Prison Population Under JRI



NOTE: Dotted lines represent projections.

Sources: Urban Institute, Bureau of Justice Assistance, U.S. Department of Justice—Original JRI and baseline projections are from Council of State Governments (2012c). Actual population data are from Bureau of Justice Statistics; *Prisoner Series*.

Reductions in prison operating costs as a result of the enacted policies was estimated to be around \$139 million by 2018. HB 135 outlined a funding framework designed to reinvest these savings to expand victims services at the county and state level and offered financial support to counties that were willing to increase the number of low-risk offenders housed in county facilities, use data-supported law enforcement strategies to prevent crime, and strengthen probation services.

JRI savings in Pennsylvania were to be distributed according to statute for 2013-14 and 2014-15 as follows:

- \$1,000,000 to the Pennsylvania Commission on Crime and Delinquency (PCCD); 25 percent to be used for a statewide automated victim information system, 25 percent for victim service automated data collection and reporting projects, and the balance for programs for victims of juvenile offenders.
- \$400,000 to the Pennsylvania Commission on Sentencing to establish models for risk assessment.
- Remaining moneys are to be distributed as follows:
 - 43 percent to PCCD for grants for innovative policing.

- 21 percent to the Department of Corrections to implement contracts with counties for offender diversion for mid-minimum offenders and short-minimum offenders.
- 26 percent to PCCD for grants, in consultation with the PBPP, for county probation improvement.
- 6 percent to the PBPP for costs related to streamlining the state parole process.
- 4 percent to the DOC to support the coordinated implementation of the safe community reentry program.

This allocation differs markedly from the allocation developed by the JRI working group. The working group estimated that over the five-year period FY 2012 through FY 2017, the JRI would result in \$86 million in reinvested savings, \$21.5 million of which (25 percent) would be devoted to probation improvement and performance grants, including increasing Grant-in-Aid funding to county probation and parole departments by \$5 million to be allocated to counties based on progress toward meeting evidence-based practices and submission of key data elements.

The Secretary of the Department of Corrections in his 2014-15 testimony before the House Appropriations Committee reported that “savings have been slower to materialize than anticipated.” But he indicated confidence that “the framework is in place to realize substantial [prison] population reductions that will lead to significant cost savings.”

According to the State Board of Probation and Parole as reported to the Governor’s Advisory Committee on Probation at its August 2014 meeting, the Justice Reinvestment Initiative has resulted in a prison population that has declined in the state over the last fiscal year by about 264 inmates, which is approximately half the initial estimate of 538. These numbers, and dollar figures of savings realized, were still in the process of being finalized by the Department of Corrections in conjunction with the Governor’s Office of the Budget. JRI grants would then be available through PCCD once final numbers were obtained. We also discussed the status of the JRI program, its outcomes data, and savings figures with the Executive Director of the Pennsylvania Commission on Crime and Delinquency, who stated that it was unlikely the underlying assumptions in the JRI legislation could be achieved. According to the PCCD, total savings realized in immediately prior years, and therefore available in the Justice Reinvestment Fund for application in 2013-14, was \$43,000 and in 2014-15 is calculated at \$418,000.

Expanded Intermediate Punishment (IP). As jails and prisons became more crowded, increased attention has been directed to providing less expensive incarceration alternatives and “intermediate punishment” programs. According to Board of Probation and Parole materials, the passage of intermediate punishment bills in

1990 created a significant number of community corrections programs that were designed to divert offenders from jail and prison sentences, thereby increasing probation/parole caseloads at a higher rate than if these offenders had been incarcerated and eventually paroled to supervision.

The use of intermediate punishment reflects a nationwide trend to impose punishments that could be served in the community without incarceration. Intermediate punishment is specifically designed to serve as a more restrictive alternative for the court than probation. The main difference between probation and intermediate punishment is found in the higher risk population targeted for IP program participation and the corresponding program requirements to specifically address public safety concerns.

In 1990, Pennsylvania adopted a County Intermediate Punishment Act, which was readopted in 2000. The Act describes the purpose of intermediate punishment as:

- To protect society and promote efficiency and economy in the delivery of corrections services.
- To promote accountability of offenders to their local community.
- To fill gaps in local correctional systems and address local needs through expansion of punishment and services available to the court.
- To provide opportunities for offenders who demonstrate special needs to receive services which enhance their ability to become contributing members of the community.

To be eligible for placement on intermediate punishment an offender must not demonstrate or have a history of violent behavior.⁴ Generally, the intermediate sanction model of corrections recognizes that prison may be overly harsh for some offenders, probation may not be harsh enough for others, and that sanctions somewhere between the two may be a better fit for the system and the offenders.

⁴ A person convicted of any of the following offenses is ineligible for intermediate punishment:

- A crime requiring registration as a sexual offender.
- Murder (18 Pa.C.S. §2502)
- Voluntary manslaughter (18 Pa.C.S. §2503)
- Aggravated Assault (18 Pa.C.S. §2702)
- Assault by prisoner (18 Pa.C.S. §2703)
- Assault by life prisoner (18 Pa.C.S. §2704)
- Kidnapping (18 Pa.C.S. §2901)
- Statutory sexual assault (18 Pa.C.S. §3122.1)
- Arson and related offenses (18 Pa.C.S. §3301)
- Robbery (18 Pa.C.S. §3701)
- Theft by extortion (18 Pa.C.S. §3923)
- Incest (18 Pa.C.S. §4302)
- Escape (18 Pa.C.S. §5121)
- Burglary (F1) (18 Pa.C.S. §3502(c))

PCCD describes county intermediate punishment as follows:

Offenders at Levels 3 and 4 of the Pennsylvania Sentencing Guidelines can receive treatment for alcohol and drug issues related to crimes. Sentencing of non-violent offenders; for example, those with DUI-related charges, can involve a mix of incarceration and two or more sanctions that consider both the offender and public safety. This sentencing method is called Intermediate Punishment.

Sanctions can include:

- House arrest
- Intensive supervision
- Electronic monitoring
- Community service
- Drug testing
- Drug and alcohol treatment
- Fines and restitution

Prior to sentencing, a drug and alcohol assessment determines the degree of dependency and the most effective treatment. The restrictive intermediate punishment must be consistent with that evaluation, regardless of standard sentencing guidelines. Courts can impose full or partial confinement—not to exceed 90 days—without parole, but only when intermediate punishment follows confinement.

Participating counties regularly assess the local impact of Intermediate Punishment programs. Specifically, the evaluation documents the extent to which the programs divert offenders from incarceration and from re-involvement with drugs and related criminal activity. All participating counties have approved Intermediate Punishment plans that comply with PCCD regulations.

There is also a State Intermediate Punishment Program (SIP) that was created by Act 2004-112. This was created to help address the link between substance abuse and crime. The SIP Program is also designed as a sentencing alternative, seeking to enhance public safety by providing for incarceration followed by intensive substance abuse treatment. The SIP Program was amended by Act 2012-122 which expanded eligibility, allowed the prosecutor to waive eligibility upon victim notification, removed a defendant's ability to refuse participation, and refined the list of ineligible offenses. All eligible participants must be convicted of an offense motivated by the use of or addiction to alcohol and/or other drugs. The SIP Program consists of four phases lasting 24 months. The first phase is confinement, including a therapeutic community treatment program. The second phase consist of a minimum of

two months in a community-based therapeutic community treatment program followed by at least six months of outpatient addiction treatment. Phase four is DOC supervised reintegration into the community for the balance of the 24-month program.

Of the total probation and parole population in 2002, 9,399, or 4.5 percent, were categorized as subject to an intermediate punishment sentence. The number of offenders being supervised by the counties in intermediate punishment status increased to 16,216 in 2013.

Unfunded Mandates

In our conversations and contacts with various counties, we heard concern over several unfunded mandates that Chief Probation Officers have been charged to implement, and in particular, that these mandates are impacting the time that could be spent in direct supervision of offenders. The unfunded mandates include:

- The Sex Offender Registration and Notification Act (SORNA), also known as the Adam Walsh Child Protection & Safety Act, which is a federal act that requires sex offenders to register in their local jurisdictions. This act requires all states to apply identical criteria. To comply with SORNA, Pennsylvania enacted Megan's Law.

This registration is the responsibility of probation and parole offices in Pennsylvania. Offenders must be registered as soon as they are convicted and prior to serving a prison sentence, rather than after release from prison. This involves meeting with offenders when they come in and then entering, verifying, and updating their information. This effort, particularly initially, takes significant staff time, estimated at about 15 minutes, up to four times a year for some offenders.

- The PA Adult and Juvenile Information System is a management information system that the Administrative Office of Pennsylvania Courts (AOPC) wants county probation and parole offices to populate with data from offenders that go through specialty courts.
- Leandra's Law, passed by the General Assembly in 2009, requires mandatory sentencing of ignition interlock devices (IIDs) for certain DUI offenders. Counties are also required through regulation to create plans for monitoring these individuals and to collect DNA from offenders. County probation departments were often the designated entities to fulfill these responsibilities.

- The Pennsylvania Commission on Crime and Delinquency (PCCD) also wants counties to provide information and data on drug courts. One chief expressed frustration that information systems could not share data.

PCCD Evidenced-based Practices and Workload Analysis Grant

In mid-2014, the County Chief Adult Probation and Parole Officers Association of Pennsylvania received a grant from the Pennsylvania Commission on Crime and Delinquency to obtain the services of a consultant to guide the association with regard to recommended county policies regarding evidenced-based practices and workload analysis. The workload analysis is to be based on the number of offenders supervised and the time required to supervise those offenders.

Under the terms of the \$30,000 grant (all federal funds), the consultant is to create a strategic plan for the development and implementation of statewide evidence-based practices and to develop a method of workload analysis to support these practices. The report is expected to be completed by December 31, 2014.

Specialty Courts

Since our 2000 report, many counties in Pennsylvania have established specialty courts. These courts, also called treatment courts, accountability courts, and problem-solving courts, focus on specific problem areas within the criminal justice system. They are often titled according to the issue they address, such as drug court, driving under the influence (DUI) court, mental health court, and veterans court.

Specialty courts were established in counties for various reasons:

- the president judge supported the specialty court concept;
- county prison overcrowding;
- high target populations;
- individuals with mental health issues ending up in prison;
- increases in child placements;
- when other important personnel who would form the court “team” were available and were “on board” with the specialty court concept; and
- increases in the number of babies who were born addicted became an increasing concern.

The goals of specialty courts are to reduce recidivism, improve the mental stability of clients and to help clients become substance free, and the overall quality of life improvement among clients.

As of 2013, Pennsylvania counties were operating a total of 98 specialty courts, with counties having more drug courts, 27, than any other type. Forty of the 65 counties with adult probation and parole offices have implemented specialty courts. Table 2 below shows the types of specialty courts that have been established in Pennsylvania counties.

Table 2

Established Specialty Courts in Pennsylvania Counties	
2013	
Domestic Violence	2
Driving under the Influence	21
Drug	27
Mental Health.....	16
Re-entry	6
Treatment.....	5
Veterans.....	16
Other	<u>5</u>
Total	98

Source: Developed by LB&FC staff with information provided by the PBPP.

The impact of specialty courts on county probation and parole offices has been mixed. According to the county chiefs of probation responding to our survey (see Chapter VI), about 40 percent of respondents indicated specialty courts have resulted in substantially more work for their offices, while the remaining 60 percent did not think specialty courts had a major impact (many of these counties, however, did not operate specialty courts). As noted by one respondent, “Specialty courts provide intensive supervision and require much smaller caseloads. These same POs would otherwise manage larger caseloads thus enabling a greater caseload balance.”

Actuarial Pre-sentencing

The county probation and parole community is also concerned about the workload impacts of actuarial assessments that may be required as part of the pre-sentence phase of the sentencing process. These actuarial-type instruments rate the defendant according to criminal history, education and employment record, family and marital history, companions, alcohol and drug problems, emotional and personal attributes, and attitude or orientation toward crime. A total score is used to recommend for or against probation and suggests levels of supervision.

Act 2010-95 required the Commission on Sentencing to develop a risk assessment instrument to assist the court at sentencing. Act 95 stated as follows:

The Commission [on Sentencing] shall adopt a sentence risk assessment instrument for the sentencing court to use to help determine the appropriate sentence within the limits established by law ... The risk assessment instrument may be used as an aid in evaluating the relative risk that an offender will reoffend and be a threat to public safety ... The risk assessment instrument may be incorporated into the sentencing guidelines.

Specifically, Act 95 mandated that the Commission on Sentencing develop guidelines that adopt a risk assessment instrument to be used at sentencing, consider the risk of re-offense and threat to public safety, help determine if an offender is a candidate for alternative sentencing programs (such as CIP, SIP, Recidivism Risk Reduction Incentive Program, or Department of Correction's Boot Camp), and develop an empirically based worksheet using factors predicting recidivism.

The Commission has undertaken a Risk Assessment Project to address the requirements of Act 95. Stage I of the project was directed toward obtaining information on the current utilization of risk assessment instruments in other jurisdictions, the identification of risk factors used by other instruments, and the availability of information contained in pre-sentence investigations in a sample of 25 counties. Stage II, which is currently underway, is the initial recidivism study utilizing primarily criminal justice factors, and limited demographic factors, to determine what factors best predict recidivism for various types of offenders. Stage III of the project will be an expansion of the recidivism study to determine the impact that other factors (such as drug use, employment status, education) have on risk of recidivism.

III. Revenues and Expenditures

In FY 2013-14, the county adult probation and parole offices received funding totaling \$201.6 million. County adult probation services are funded from five major revenue sources. These revenue categories include county funds, state Grant-in-Aid awards, offender supervision fees, grants received through the Pennsylvania Commission on Crime and Delinquency, and other grants and revenues. Table 3 below lists these major funding sources for FY 2013-14.

Table 3

**Funding of County Adult Probation Services,
By Source of Funds - FY 2013-14**

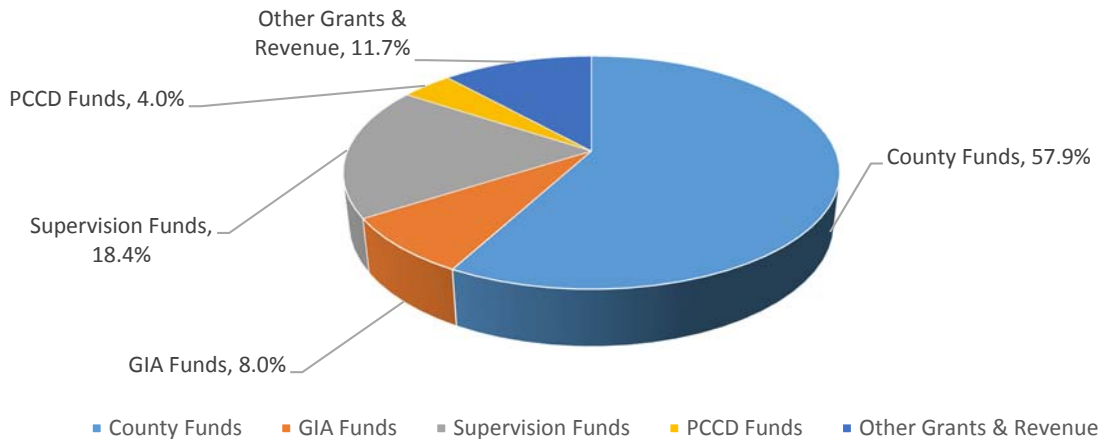
<u>Source of Funds</u>	<u>Amount</u>	<u>Percent of Total</u>
County Funds	\$116,716,157	57.9%
Supervision Fees.....	37,044,999	18.4
Grant-in-Aid	16,150,000	8.0
PCCD Funds	8,093,233	4.0
Other Grants & Revenues.....	<u>23,580,976</u>	<u>11.7</u>
Total	\$201,585,365	100.0%

Source: Developed by LB&FC Staff using information obtained from the PA Board of Probation and Parole.

Exhibit 4 below further illustrates the breakdown of funding sources. Table 4 presents a county-by-county breakdown of the amounts that these sources comprised of each county's total.

Exhibit 4

**Funding of County Adult Probation Services
By Source of Funds – FY 2013-14**



Source: Developed by LB&FC staff with data provided by the Pennsylvania Board of Probation and Parole.

Table 4

**Funding of County Adult Probation Services,
By County and Source of Funds
(FY 2013-14)**

<u>County</u>	<u>County Funds</u>	<u>GIA Funds</u>	<u>Supervision Fees^a</u>	<u>PCCD Funds</u>	<u>Other Income</u>	<u>Total</u>
Adams.....	\$1,642,195	\$ 131,933	\$ 383,991	\$444,208	\$ 486,914	\$ 2,689,240
Allegheny	6,768,431	1,398,931	3,578,849	1,622,893	5,073,084	18,442,189
Armstrong	587,860	54,622	203,062	39,557	50	885,150
Beaver.....	2,546,603	244,801	591,481	0	329,030	3,711,915
Bedford	340,000	11,435	241,905	0	0	593,340
Berks.....	5,449,437	442,390	1,638,877	35,541	7,682	7,573,926
Blair.....	883,392	93,139	499,175	611,660	174,959	2,262,325
Bradford	1,424,771	82,105	178,954	0	0	1,685,830
Bucks	5,234,702	901,240	1,044,324	0	71,749	7,252,015
Butler.....	2,017,617	126,109	284,645	0	847,732	3,276,103
Cambria	2,550,998	167,776	455,789	0	200,173	3,374,736
Cameron	64,982	17,890	9,721	0	0	92,593
Carbon	566,506	64,332	279,900	0	0	910,738
Centre	475,262	126,410	619,497	23,780	276,599	1,521,548
Chester	2,804,937	597,133	1,305,817	220,231	1,909,866	6,837,983
Clarion.....	199,064	53,835	209,468	67,518	68,752	598,637
Clearfield.....	541,744	44,742	335,271	0	0	921,757
Clinton.....	209,367	38,801	204,264	101,300	269,833	823,565
Columbia.....	489,281	43,619	91,026	0	104,987	728,913
Crawford	1,168,876	88,485	348,449	268,202	0	1,874,012
Cumberland	2,230,828	246,268	702,750	0	335,840	3,515,687
Dauphin.....	4,721,151	664,381	1,222,478	33,588	516,540	7,158,137
Delaware.....	2,189,696	659,712	1,527,819	186,221	179,082	4,742,530
Elk.....	83,846	44,470	80,947	0	0	209,263
Erie.....	2,871,876	466,107	842,980	145,065	702,247	5,028,275
Fayette.....	728,008	61,019	957,234	55,000	566,435	2,367,695
Forest.....	67,440	18,949	15,410	5,636	0	107,436
Franklin	2,171,772	153,197	482,183	41,531	302,574	3,151,257
Fulton	377,476	36,115	26,404	0	32,624	472,619
Greene.....	302,148	30,741	182,395	17,241	27	532,552
Huntingdon.....	28,672	22,914	216,064	0	0	267,650
Indiana	790,065	101,147	254,601	22,595	109,807	1,278,215
Jefferson	292,939	33,167	271,285	19,860	230,221	847,473

Table 4 (Continued)

<u>County</u>	<u>County Funds</u>	<u>GIA Funds</u>	<u>Supervision Fees^a</u>	<u>PCCD Funds</u>	<u>Other Income</u>	<u>Total</u>
Juniata.....	\$ 77,597	\$ 29,388	\$ 88,281	\$ 19,978	\$ 4,456	\$ 219,700
Lackawanna	3,250,884	189,081	908,177	65,500	36,398	4,450,040
Lancaster	10,170,655	376,025	593,485	0	4,318,400	15,458,566
Lawrence.....	793,768	49,583	280,915	114,676	344,668	1,583,610
Lebanon	1,103,657	73,363	711,405	636,687	278,199	2,803,310
Lehigh	2,355,558	637,205	1,388,487	25,280	1,042,058	5,448,589
Luzerne	5,725,995	336,394	742,688	285,209	103,456	7,193,742
Lycoming.....	300,942	168,962	608,328	0	177,707	1,255,939
McKean	419,918	57,231	99,204	50,000	0	626,353
Mifflin.....	382,686	23,313	164,287	111,904	155,494	837,684
Monroe	1,001,342	66,626	479,159	0	842	1,547,970
Montgomery	4,325,351	696,124	1,798,786	218,698	102,599	7,141,558
Montour	22,693	14,936	42,726	0	13,550	93,904
Northumberland	903,666	140,675	320,626	282,518	303,909	1,951,394
Northampton	1,221,679	148,902	450,137	0	50,701	1,871,419
Perry	533,050	36,835	151,387	25,000	0	746,272
Philadelphia.....	15,286,124	3,747,096	3,640,327	792,934	2,126,598	25,593,078
Pike	897,367	57,008	166,815	0	0	1,121,190
Potter.....	320,653	45,000	38,630	0	74,000	478,283
Schuylkill	572,306	288,455	513,073	38,659	103,252	1,515,745
Snyder.....	580,728	66,487	114,296	81,066	0	842,577
Somerset.....	703,403	201,622	176,125	57,075	345,584	1,483,808
Sullivan.....	83,350	18,396	26,411	0	0	128,156
Susquehanna ...	447,159	48,625	108,286	0	0	604,070
Tioga	447,492	55,621	240,932	413,319	0	1,157,363
Union.....	596,272	53,850	144,352	129,784	0	924,257
Warren	293,985	40,108	165,173	204,611	47,372	751,249
Washington	796,193	129,785	875,883	247,832	211,692	2,261,385
Wayne	518,316	60,464	97,943	0	36,420	713,143
Westmoreland..	4,198,994	520,112	863,319	356,164	707,705	6,646,295
Wyoming	281,311	50,957	89,155	234,148	0	655,571
York.....	<u>5,281,120</u>	<u>453,856</u>	<u>1,669,189</u>	<u>140,566</u>	<u>199,111</u>	<u>7,743,842</u>
Total	\$116,716,157	\$16,150,000	\$37,044,999	\$8,093,233	\$23,580,976	\$201,585,365

^a Includes all (county and state) supervision fees.

