



**Senate Judiciary Committee
Hearing on Probation Reforms
Monday, September 20, 2021**

**Testimony of President Judge Russell Shurtleff, Co-Chair
County Adult Probation and Parole Advisory Committee (CAPPAC)
Pennsylvania Commission on Crime and Delinquency (PCCD)**

Thank you, Chairman Baker, Chairman Santarsiero and members of the Senate Judiciary Committee, for the opportunity to provide an update on the progress being made by the County Adult Probation and Parole Advisory Committee (CAPPAC) created by Act 114 of 2019, which was a key component of the Justice Reinvestment Initiative (JRI2) legislative package.

For those of you not familiar with it, the Justice Reinvestment Initiative (JRI) is a data-driven approach to improving a state or municipality's criminal justice system. Facilitated by the Council of State Governments and the PEW Foundation, Pennsylvania initially participated in JRI in 2011 and in a second phase in 2016. The process involves the formation of a task force of members from our judicial, legislative and executive branches which then conducts a review of available criminal justice data and current administrative practices. Based on those findings, the task force then recommends legislative and policy changes to improve the system.

JRI2 produced three pieces of legislation with an overarching goal of addressing county adult probation and parole reforms. The first bill, Senate Bill 500 or Act 114, created the CAPPAC within PCCD to provide direction on county probation and parole funding, planning and recommendations for best practices. The second bill, Senate Bill 501 or Act 115, modified the sentencing process and among other things reclassified county intermediate punishment (CIP) as an option under probation in an effort to encourage its greater use by counties. The third bill, Senate Bill 502, has been reintroduced this legislative session as Senate Bill 708. It contains various amendments to the Crime Victims Act, as well as a fix for how costs for offender supervision programs are collected and disbursed to counties. SB 708 has already passed the Senate this year and has been referred to the House Judiciary Committee for its consideration.

Building off of that background, the reason we are here today is to inform the members of the CAPPAC's progress in implementing Act 114, touch upon some of the topics that the Committee is currently discussing, and highlight issues that will need to be addressed in the years to come.

The CAPPAC held its inaugural meeting on June 11, 2020. Due to COVID, that meeting and all subsequent quarterly meetings have been held virtually. Having to do all our work virtually, however, has not held us back. The Committee has established three subcommittees to carry out the mandates of Act 114 – the Funding Subcommittee, the Standards Subcommittee

and the Training Subcommittee. The CAPPAC also serves as the former Firearms Education and Training Commission.

Funding Subcommittee. Our Funding Subcommittee is comprised of a broad range of stakeholders including several adult chief probation officers from counties of different class size and geographic location, the PA Commission on Sentencing, the PA District Attorneys Association, the Philadelphia Defender's Office and the County Adult Probation and Parole Chief's Association. The subcommittee is charged with developing a funding formula for the distribution of county probation Grant-in-Aid funds, Intermediate Punishment Treatment Program funds and other discretionary grant programs in accordance with the mandates of Act 114.

To aid in the development of the funding formulas, the Bureau of Justice Assistance (BJA) granted an award to the Council of State Governments Justice Center (CSG), to provide technical assistance to Pennsylvania and the CAPPAC. The CSG representative has worked together with PCCD staff and the funding subcommittee to gather data from a variety of sources and provide options for the use of that data in creating a funding formula.

To date, the subcommittee has focused its efforts on updating and redeveloping the formula used to distribute payment for grant-in-aid to counties for providing improved adult probation services. Members should note that this state funding stream and its formula were originally established in 1965-1966. For over the past twenty years, this appropriation has been moderately reduced and is now at \$16.2 million annually, and only covers a small fraction of the personnel costs it was originally intended to support.

The age and the original focus of the formula, as well as the amount of funding available, has presented some unique challenges. Shifting from a personnel-based formula to one that considers the multiple variables included in Act 114 -- such as caseload sizes, offense gravity and prior record scores, risk and needs scores, and other criteria -- is not easy. Further, we want to be diligent when developing this formula so that we can devise something that does not negatively impact our county probation and parole systems. We anticipate having a more formal proposal to you regarding what increase we may need to the state appropriation in the upcoming budget discussion period to address this formula.

