



COMMONWEALTH OF PENNSYLVANIA

Testimony of Chairman Ted Johnson, PA Board of Probation and Parole

Senate Judiciary Committee

October 21, 2019

Good Morning Chairman Baker and Chairman Farnese, all members of the Senate Judiciary Committee, staff and guests. My name is Ted Johnson, I am currently the Chairman of the Pennsylvania Board of Probation and Parole. I have been a member of the Board since June 2016. My professional career and that of my fellow Board members is vast and diverse, spanning all aspects of the criminal justice system on the city, county, state and federal levels. I am before you to discuss events of this past summer involving persons on parole and the role the parole process plays in the release of inmates before their maximum sentence dates.

First, I will discuss the difference between probation and parole. Parole is the release of an inmate from prison prior to his or her sentence's maximum date, but after the minimum sentence date, to continue serving the balance of the sentence under parole supervision in the community. Conversely, probation is a sentence that does not include a period of incarceration. It is served in the community rather than jail. The sentencing judge makes all decisions regarding a person's probation conditions and violations. However, a judge may request the Pennsylvania Board of Probation and Parole to supervise certain county inmates with the judge retaining their decision-making power. These are known as "special probation" cases.

Minimum and maximum sentence dates are calculated by the Pennsylvania Department of Corrections (DOC). The minimum sentence date is a parole eligibility date, not a guaranteed release date. An inmate must serve the entire minimum sentence prior to becoming eligible for parole. The Board does not have the authority to parole from sentences of life imprisonment or death.

Our current parole system is based upon extensive real-world experience, input from leading reentry and supervision experts, and solid data collection practices pertaining to reentrants under supervision. Pennsylvania is an established leader nationwide in making structured parole decisions that blends actuarial risk assessments, experienced professional judgement and a thorough review of all relevant information to make fair decisions that promote public safety. It is also important that a parole system keep relevant, and up to date, based upon current evidence based practices, experience, and outcomes. Even with extensive experience and the best possible investment in parole supervision, it is impossible for any agency to accurately predict all possible criminal behavior in each specific case. However, the Board continues to constantly and critically examine outcomes as it continues to work to enhance public safety.

Between May and July this past summer, five different parolees were charged with homicide in Pennsylvania. The review of the role of the Board is what I am here today to discuss along with potential enhancements to our parole process.

While homicide committed by parolees is a relatively rare occurrence, each case is tragic. These past months have caused the Board to re-examine our system and review our process for potential improvement that could make these events even less likely. We reviewed each case, examined the facts that led to the parole decision, and looked for patterns that can better guide future decision making.

In addition to our own ongoing practice of reviewing cases, the Board also participated in the Department of Corrections (DOC) internal review of the five individuals charged with murder cases. We agree with Secretary Wetzel's findings and with the proposed policy change recommendations in that report.

In addition, over the last year, the Board has been working closely with the Pennsylvania Commission on Sentencing, conducting a thorough review of our current decision making process to develop parole decision making guidelines that are improved and more predictive of recidivism. This instrument will include a violence forecast model that will better inform the Board's decision makers on who to release.

The Board, along with the Department of Corrections, the Office of Victim Advocate and the Commonwealth Court, recently completed a study of our operations with the help of the National Governor's Association (NGA) and the National Parole Resource Center (NPRC). The nearly nine-month review resulted in a document with recommendations being submitted to the Governor. The recommendations include streamlining reentry and parole violation issues; continued changes and updates to parole decision making tools, and promoting transparency where possible under statute.

The Board welcomes a continued review of our processes and is open to suggestions made by the legislature. We look forward to continued meaningful criminal justice reform while ensuring first and foremost public safety.

On behalf of Governor Wolf and everyone under the public safety umbrella, we look forward to working with you moving forward. I will be happy to take any questions the members of the committee may have.