Source: Developed by LB&FC staff with data provided by the Pennsylvania Board of Probation and Parole.

County Funds

Revenues generated through local tax collections, as well as other county general fund sources, are allocated by county elected officials to the county's probation office for adult probation programs, services, and activities. Statewide, in FY 2013-14, county funds amounting to \$116.7 million and accounted for 57.9 percent of all funding for county adult probation programs. County expenditures at the time of our prior report (FY 1998-99) were \$38.6 million, representing only 45.1 percent of total funding.

There is, however, considerable variation in the relative funding effort from one county to another. For example, in our prior report, there were five counties whose county funds were less than 15 percent of total funding for probation and parole. In 2013-14, the lowest percentage is 10.7 percent, with only four counties having percentages under 30 percent. On the other hand, 11 counties in our last report contributed from 60 percent to a maximum of 72 percent of total probation funding from county revenues. In FY 2013-14, there are 13 counties with percentages over 70 percent, with two counties contributing 80 percent or higher.

At the time of our last report, county funds represented 45.1 percent of total funding, however, that percentage has risen to 57.9 percent. Percentage of funding through county funds ranged from 10.7 percent in Huntingdon County to 84.5 percent in Bradford County.

State Grant-in-Aid Funds

Grant-in-Aid funds (See Chapter V) have remained at \$16,150,000 from FY 2011-12 through FY 2014-15. This is a reduction when viewed as a percentage of overall funding. In FY 2013-14, the GIA provided only 8 percent of total probation and parole funding. This is in contrast to our 2000 report, in which we reported that GIA was 20.4 percent of overall funding.

Although the average percentage portion of funding from the GIA overall was 8 percent, in 52 counties, GIA provided less than 10 percent of total funding. In only one county, Elk, did overall GIA funding represent more than 20 percent. GIA funding as a percentage of total revenue ranged from 1.9 percent in Bedford County to 21.3 percent in Elk County.

Supervision Fees

Supervision fees are imposed on adult offenders under the supervision of county adult probation agencies and the Board of Probation and Parole (See Chapter V). In FY 2013-14, supervision fees, overall, provided 18.4 percent of all county

probation and parole office funding. The range for the supervision fees as a percentage of total funding by was wider than the prior mentioned funding sources, ranging from a low of 4 percent in Lancaster County to 81 percent in Huntingdon County.

Grants Administered by the PCCD

The Pennsylvania Commission on Crime and Delinquency (PCCD) administers a mix of state and federal grant programs that are designed to provide support to local components of the criminal justice system and, through selective financing of proposals, demonstrate new solutions to statewide problems.

In FY 2013-14, the PCCD awarded \$8.1 million in grants to the counties for adult probation services. This figure represents 3.6 percent of overall county funding for adult probation and parole.

Other Grants and Other Revenues

In FY 2013-14, many counties reported other grants and revenues amounting to \$23.6 million, which is 11.7 percent of overall funding to county probation and parole offices. This is in contrast to our 2000 report, in which counties reported other revenues as being only 4.9 percent of total funding.

These include monies awarded to adult probation departments from, among others:

- House Arrest
- Electronic Monitoring
- Jurisdiction Transfer Fees
- DUI Fees
- Ignition Interlock Fees
- Megan's Law
- Work Release
- Drug Testing Fees
- Administrative Fees

Expenditures

Total expenditures for the 65 county adult probation and parole offices were \$203,264,932 in FY 2013-14. With total revenues of \$201,585,365, counties expended a little more than 100 percent of incoming funds. Table 5 below shows these figures by county. Bedford spend the lowest percentage of its revenues, at 79 percent, and Montour was highest, at 134 percent.

Table 5

Revenues and Expenditures for County Adult Probation and Parole Offices
 FY 2013-14

<u>County</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>% Expended</u>
Adams.....	\$ 2,689,240	\$ 2,689,240	100.0%
Allegheny	18,442,189	16,797,300	91.1
Armstrong	885,150	857,519	96.9
Beaver	3,711,915	3,726,685	100.4
Bedford	593,340	468,304	78.9
Berks.....	7,573,926	8,256,060	109.0
Blair.....	2,262,325	2,462,775	108.9
Bradford.....	1,685,830	1,687,179	100.1
Bucks	7,252,015	7,252,015	100.0
Butler	3,276,103	3,321,435	101.4
Cambria	3,374,736	3,374,736	100.0
Cameron.....	92,593	89,567	96.7
Carbon	910,738	875,303	96.1
Centre	1,521,548	1,521,548	100.0
Chester	6,837,983	6,837,983	100.0
Clarion	598,637	536,578	89.6
Clearfield.....	921,757	921,757	100.0
Clinton.....	823,565	720,619	87.5
Columbia.....	728,913	740,590	101.6
Crawford	1,874,012	1,840,570	98.2
Cumberland	3,515,687	3,513,655	99.9
Dauphin	7,158,137	7,001,532	97.8
Delaware.....	4,742,530	4,742,530	100.0
Elk.....	209,263	210,421	100.6
Erie	5,028,275	4,920,477	97.9
Fayette.....	2,367,695	2,507,291	105.9
Forest.....	107,436	109,017	101.5
Franklin.....	3,151,257	3,155,756	100.1
Fulton.....	472,619	474,220	100.3
Greene.....	532,552	533,848	100.2
Huntingdon	267,650	302,596	113.1
Indiana	1,278,215	1,278,215	100.0
Jefferson.....	847,473	869,151	102.6
Juniata	219,700	212,176	96.6

Table 5 (Continued)

<u>County</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>% Expended</u>
Lackawanna.....	\$ 4,450,040	\$ 4,934,539	110.9%
Lancaster	15,458,566	16,054,823	103.9
Lawrence	1,583,610	1,578,717	99.7
Lebanon.....	2,803,310	2,693,517	96.1
Lehigh.....	5,448,589	5,448,589	100.0
Luzerne.....	7,193,742	8,431,698	117.2
Lycoming	1,255,939	1,255,939	100.0
McKean.....	626,353	621,052	99.2
Mifflin	837,684	823,523	98.3
Monroe.....	1,547,970	1,369,173	88.4
Montgomery.....	7,141,558	7,141,558	100.0
Montour.....	93,904	125,535	133.7
Northampton	2,080,905	2,110,236	101.4
Northumberland.....	1,741,909	1,741,909	100.0
Perry	746,272	746,272	100.0
Philadelphia	25,593,078	25,832,851	100.9
Pike.....	1,121,190	1,076,250	96.0
Potter	478,283	430,410	90.0
Schuylkill.....	1,515,745	1,852,599	122.2
Snyder	842,577	878,127	104.2
Somerset	1,483,808	1,483,907	100.0
Sullivan	128,156	117,951	92.0
Susquehanna.....	604,070	574,665	95.1
Tioga.....	1,157,363	1,100,533	95.1
Union	924,257	988,116	106.9
Warren.....	751,249	751,249	100.0
Washington.....	2,261,385	2,480,125	109.7
Wayne.....	713,143	766,713	107.5
Westmoreland.....	6,646,295	6,646,295	100.0
Wyoming.....	655,571	655,571	100.0
York	<u>7,743,842</u>	<u>7,743,842</u>	100.0
Totals	\$201,585,365	\$203,264,932	100.01%

Source: Developed by LB&FC staff with data provided by the PBPP.

Costs of Probation Compared to Incarceration

The Pennsylvania Board of Probation and Parole reports that the cost of incarceration in a state correctional institution in FY 2014-15 is \$41,100 a year, compared to cost of \$3,348 per offender supervised by the PA Board of Probation and Parole. This contrasts to costs of about \$1,000 per offender in the county probation and parole system.¹ To some extent, these cost differences can be attributed to a higher percentage of felons at the state level (close to 100 percent felons) compared to the county probation and parole system (about 30 percent felons).

¹ Slightly over \$1,100 per offender if annual costs are divided by the active caseload and about \$900 per offender if divided by total caseload (i.e., counting administrative-only cases).

IV. System Capacity, Standards, and Practices

The capacity of Pennsylvania’s county probation and parole system is difficult to define in terms of caseloads given the nature of the work being done and the differences in offender severity, but information on county caseloads is presented to give some notion of workload trends. This chapter also reviews the types of cases supervised by county probation and parole offices, the status of evidence-based practices in the counties, and the standards counties must meet to receive Grant-in-Aid funds.

Caseload Standards

The American Probation and Parole Association has noted the importance of caseload size to the effectiveness of probation and parole supervision because probation and parole officers are the core correctional resource. Although there are no generally accepted state or national caseload standards against which the size of the county adult probation caseload can be assessed, sustaining practicable caseload sizes per officer is an important issue because larger caseloads potentially restrict the ability of an officer to adequately detect violations and intervene effectively. Caseloads, according to the APPA, should be “of a size that provides officers with enough time to devote to each offender to achieve supervision objectives.”

Caseloads that are too large result in supervision that merely monitors offenders and results in non-compliant offenders being returned to court. Smaller caseloads by themselves, however, do not guarantee reduced recidivism. A 2007 report from the APPA stated that:

[T]his is a matter of recognizing the difference between *necessary* and *sufficient* causes. ...Appropriate caseload size is the necessary precondition ... to effectiveness in [the probation and parole] system. Caseload size alone does not determine the effectiveness of supervision, but it is a necessary (but not sufficient) basis for producing desired outcomes.

Studies show, though, that reduced caseloads, in combination with evidence-based practices, can lead to improved recidivism outcomes.

The American Probation and Parole Association reported in a 2006 white paper that it “has struggled for some time with the question of the ideal caseload size for probation and parole officers ... [and that] [t]he issue remains a contentious one, difficult to resolve and critically important to the field of community corrections.” The tremendous growth of the size of the probation and parole populations over a

couple decades requires increased focus on how to make caseload and workload decisions.

As can be seen below in Table 6, growth of probation and parole populations nationwide grew significantly (approximately 200 percent) from 1982 to 2013.

Table 6

Nationwide Adult Probation and Parole Population Growth		
1982 - 2013		
<u>Year</u>	<u>Total Population</u>	<u>Change</u>
1982	1,603,272	--
1992	3,470,212	116.4%
2002	4,775,001	37.6%
2012	4,793,934	0.4%
2013	4,751,400	-0.9%

Source: Developed by LB&FC staff from information obtained from the federal Bureau of Justice Services.

The trend in Pennsylvania has been similar. In our prior study, we reported a total county probation and parole caseload size of 90,873 for FY 1983-84, which has grown over the past thirty years to 233,345, an increase of 157 percent. Nationwide, the growth of the probation and parole population, however, peaked in 2008 and has decreased each year since, shrinking by about 6.2 percent in the last five years. Pennsylvania’s county probation and parole population, on the other hand, has continued to rise, growing by approximately 13 percent from 2008 to 2013 (see Table 7).

Table 7

Recent Trend in Nationwide, Pennsylvania, and PA County Adult Probation and Parole Population Size			
2008 - 2013			
<u>Year</u>	<u>Total Nationwide Population</u>	<u>Total PA Population^a</u>	<u>County Only Population</u>
2008	5,068,150	259,924	206,667
2009	4,962,851	267,343	214,051
2010	4,893,713	275,167	215,493
2011	4,832,752	272,432	212,110
2012	4,793,934	279,128	215,004
2013	4,751,400	275,800 ^b	233,345

^a Includes both state and county offenders.

^b The federal Bureau of Justice Statistics reports that Pennsylvania data for 2013 is not comparable to that reported in previous years due to the fact that beginning on January 1, 2013, Pennsylvania resolved a double-counting issue, resulting in a decrease of probationers being reported.

Source: Developed by LB&FC staff from information obtained from the federal Bureau of Justice Statistics.

The American Probation and Parole Association reported in a 2006 white paper that the issue of capacity is complex because “the diversity of size, structure, geographical area covered, organization and clientele that characterizes probation and parole ...makes it very difficult to make definitive statements or recommendations that will apply to all.” Key differences in addition to the mere size of a caseload are the diversity in the offenders being supervised, including general demographic differences as well as the seriousness of offenses, risk factors, and service needs.

The National Institute of Corrections, the American Correctional Association (ACA), and the American Probation and Parole Association (APPA) report that universally accepted standards for adult probation and parole caseload sizes are not available. The NIC reports that it does not publish caseload standards because there are too many variables that affect caseload. For example, different jurisdictions define the levels of supervision differently, have different standards for each level of supervision, have different resources, operate in different geographic and demographic areas, and supervise different kinds of offenders.

The ACA said instead of caseload standards, they look to the provision of services as a measure of caseload. They audit whether appropriate and adequate services are provided relative to the jurisdiction. If they are, the caseload is presumed to be appropriate for that agency; if not, the caseload may be too large. The APPA does not advocate using a standard caseload figure. Instead, they say each jurisdiction should conduct a workload study and develop a workload model tailored to its own particular situation.

The APPA’s 2006 white paper does identify suggested caseload standards for probation and parole supervision, designed as ratios to be flexible and useful and grouped in several broad categories. The APPA recognizes that these standards are mere starting points for the discussion of caseload standards and that agency specific workload studies will drive the details of determining a right caseload size for any agency. APPA suggested caseload standards are as follows:

<u>Case Type</u>	<u>Ratio</u>
Intensive	20:1
Moderate to High Risk	50:1
Low Risk	200:1
Administrative	No limit? 1,000?

Pennsylvania Board of Probation and Parole Standards

The State Board’s *Performance Based Standards for Adult Probation and Parole Field Services* book requires that the counties have workload formulas. Specifically, the standard related to workload requires that counties have a written workload formula that is used in allocating work to field staff. The standard states:

There is a written workload formula that allocates work to field staff and supervisors to accomplish its stated goals.

Comment: Caseload sizes will vary based on case types and job demands. Supervisor-to-staff ratios will be dependent on case types, staff experience, and proximity of staff to supervisor.

Most of Pennsylvania’s county adult probation departments do not have a standard formula to calculate workload. Rather, the approaches that county probation offices typically use to translate caseload to workload are based on the experience and intuition of the field practitioners and are largely subjective in nature. Evaluations are based on the use of intake assessment instruments, need assessments, and planning by the probation offices.

Given the lack of uniformity in county workload formulas, we could only make county comparisons using caseload statistics. Statewide as of December 31, 2013, the average active caseload (i.e., excluding “administrative cases”) per supervising probation officer in county adult probation agencies was 113, down from 117 at the end of 2002. By way of comparison, the average caseload for state probation and parole agents was 76.¹

The size of the 2013 average total caseloads ranged from a low of 19.0 in Forest County to a high of 290 in Centre County. The ten counties with the largest average total caseloads are listed in Table 8. The total and active average caseloads for each county can be found in Table 9. The change in county caseloads since 2002 is shown in Table 10 and county caseloads by type of offense is shown in Table 11.

Table 8

Ten Counties With Highest Average Caseloads Per Supervising Probation Officer
(As of 12/31/2013)

	Total Statewide Avg. = 138		Active Statewide Avg. = 113
	Average Total		Average Active
	<u>Caseload</u>		<u>Caseload</u>
Centre.....	290	Centre.....	236
Elk	236	Carbon.....	224
Carbon.....	227	Bedford.....	217
Perry.....	223	Perry	206
Bedford.....	222	Beaver	189
Allegheny.....	208	Montgomery.....	173
Beaver	201	Elk.....	171
Washington	198	Allegheny.....	154
Cambria.....	187	Northampton.....	145
Bucks.....	186	Philadelphia.....	145
Average Top 10 County		Average Top 10 County	
Total Caseload	218	Active Caseload.....	186

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

¹ As of September 2014. However, the PA BP&P manages its agents with a workload, rather than caseload, measure. The average workload was 145.

Table 9

**Average Per Officer Caseloads in
County Adult Probation Departments, by County
(2013)**

	Caseload		Supv. POs	Average Caseload	
	Total	Active		Active	Total
Adams.....	1,788	1,561	30	52	60
Allegheny	27,090	20,008	130	154	208
Armstrong	907	854	12	71	76
Beaver.....	3,021	2,838	15	189	201
Bedford	667	652	3	217	222
Berks.....	6,034	5,010	50	100	121
Blair.....	2,652	1,890	31	61	86
Bradford	762	700	12	64	58
Bucks	8,925	4,512	48	94	186
Butler.....	2,842	2,649	18	147	158
Cambria	4,682	2,512	25	100	187
Cameron	103	103	1	103	103
Carbon	1,362	1,341	6	224	227
Centre	4,645	3,783	16	236	290
Chester	7,559	5,934	54	110	140
Clarion.....	687	549	8	69	86
Clearfield.....	1,120	1,091	8	136	140
Clinton.....	750	DK ^a	7	DK ^a	107
Columbia.....	756	DK ^a	8	DK ^a	95
Crawford	1,561	1,376	20	69	78
Cumberland	2,529	2,094	25	84	101
Dauphin.....	5,692	5,024	75	67	76
Delaware.....	13,775	11,431	81	141	170
Elk	707	514	3	171	236
Erie.....	3,138	3,138	33	95	95
Fayette	1,964	1,892	15	126	131
Forest.....	58	55	3	18	19
Franklin	2,982	2,567	18	143	166
Fulton	304	274	5	55	61
Greene	715	636	5	127	143
Huntingdon.....	539	514	6	93	98
Indiana	1,822	1,720	14	123	130
Jefferson	806	764	13	59	62
Juniata	698	311	5	62	140

Table 9 (Continued)

	Caseload		Supv. POs	Average Caseload	
	Total	Active		Active	Total
Lackawanna.....	3,038	2,963	36	82	84
Lancaster	8,791	8,216	94	87	94
Lawrence	786	772	10	77	79
Lebanon.....	1,832	1,482	23	64	80
Lehigh	5,220	4,359	31	141	168
Luzerne.....	3,134	2,886	27	107	116
Lycoming.....	1,899	1,808	20	90	95
McKean.....	465	443	7	63	66
Mercer.....	--	--	--	--	--
Mifflin.....	544	543	9	60	60
Monroe.....	1,558	1,543	14	110	111
Montgomery.....	15,067	14,204	82	173	184
Montour.....	198	190	2	95	99
Northampton	2,465	2,465	17	145	145
Northumberland	2,445	2,180	17	128	144
Perry	1,115	1,028	5	206	223
Philadelphia	44,270	37,333	257	145	172
Pike.....	783	710	11	65	71
Potter	340	331	3	110	113
Schuylkill.....	1,637	1,606	20	80	82
Snyder.....	698	678	8	85	87
Somerset.....	773	661	9	73	86
Sullivan	75	71	2	47	50
Susquehanna.....	299	267	6	45	50
Tioga.....	630	600	8	75	79
Union.....	790	776	8	97	99
Venango.....	--	--	--	--	--
Warren	483	475	7	68	69
Washington.....	2,772	1,270	14	91	198
Wayne.....	333	317	6	53	56
Westmoreland.....	7,042	6,121	47	130	150
Wyoming.....	347	333	7	48	50
York.....	<u>9,874</u>	<u>6,731</u>	<u>80</u>	84	123
Total State.....	233,345	191,659	1,689	<u>Average</u>	
				113	138

^a Data reported by the Board of Probation and Parole as not available or unknown.

