

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 right amount of folks that justifies the
3 amount of caseload the agents have
4 instead of instituting mandating
5 scheduled visits?

6 MR. COSTA: Well, the overtime
7 and the schedule is stop gap, something
8 until we could get more agents on board,
9 and like I said, I've been given ten
10 additional, what we call, wage positions
11 that are above our allotted complement
12 that I could fill if I had the bodies to
13 fill it, you know. Like right now, like
14 I said earlier, we just did 43 interviews
15 and we recommended 20 folks for
16 background investigations. I only have
17 nine vacancies. So if all 20 pass the
18 background, do I have the ability to hire
19 more than nine? Yes, I can, to fill,
20 anticipating that somebody may retire or
21 transfer out in September, October,
22 November, anticipating that they could
23 see coming.

24 COUNCILMAN HENON: Here in the
25 City of Philadelphia, we have the DROP

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2 program as a management tool so we can
3 prepare for that kind of attrition as
4 well as supervisory type of management
5 tools we use as an asset. So you're
6 preparing for nine vacancies that are
7 available and then we're having five
8 additional.

9 MR. COSTA: I know of nine
10 vacancies today. The five additional
11 budgeted spots haven't been finalized yet
12 based on the budget. So that could be
13 adding 14 more to Philadelphia, 14 hires
14 at least. So like I said, we approved
15 20. So I could even go even higher than
16 that based on these wage positions that I
17 could go above my approved complement.

18 COUNCILMAN HENON: And I
19 understand that. I appreciate that. I'm
20 just concerned on the amount of work and
21 caseloads that the agents currently have,
22 either -- I guess the rate of filling
23 these positions and people retiring, and
24 then even more concerning when you're
25 planning out, you don't just -- do you

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2 plan your -- let me ask you this
3 question: Do you plan for your next
4 budget year only for filling required the
5 amount of positions?

6 MR. COSTA: I try to go to
7 basic training camp -- basic training
8 academy to the next basic training
9 academy, because we're usually not filled
10 in Philadelphia.

11 COUNCILMAN HENON: Because if
12 people are leaving, I mean, the attrition
13 rate in Philadelphia isn't attrition as
14 one would think as retiring. They want
15 out of here because of the amount of
16 caseloads.

17 MR. COSTA: Right now, like I
18 said --

19 COUNCILMAN HENON: So does that
20 go into factor?

21 MR. COSTA: Yeah. Right now I
22 have five in Philly and my -- nine
23 vacancies in Philly and the promise of
24 five budgeted spots for the upcoming
25 budget, but Philadelphia has been

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2 promised five. Chester District has been
3 promised some, Harrisburg District,
4 Allentown District. Do I anticipate some
5 of my agents putting in a bid out of
6 Philadelphia for one of these other
7 districts? Yes, I do. So I may lose
8 some seasoned agents in Philadelphia to
9 one of these other new budgeted positions
10 around the Commonwealth. So nine may
11 balloon, not just with the five
12 additional, but may balloon even higher.

13 COUNCILMAN HENON: It seems
14 like we're losing seasoned agents, if we
15 have seasoned agents. We had an agent
16 testify here earlier. It seems like he
17 has a lot of experience in --

18 MR. COSTA: Well, it's gotten a
19 lot better. I think the last time I was
20 here I told the Committee that
21 Philadelphia had a -- 48 percent of the
22 agents back in 2008 had three years or
23 less experience. That number is down to
24 33 right now.

25 COUNCILMAN HENON: So how do

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2 we -- how does it work when -- so they're
3 still in the system, agents, but they
4 leave here and they go somewhere else,
5 right? So when there's a need for
6 vacancies, when there's vacancies and
7 there are spots allotted because
8 of caseload, because of the amount of
9 parolees, because of workload, why are we
10 transferring people out of Philadelphia?

11 MR. COSTA: Because they bid on
12 positions elsewhere and because they want
13 to go back to maybe their home area where
14 they came from.

15 COUNCILMAN HENON: Well, how do
16 we incentivize and how do we keep people
17 here where it's needed?

18 MR. COSTA: Well, that was the
19 reason for the pay incentive, to try to
20 keep them in Philadelphia District, which
21 has somewhat worked.

22 COUNCILMAN HENON: But has the
23 caseload or workload decreased because of
24 it or is it just because you do -- the
25 formula I'm still trying to figure out.

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2 And I'm not going to try to figure out,
3 because you sit there with a calculator
4 and then you do the fuzzy math to try to
5 make things work.

6 MR. COSTA: Just our general
7 population of people that we supervise
8 across the Commonwealth has increased
9 over the past five years, not just
10 Philadelphia, but all over. So as we
11 increase agent positions here, we
12 increase them across the Commonwealth,
13 and it opens opportunities for people to
14 transfer.

15 COUNCILMAN HENON: We'd like to
16 see a system on the holistic approach
17 where we keep people where it's needed
18 and the people that we represent. We all
19 represent folks of the City of
20 Philadelphia.