Standards Subcommittee. The Standards Subcommittee held its inaugural meeting on October 26, 2020 and has met almost monthly since that time. The subcommittee is charged with reviewing the current standards that county adult probation and parole offices are expected to comply with. In collaboration with the County Chief Adult Probation and Parole Officers Association of PA, this subcommittee reviewed, revised, and combined some of the original standards used by the Board of Parole and made a recommendation for the approval of 81 standards to the CAPPAC and PCCD. These 81 standards have since been approved by the CAPPAC and the PCCD and are beginning to be disseminated to the County Probation Chiefs. As was historically done by the Board of Parole, PCCD intends to employ a process to assess compliance with the newly adopted standards. The CAPPAC views the standards as an opportunity to proliferate best practices throughout the Commonwealth and have been pleased with the progress made thus far.

Further, the Standards Subcommittee is beginning the process of developing standards specifically related to the use of evidence-based practices. The CAPPAC views the development of these standards as a first step and an opportunity to meet counties “where they are” in utilizing evidence-based practices. It is important that these standards are used in a way to provide guidance and technical support to counties and ultimately to increase the use of programming and practices that we know to be beneficial to individuals under the supervision of our county probation and parole offices.

Training Subcommittee. The Training Subcommittee held its inaugural meeting on October 2, 2020 and has met monthly since that time. The current standards we just referenced require that all new full-time employees receive at least forty hours of orientation before undertaking assignments, ten hours of training during the first thirty days after their appointment and thirty hours of training in the following six months. The Subcommittee was charged with reviewing the existing curriculum for the County Adult Probation and Parole Basic Training Academy (BTA) and making recommendations to the CAPPAC for a new curriculum.

At the recommendation of the CAPPAC Co-Chairs, PCCD Chairman, and PCCD Executive Director approved and adopted a new two-week course curriculum that includes one week of virtual instruction and one week of in-person instruction for newer county probation and parole officers. The new BTA curriculum is designed to support counties in the implementation of the new officer training program and was launched by PCCD on July 26, 2021. Twenty-six students participated in and successfully completed the first BTA and it is anticipated that a total of three BTA sessions will be held this calendar year. Ultimately, we project the need for a minimum of four basic training academies annually.

Firearms Education and Training Commission. Along with these ad hoc subcommittees, the CAPPAC also serves as the former Firearms Education and Training Commission. Act 114 shifted the function of the Commission to the CAPPAC and created a new advisory committee to make recommendations regarding firearms education and training for county probation and parole officers. We are pleased to report that the transition from the PA Board of Parole to PCCD has been smooth for the county probation firearms education and training program, and both basic and continuing education courses have continued to be offered to both adult and juvenile probation officers. Recently, many governing documents the Board originally established were adopted by the CAPPAC and PCCD to ensure no disruption of service. Again, we anticipate the CAPPAC and PCCD will be reaching out to members of the General Assembly in the near future to discuss legislative updates needed to clarify the responsibilities of the CAPPAC in relation to the Firearms Education and Training Commission.

As you can see, and as outlined, we’ve accomplished a great deal in the past 16 months since our first meeting. However, there is still a great deal more work to be accomplished.

For instance, we were heartened to hear recently that Justice Reinvestment Savings may soon start accumulating and be available to supplement the current appropriation for county probation and parole support. These funds are necessary and vital to the continued improvement

of county probation services. Where to allocate these funds will be at the forefront of our discussions in the upcoming months ahead.

Further, we are beginning to conduct discussions related to the training of officers. For the education of the Judiciary Committee members, requirements set forth related to carrying a firearm while on duty is the only training mandated by law for county adult probation and parole officers. There are no statutory provisions requiring basic or continuing education. In the past, the Board of Parole provided optional basic and continuing education programming. As outlined in the Training Subcommittee report above, PCCD has continued to offer this Basic Training Program, however, the Subcommittee has not yet addressed a proposal for defense tactics training and continued education courses. Both of which will require additional funding if we continue the current method of training administration.

The directive the CAPPAC received from Act 114 is to improve the supervision of offenders by promoting best practices. County adult probation officers have the authority to protect the general public and maintain community safety while assisting in the rehabilitation of criminal offenders. Providing quality training that addresses officer safety, professional development, core correctional practices in supervision of offenders is of crucial and of paramount importance. There is clearly a need to significantly increase the resources that we have to support adequate training for county officers.

In summary, the CAPPAC strongly believes that we must assist and support county probation departments across the Commonwealth. These officers supervise the majority (approximately 87%) of community-based criminal offenders in Pennsylvania. If we are to recognize the full potential of our JRI2 investments, we need to invest as a state in our county adult probation and parole system.

Thank you again for the opportunity to provide an update to you on the status of the CAPPAC. We are am happy to answer any questions you have for us at this time.