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

Table 10

**Change in County Adult Probation Caseloads
2002 to 2013 by County**

<u>County</u>	<u>Caseloads in 2002</u>	<u>Caseloads in 2013</u>	<u>Change</u>	<u>% Change</u>
Lawrence	3,073	786	-2,287	-74.4%
Susquehanna	440	299	-141	-32.0
Forest	76	58	-18	-23.7
Beaver	3,934	3,021	-913	-23.2
Fulton.....	346	304	-42	-12.1
Philadelphia.....	49,779	44,270	-5,509	-11.1
Somerset.....	866	773	-93	-10.7
McKean	518	465	-53	-10.2
Erie	3,323	3,138	-185	-5.6
Clarion	727	687	-40	-5.5
Adams	1,689	1,788	99	5.9
Chester	7,041	7,559	518	7.4
Westmoreland	6,541	7,042	501	7.7
Wyoming.....	318	347	29	9.1
Snyder	629	698	69	11.0
Lancaster.....	7,879	8,791	912	11.6
Armstrong.....	810	907	97	12.0
Allegheny.....	23,602	27,090	3,488	14.8
Schuylkill.....	1,406	1,637	231	16.4
Clinton	644	750	106	16.5
Huntingdon	461	539	78	16.9
Luzerne.....	2,680	3,134	454	16.9
Berks	5,085	6,034	949	18.7
Clearfield	935	1,120	185	19.8
Butler	2,355	2,842	487	20.7
Greene.....	586	715	129	22.0
Fayette.....	1,596	1,964	368	23.1
Delaware	11,063	13,775	2,712	24.5
Warren.....	387	483	96	24.8
Wayne	264	333	69	26.1
Bedford	527	667	140	26.6
Dauphin	4,373	5,692	1,319	30.2
Columbia	567	756	189	33.3

Table 10 (Continued)

<u>County</u>	<u>Caseloads in 2002</u>	<u>Caseloads in 2013</u>	<u>Change</u>	<u>% Change</u>
Washington.....	2,064	2,772	708	34.3%
Monroe	1,130	1,558	428	37.9
Crawford.....	1,126	1,561	435	38.6
Potter	244	340	96	39.3
Lycoming	1,348	1,899	551	40.9
Mifflin	385	544	159	41.3
Montour	139	198	59	42.4
Cameron.....	72	103	31	43.1
Northampton.....	1,700	2,465	765	45.0
Tioga.....	411	630	219	53.3
Cambria.....	2,910	4,682	1,772	60.9
Franklin.....	1,787	2,982	1,195	66.9
Lebanon.....	1,088	1,832	744	68.4
Union	467	790	323	69.2
Blair	1,558	2,652	1,094	70.2
Lehigh.....	3,037	5,220	2,183	71.9
Bucks.....	5,023	8,925	3,902	77.7
Cumberland.....	1,385	2,529	1,144	82.6
Jefferson.....	427	806	379	88.8
Perry	584	1,115	531	90.9
Centre.....	2,405	4,645	2,240	93.1
York	5,066	9,874	4,808	94.9
Indiana.....	924	1,822	898	97.2
Lackawanna	1,492	3,038	1,546	103.6
Sullivan	36	75	39	108.3
Bradford.....	350	762	412	117.7
Montgomery.....	6,562	15,067	8,505	129.6
Northumberland.....	948	2,445	1,497	157.9
Carbon.....	497	1,362	865	174.0
Elk.....	236	707	471	199.6
Juniata.....	223	698	475	213.0
Pike.....	<u>170</u>	<u>783</u>	<u>613</u>	360.6
Total State	190,314	233,345	43,031	22.6%

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

Table 11

Statewide County Adult Probation and Parole Caseload, by Type
(2009 - 2013)

	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>
Probation	87,984	77,248	79,168	79,366	76,819
Parole	56,381	47,783	44,170	49,188	49,738
Int. Punish.....	16,216	16,967	16,356	16,580	15,638
ARD	26,532	29,570	27,731	28,365	34,246
PWV	1,270	1,713	1,649	2,139	1,815
Bail.....	3,276	4,295	4,714	5,167	1,340
Inactive	20,200	15,473	16,575	13,252	10,962
Abscond.....	<u>19,980</u>	<u>19,943</u>	<u>19,736</u>	<u>19,426</u>	<u>21,484</u>
Total.....	233,345	215,004	212,110	215,493	214,051

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

Description of System Capacity Dashboard

The county probation and parole system “dashboard” is shown in Table 12. Information on the various categories listed in the dashboard is presented below.

Intermediate Punishment. As described in Chapter II, Intermediate Punishment (IP) is a sentencing alternative specifically designed to divert offenders from jail and prison sentences and serves as a more restrictive substitute for incarceration that courts can impose on offenders rather than probation. Intermediate punishment targets a higher risk offender population and involves additional program requirements to specifically address public safety concerns. IP programs, which date back to 1990, may be used with offenders who do not demonstrate or have a history of violent behavior and do not fall within a series of more serious offenses. Sanctions under county programs may include house arrest, intensive supervision, electronic monitoring, community service, drug testing, drug and alcohol treatment, and payment of fines and restitution. Prior to sentencing, a drug and alcohol assessment is used to determine effective treatment.

Table 12

Probation and Parole System Capacity Dashboard

	Total Population ^a	Average Active Caseload	Intermediate Punishment %	Intensive Supervision Cases	Offense Severity: % Felonies	Risk/Needs Assessment: % Counties Use	Specialty Courts	Absconders %	Investigations and Reports
2002	190,314	117	4.5%	14,177	26.6%	NA	--	11.0%	94,064
2003	193,374	118	5.0	14,296	29.0	NA	--	10.8	97,758
2004	194,417	121	5.1	14,612	29.1	NA	--	10.8	101,006
2005	194,347	116	5.5	16,416	30.1	58.5	--	11.5	146,786
2006	200,056	118	5.6	12,159	30.3	58.5	--	11.1	154,212
2007	206,716	117	5.9	11,936	30.1	69.2	47	10.4	161,036
2008	206,667	117	6.3	15,459	28.7	72.3	55	9.4	186,459
2009	214,051	119	6.6	15,374	26.9	78.5	65	9.1	193,706
2010	215,493	117	6.9	15,554	27.7	81.5	72	8.0	216,459
2011	212,110	109	6.9	14,244	25.3	86.2	95	8.5	218,033
2012	215,004	109	7.0	15,104	29.9	89.2	96	8.3	232,775
2013	233,345	113	6.9	DK	32.1	89.2	98	8.6	174,925
	+22.6%	-3.4%	+53.33%	+6.54%	+20.68%	+52.50%	+108.51%	-21.82%	+86%

^a Excludes out-of-county cases.

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

Intensive Supervision. Intensive supervision is another strategy to reduce prison overcrowding by allowing certain offenders to be subject to community supervision who otherwise would be imprisoned. Terms of probation are typically strict, with an increased level of control through reduced probation officer caseloads, increased number of contacts, and a range of required activities for participating offenders that can include victim restitution, community service, employment, random urine and alcohol testing, electronic monitoring, and payment of a probation supervision fee.

A component of the Intermediate Punishment Act provides for an intensive supervision program. An intensive supervision program is defined as “a sentence with increased supervision, surveillance and control; reduced caseloads for probation officers; increased number of contacts per month; and mandated activities for the offender, including work or vocational training, community service and drug and alcohol treatment.”

Annual reports issued by the State Board regarding the county programs indicate that while the number of intensive supervision cases statewide has increased from 2002 to 2013 by almost 7 percent, intensive supervision cases as a percentage of the total probation and parole population has slightly decreased.

Offense Severity. Higher risk offenders generally require more intensive supervision. The APPA has noted “probation was once a place for relatively low-level offenders that posed little threat to public safety and were mostly in need of pro-social steering.” However, the move to lessen prison overcrowding has led to caseloads with higher risk offenders potentially posing greater community safety threats, especially offender populations with increased numbers of convicted felons. According to the APPA, “these offenders have more criminogenic needs as they may be gang members, sex offenders, or domestic violence offenders, and require more officer time to provide adequate supervision, treatment, and enforcement of conditions, and hopefully behavior change.”

The number of felons within the county probation and parole population statewide rose from 26.6 percent in 2002 to over 32 percent in 2013, a nearly 21 percent increase. In absolute numbers, the increase in felons being supervised by county POs increased from 55,650 in 2002 to 74,971 in 2013.

Risk/Needs Assessment. According to an APPA white paper, evidence-based practices evaluate the ability of probation and parole programs to reduce recidivism by targeting offender risks, needs, and how responsive persons with identified needs are to various treatments. Assessment tools are, however, time consuming to use and require training to be able to be used. As can be seen in the dashboard above, the use of risk/needs assessments by county adult probation and parole departments has increased by over 52 percent in the past ten years.

Investigations and Reports. Undertaking investigations and reports is a large component of a probation officer's responsibility. The number of investigations and reports required of probation officers has increased by 86 percent from 2002 to 2013.

Evidence-Based Practices

The change in focus from caseloads to workloads is directly related to the increased emphasis being placed on the resources and effort needed to implement evidence-based practices, rather than meeting monthly supervision contact targets. This more outcomes-based approach derives from the Justice Reinvestment Initiative in Pennsylvania, enacted through Act 2012-122. According to the Crime & Justice Institute, the use of evidence-based practices reliably produces sustained reductions in recidivism. A body of literature and research supports this conclusion. This organization developed a model based on eight evidence-based principles for effective interventions within probation and parole offices. They are:

1. Assess Actuarial Risk/Need
2. Enhance Intrinsic Motivation
3. Target Interventions
4. Skill Train with Directed Practice (Cognitive Behavioral Treatment)
5. Increase Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes in Natural Communities
8. Provide Measurement Feedback

Through our meetings and survey feedback, it is apparent that most Pennsylvania probation and parole offices use at least some of the above-mentioned evidence-based practices in their supervisory capacity. Some counties have implemented more practices than others. Our visits, our survey of county probation and parole officers (completed in 2014), as well as a 2013 survey by the County Chief Adult Probation and Parole Officers Association of Pennsylvania (CCAPPOAP) gave some insight as to the use of evidence-based practices in Pennsylvania.

Assess Actuarial Risk/Needs: A complete risk screening is important to identifying offender needs and developing appropriate supervisory strategies. This works well when staff is well trained in performing offender assessments.

Most Pennsylvania counties use an assessment tool to determine the risk an offender poses, and to determine levels of supervision for each offender. Our survey and the CCPPOP survey found that 81 percent of probation and parole offices have either somewhat or fully implemented the practice of risk assessment.

Counties use a variety of risk assessment tools. One county uses a proxy screen that uses three factors – age, age at first arrest, and total arrests – that yields a score between 2 and 8. Two to 4 means a lower risk offender, and 7 to 8 means a higher risk offender. Those who are determined to be higher risk are then assessed using the more labor intensive Level of Service Inventory – Revised (LSIR).

Several of the counties reported they used the LSIR assessment tool for all of their offenders. We were informed that this assessment is labor intensive and therefore costly to administer. Other counties use the Wisconsin risk assessment tool, which we were told is less time consuming than the LSIR.

Enhance Intrinsic Motivation: This principle says that staff should relate to offenders in interpersonally sensitive and constructive ways to enhance intrinsic motivation. Our survey found that 53 percent of probation and parole offices reported they have somewhat or fully implemented this practice.

Target Interventions: Target interventions include five separate principles, which include:

1. Risk principle, which says that supervision and treatment resources for higher risk offenders must be prioritized.
2. Need principle, which requires that interventions be targeted to criminogenic needs.
3. Responsivity principle, which says that staff must be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs.
4. Dosage, which states that a high risk offender's time, for three to nine months, should be structured 40-70 percent of the time.
5. Treatment principle, which says to integrate treatment into the full sentence/sanction requirements.

Our survey found that 65 percent of probation and parole offices report they have either somewhat or full implemented this practice.

Skills Train With Directed Practice (Cognitive Behavioral Therapy). Offenders should be provided with evidence-based programming that emphasizes cognitive behavioral therapy and is delivered by well trained staff.

Our survey indicated that 56 percent of probation and parole offices report having either somewhat or fully implemented this practice.

Increase Positive Reinforcement. Staff are to use positive reinforcement with offenders. Experts recommend applying a much higher ratio of positive reinforcements to negative reinforcements in order to achieve sustained behavioral change.

Our survey found that 81 percent of respondents indicated that their offices have somewhat or fully implemented this practice.

Engage Ongoing Support in Natural Communities: Probation and parole offices should use a Community Reinforcement Approach with offenders. This approach calls for actively engaging pro-social supports for offenders in their communities and has been found to be effective for a variety of behaviors, such as unemployment, alcoholism, substance abuse, and marital conflicts.

Sixty-three percent of the respondents to our survey report they have somewhat or fully implemented this practice.

Measure Relevant Processes/Practices: This practice requires accurate and detailed documentation of case information with a formal and valid mechanism for measuring outcomes and is the foundation of evidence-based practices. Additionally, staff should be assessed on a regular basis.

Our survey indicated that 58 percent of probation and parole offices have somewhat or fully implemented this practice

Provide Measurement Feedback: This practice is to provide measurement feedback to build accountability.

Sixty percent of probation and parole offices reported they have somewhat or fully implemented this practice.

In the CCAPPOAP survey, respondents listed a variety of reasons that hindered their use of evidence-based practices. This included lack of funding/budget constraints, lack of knowledge of EBPs, lack of staff support, lack of staff training, and lack of technology or personnel to implement.

In our visits to various counties, the reason we heard most often for hindering evidence-based practices was lack of resources. With staff having high caseloads and little-to-no increased funding, many probation and parole offices reported they do not have the resources to use more evidence-based practices in their work. They are trying to get basic requirements completed first. This problem is exacerbated by the unfunded mandates (such as the Adam Walsh requirements) which these offices must engage in and dedicate staff to performing. Additional information on the issues facing counties can be found in Chapter VI.

Audit and Oversight of the County Programs

The authority of the PBPP to administer uniform standards for the quality of probation services is based upon the statutory provisions found in 61 Pa.C.S.A. §6133(c). Policies and procedures for audits are enumerated in the Board's document, Volume III, Chapter 4, Procedure 4.04.08, entitled Supervision, Rentry, Subject: Probation Services; County Adult Probation and Parole Standards Audits.

All counties that receive GIA funding are subject to these policies. The Board has adopted the American Correctional Association's *Performance-Based Standards for Adult Probation and Parole Field Services*, 4th Edition, for implementation in all county adult probation and parole departments participating in the GIA program.

Each fiscal year, the Board conducts a standards audit in each county of approximately one-third of the 173 ACA standards. FY 2014-15 is the third of a three-year cycle: the audit in FY 2012-13 audited 59 standards, the audit in FY 2013-14 audited 57 standards, and this fiscal year's audit will also review 57 standards. If a county is found to be noncompliant with any standards, those standards are to be reviewed again during the next year's audit.

The Board's current standards are divided between three indices: Community, Offender, and Agency. Subsets of these indices are shown in Table 13 below.

Staff of the Board of Probation and Parole's Bureau of Probation Services conduct annual on-site audits of the county adult probation departments. During these visits, Board staff determines "compliance," "non-compliance," or "non-applicability" with the required standards for that year's audit. Each probation and parole office is to meet and maintain compliance with 90 percent of all applicable standards over the three-year audit cycle.

Determination of compliance is done by conducting interviews with the county chief adult probation officer, county probation and parole personnel, and other appropriate county/court personnel. Additionally, the auditor will review county department and court policies, procedures, practices, case records, and other appropriate files and documents.

The Board's auditors meet with the county agency administrator and other staff, as appropriate, in an exit interview prior to leaving the agency at the conclusion of the audit. During the exit interview, the auditors discuss the audit and inform the agency of the degree of compliance achieved.

Table 13

County Adult Probation Standards

<u>Category</u>	<u>Number of Standards</u>
<u>Community Index</u>	
Community Protection.....	4
Sentencing Recommendations	10
Responsibility	8
<u>Offender Index</u>	
Offender Behavior.....	16
Offender Compliance	12
Parole and Post-Release	6
Offender Success	4
Conditions of Supervision	1
Offender Responsibility.....	2
Fairness	2
<u>Agency Index</u>	
Competence, Training, and Development	29
Protection from Harm.....	11
Ethics	3
Efficiency.....	38
Working Conditions.....	17
Safety and Security	3
Protection from Harm.....	4
Vehicle Safety	<u>3</u>
Total Standards.....	173

Source: Developed by LB&FC staff from *County Adult Probation Standards, PBPP*.

Upon completion of the report, the Board sends a copy of the audit report to the county’s chief adult probation officer and the president judge. The president judge is asked to comment on the audit report findings and may also appeal audit findings of non-compliance. Appeals must be made in writing within 30 days of receipt of the audit report cover letter.

We examined the most recent available audit report on each county program, FY 2013-14, which was the second year of the Board’s current three-year audit cycle. This year’s audit addressed 57 standards. County audit reports are formatted into sections as follows: Introduction, Staff, Standards Compliance, Workload, Programs, Fiscal Information, Accomplishments/Goals, Issues/Concerns, Summary, and Recommendations.

Our review of the audit reports found that:

- Board staff conducted FY 2013-14 audits in all 65 counties.
- 62 counties met the 90 percent compliance rate for the FY 2013-14 audited standards, and 30 counties achieved a 100 percent compliance rate.
- Of the 65 audits performed the prior year (FY 2012-13), 42 achieved a 100 percent compliance rate.
- A total of 25 standards were found to be not in compliance in the FY 2013-14 audits.
- Examples of standards most frequently found to be noncompliant include:
 - 4-APPFS-3A-04: Personnel authorized to carry a weapon receive a medical evaluation, a mental health screening, and a substance abuse testing prior to being issued such a weapon (18 counties).
 - 4-APPFS-3A-16: All clerical /support employees receive 16 hours of training during their first year of employment and each year thereafter (17 counties).
 - 4-APPFS-3A-03: Employees whose jobs involve use of force or include power of arrest receive a physical examination prior to job assignment (15) counties).
 - 4-APPFS-3A-04: Supervisors supervising more than 10 staff (4 counties).
- Forty-two standards were deemed to be non-applicable in many counties. All standards applied in only nine counties. Examples of standards most frequently found non-applicable include:
 - 4-APPFS-3A-08: At a minimum, full-time agency training personnel complete a 40-hour train-the-trainers course (39 counties).
 - 4-APPFS-3A-09: The training curriculum is developed based on clear, concise, and measureable written statements of intended learning outcomes (46 counties).
 - 4-APPFS-3A-18: All part-time employees working less than 35 hours per week receive training appropriate to their assignment (39 counties).
 - 4-APPFS-3A-19: The agency provides an ongoing formal evaluation of all pre-service, in-service, and specialized training programs, and completes an annual written evaluation report (32 counties).

V. The State Grant-in-Aid Program and Collection of Supervision Fees

Since FY 1966-67, Pennsylvania has operated a Grant-in-Aid (GIA) program to expand and improve county adult probation personnel and services. Administered by the Pennsylvania Board of Probation and Parole, the GIA program is intended to financially assist counties to provide improved probation and parole supervision and programs for adult offenders. The Board is responsible for establishing standards for county adult probation and parole services under this program. In FY 2014-15, the GIA program was funded at \$16.15 million.