21 MR. COSTA: Well, we do go to
22 the local universities here.

23 COUNCILMAN HENON: Making sure
24 that nobody is overlooked.

25 MR. COSTA: We do go to job

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2 fairs at the local universities,
3 encouraging people to apply to be a
4 parole agent, take the parole agent test.
5 It's been open for years and continues to
6 be open.

7 COUNCILMAN HENON: Does the
8 Board have benchmarks and goals that they
9 try to meet as far as -- not just your
10 ratios, but trying to make sure that --
11 as you try to increase as the population
12 increases, so does the casework and
13 workload. I mean, there has to be some
14 sort of parallel balance to this.

15 MR. COSTA: Well, the
16 benchmarks are requests through the
17 budgetary process, increasing the staff
18 across the Commonwealth through that
19 process, because it's tied to our
20 population growth.

21 COUNCILMAN HENON: Chairman.

22 COUNCILMAN JONES: One of the
23 things, have you considered a cost
24 differential? I don't want to call it
25 hazardous duty pay, but a Philadelphia

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2 cost differential?

3 MR. COSTA: It's an incentive
4 to stay in the City, sir.

5 COUNCILMAN JONES: Do you have
6 one?

7 MR. COSTA: Not at...

8 COUNCILMAN JONES: Well, I
9 mean, something to consider. If over
10 time you notice that people are opting
11 out because of the intensity of the work
12 here, one of management's tools often is
13 to incentivize people taking a little
14 tougher duty.

15 We're not oblivious to the fact
16 that Philadelphia has its challenges. We
17 think it's a great place to live, work,
18 and play, but if your employees don't
19 feel that way, maybe we should
20 incentivize them to take the hardship, if
21 you would.

22 That means like yes? Because
23 the stenographer doesn't know --

24 MR. COSTA: We'll consider
25 that, sir.

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2 COUNCILMAN JONES: Thank you.

3 You know, we want to do that, but I don't
4 think -- Councilman O'Brien, were you
5 done?

6 The Chair recognizes Councilman
7 O'Brien.

8 COUNCILMAN O'BRIEN: First, I'd
9 just like to say, to justify overtime, I
10 can't -- I was hoping that there would be
11 another criteria established as to why
12 you'd have an unscheduled visit that was
13 something unique to that offender, a
14 HIPAA issue or some other kind of thing,
15 but I just think you're wasting money if
16 you're doing scheduled visits, because
17 the guns go away, the drugs go away, the
18 sexual pornography, all that stuff goes
19 away. I don't know what you're paying
20 for. I don't know where that policy
21 issue comes from. It makes no sense to
22 me.

23 How often does each grade of
24 supervision have to report, your maximum,
25 medium? How often do they have to

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2 report?

3 I see you got advice not to
4 answer that. I'm reading the body
5 language from behind the rail.

6 MR. WHITE: That's
7 confidential.

8 COUNCILMAN O'BRIEN: Oh, it's
9 confidential, okay. Can you tell me why
10 it's confidential?

11 MR. WHITE: I think we supplied
12 the answer to that.

13 COUNCILMAN O'BRIEN: I'm sorry?

14 MR. WHITE: Because we don't
15 want to -- I think we supplied the
16 answer. Let me find it here.

17 COUNCILMAN O'BRIEN: I can help
18 you. I can read it. It just doesn't
19 make any sense to me. No, but the
20 information is confidential.

21 MR. WHITE: And then I'll let
22 our legal person answer the question.

23 COUNCILMAN O'BRIEN: No, no,
24 no. She's not sworn. Let me just read
25 this, because the information is

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2 confidential per Board procedures. The
3 Board has authority to make its
4 procedures, or parts of procedures,
5 confidential and exempt public records
6 under the Right to Know Law based on law
7 enforcement/public safety exemptions
8 provided under Section 67.708. The
9 Chairman, as agency head, has the final
10 decision as to whether or not the
11 procedure is deemed to be confidential
12 pursuant to the powers provided by the
13 Prisons and Parole Code. The Board
14 Chairperson's powers include directing
15 the operations, management and
16 administration of the Board and
17 fulfilling the functions established by
18 the Parole Code; performing all duties
19 and functions of Chairperson, including
20 organizing, staffing, controlling,
21 directing, administering the work of the
22 staff.

23 So I'm having trouble
24 understanding. What is confidential?
25 Let me give you a scenario. A parole

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2 officer is supposed to sit down with the
3 parolee, say, This is what is expected of
4 you. The parolee has a right to know
5 what those guidelines are. Otherwise,
6 they may violate. If you take that to
7 the end, how does the DA stand up in
8 court if a parolee says, I don't know, I
9 didn't know I was supposed to do that.

10 So are you telling me that
11 as -- I forget who testified here before
12 this -- the parolee doesn't know how
13 often the parole officer is going to be
14 meeting with him or her? Are you telling
15 me that every other parolee isn't going
16 to know just by word of mouth with
17 everybody in those CCCs and PVCs and the
18 Department of Corrections how often
19 they're supposed to report, what they can
20 get away with?