Additionally, the Crime Victims Act of 1998 requires that adult offenders who are under the supervision of county adult probation offices pay a monthly supervision fee. These fees are collected by the county probation and parole offices. Half the money is retained in a County Offender Supervision Fund and the other half is sent to the Commonwealth, which then returns it to the counties on a dollar-for-dollar basis. Supervision fees totaled \$38.2 million in FY 2013-14.

These two funding streams, and the key issues associated with them, are described below.

State Grant-in-Aid Program

The PA Board of Probation and Parole established grant policies and procedures for the GIA program in its Volume III, Chapter 4, Procedure 4.04.07, effective March 31, 2008. Board policies provide that a county may apply grants for salaries of eligible incumbent professional adult probation and parole personnel positions established by the agency as of June 30 of the year prior to the current grant year.

Grants are made upon the assurance by the county that the county adult probation and parole agency complies with performance standards established by the Board. Each county participating in the Grant-in-Aid program is required to submit an “Annual Certification of County Adult Probation Standards Compliance” form by a date specified by the Board. Also, each county must maintain a compliance level of 90 percent or greater of all applicable standards, as determined by the Board through periodic audits.

GIA Statutory Requirements.

Pennsylvania law, at 61 Pa.C.S.A. §6133(c), sets the statutory requirements for Grant-in-Aid funding relating to county adult probation and parole services, as follows:

1. A county that provides additional probation staff for pre-sentence investigations and improved probation supervision and programs shall receive a Grant-in-Aid from the Commonwealth through the Board for additional costs incurred thereby but only to the extent that the additional staff and program meet the qualifications and standards established by the Board.
2. The Grant-in-Aid shall provide 80 percent of the personnel salary costs incurred by a county to administer these additional services and programs (provision added in 1986).
3. If insufficient funds are appropriated, each county shall receive a prorated reduction in the Grant-in-Aid (provision added in 1986).
4. The Board shall establish rules and regulations for the allocation of funds available for such Grants-in-Aid.

Beginning in 1977, the State Board, on the recommendation of the Advisory Committee on Probation, established a block grant system under which each county was authorized to apply for salary grants for all positions added to their systems since January 1, 1966 (the “base year”), except those funded from other sources so as to avoid dual funding. PBPP guidelines define “eligible staff positions” as professional adult probation and parole personnel positions added since January 1, 1966, whose salaries are to be paid in whole or in part from county funds; and “ineligible staff positions” as professional adult probation and parole personnel positions: (1) established prior to January 1, 1966; (2) positions added since January 1, 1966, but whose full salaries are to be paid from sources other than county funds; (3) new positions added during prior grant years but not approved by the Board for New Program Grant-in-Aid funding during those years; or (4) additional professional adult probation and parole positions, to be hired during the current grant year, which have not been approved for funding by the Board.

With the addition of the 1986 amendments (Act 1986-134), the GIA program operates within the boundaries of three components. First, funding is made in the context of providing a percentage of the total personnel salary costs incurred by a county to administer additional adult probation services and programs since January 1, 1966; second, the funding percentage is not to exceed 80 percent of those total eligible expenses; and third, actual funding is restricted by the approved budgetary appropriation, which, if not sufficient to provide 80 percent of the total costs envisioned by the GIA enabling law, is to be prorated among the counties. Historically, GIA appropriations have been insufficient to meet the 80 percent level cited in statute, so funds have been distributed on a pro rata basis.

State Funding Levels for the GIA Program

The amounts the General Assembly has appropriated for the Grant-in-Aid program since Act 134 (FY 1986-87 through FY 2014-15) are shown in Table 14. As

the table illustrates, for the past four fiscal years, though the goal of the GIA program is to fund 80 percent of eligible expenses, the program has been funding less than 20 percent of total eligible county salaries.

Table 14

**State Grant-in-Aid Program
as a Percentage of Total Eligible Salaries**

Fiscal Year	Total Eligible Salaries - All Counties ^a	State Grant-in-Aid Program	Funds as a % of Eligible Salaries
1985-86	\$13,748,023	\$7,105,463	51.7%
1986-87	15,052,376	9,896,000	65.7
1987-88	17,199,228	13,360,000	77.7
1988-89	18,433,559	14,122,000	76.6
1989-90	19,680,765	15,136,000	76.9
1990-91	23,505,192	15,550,000	76.9
1991-92	22,042,804	14,140,000	64.2
1992-93	24,813,742	12,531,000	50.5
1993-94	29,697,740	16,357,000	55.1
1994-95	32,064,320	15,974,000	49.8
1995-96	33,684,315	16,017,000	47.5
1996-97	35,750,636	16,716,000	46.7
1997-98	37,405,350	16,939,000	45.2
1998-99	40,926,902	17,470,000	42.6
1999-00	44,728,976	18,591,000	41.6
2000-01	47,904,792	18,710,000	39.1
2001-02	51,937,904	19,691,000	37.9
2002-03	54,931,447	19,860,000	36.2
2003-04	58,340,816	20,564,000	35.3
2004-05	59,764,130	21,025,000	35.2
2005-06	62,871,929	19,107,000	30.4
2006-07	66,217,658	19,107,000	28.9
2007-08	70,936,249	19,107,000	26.9
2008-09	74,578,163	18,519,000	24.8
2009-10	77,811,693	18,147,000	23.3
2010-11	82,968,659	17,120,000	20.6
2011-12	86,968,659	16,150,000	18.6
2012-13	86,099,795	16,150,000	18.8
2013-14	90,043,567	16,150,000	17.9
2014-15	91,695,540	16,150,000	17.6

^a Represents the amount needed to fund professional adult probation staff positions that have been added to county personnel complements since January 1, 1966.

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

As Table 14 shows, the GIA program was at its highest dollar amount in FY 2004-05 at \$21,025,000, or 35.2 percent of total eligible expenses. The current amount of \$16,150,000, which has remained steady for four consecutive fiscal years, is the lowest the GIA has been since FY 1995-96. At 17.6 percent of eligible salaries, it is at its lowest point ever.

The Distribution Formula

By law, the State Board is to establish rules and regulations for the allocation of GIA funds, a requirement echoed in program guidelines. The current formula being used by the Board is included in those guidelines. It was, however, explained to us by staff of the State Board, and is shown on Exhibit 5 below:

Exhibit 5

Formula for Distributing State Grant-in-Aid for Improvement of County Adult Probation Services

- Step 1: \$ State Appropriation for Grant-in-Aid
\$ Salaries of 1,014 eligible funded adult probation positions^a = X% (Current Funding Percentage)
- Step 2: The total of an individual county's salary costs for its portion of the 1,014 professional adult probation positions
Multiplied by X% = Grant-in-Aid Award (\$)

^a In 1991, the Governor's Office of the Budget administratively imposed a limit to the total number of adult probation officer positions that could qualify as "eligible" for GIA funding. See below for additional discussion of the administrative cap.

Source: Developed by LB&FC staff using information obtained from the PA Board of Probation and Parole.

As can be seen in Exhibit 5, the current funding formula is based on the limited number of 1,014 eligible adult probation officers that are allowed to qualify as eligible pursuant to a 1991 Office of the Budget directive. This administrative cap, explained below, is not found or referenced in either statute or Board program guidelines.

The Administrative Cap. In 1991, the Governor's Office of the Budget administratively imposed a limit on the total number of adult probation officer positions that could qualify as "eligible" for GIA funding. This cap was set at 1,016 positions and at 77 percent of the eligible salaries of those positions, which is the number of professional adult probation positions added to county payrolls between January 1, 1966, and FY 1991-92. The cap was subsequently adjusted to 1,014 positions.

The 1,014 capped positions represent about 48 percent of the 2,099 filled professional adult probation staff positions on the complements of the county adult probation offices as of December 31, 2012. Of this number, 1,906 positions are eligible under program guidelines for Grant-in-Aid funding. The remaining positions are not eligible for funding through the Grant-in-Aid program because they either were filled prior to January 1, 1966, or their salaries were funded either wholly or in part from other sources, most notably from grants through the PCCD.

As we reported in our 2000 study and confirmed in this update, the Budget Office could provide no written record of either the origin of or the rationale for the administrative cap other than suggesting that without the cap there would be no control of the Commonwealth's obligation to fund what potentially could be ever-increasing numbers of county adult probation staff positions. Two provisions in statute, though, control the Commonwealth's obligations to fund increasing staff positions: first, the Commonwealth's obligation cannot exceed 80 percent of the total costs and, second, the Commonwealth's obligation cannot exceed the actual amount of the GIA appropriation. The cap has not impacted the Commonwealth's obligation but does serve, however, to increase the percentage of eligible positions the GIA appears to cover by artificially reducing the number of eligible positions.

Calculation of FY 2013-14 Grant-in-Aid Allocations

For FY 2013-14, the General Assembly appropriated \$16,222,000 for the "Improvement of Adult Probation Services" appropriation. Of this amount, \$16,150,000 was available for the Grant-in-Aid program.¹

The amount of individual grants in FY 2013-14 ranged from a low of \$11,462 for Bedford County to a high of \$3.72 million for Philadelphia.² The following sample calculations illustrate the application of the GIA formula for the award of "Continuing Program Grants" to Adams, Allegheny, and Armstrong Counties in FY 2013-14:

- Step 1: $\frac{\$ \text{ State Funding for Grant-in-Aid}}{\$ \text{ Total Grant Eligibility of All Counties}} = X\%$
- Or
- $\frac{\$16,150,000 \text{ (GIA Funding)}}{\$51,558,103 \text{ (Total Eligible Salaries of 1,014 Positions)}} = 31.32\%$
- Step 2: Each Individual County's \$ Eligibility Multiplied by 31.32% = The County's FY 2013-14 Grant-in-Aid

<u>County</u>	<u>"Eligible" Salaries</u>		<u>Formula Factor</u>		<u>Grant Amount</u>
Adams	\$ 421,191	x	31.32%	=	\$ 131,933
Allegheny.....	4,466,020	x	31.32%	=	1,398,931
Armstrong.....	174,379	x	31.32%	=	54,622

A county-by-county breakdown of grants awarded from this appropriation is shown on Table 18.

¹ The remainder, a total of \$72,000 was used for training.

² At the time of our last report, Bedford County was also the recipient of the least funds and Philadelphia the recipient of the most, at \$4.7 million.

For comparative purposes, we included the same analysis regarding the same counties as above from our 2000 report:

- Step 1: $\frac{\$18,591,000 \text{ (1999-00 GIA funding)}}{\$35,402,444 \text{ (Total Eligible Salaries of 1,014 Positions)}} = 53.89\%$
- Step 2: Each Individual County's \$ Eligibility Multiplied by 53.89% =
The County's FY 1999-00 Grant-in-Aid

<u>County</u>	<u>"Eligible" Salaries</u>		<u>Formula Factor</u>		<u>Grant Amount</u>
Adams	\$ 351,635	x	53.88%	=	\$ 189,472
Allegheny.....	3,197,324	x	53.88%	=	1,722,819
Armstrong.....	135,488	x	53.88%	=	73,005

As shown above, these sample counties received from 18 to 30 percent less in GIA funds in FY 2013-14 than in FY 1999-00. During the same period "eligible" salaries increased by up to 38 percent.

GIA Budget Requests, FY 2013-14 Through FY 2014-15

The process for developing the amount for the GIA program is as follows: each year the county adult probation offices submit an application to the State Board for a state grant to cover the salary costs of their eligible probation staff. When preparing the agency's budget request, Board staff aggregate the individual county requests to arrive at a total amount to request for the Improvement of Adult Probation Services line-item appropriation. The Governor's Budget Office subsequently analyzes this budget request, and the Governor's Executive Budget presents a recommended appropriation amount. The General Assembly then appropriates an amount for this line-item following consideration of the Governor's Budget and related Appropriations Committee hearings.

We examined the budget request and appropriation process for the Improvement of Adult Probation Services appropriation, the appropriation which funds the GIA program, for the most recent two years. In each of these years, the amount the Board requested in its budget transmittal to the Office of the Budget was sufficient, when combined with the state portion of supervision funds, to fund approximately 80 percent of the 1,014 eligible staff salaries. In each year, however, the Budget Office reduced the recommended funding.

FY 2013-14 - For FY 2013-14 the Board requested funding for the Improvement of Adult Probation Services Appropriation at \$23.5 million, an amount the Board calculated to be sufficient, when combined with the state portion of supervision fees, to reimburse counties for almost 80 percent of the total eligible salary costs of the 1,014 funded incumbent positions.

As shown on Table 15, the Governor's Executive Budget instead recommended funding of \$16,150,000 toward the salaries of the 1,014 capped positions. The General Assembly subsequently appropriated this amount.

Table 15

State GIA Funds for FY 2013-14			
	<u>Budget Request Amount</u>	<u>Governor's Budget Recommendation</u>	<u>Amount Appropriated</u>
<i>Improvement of Adult Probation Appropriation:</i>			
Payments to Counties for 1,014 Positions at 80% Funding	\$23,449,000	\$16,150,000	\$16,150,000
Training Costs	<u>72,000</u>	<u>72,000</u>	<u>72,000</u>
	\$23,521,000	\$16,222,000	\$16,222,000

Source: Developed by LB&FC staff using budget request documents, Governor's Executive Budget documents, and General Fund appropriation bills.

FY 2014-15 – The Board requested \$17,537,000, which, when combined with the state portion of supervision fees, would fund almost 80 percent of eligible funded incumbent positions. The Governor recommended a reduction to \$16,222,000, the amount that was enacted in the budget (see Table 16).

Table 16

State GIA Funding for FY 2014-15			
	<u>Budget Request Amount</u>	<u>Governor's Budget Recommendation</u>	<u>Amount Appropriated</u>
<i>Improvement of Adult Probation Appropriation:</i>			
Payments to Counties for 1,014 Positions at 80% Funding	\$17,465,000	\$16,150,000	\$16,150,000
Training Costs	<u>72,000</u>	<u>72,000</u>	<u>72,000</u>
	\$17,537,000	\$16,222,000	\$16,222,000

Source: Developed by LB&FC staff using budget request documents, Governor's Executive Budget documents, and General Fund appropriation bills.

Applying the Pre-1991 Formula to GIA Funds. As stated above, the administrative cap serves to increase the percentage of eligible positions the GIA appears to cover by artificially reducing the number of eligible positions. This creates an inequity in the funding formula in that the percentage of total eligible salaries is not equally covered in the counties. This is demonstrated in Table 17.

Table 17

Effect of Administrative Cap on Percentage of Salaries Funded

County	FY 2013-14 State GIA	Eligible Salaries		GIA as a % of:	
		Total (1,906)	Administrative Cap (1,014)	Total Eligible Salaries	Adm. "Capped" Salaries
Adams.....	\$ 131,933	\$ 1,229,238	\$ 421,191	11.0%	31.3%
Allegheny.....	\$1,398,931	\$7,345,370	\$4,466,020	19.0	31.3
Armstrong.....	\$54,622	\$414,133	\$174,379	13.0	31.3

Source: Developed by LB&FC staff.

Adjusting the formula to a pre-1991 formula prior to the imposition of the administrative cap corrects the disproportionate distribution away from each county's total eligible salaries and shifts it to the relationship between the appropriation and the administratively created "capped" positions, as demonstrated in Table 18 below.

Table 18

Effect of Administrative Cap on Percentage of Salaries Funded

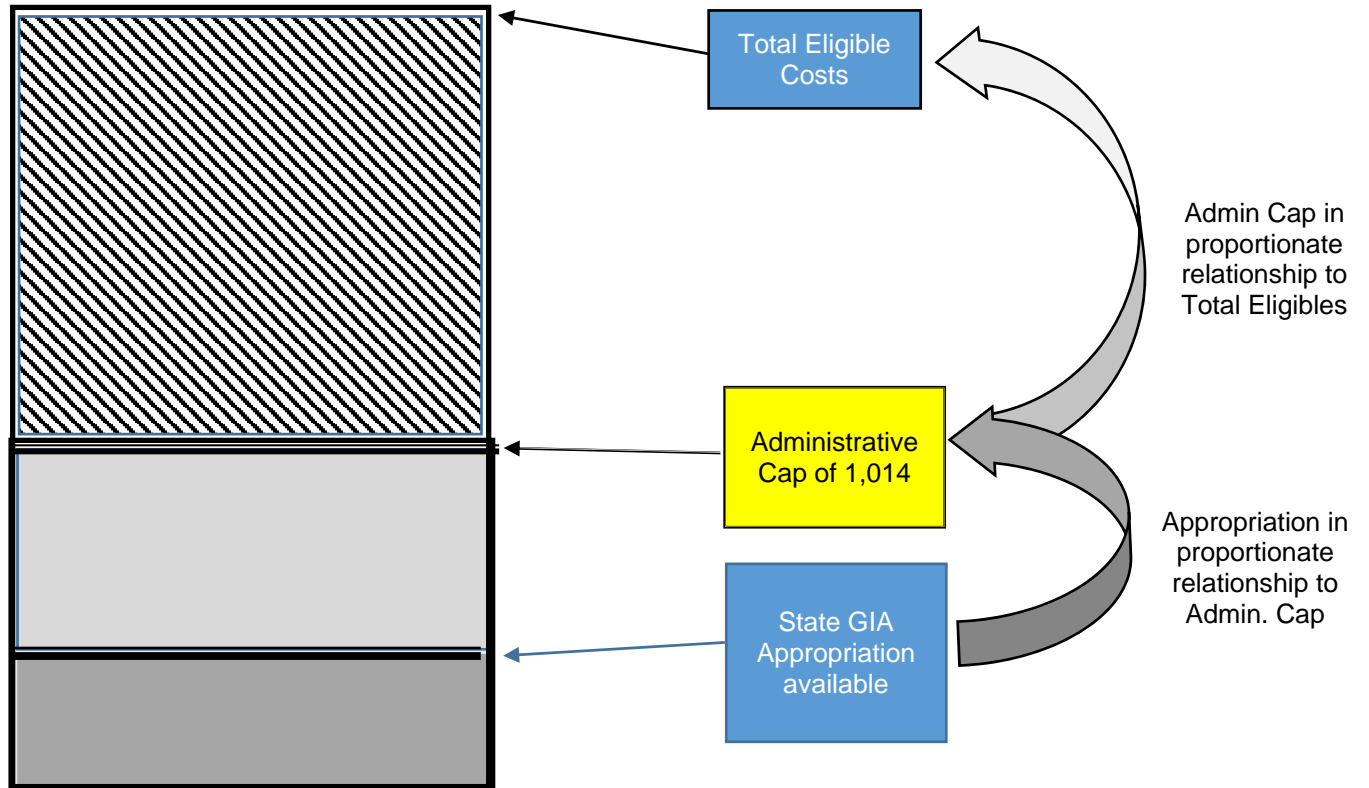
County	FY 2013-14 State GIA	Total Eligible Salaries	Pro Rated Formula Based on All Eligible Salaries	GIA as a % of:	
				Total Eligible Salaries	Adm. "Capped" Salaries
Adams.....	\$ 131,933	\$ 1,229,238	\$ 216,717	17.93+%	52.3%
Allegheny.....	\$1,398,931	\$7,345,370	1,318,290	17.93+	29.5
Armstrong.....	\$54,622	\$414,133	73,219	17.93+	42.6

Source: Developed by LB&FC staff.

Recalculating all 65 county adult probation and parole GIA funding amounts based on this original (pre-1991) funding formula (i.e., based on total eligible salaries rather than capped salaries) is shown in Table 19.

Eliminating the administrative salary cap does not change the total amount distributed, but does change the allocations among counties, resulting in a positive increase in funding amount for 39 counties (60 percent) and a reduction in the funding amount for the remaining 26 counties. Counties that would receive an increase in funding are shown in Table 20. Counties that would receive a decrease in funding are shown in Table 21.

GIA Appropriation in Proportionate Relationship to Cap in Proportionate Relationship to Total Eligible Costs



Source: Developed by LB&FC staff.

Table 19

County GIA Distribution under the Pre-1991 Formula
(FY 2013-14)

<u>County</u>	<u>Total Eligible Salaries</u>	<u>Pre-1991 Formula</u>	<u>GIA Using Pre-1991 Proration</u>	<u>Existing GIA</u>	<u>Difference</u>
Adams	\$ 1,229,238	0.1793+	\$ 220,473	\$ 131,933	\$ 88,540
Allegheny	7,345,370	0.1793+	1,317,448	1,398,931	(81,483)
Armstrong	414,133	0.1793+	74,278	54,622	19,656
Beaver	1,215,737	0.1793+	616,496	244,801	(26,749)
Bedford	194,597	0.1793+	529,866	11,435	23,467
Berks	3,473,495	0.1793+	179,345	442,390	180,608
Blair	771,371	0.1793+	155,611	93,139	45,212
Bradford	418,555	0.1793+	63,265	82,105	(7,034)
Bucks	3,878,189	0.1793+	59,026	901,240	(205,657)
Butler	1,136,691	0.1793+	218,052	126,109	77,765
Cambria	1,073,779	0.1793+	34,902	167,776	24,814
Cameron	66,030	0.1793+	622,998	17,890	(6,047)
Carbon	384,748	0.1793+	138,351	64,332	4,675
Centre	631,826	0.1793+	75,071	126,410	(13,087)
Chester	3,362,023	0.1793+	695,583	597,133	5,871
Clarion	287,627	0.1793+	203,874	53,835	(2,247)
Clearfield	334,357	0.1793+	192,590	44,742	15,227
Clinton	345,348	0.1793+	11,843	38,801	23,140
Columbia	324,035	0.1793+	69,007	43,619	14,499
Crawford	617,822	0.1793+	113,323	88,485	22,326
Cumberland	2,041,086	0.1793+	603,004	246,268	119,816
Dauphin	4,290,831	0.1793+	51,588	664,381	105,212
Delaware	3,301,613	0.1793+	59,969	659,712	(67,543)
Elk	157,827	0.1793+	61,941	44,470	(16,163)
Erie	2,075,794	0.1793+	58,118	466,107	(93,798)
Fayette	878,980	0.1793+	110,811	61,019	96,633
Forest	60,495	0.1793+	366,084	18,949	(8,099)
Franklin	1,149,892	0.1793+	769,593	153,197	53,045
Fulton	187,404	0.1793+	592,169	36,115	(2,503)
Greene	257,058	0.1793+	28,307	30,741	15,364
Huntingdon	205,613	0.1793+	372,309	22,914	13,964
Indiana	609,666	0.1793+	157,652	101,147	8,201
Jefferson	261,732	0.1793+	10,850	33,167	13,777
Juniata	113,126	0.1793+	206,242	29,388	(9,098)
Lackawanna	1,596,492	0.1793+	33,612	189,081	97,262

Table 19 (Continued)

<u>County</u>	<u>Total Eligible Salaries</u>	<u>Pre-1991 Formula</u>	<u>GIA Using Pre-1991 Proration</u>	<u>Existing GIA</u>	<u>Difference</u>
Lancaster	\$ 5,780,095	0.1793+	\$ 1,086,576	\$ 376,025	\$ 660,679
Lawrence	638,984	0.1793+	96,336	49,583	65,024
Lebanon	807,860	0.1793+	145,578	73,363	71,533
Lehigh	2,571,877	0.1793+	464,442	637,205	(175,919)
Luzerne	2,628,183	0.1793+	469,124	336,394	134,991
Lycoming	876,867	0.1793+	159,580	168,962	(11,689)
McKean	316,045	0.1793+	57,630	57,231	(546)
Mifflin	370,873	0.1793+	69,007	23,313	43,206
Monroe	626,982	0.1793+	117,085	66,626	45,828
Montgomery	3,131,932	0.1793+	548,713	696,124	(134,388)
Montour	74,102	0.1793+	13,041	14,936	(1,645)
Northampton	846,606	0.1793+	159,487	148,902	2,943
Northumberland ..	881,303	0.1793+	165,253	140,675	17,393
Perry	178,195	0.1793+	32,864	36,835	(4,874)
Philadelphia	12,626,000	0.1793+	2,265,210	3,747,096	(1,482,527)
Pike	483,746	0.1793+	87,393	57,008	29,756
Potter	179,118	0.1793+	32,541	45,000	(12,874)
Schuylkill	1,423,428	0.1793+	240,430	288,455	(33,152)
Snyder	387,906	0.1793+	52,190	66,487	3,087
Somerset	801,719	0.1793+	145,011	201,622	(57,828)
Sullivan	108,292	0.1793+	13,386	18,396	1,027
Susquehanna	316,804	0.1793+	55,161	48,625	8,196
Tioga	282,814	0.1793+	45,960	55,621	(4,896)
Union	420,714	0.1793+	75,911	53,850	21,608
Warren	221,497	0.1793+	39,709	40,108	(381)
Washington	862,044	0.1793+	153,839	129,785	24,829
Wayne	327,959	0.1793+	59,324	60,464	(1,642)
Westmoreland	3,048,887	0.1793+	556,386	520,112	26,729
Wyoming	394,639	0.1793+	65,995	50,957	19,825
York	<u>3,735,518</u>	0.1793+	<u>666,552</u>	<u>453,856</u>	<u>216,138</u>
Totals	\$90,043,567		\$16,150,000	\$16,150,000	0

Source: Developed by LB&FC staff.

Table 20

Counties With Increase in GIA Funding Under Revised Formula (39)

<u>County</u>	<u>Total Eligible Salaries</u>	<u>Pre-1991 Formula</u>	<u>GIA Using Pre-1991 Proration</u>	<u>Current GIA</u>	<u>Amount of Increase</u>
1. Lancaster.....	\$5,780,095	0.1793+	\$1,036,704	\$376,025	\$660,679
2. York	3,735,518	0.1793+	669,994	453,856	216,138
3. Berks	3,473,495	0.1793+	622,998	442,390	180,608
4. Luzerne	2,628,183	0.1793+	471,385	336,394	134,991
5. Cumberland	2,041,086	0.1793+	366,084	246,268	119,816
6. Dauphin	4,290,831	0.1793+	769,593	664,381	105,212
7. Lackawanna	1,596,492	0.1793+	286,343	189,081	97,262
8. Fayette	878,980	0.1793+	157,652	61,019	96,633
9. Adams	1,229,238	0.1793+	220,473	131,933	88,540
10. Butler	1,136,691	0.1793+	203,874	126,109	77,765
11. Lebanon	807,860	0.1793+	144,896	73,363	71,533
12. Lawrence	638,984	0.1793+	114,607	49,583	65,024
13. Franklin.....	1,149,892	0.1793+	206,242	153,197	53,045
14. Monroe	626,982	0.1793+	112,454	66,626	45,828
15. Blair	771,371	0.1793+	138,351	93,139	45,212
16. Mifflin	370,873	0.1793+	66,519	23,313	43,206
17. Pike.....	483,746	0.1793+	86,764	57,008	29,756
18. Westmoreland ...	3,048,887	0.1793+	546,841	520,112	26,729
19. Washington	862,044	0.1793+	154,614	129,785	24,829
20. Cambria.....	1,073,779	0.1793+	192,590	167,776	24,814
21. Bedford.....	194,597	0.1793+	34,902	11,435	23,467
22. Clinton	345,348	0.1793+	61,941	38,801	23,140
23. Crawford.....	617,822	0.1793+	110,811	88,485	22,326
24. Union	420,714	0.1793+	75,458	53,850	21,608
25. Wyoming	394,639	0.1793+	70,782	50,957	19,825
26. Armstrong.....	414,133	0.1793+	74,278	54,622	19,656
27. Northumberland.	881,303	0.1793+	158,068	140,675	17,393
28. Greene	257,058	0.1793+	46,105	30,741	15,364
29. Clearfield	334,357	0.1793+	59,969	44,742	15,227
30. Columbia	324,035	0.1793+	58,118	43,619	14,499
31. Huntingdon	205,613	0.1793+	36,878	22,914	13,964
32. Jefferson.....	261,732	0.1793+	46,944	33,167	13,777
33. Indiana.....	609,666	0.1793+	109,348	101,147	8,201
34. Susquehanna	316,804	0.1793+	56,821	48,625	8,196
35. Chester.....	3,362,023	0.1793+	603,004	597,133	5,871
36. Carbon.....	384,748	0.1793+	69,007	64,332	4,675
37. Snyder	387,906	0.1793+	69,574	66,487	3,087
38. Northampton.....	846,606	0.1793+	151,845	148,902	2,943
39. Sullivan.....	108,292	0.1793+	19,423	18,396	1,027

Source: Developed by LB&FC staff.

The twenty-six counties that would receive decreased GIA funding under the revised formula are set forth in Table 21 below.

Table 21

Counties With Reduction in GIA Funding Under Revised Formula (26)					
<u>County</u>	<u>Total Eligible Salaries</u>	<u>Pre-1991 Formula</u>	<u>GIA Using Pre-1991 Proration</u>	<u>Existing GIA</u>	<u>Amount of Decrease</u>
1. Philadelphia..	\$12,626,000	0.1793+	\$2,264,569	\$3,747,096	(\$1,482,527)
2. Bucks	3,878,189	0.1793+	695,583	901,240	(205,657)
3. Lehigh	2,571,877	0.1793+	461,286	637,205	(175,919)
4. Montgomery .	3,131,932	0.1793+	561,736	696,124	(134,388)
5. Erie	2,075,794	0.1793+	372,309	466,107	(93,798)
6. Allegheny	7,345,370	0.1793+	1,317,448	1,398,931	(81,483)
7. Delaware	3,301,613	0.1793+	592,169	659,712	(67,543)
8. Somerset.....	801,719	0.1793+	143,794	201,622	(57,828)
9. Schuylkill	1,423,428	0.1793+	255,303	288,455	(33,152)
10. Beaver	1,215,737	0.1793+	218,052	244,801	(26,749)
11. Elk	157,827	0.1793+	28,307	44,470	(16,163)
12. Centre	631,826	0.1793+	113,323	126,410	(13,087)
13. Potter.....	179,118	0.1793+	32,126	45,000	(12,874)
14. Lycoming.....	876,867	0.1793+	157,273	168,962	(11,689)
15. Juniata.....	113,126	0.1793+	20,290	29,388	(9,098)
16. Forest.....	60,495	0.1793+	10,850	18,949	(8,099)
17. Bradford	418,555	0.1793+	75,071	82,105	(7,034)
18. Cameron	66,030	0.1793+	11,843	17,890	(6,047)
19. Tioga	282,814	0.1793+	50,725	55,621	(4,896)
20. Perry.....	178,195	0.1793+	31,961	36,835	(4,874)
21. Fulton	187,404	0.1793+	33,612	36,115	(2,503)
22. Clarion.....	287,627	0.1793+	51,588	53,835	(2,247)
23. Montour	74,102	0.1793+	13,291	14,936	(1,645)
24. Wayne	327,959	0.1793+	58,822	60,464	(1,642)
25. McKean	316,045	0.1793+	56,685	57,231	(546)
26. Warren	221,497	0.1793+	39,727	40,108	(381)

Source: Developed by LB&FC staff.

As the tables above show, the single largest decrease in funding is in Philadelphia County, with the nearly \$1.5 million redistributed from Philadelphia by itself being enough to offset the increased distribution to the top seven deficient counties. Looking at the counties based on the total size of their eligible salaries, counties decreasing in GIA funding averaged \$1.6 million in total eligible salaries compared to \$1.1 million for those gaining funding.

When the two largest counties (Philadelphia and Allegheny) are removed from the analysis, the comparison becomes dead even, with the remaining decreasing counties averaging about \$1 million in total eligible salaries, while the counties increasing in funding averaged about \$1.1 million. On the whole, therefore, using the pre-1991 formula does not (with the exception of Philadelphia) provide a systematic advantage or disadvantage to counties based on size.

Collection of Offender Supervision Fees

The Crime Victims Act, Act 1998-111 (which repealed Act 1991-35), requires that adult offenders who are under the supervision of county adult probation agencies and the PA Board of Probation and Parole pay a special monthly fee. The act requires the court to impose, as a condition of supervision, a monthly “supervision fee” of at least \$25 on any offender placed on probation, parole, accelerated rehabilitative disposition, probation without verdict, or intermediate punishment. The court may reduce, defer, or waive the fee if the offender is:

- 62 years old or older with no income;
- receiving public assistance;
- a full-time student;
- incarcerated;
- not employable because of a disability;
- responsible for supporting dependents and paying the supervision fee would be a hardship; or
- experiencing other extenuating circumstances.

Each county is to retain 50 percent of the supervision fees it collects and deposit them into a County Offender Supervision Fund. As mandated by the act:

The county treasurer shall disperse money from this fund only at the discretion of the president judge of the court of common pleas. The money in this fund shall be used to pay the salaries and employee benefits of all probation and parole personnel employed by the county probation and parole department and the operational expenses of that department.

The act further states that revenues from the supervision fees are to be used to supplement federal, state, and county appropriations for the county adult probation and parole departments.

Although the law gives the president judge discretion in the disbursement of these funds, this has been a point of contention as demonstrated by two prominent

Commonwealth Court cases, Jefferson County v. Court of Common Pleas of Jefferson County, 738 A.2d 1077 (1999) (holding that disbursements of supervision fees are to be made only at the discretion of the president judge) and the 2014 case of Board of Commissioners of Bedford County v. President Judge Thomas S. Ling, Court of Common Pleas of Bedford County ____ A.3d ____ (2014) (holding that previous payments fronted out of a county's General Fund needed to be honored first). Exhibits 6 and 7 contain brief summaries of these cases:

Exhibit 6

Summary Information on Jefferson County v. Court of Common Pleas of Jefferson County

From the time the county offender supervision fund was established in Jefferson County until July 1996, the funds were disbursed by way of a memorandum of understanding between the court and the Jefferson County Commissioners. When the Commissioners withheld approval of an MOU to disburse funds to pay bonuses to the county probation and parole officers, the parties ceased to agree on the use of the funds. Subsequently, the court authorized the purchase of an automobile for the county probation office and issued an order directing the county treasurer to remove the fund from the county ledger and place it in an independent, interest-bearing account to be administered by the treasurer and controlled exclusively by the court.

Commonwealth Court held that the language of the act pertaining to the use of the fund is clear that disbursements from the fund are to be made only at the discretion of the president judge. The Court noted that the General Assembly could have imposed a requirement that the county commissioners concur in the disposition of the fund but did not do so.

The Court also disagreed with the county's contention that the fund was county property noting that the source of the fund is a court-imposed fee, and it is maintained separate from the county's general funds. The Court found that the General Assembly created a separate source of money, funded by a court-imposed fee to be used for the county adult probation and parole department, and it is to be used to supplement the county's appropriation for the county adult probation and parole department.

Finally, the Court agreed that county probation and parole offices require the use of an automobile in the performance of their daily activities and, therefore, the cost of an automobile should be considered part of the operating costs of the probation and parole department.

Source: LB&FC staff review of Jefferson County v. The Court of Common Pleas of Jefferson County, 738 A.2d 1077 (1999).

Summary Information on Board of Commissioners of Bedford County v. President Judge Thomas S. Ling, Court of Common Pleas of Bedford County

Bedford County's three commissioners filed suit against President Judge Ling in Commonwealth Court in 2012 alleging the judge made supplemental payments to probation and parole workers out of the supervisory fund [regarding offender supervision fees]. The Commonwealth Court opinion states that Bedford County had before made similar payments before being reimbursed with money paid into the supervisory fund by convicts under supervision.

In a unanimous en banc decision, the Commonwealth Court said that Judge Ling had improperly ordered that money be spent out of the supervisory fund—which was set up to pay for probation and parole services for county convicts—despite an outstanding \$247,000 tab to the County general fund for similar services provided in previous years.

Judge Ling said that the state's Crime Victims Act gave him sole authority to disburse money from the supervisory fund, but the court found that previous payments to probation and payroll employees fronted out of Bedford County's general fund needed to be honored first.

"What is at issue is whether [President Judge Ling's] discretion may be exercised in a way that spends the same dollars two, three or four times over, leaving the taxpayers of the county on the hook for expenses that, at the direction of the president judge, should have been paid out of the supervisory fund," the opinion said. "Because those expenses were incurred with the prior authorization and directive ... the county treasurer would be acting well within her lawful authority ... to distribute existing monies within the supervisory fund to reimburse the county for that incurred expense."

Source: LB&FC staff review of Board of Commissioners of Bedford County v. President Judge Thomas S. Ling, Court of Common Pleas of Bedford County ____ A.3d ____ (2014).

The 50 percent of supervision fee collections not deposited into the county Offender Supervision Fund is turned over to the Commonwealth for deposit into a restricted receipt account in the state General Fund (entitled the State Offender Supervision Fund). Supervision fees that the counties transfer to the Department of Revenue are initially deposited in a clearing account and then into the SOSF. This account is administered by the PA Board of Probation and Parole.

The fees are then returned to the counties quarterly on a dollar-for-dollar basis as stipulated in an annual supervision fee contract between each county and the Board. Any interest earned while the fees are in the SOSF are retained in the General Fund.

The law does not require that the state return the supervision fees to the counties or that the distribution be made on a dollar-for-dollar basis. This practice is based on Board policy that was adopted immediately upon the enactment of the

legislation. While not explicitly stated in the act, Board staff who were involved in the development of the supervision fee legislation believe that returning the monies to the counties was always the intent of the legislation.

According to our 2000 report, Board officials reported that they adopted the dollar-for-dollar policy because the various counties collect the fees at varying rates, and the Board did not want to “punish” a high-collecting county or “reward” a low-collecting county by returning the fees on any other basis. Board staff believed such a disbursement policy is fair and serves as an incentive to the counties to collect as much of the fees as possible.

However, the transfer by the counties of one-half of the supervision fees to the state and their subsequent return to the counties of origin creates additional paperwork processing for all parties involved. In addition to the county adult probation departments and the county clerks of court, both the PBPP and the Department of Revenue must assume additional administrative duties in this process. During the course of this study, several county adult probation staff commented on the additional administrative burden created by being required to submit a portion of the supervision fees to Harrisburg only to have them sent back to the county. Most agreed that this practice was wasteful in time and administrative effort. Several pointed out that they earn no interest on this money, while the state does.

The portion of the supervision fees returned by the state is deposited into either the County Offender Supervision Fund or the county’s General Fund. According to our survey, 58 percent of counties place the returned supervision fees in their General Fund and 42 percent deposit the funds into the County Offender Supervision Fund. If the fees are deposited in the county’s General Fund, they are disbursed by the county commissioners, and like the portion of supervision fees the counties retain, by law, must be used for the salaries and benefits of all probation and parole personnel and for the operating expenses of that department. Some counties regard the return of the supervision fees as reimbursement for the county General Fund contributions to probation and parole service, a practice that has been adjudicated and deemed appropriate (see Exhibit 7).

County Collection Efforts

Total supervision fee collections for FY 2013-14 amounted to \$38.2 million. All 65 counties with adult probation and parole offices apply a supervision fee. These fees range from a low of \$25 in seven counties to a high of \$75 in one county. The average supervision fee is \$41. Table 22 shows the total amount collected in supervision fees (on a calendar year basis) and the average fee amount since 2002.

The county adult probation offices are responsible for collecting supervision fees. Probation officers, on a regular basis, review the offender’s adherence to the

fee payment schedule. Collection efforts and actions are determined by each county's probation and parole office.

Table 22

Total Supervision Fees Collected

<u>CY</u>	<u>Total Collected</u>	<u>Average County Fee</u>
2002	\$22,002,177	\$31
2003	23,781,507	31
2004	24,491,361	33
2005	25,307,479	34
2006	26,617,663	35
2007	31,726,565	36
2008	31,766,237	36
2009	31,723,472	37
2010	31,882,442	37
2011	33,814,135	39
2012	33,604,881	40
2013	33,735,172	41

Source: Developed by LB&FC Staff with information provided by the PBPP.

Presentation of Supervision Fees and GIA Funding in State Documents

Offender supervision fees are collected by the counties and represent a financial payment from offenders as partial reimbursement for the probation supervision and services they receive from the county probation departments. As previously noted, the counties are to retain one-half of the fees they collect and submit the other half to the state. The state subsequently returns these monies to the counties from which they were sent on a dollar-for-dollar basis.

Several county officials with whom we spoke noted that the supervision fees, which are assessed and collected by the counties, are sometimes treated as a supplement, rather than an addition, to GIA funds. This can be confusing and serve to obfuscate the extent to which the GIA is covering eligible salaries (e.g., see description above of how the PBPP determines its Improvement of Adult Probation Services appropriation request). Supervision fees are also combined with the GIA in the Board's annual report when calculating the percentage of funds provided by the Commonwealth to support county probation and parole offices, which results in a much higher percentage of state funds than is the case if supervision fees are excluded (see Table 23).

The manner in which the GIA program is presented in the Governor’s Executive Budget document is also confusing. As shown in Exhibit 8, the appropriation for the Grant-in-Aid program (the Improvement of Adult Probation Services appropriation) does not mention the Grant-in-Aid program, nor is it made explicit that these monies are provided to the counties. The Grant-in-Aid program is mentioned in the narrative section of the Governor’s budget document, but not the level of funding.

Exhibit 8

Appropriation for Improvement of Adult Probation Services

Probation and Parole

Summary by Fund and Appropriation

(Dollar Amounts in Thousands)

	2012-13 ACTUAL	2013-14 AVAILABLE	2014-15 BUDGET
GENERAL FUND:			
<i>General Government:</i>			
General Government Operations.....	\$ 110,281	\$ 119,874	\$ 132,861
(F)Violence Prediction Model.....	86	86	86
(F)ARRA - Maximizing Victim Restitution (EA).....	35	0	0
(F)Absconder Apprehension (EA).....	8	0	0
(F)Address Confidentiality Program (EA).....	60	0	0
(F)ARRA - Recidivism Reduction (EA).....	0	56	0
(F)Livescan (EA).....	162	0	0
(A)State Parole Supervision Fees.....	3,900	3,800	3,900
(A)Interstate Supervision Fees.....	97	90	90
Subtotal.....	<u>\$ 114,629</u>	<u>\$ 123,906</u>	<u>\$ 136,937</u>
Sexual Offenders Assessment Board.....	5,164	5,449	5,411
Subtotal.....	<u>\$ 5,164</u>	<u>\$ 5,449</u>	<u>\$ 5,411</u>
Subtotal - State Funds.....	\$ 115,445	\$ 125,323	\$ 138,272
Subtotal - Federal Funds.....	351	142	86
Subtotal - Augmentations.....	3,997	3,890	3,990
Total - General Government.....	<u>\$ 119,793</u>	<u>\$ 129,355</u>	<u>\$ 142,348</u>
<i>Grants and Subsidies:</i>			
Improvement of Adult Probation Services.....	\$ 16,222	\$ 16,222	\$ 16,222
(R)County Parole Supervision Fees.....	17,542	17,717	17,894
Subtotal.....	<u>\$ 33,764</u>	<u>\$ 33,939</u>	<u>\$ 34,116</u>
Subtotal - State Funds.....	\$ 16,222	\$ 16,222	\$ 16,222
Subtotal - Restricted Revenues.....	17,542	17,717	17,894
Total - Grants and Subsidies.....	<u>\$ 33,764</u>	<u>\$ 33,939</u>	<u>\$ 34,116</u>
STATE FUNDS.....	\$ 131,667	\$ 141,545	\$ 154,494
FEDERAL FUNDS.....	351	142	86
AUGMENTATIONS.....	3,997	3,890	3,990
RESTRICTED REVENUES.....	17,542	17,717	17,894
GENERAL FUND TOTAL.....	<u>\$ 153,557</u>	<u>\$ 163,294</u>	<u>\$ 176,464</u>

Source: 2014-15 Governor’s Budget Document.

Table 23

State Funding of County Adult Probation and Parole Offices
FY 2013-14

<u>County</u>	<u>GIA Eligibility FY 2013-14</u>	<u>GIA Award FY 2013-14</u>	<u>Supervision Fee Reimbursement FY 2013-14</u>	<u>Total PBPP Awards FY 2013-14</u>	<u>Fund % FY 2013-14*</u>
Adams.....	\$ 421,191	\$ 131,933	\$ 211,782	\$ 343,715	81.6%
Allegheny.....	4,466,020	1,398,931	1,444,073	2,843,004	63.7
Armstrong.....	174,379	54,622	97,691	152,313	87.3
Beaver.....	781,517	244,801	293,471	538,272	68.9
Bedford.....	36,505	11,435	116,869	128,304	351.5
Berks.....	1,412,310	442,390	823,639	1,266,029	89.6
Blair.....	297,342	93,139	241,854	334,993	112.7
Bradford.....	262,115	82,105	89,624	171,729	65.5
Bucks.....	2,877,166	901,240	509,620	1,410,860	49.0
Butler.....	402,598	126,109	141,423	267,532	66.5
Cambria.....	535,616	167,776	227,384	395,160	73.8
Cameron.....	57,112	17,890	4,866	22,756	39.8
Carbon.....	205,376	64,332	143,043	207,375	101.0
Centre.....	403,557	126,410	317,147	443,557	109.9
Chester.....	1,906,317	597,133	663,827	1,260,960	66.1
Clarion.....	171,865	53,835	105,307	159,142	92.6
Clearfield.....	142,836	44,742	167,247	211,989	148.4
Clinton.....	123,870	38,801	101,318	140,119	113.1
Columbia.....	139,251	43,619	45,578	89,197	64.1
Crawford.....	282,483	88,485	172,131	260,616	92.3
Cumberland.....	786,200	246,268	348,159	594,427	75.6
Dauphin.....	2,121,003	664,381	709,004	1,373,385	64.8
Delaware.....	2,106,098	659,712	760,847	1,420,559	67.4
Elk.....	141,967	44,470	40,502	84,972	59.9
Erie.....	1,488,025	466,107	423,253	889,360	59.8
Fayette.....	194,799	61,019	296,929	357,948	183.8
Forest.....	60,495	18,949	7,556	26,505	43.8
Franklin.....	489,073	153,197	240,649	393,846	80.5
Fulton.....	115,294	36,115	18,200	54,315	47.1
Greene.....	98,140	30,741	91,846	122,587	124.9
Huntingdon.....	73,152	22,914	114,078	136,992	187.3
Indiana.....	322,908	101,147	127,818	228,965	70.9
Jefferson.....	105,884	33,167	135,105	168,272	158.9
Juniata.....	93,821	29,388	43,890	73,278	78.1

Table 23 (Continued)

<u>County</u>	<u>GIA Eligibility FY 2013-14</u>	<u>GIA Award FY 2013-14</u>	<u>Supervision Fee Reimbursement FY 2013-14</u>	<u>Total PBPP Awards FY 2013-14</u>	<u>Fund % FY 2013-14*</u>
Lackawanna	\$ 603,631	\$ 189,081	\$ 563,702	\$ 752,783	124.7%
Lancaster	1,200,443	376,025	593,485	969,510	80.8
Lawrence	158,291	49,583	139,389	188,972	119.4
Lebanon.....	234,208	73,363	362,013	435,376	185.9
Lehigh.....	2,034,247	637,205	692,405	1,329,610	65.4
Luzerne.....	1,073,922	336,394	370,784	707,178	65.8
Lycoming	539,402	168,962	302,249	471,211	87.4
McKean.....	182,708	57,231	51,600	108,831	59.6
Mifflin	74,426	23,313	79,521	102,834	138.2
Monroe.....	212,701	66,626	236,689	303,315	142.6
Montgomery.....	2,222,342	696,124	893,637	1,589,761	71.5
Montour.....	47,684	14,936	21,463	36,399	76.3
Northampton.....	475,362	148,902	162,431	311,333	65.5
Northumberland..	449,100	140,675	224,530	365,205	81.3
Perry	117,594	36,835	75,694	112,529	95.7
Philadelphia	11,962,425	3,747,096	730,356	4,477,452	37.4
Pike.....	181,995	57,008	83,055	140,063	77.0
Potter	143,662	45,000	18,731	63,731	44.4
Schuylkill.....	920,879	288,455	271,718	560,173	60.8
Snyder	212,256	66,487	57,028	123,515	58.2
Somerset	643,669	201,622	88,710	290,332	45.1
Sullivan	58,729	18,396	13,205	31,601	53.8
Susquehanna	155,232	48,625	48,865	97,490	62.8
Tioga.....	177,568	55,621	119,040	174,661	98.4
Union	171,913	53,850	70,878	124,728	72.6
Warren.....	128,042	40,108	82,060	122,168	95.4
Washington.....	414,332	129,785	444,623	574,408	138.6
Wayne.....	193,029	60,464	49,219	109,683	56.8
Westmoreland	1,660,433	520,112	501,139	1,021,251	61.5
Wyoming.....	162,679	50,957	45,981	96,938	59.6
York	<u>1,448,915</u>	<u>453,856</u>	<u>834,709</u>	<u>1,288,565</u>	88.9
Totals.....	\$51,558,103	\$16,150,000	\$17,504,639	\$33,654,639	65.3%

Source: PA Board of Probation and Parole Annual Report, 2013.

VI. Interview and Survey Results

In June 2014, we posted a survey on Survey Monkey and invited the 65 county Chief Probation Officers to respond. We also visited and interviewed county probation and parole personnel in six counties representing a cross section of Pennsylvania counties, both geographically and by population size.

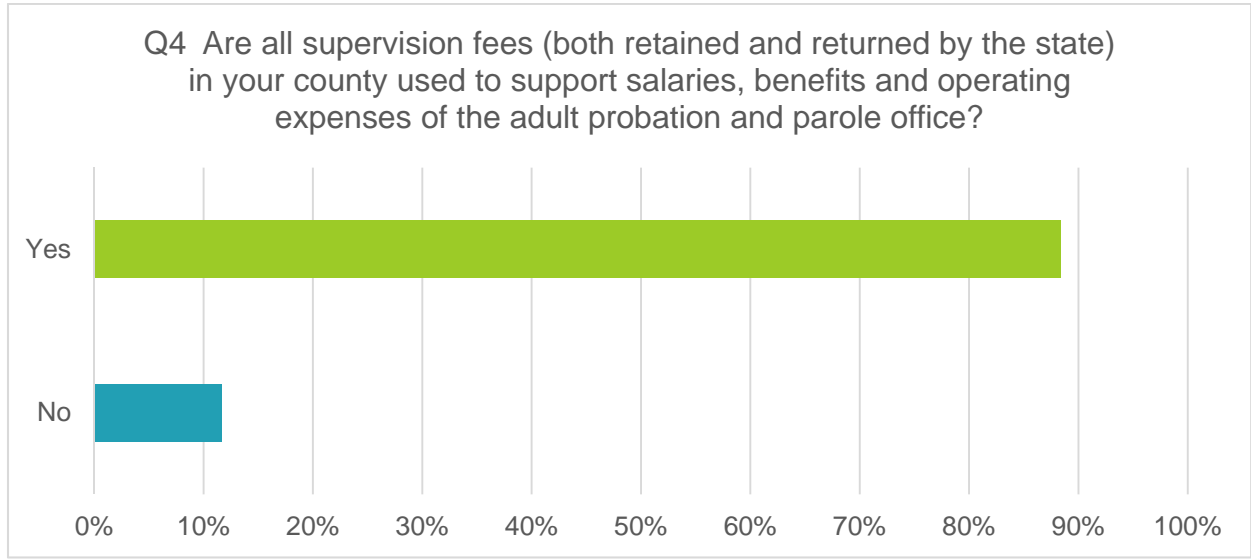
In general, the comments we received during our interviews paralleled the responses received in our survey. Not surprisingly, the top concern voiced by county Chief Probation Officers and staff pertained to the adequacy of the state's contribution to the funding of county adult probation services, and in particular the Grant-in-Aid program. Several counties noted, however, that, should the GIA funding from the state increase, it is likely that their county would reduce its share of funding. The following pages contain a sampling of comments taken from study questionnaire responses submitted by county Chief Probation Officers.

Because GIA funds have flatlined and funding in some counties has been cut, several chiefs expressed concerns that their officers cannot adequately supervise increasing caseloads. Funding shortfalls also limit their abilities to implement evidence-based practices. Several county chiefs expressed satisfaction with their relationships with their county commissioners and say that they are very supportive of their probation and parole offices and recognize the value of their role in the community.

Several county chiefs, as well as officials from the County Chief Adult Probation and Parole Officers Association of Pennsylvania, expressed frustration that the counties have little opportunity to make formal presentation of the difficulties they face to members of the PA General Assembly. At budget hearings, both the Pennsylvania Board of Probation and Parole and Department of Corrections have a voice, but representatives of the county probation and parole system do not.

The key questions we posed to the county chiefs of probation and parole, and selected comments we received, are shown in the following pages.

Question 4



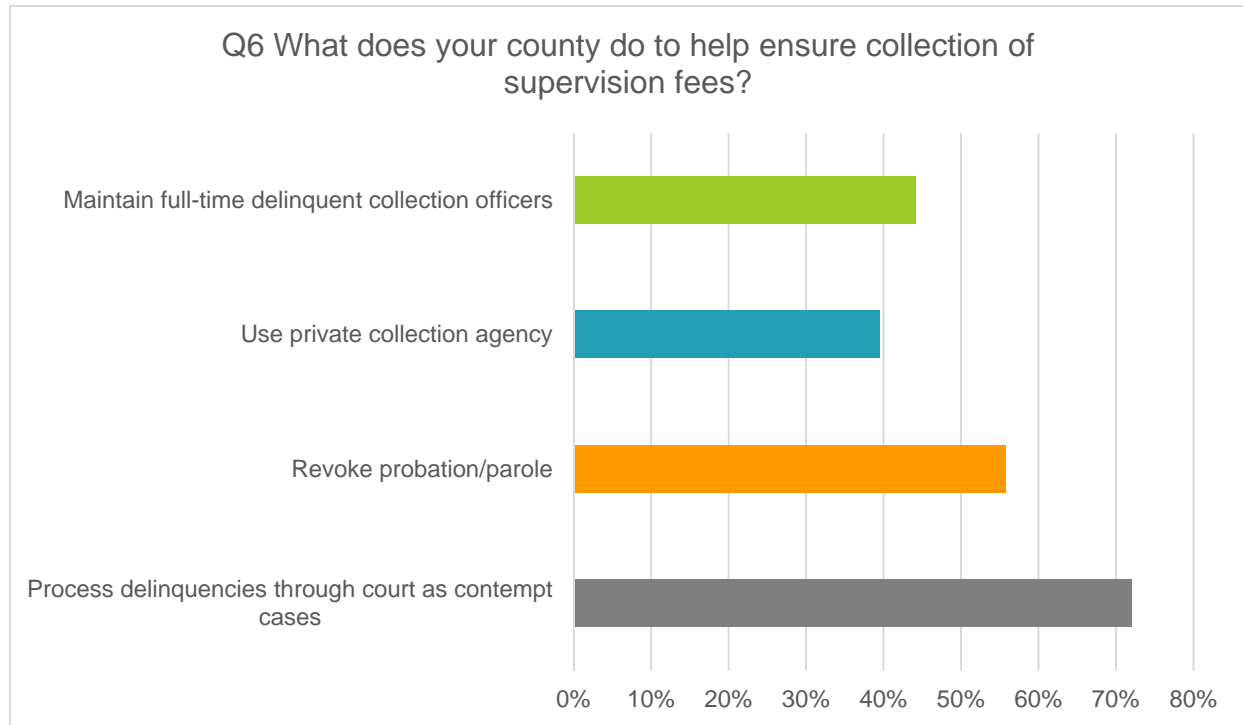
Answer Choices	Responses	
Yes	88.37%	38
No	11.63%	5
Total		43

Question 5

Q5 What percentage of supervision fees is your county collecting?

#	Responses
1	Collected \$628,888.00 in 2013, but unable to provide a percentage collected.
2	Unknown
3	65%
4	unknown
5	80%
6	Do not know but always rank one of the highest in collection of Supervision Fees annually
7	40%
8	25%
9	Approximately 60%
10	Approximately 50%** The court allows offenders to work supervision fees off through community service for some so it is difficult to determine.
11	we estimate that we are collecting sf at around 90 % from all of the offenders who were or are currently on supervision
12	33% (estimate)
13	75%
14	85%
15	90%
16	60%
17	70%
18	100
19	70
20	Unknown at this time
21	100%
22	DK- but our county in the last 6 years have increased collections from \$586,000 2008 to over \$900,000 annually in 2013.
23	50%
24	approx. 45%
25	Sort of 30%
26	Over 90%
27	Not sure I fully understand your question. I will try and answer it to the best of my ability. The supervision fees collected in 2013 was 62%. 25% was adjusted or removed and therefore not collectable, leaving 13% to be collected. We can therefore argue that 87% of the supervision fee that was invoiced was recouped (in some fashion). The supervision fee collection rate over 2006 to 2013 was 67%.
28	35%
29	23% for state FY 12-13
30	roughly 55%
31	65% Approx.
32	Unknown
33	30%
34	100%
35	Estimated at 65%
36	@80%
37	99

Question 6

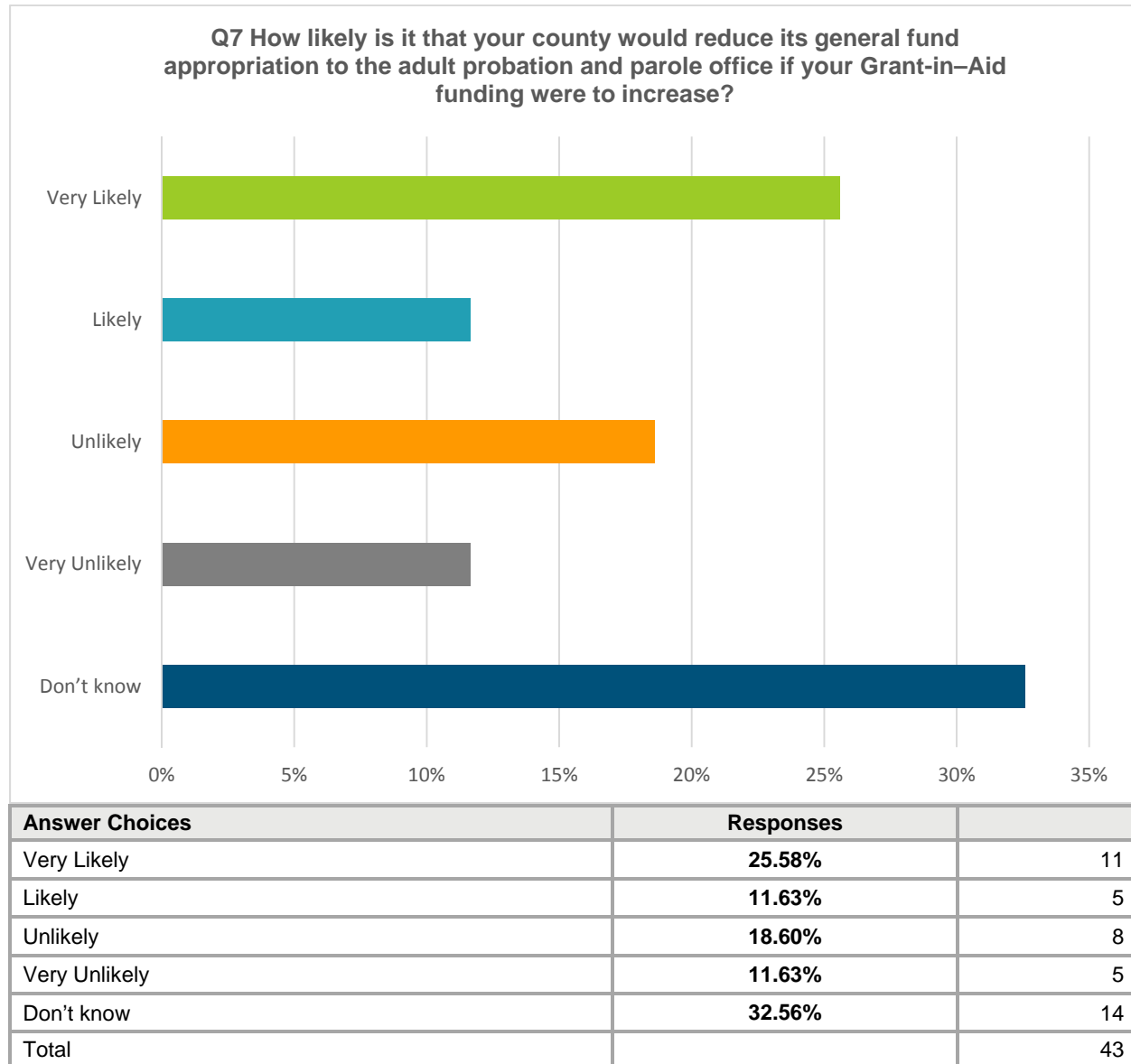


Answer Choices	Responses
Maintain full-time delinquent collection officers	44.19% 19
Use private collection agency	39.53% 17
Revoke probation/parole	55.81% 24
Process delinquencies through court as contempt cases	72.09% 31
Total Respondents: 43	

- Use of credit card payments. Also, delinquent cases are turned over to a collection agency by the Clerk of Courts, and APO will cite as a violation of conditions.
- Civil judgments.
- County staffs a Bureau of Criminal Collections.
- Our county is in the process of switching from 3/4 time collections to full-time in July of 2014
- In-house compliance hearings are held before case is sent to collections agency or official court action is initiated.
- Process through an administrative process set by the Courts.
- We regularly send out fines and cost delinquent letters for offenders who are behind on monthly payments (i.e. 30 days delinquent, 60 days delinquent, etc.).
- We (Adult Probation/Parole) do not allow out-of-county (except for employment) travel if costs, fines and restitution are not paid.
- Conduct internal Administrative Hearings on delinquent offenders.
- Contempt Model- used for past 10 years. At offender sign-up, an agreement is executed for payment, a separate order is issued mandating such payment, at probation/parole max.

Collection order remains in effect (as it's a separate order from probation/parole), it stays in effect as long as balance present, or until further order, offenders who fail to comply with that order. Bench warrants are issued for failure to comply with order. The administration of these warrants is the key to success... Collection departments can threaten to harm the credit of the offender. The contempt model can put them in jail. One is effective, one is not...

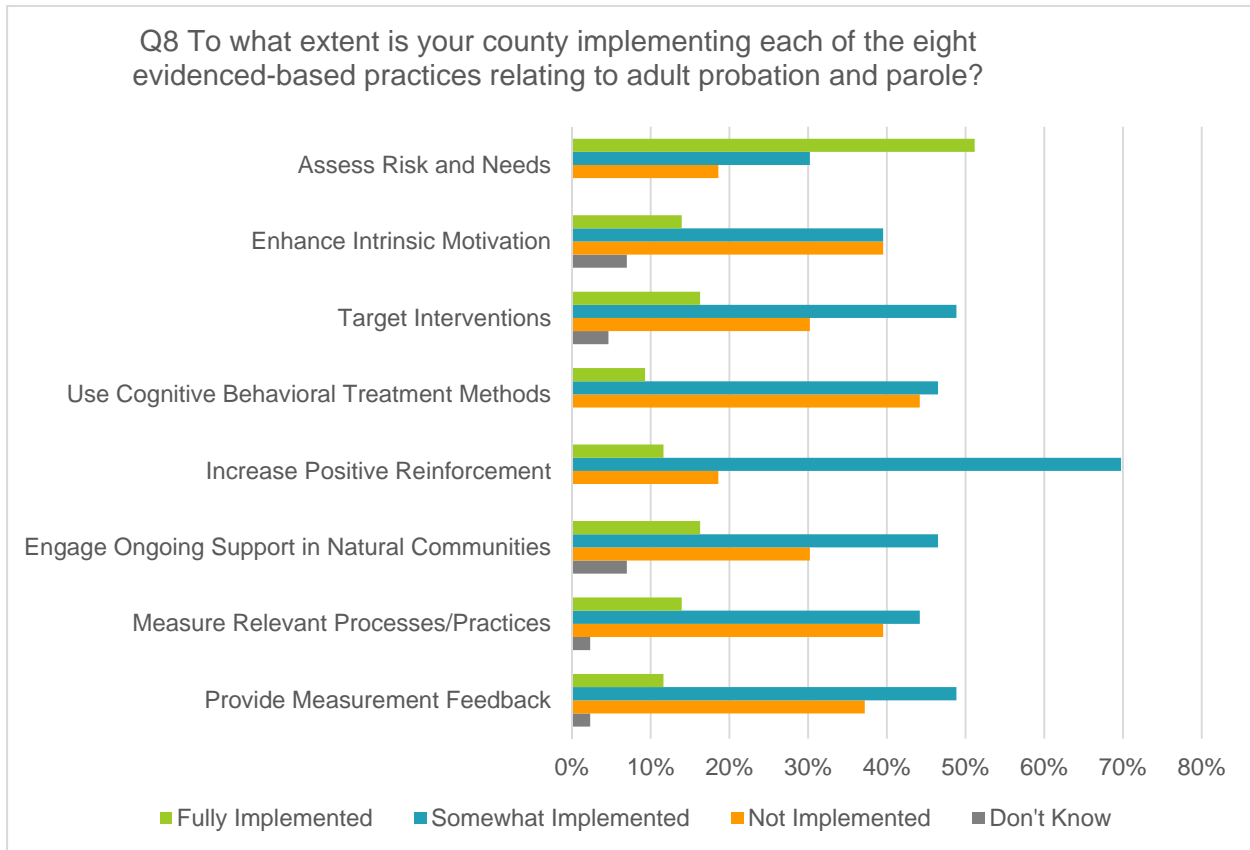
Question 7



- If the Grant-in-aid funding were to increase, the local share of funding would naturally be reduced.
- It is hoped that any increase in funding would be made available to the department to offset any further staffing cuts. The county's current financial condition is extremely poor so it is unknown how county administration would react to any funding increase.
- The county does what they can to APO support activities and, as overwhelming as our probation department is, I would suspect that they would value the increase and offer us more opportunities to more things.
- Direction and clarification would have to be given to the counties that the increase in GIA must be used to support the enhancement of probation services (i.e., evidence based practices) in the county. Additionally, counties should be held accountable to report how the additional GIA funds are being used to support EBP initiatives.

- Our county budgets so much for our Department. After that amount is determined, they subtract whatever they received from outside resources and the remainder comes out of General Fund. I believe our bottom line budget amount would not change based on how much is coming in. What I do believe it would affect is how much the Judge is reimbursing the General Fund for a portion of our salaries out of his share of the supervision fee fund. If Grant in Aid increased, he would decrease the amount proportionately.
- [Reduced] because there are other needs that also are under-funded in the Court/County. Also this is a "past practice" and I don't see that changing unless there was a "legislative fix" that was enforced.
- I suspect they would [reduce funding] only if office was currently funded adequately to meet their mission and initiatives.
- A GIA increase would undoubtedly result in additional staff members so that increase would be consumed immediately and wouldn't be available to contribute to GF expenses.
- Grant in Aid provides so little support [less than \$100,00] and has so many strings attached it has no real financial benefit to work through the Board of Probation. And, given the lack of working relationship between the Court and County Commissioners, any increase would result in a decreased county contribution unless the increase were to provide few strings attached funding for additional probation officers. Like I mentioned, the money received now doesn't justify the work to qualify.

Question 8

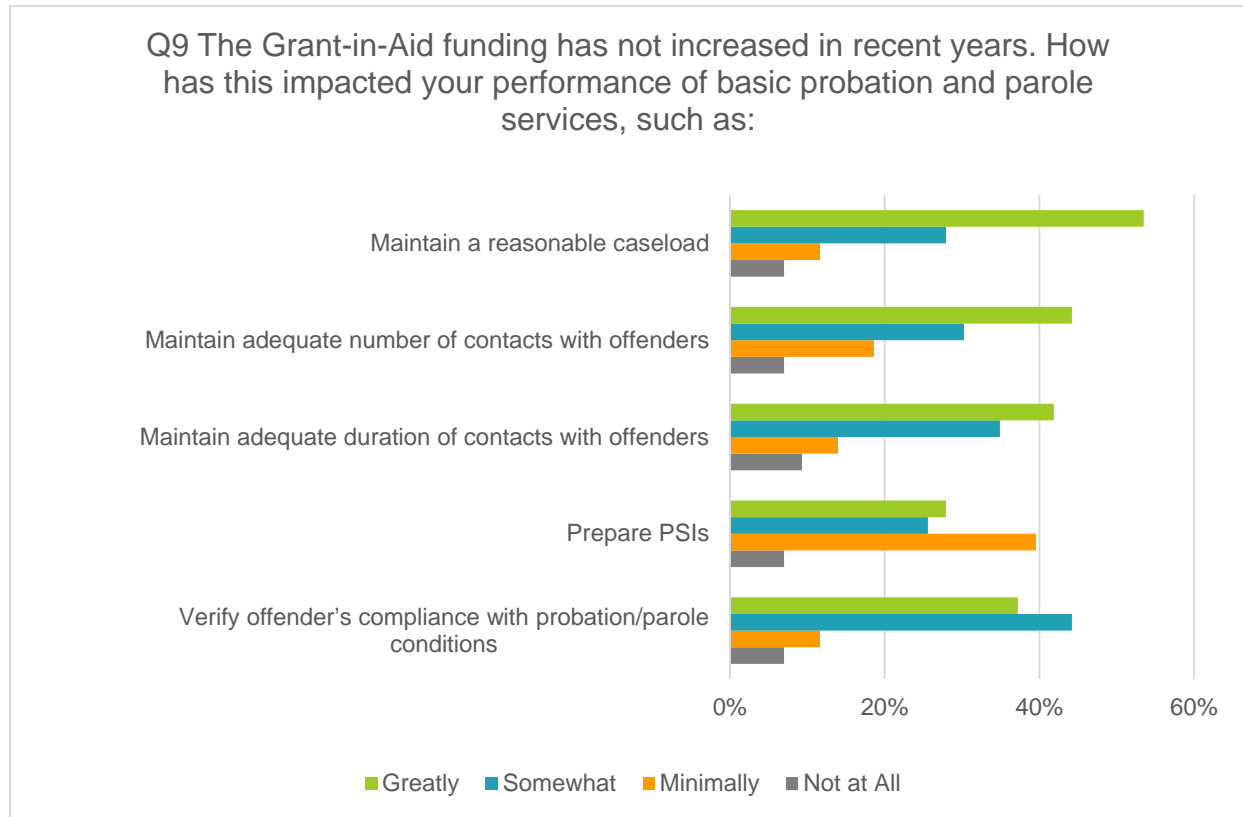


	Fully Im- plemented	Somewhat Imple- mented	Not Imple- mented	Don't Know	Total
Assess Risk and Needs	51.16% 22	30.23% 13	18.60% 8	0.00% 0	43
Enhance Intrinsic Motivation	13.95% 6	39.53% 17	39.53% 17	6.98% 3	43
Target Interventions	16.28% 7	48.84% 21	30.23% 13	4.65% 2	43
Use Cognitive Behavioral Treatment Methods	9.30% 4	46.51% 20	44.19% 19	0.00% 0	43
Increase Positive Reinforcement	11.63% 5	69.77% 30	18.60% 8	0.00% 0	43
Engage Ongoing Support in Natural Commu- nities	16.28% 7	46.51% 20	30.23% 13	6.98% 3	43
Measure Relevant Processes/Practices	13.95% 6	44.19% 19	39.53% 17	2.33% 1	43
Provide Measurement Feedback	11.63% 5	48.84% 21	37.21% 16	2.33% 1	43

- Unable to implement due to staff (officer) limitations per caseload.
- We have restructured our department to aid in our full implementation of EBP. We have also merged with our Juvenile Probation Services to unite the initiates within JJSES that are parallel to EB supervision. We are conducting pre-sentence/supervision risk/needs assessments, case planning from those and utilizing measures of MI and CBT related to supervision and alternatives.
- We have implemented all facets of the "EBP."
- Numerous trainings on evidence based practices, but no means to accomplish it. Risk/needs assessments/training is costly. Motivational Interview training and continued support is time consuming. Small counties do not have the means to provide trainers in house.
- Due to the volume of defendants entering the system, the department has been overwhelmed with offenders and officer caseloads have skyrocketed. In our current situation, implementing these evidence based practices has become practically impossible. The department does not have enough staff to properly supervise offenders in the community and enough support staff to perform clerical functions.
- 1. Completion of risk/need assessment tool known as COMPAS is completed on clients at the presentence stage. Reassessment completed as rec'ed by COMPAS. 2. Staff completed Motivational Interviewing training. In fact, a Booster MI is sch'ed for 6/20/14. 3. Policies surround prioritizing supervision and treatment resources for higher risk offenders. Addressing criminogenic needs. In 2013 staff completed training in Evidence Based Practices should discussed risk/needs. 4. The dept contracts with a provider to conduct Moral Reconciliation Therapy (MRT). 5. The dept. has a policy on Graduated Responses which details positive and negative enforcements. (always a work in progress). 6. The dept participates in various committees with the various agencies throughout the county. The majority of the meetings focus on pro-social supports for offenders. (Always a work in progress). 7. A pre/post tests are completed in the MRT class to measure progress. The dept. tracks recidivism rates. In addition, an annual evaluation is completed on all employees to evaluate performance. 8. An Annual Report is completed on all programming within the dept and shared with the Courts and Commissioners.
- Department is both Adult and Juvenile, and both systems are progressing in evidence based practices but we are transitioning slowly because we have had several successful programs operating and we don't want to reinvent the wheel!
- A lot of the areas above are implemented or being implemented due to the existence of our Treatment Court Program.
- The Probation Department has been utilizing the LSI-R SV for sentencing recommendations along with the Wisconsin Model for supervision levels. This has been in place for four years. All staff have attended a MI 101 course along with on-going quarterly boosters from our in-house Juvenile Instructor. The next step is the evaluation process through taped interviews. The risk/needs assessment is designed to target areas of needs and risk and to link offenders with the needed treatment. Due to the rural county setting, we have very little programming so Officers spend a lot of time linking offenders with appropriate programs that are located out of our community. Each Officer has continued to increase positive reinforcement as a common way of doing business. This component has also been incorporated into the quarterly booster trainings. Each of the last four years an annual review has been conducted by the Chief PO related to programs, treatment, training and overall office operations. Those reviews permit input from the Officers for suggestions and ideas. However, due to limit staff resources and workloads this process must improve.

- We have our own measurements not sure how they relate to evidence based practices have not had time to implement most evidence practices due to turnover in staff and expertise in implementing evidence-based practices
- Implementation of Evidence Based Practices has been slowed due to annual staffing cuts.
- We are trying to implement EBP, however, due to our high caseloads and volume of work, it has been difficult to fully implement these ideas.
- The caseloads are too heavy to fully implement EBP, we do what we can on a very limited basis.
- We don't have funding or staff to implement these programs.
- Our County increased the general funds in an effort to add staff for the creation of a Quality Assurance Unit. This unit is charged with EBP implementation, outcome and statistical reports, collections, and inter-rated reliability of the risk/needs assessments. The staff in this unit are also certified trainers on various EBP practices. Our belief is that if we fund these positions our county will save money in the long term (i.e. reduced prison population and recidivism reduction).
- In theory, we currently have sufficient Staff on our manning table to cover our primary responsibilities; Intake and Community Based Supervision. However, at any given time, we have 4-5 POs out on leave (e.g. maternity, illness, etc.) requiring a constant reassignment of base responsibilities. There is little to no room for implementing additional specialty programming or evidence based practices under these conditions.
- The probation department has supported motivational interviewing techniques for a few years and we are progressively incorporating the above EBPs. It's more than just doing and following EBP practices and procedures, it's creating a culture amongst the officers so they utilize these practices because of their effectiveness to impact offenders positively and because they have the greatest potential to reduce recidivism. This is not a liberal position. Our prison is only approximately half full and jailing an offender we can do, if that is what may be best for the community.
- The Probation Department completes a risk/need assessment on all probation/parole offenders, with follow-up reassessments. Motivational interviewing training has been completed by some probation officers, and is scheduled for remaining staff. Treatment Court participants are targeted for positive reinforcement. All attempts are made to support an offender in the home community.
- These are labor intensive tweaks to what already exists in statute (of which we comply). If we are going to continue to operate with the lowest adult probation budget of any like sized county in the Commonwealth the [small amount] we receive in grant in aid would not support the extra layer of bureaucratic work required to implement all of the measurement tools and assessments that do not directly relate to required statutory responsibilities. The requirement set forth in Grant in Aid are a waste of time if economy of service is considered.

Question 9



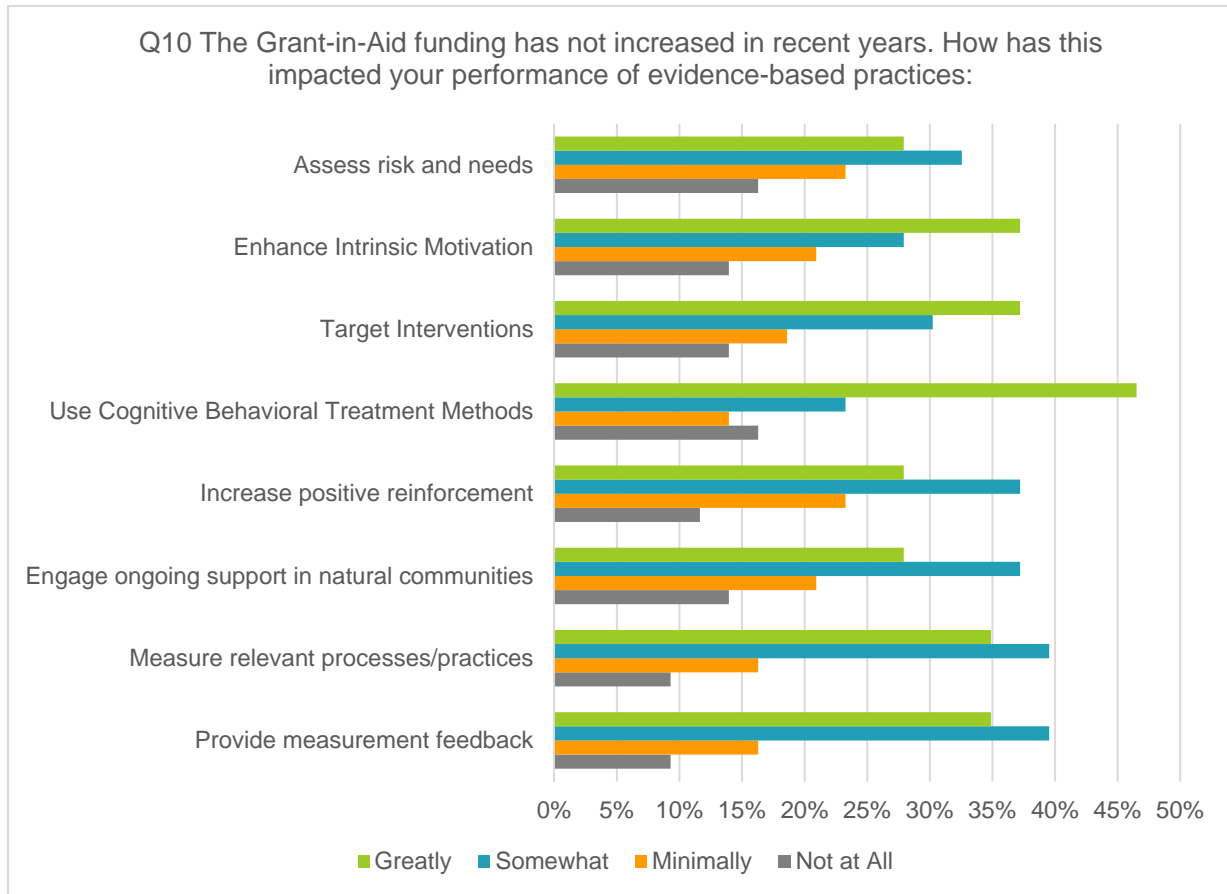
	Greatly	Some-what	Mini-mally	Not at All	Total
Maintain a reasonable caseload	53.49% 23	27.91% 12	11.63% 5	6.98% 3	43
Maintain adequate number of contacts with of-	44.19% 19	30.23% 13	18.60% 8	6.98% 3	43
Maintain adequate duration of contacts with of-	41.86% 18	34.88% 15	13.95% 6	9.30% 4	43
Prepare PSIs	27.91% 12	25.58% 11	39.53% 17	6.98% 3	43
Verify offender's compliance with probation/parole conditions	37.21% 16	44.19% 19	11.63% 5	6.98% 3	43

- Due to staff (officer) limitations per caseload.
- Due to county budgetary constraints and with decreasing Grant in Aid we have lost positions, causing increase in case load size and limited time to spend working on motivation and building competency of defendant's to succeed with their case plan and improve outcomes related to decreased violation.
- Decrease in funding has reduced any increases in Staff, creating higher caseload sizes and the headaches associated with them.
- No matter what is given in funds, the work must continue to get done. Would it be nice to get more money for additional staff, yes however we try to stay on top of the caseloads.
- Greater workload for fewer officers.

- All negative aspects are attributed to Probation Officer turnover due to inability to attract and retain qualified employees due to metropolitan statistical area and cost of living subpar wages.
- Due to the volume of offenders entering the system, officers' caseloads have become one of the highest in the state. Maintaining contacts and verifying compliance with the conditions of supervision has become extremely difficult.
- Due to the continued decrease in funding it has been very difficult for management to maintain the appropriate level of staff in order to maintain our level of services to the community. Minimally was checked above since staff has been pushed to their saturation point to maintain services. With minimal staff we have constantly adjusted/readjusted to the decrease despite the increase in state standards. The dept. has voluntarily not filled vacancies in order to obtain increases for senior level staff. New staff rarely stay due to low salary levels. All discussions in re to funding levels be it salaries to purchasing equipment are met with - where is the money going to come from? Therefore, if more GIA were received county funds could be focused elsewhere.
- The Chief Probation Officer has sought other funding streams that have allowed for expansion. Unfortunately, these streams have dried up and the County Commissioners may try to cut back positions that were added with these funds in the future.
- No expansion monies for staff means numbers tend to go up and more contacts completed in house.
- Being from a small county, Officers are required to wear numerous hats. Officers cannot focus on specific job tasks as far as being dedicated to a specific caseload. Officers must complete all tasks from intake to discharge. Lack of funding has limited the ability of Officers to maintain appropriate field contacts and monitor compliance. Caseloads are low compared to most other counties; however, the workload is overwhelming. This is based on many job responsibilities that other counties would have dedicated staff to complete. Officers must monitor collections, conduct field visits, make arrests, attend court, provide courtroom security on a regular basis, complete training requirements, collect urine samples, coordinate treatment and educational services, complete paperwork, complete PSI Interviews, pre-parole plans, administer EM and SCRAM Services and all other assigned tasks. The Chief Probation Officer still maintains a caseload and is not able to fully dedicate resources for administrative duties. Also the Chief and other Officers are required to have dual roles as an Adult and Juvenile Officer. This is not efficient in today's world. Also grants have proven ineffective for small counties due to limited staff resources. The Chief Probation Officer in addition to all other duties must coordinate, plan, organize, submit and administer grants on behalf of the Department. Small counties typically cannot and will not pay for a grant writer. So those opportunities that provide funding like PCCD place even more burdens and hardship on small counties to meet the requirements to obtain a few thousand dollars. The County also has to house inmates in a sister-county, thus adding extra travel to and from the jail. So valuable Officer time is utilized on travel rather than supervision.
- Caseloads are 140/officer. Also we have to do sentencing guidelines, DPW assessments, SORNA, etc.
- Case load is up 50% with no new hires.
- County has had to assume financial responsibilities for additional staff.
- Caseloads have doubled for general supervision officers and some specialized units such as electronic monitoring have tripled. Obviously the ability to supervise and monitor has been impacted.
- Once again, our caseloads and volume of work are too high and the Probations Officers cannot spend the kind of time needed with each offender.

- County contribution increases as the state contribution decreases, we request less knowing their (the County) contribution is greater. The caseloads continue to grow and the effectiveness of the supervision gets compromised. The PBPP has been retaining the diminishing resources for themselves, and enhancing their strategies and cutting the county level departments....
- Caseloads continue to increase and funding to hire new staff has not been available from Grant-In-Aid.
- Due to financial constraints and an inadequate personnel compliment (due to lack of funding), we have been unable to incorporate many evidence based practice initiatives in our department. We feel our offender recidivism rates are suffering as a result of the lack of evidence based practice programs.
- Due to the fact that no new positions have been added in our department it forced us to simplify our PSI's in order to require less PSI officers so that we can have more supervising officers. The supervising officer's caseload had increased which leaves less time to have contact with each offender and contacts are shorter.
- The number of offenders referred to our office has increased 18% in 2013 compared to 2012. For the first five months of 2014 the number of offenders has increased 34% compared to the first five months of 2013. Even though we are restructuring our department to include more low level officers so that our field officers are only supervising moderate and high level offenders, our field officers numbers are not decreasing because of the number of offenders coming through the front door. Also, we are completing a full risk/needs assessment on 65% of the intakes we received. These assessments take about 60-75 minutes, thus, we are struggling to get other aspects of the intake completed due to needing more staff. Bottom line, we are doing great things in my county in an effort to reduce recidivism and prison population, however, in an effort to be successful in the long term we need the staff compliment to make it happen.
- As stated above, there is little to no "fat" built into our Dept. With regular and ongoing vacancies outlined above, we are just able to cover supervision for medium/maximum supervision cases. In the "Justice Reinvestment Model" adopted by many states (not Pa.), a substantial amount of funding was dedicated to community based corrections the first year, to implement EBP's and, hopefully, positively impact the back end (corrections) of the system. Pa. chose not to go that route and only promised to reinvestment monies at the front end, if there was a savings at the backend.
- Grant-in-Aid if funded fully would change the dynamics in a few areas besides the above. When an officer is needed the County would be a lot more willing to support the hiring need and support their end of it (providing the office space and furnishings) and, most importantly, pay officers a better rate of pay to reduce the turnover rates that drive up training costs and the like.
- Caseload numbers are through the roof with no additional staff added.
- [Our] County has seen an increase in offenders, starting in 2010, as a result of the natural gas/oil extraction process in this region of the state. Criminal arrests have increased, as well as all criminal dispositions, such as ARD, Probation, Intermediate Punishment, and County Jail/Parole. One probation officer position has been added during this time. Another probation officer position was created 6 years ago as a result of initiation of Treatment Court. However, Grant-in-Aid has not funded any additional probation officers.
- At [less than \$100,000], we cannot even support one position. We have learned to achieve our work responsibilities with little regard to Grant in Aide. In fact if it were my sole decision, we would abandon grant in aid, thus getting the Board out of the way so that we can continue to provide adequate service to the Court without an extra layer of useless oversight.
- The current Grant-in-aid represents 10% of my current budget... nothing more needs to be said.

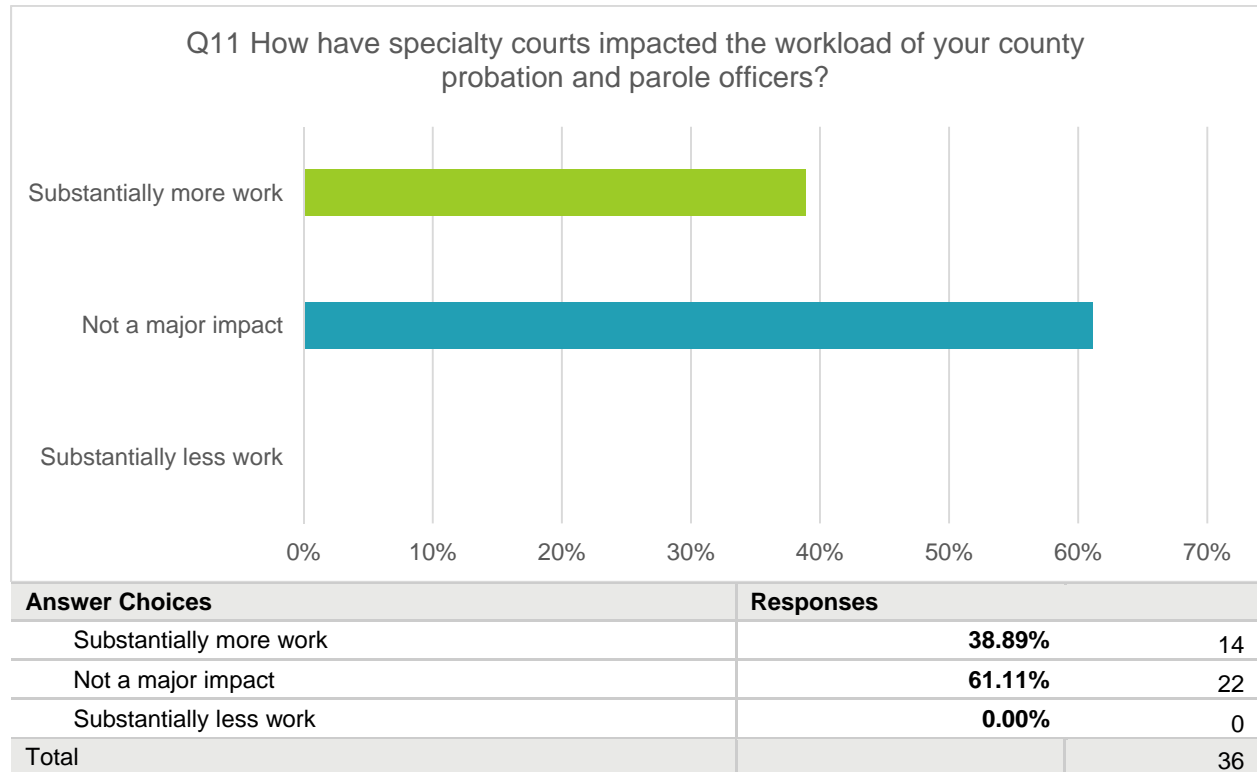
Question 10



	Greatly	Somewhat	Minimally	Not at All	Total
Assess risk and needs	27.91% 12	32.56% 14	23.26% 10	16.28% 7	43
Enhance Intrinsic Motivation	37.21% 16	27.91% 12	20.93% 9	13.95% 6	43
Target Interventions	37.21% 16	30.23% 13	18.60% 8	13.95% 6	43
Use Cognitive Behavioral Treatment Methods	46.51% 20	23.26% 10	13.95% 6	16.28% 7	43
Increase positive reinforcement	27.91% 12	37.21% 16	23.26% 10	11.63% 5	43
Engage ongoing support in natural communities	27.91% 12	37.21% 16	20.93% 9	13.95% 6	43
Measure relevant processes/practices	34.88% 15	39.53% 17	16.28% 7	9.30% 4	43
Provide measurement feedback	34.88% 15	39.53% 17	16.28% 7	9.30% 4	43

- Less Staff + More Offenders = Less time to do EBPs.
- Have not been able to move forward.
- Employee turnover due to low wages. No opportunity to develop, train and maintain career staff.
- Since we do not have the necessary staff to perform daily activities, implementing these eight evidence based practices cannot be accomplished.
- Due to the continual decrease the dept has not been able to move forward at a more aggressive pace such as implementing new programs. To implement new programs would require more staff. Current staff would be unable to take on any further duties since they have reached their saturation point.
- As mentioned above as funding streams are drying up more emphasis is being placed on status quo so new initiatives are not looked at favorably unless funding is there to help.
- In this rural county, Officers are required to carry heavy workloads. Evidence Based Practices are being implemented; however, good steady progress and appropriate changes have been hindered due to lack of resources.
- Need more staff effectively implement all phases of evidence based practices.
- Implementation of Evidence Based Practices has been slowed due to annual staffing cuts due to the poor financial condition of the County.
- We have been unable to fully implement EBP, therefore, certain components have been impacted.
- Overwhelming caseload sizes inhibit our ability to properly implement these practices.
- The department does not have the funding to work on evidence based practices.
- Many EBP practices require funding. With the lack of GIA funding it has been difficult to fund the expansion and initial implementation of EBP practices (especially CBT, MI, and targeted interventions). It is difficult to measure relevant practices when a department is unable to fully implement some of the practices (CBT is the most effective EBP to reduce recidivism, however, it is the most expensive and timely practice).
- Much of what is being suggested above requires in house "Training for Trainers" or sending Staff to targeted trainings. Both require time and money and are things that are lacking in our Dept.
- When resources are on a limited bases and apportioned amongst priorities in the office, some things do not get the attention or prioritization they deserve.
- We have a trained CB instructor on our staff but haven't been able to free her from her caseload to initiate that programming.
- The choice to not implement is as much ideological as economic. The current processes advocated by the Board are just a cumbersome reinvention of what we already do just with more bureaucratic layers.

Question 11



- Other than Reinforcement Hearings, not a major impact.
- We do not have specialty courts.
- We have no specialty Courts.
- Additional duties for officers.
- Officers/supervisors used to provide support for specialty courts were taken from existing staff.
- No Specialty Courts.
- Carbon County does not have any specialty courts.
- Our county size and court perception is that we already do many of the specialty court activities so we have not sought these monies. Our county has gotten PCCD funds for adult services other than specialty courts for years because of the lack of funds available through Grant In Aid.
- We do not use specialty courts in our county.
- We currently do not have any Specialty Courts.
- Specialty Courts provide intensive supervision and require much smaller caseloads. These same PO's would otherwise manage larger caseloads thus enabling a greater caseload balance.
- Especially for the Treatment Court Officer.
- We are a small County and do not have specialty Courts.
- These are specialized caseloads which has taken 4 officers from being utilized as general case officers.

- It has not been a major impact because we have added staff through grants. However, we are putting a large percentage of resources towards approx. 1% of the total offender population within our county. These Courts prove that more manageable caseloads do make a positive impact on violations and recidivism.
- We don't have any specialty courts.
- Have to dedicate PO's to supervising these intense programs taking away from the general caseloads.
- We do more and adjust our resources the best we can to accommodate the needs of our community.
- We have just started a specialty court and have already noticed the increase in work.
- Our specialty court is funded through PCCD dollars and therefore our caseload/workload is limited to 35 offenders per officer. This is a good officer/offender ratio for this level of offender. This enables us to spend more quality time with offenders and fully incorporate motivational interviewing skills while working with offenders in DUI Court.
- Specialty courts have been able to provide my two officers caseloads of around 30. Thus, this size caseload of moderate and high risk offenders falls in line with national standards of an effective caseload to reduce recidivism. For example, EBP researches states that an effective caseload supervision model would as follows: High risk = 25-30 Moderate = 40-50 lows = up to 300 (this varies based on the researcher)
- I would not say "Substantially" but I have two PO's assigned to Drug Court, monitoring approx. 30-40 cases each at any given time. The other General Supervision PO's (even though we are on a "workload" based system and not a "caseload" system) average somewhere in the 110 area. I feel that specialty Courts are needed and are effective, however, you also have to balance that with the substantially higher number of offenders on "general supervision."
- We have none, but the services provided by the D/A and MH providers perform similar functions, but maybe not at the intensity level as specific specialty courts. Nevertheless, our recidivism rates fair as well, and better, as those with specialty courts by utilizing community based services.
- We do not have specialty courts.
- One probation officer, as well as the Asst. Chief P.O., work with Treatment Court cases, in addition to their regularly assigned cases and duties.
- Except for the fact that we have had to dedicate an officer entirely to that process.
- We have none.

VII. Appendices

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 619 Session of
2014

INTRODUCED BY GRELL, KOTIK, MILLARD, WATSON, MURT, GINGRICH,
COHEN, MILNE AND PEIFER, JANUARY 24, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2014

A RESOLUTION

Directing the Legislative Budget and Finance Committee to
conduct a study on the costs and services of the county adult
probation system.

WHEREAS, County adult probation departments fill a critical
need in this Commonwealth's criminal justice system; and

WHEREAS, According to the Pennsylvania Board of Probation and
Parole's annual statistical report released in 2012, offenders
supervised by county adult probation departments represented 86%
of the total offenders on supervision, while 13% were supervised
by the Pennsylvania Board of Probation and Parole; and

WHEREAS, The number of offenders supervised by county adult
probation and parole departments totaled 241,723, according to
the report released by the Pennsylvania Board of Probation and
Parole in 2012; and

WHEREAS, The number of adult offenders supervised by county
probation and parole departments increased by 4,549 offenders or
1.9% between December 2011 and December 2012, according to the
report released by the Pennsylvania Board of Probation and
Parole in 2012; and

WHEREAS, The number of county probation officers supervising
a caseload increased by 34 adult probation officers between
December 2011 and December 2012, according to the report
released by the Pennsylvania Board of Probation and Parole in
2012; and

Appendix A (Continued)

WHEREAS, The average caseload is 148 offenders per county adult probation officer, according to the 2012 statistical report of the Pennsylvania Board of Probation and Parole; and

WHEREAS, The General Assembly enacted legislation in 1965 to provide a grant-in-aid program in order to support county adult probation and parole departments; and

WHEREAS, Grant-in-aid has been provided to the 65 counties with adult probation and parole departments since fiscal year 1966-1967; and

WHEREAS, The objectives of the grant-in-aid program are to maintain, improve and expand county adult probation and parole personnel and program services, provide protection to the public through effective community correctional services and provide training to county adult probation and parole personnel; and

WHEREAS, The House of Representatives last received a report from the Legislative Budget and Finance Committee entitled "A Study of Costs and Services in Pennsylvania's County Adult Probation System" in 2000 through the adoption of House Resolution 251; therefore be it

RESOLVED, That the House of Representatives direct the Legislative Budget and Finance Committee to study the county adult probation system, specifically the grant-in-aid formula, county costs and supervision fees to determine the impact on the quality and level of program services offered through the county adult probation system; and be it further

RESOLVED, That the Legislative Budget and Finance Committee report its findings to the House of Representatives by November 30, 2014.

APPENDIX B

Response to This Report



PA BOARD OF PROBATION AND PAROLE
1101 SOUTH FRONT STREET, SUITE 5100
HARRISBURG, PA 17104-2517

OFFICE OF THE CHAIRMAN

January 16, 2015

Mr. Philip R. Durgin
Executive Director
Legislative Budget and Finance Committee
Room 400 Finance Building
613 North Street
Harrisburg, PA 17105

RE: Report on Funding of County Adult Probation Services

Dear Director Durgin:

Thank you for the opportunity to review the report on Funding of County Adult Probation Services, including the Grant-in-Aid program which is administered by the Board, to determine the impact on the services of the county adult probation and parole system.

The Board was pleased to assist the Legislative Budget and Finance Committee (LBFC) with its report. We look forward to working with all stakeholders to address the issues outlined within the report. Due to our statutory mandate, the Board is familiar with these issues, as we work closely with the Governor's Advisory Committee on Probation. The Advisory Committee was established within the Prisons and Parole Code to "... aid the chairperson and the board in formulating and reviewing standards for probation personnel and probation services in the counties," thus we have a long history of collaboration on matters related to adult county probation departments.

You will be pleased to know that the Board has been working with the Advisory Committee for several years to assist adult county probation departments with establishing evidence-based practices, which can impact their personnel needs and outcomes with probationers. Recently, the Board provided trainings to counties on evidenced-based reentry practices by our Bureau of Offender Reentry and special trainings from our Training Division related to officer safety, firearms and defensive tactics. These trainings were in addition to the opportunities available for computer-based or classroom training through the Joint State County Training program.

In addition, the Board and the Advisory Committee cooperated on the adoption of the Performance-Based Standards for Adult Probation and Parole Field Services, 4th Edition, to assist counties with implementation. As part of the Justice Reinvestment Initiative significant changes have been made, and are continuing to be made, to the County Adult Probation and Parole (CAPP) Annual Statistical Report to ensure that it captures meaningful information that will provide outcome indicators of effectiveness of supervision and to reduce the amount of time required to complete the report.

Collaboration on Justice Reinvestment will continue with all stakeholders, including the Pennsylvania Commission on Crime and Delinquency, to assist the county adult probation departments in reducing the number of offenders who violate the terms of their supervision.

Again, thank you for the opportunity to review the LBFC report and for the thorough and objective evaluation by your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Tuttle". The signature is fluid and cursive, with a large initial "J" and "T".

John R. Tuttle
Acting Chairman