21 I'm missing what the
22 confidentiality here is, unless I direct
23 you to that, and you say the statewide
24 average on the workload is 129 hours,
25 Philadelphia has an average of 139. But

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2 if I do my simple math and I just take
3 the maximum and medium offenders and I do
4 the 41 -- I mean the 43 and I use an
5 arbitrary number of three, I get to 129
6 hours. And, again, I go through it. It
7 doesn't include anything else that they
8 have to do.

9 So is it confidential or is it
10 something else? What is confidential
11 about how often a probation officer --
12 and isn't that a requisite? Shouldn't
13 that be absolutely known by everybody
14 what the boundaries are and what the
15 parameters are? I'm the parole agent:
16 You're going to report to me. This is
17 the deal.

18 I'm the parolee: I understand.
19 If I violate and I don't do this, I'm in
20 violation.

21 Let me set it up for failure in
22 court if you're trying to execute a
23 warrant and the parolee says, There's
24 never any guidelines, nobody ever tells
25 us that, we're not allowed to know, there

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2 are no boundaries.

3 Just very simple, why is that
4 confidential?

5 MS. CHRISTIE: If I may answer
6 that, it is a legal question, which is
7 passed on by the courts, Mr. Councilman.
8 There is a difference between a parole
9 agent telling a parolee, These are your
10 instructions, this is what you have to
11 do, and the systematic supervision
12 practices of a parole agent such as
13 unannounced visits, such as face-to-face
14 visits, such as employer checks. And
15 basically those supervision strategies
16 are what is confidential. The same
17 argument was made by a sex offender in
18 Commonwealth versus Wood saying, How do I
19 know what I can do and what I can't do if
20 I can't have the supervision practices of
21 sex offenders? The Commonwealth Court
22 agreed with the Board and with the Office
23 of Open Records that agreed with the
24 Board that disclosing to the sex offender
25 how he or she is going to be supervised

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2 is very akin to telling the criminal
3 community what kind of police saturation
4 patrols are going to occur and when and
5 where. And basically it gives that
6 element, be it the offender community,
7 the criminal community or the parolee
8 community, an opportunity to manipulate
9 the system -- I believe beat the system
10 was mentioned earlier by one of your
11 colleagues -- so that that individual can
12 then, one, not be properly supervised
13 because he or she knows what's coming
14 and, secondly, the public is in danger
15 because that individual can, quote, beat
16 the system. And I believe the cases are
17 reported in the Commonwealth Court that
18 basically address that issue of
19 confidentiality as a matter of law
20 enforcement privilege and as a matter of
21 security, public safety, and even agent
22 safety. So that would be the legal
23 answer to your question on
24 confidentiality.

25 COUNCILMAN O'BRIEN: Thank you.

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2 And I guess confidentiality does not
3 apply to scheduled visits, because it's
4 the exact antithesis of what you just
5 said. So it's confidential, but by a
6 scheduled visit, you tell them when
7 you're coming.

8 MS. CHRISTIE: But I believe
9 your question, Mr. Councilman, dealt with
10 a whole panoply of supervision practices
11 such as how many contacts, how often,
12 what kind of contacts. Obviously a
13 scheduled visit is something that is
14 going to be known by the offender. An
15 unscheduled visit would not be.

16 COUNCILMAN O'BRIEN: Barbara,
17 with all due respect, with all due
18 respect, it's the razzmatazz and
19 merry-go-round. My question was not
20 nearly as expansive as you allude it to
21 be. It was very simple. How many times
22 a month does each grade of supervision
23 have to report? Simple. You have a
24 guideline? Why is that confidential?
25 I'm not talking about a specific case.

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2 I'm talking about each grade. Can you
3 give me an idea, how many times are they
4 supposed to report? If you don't have
5 those guidelines, what are we doing here?
6 And -- go ahead, answer.

7 MS. CHRISTIE: As I believe was
8 testified to, there are different levels
9 of reporting. There are reporting to the
10 agent offices. There are reporting to
11 programs. And it varies with regard to
12 the type of supervision, which is part
13 and parcel of the levels of supervision
14 procedure, which has been deemed
15 confidential and has been upheld in
16 court.

17 COUNCILMAN O'BRIEN: This is
18 razzmatazz and merry-go-round.

19 MS. CHRISTIE: I don't believe
20 the Commonwealth Court regarded it as
21 razzmatazz. Look it up, Commonwealth
22 versus Wood. I do not have the cite with
23 me, Mr. Councilman, but in all due
24 respect, it has been an issue presented
25 to the court.

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2 COUNCILMAN O'BRIEN: Very
3 simply, you can't give me a general idea,
4 a general idea of how many times a
5 maximum offender or a medium offender
6 have to report, just a general idea. You
7 can't do that because it's confidential?
8 That's what you're saying for the record?

9 MR. WHITE: Yes, that's what
10 I've been advised.

11 COUNCILMAN O'BRIEN: That's
12 what you're saying for the record, okay.
13 How about the workload formula?
14 Can you tell me how you get to that or is
15 that confidential?

16 MR. WHITE: It's confidential.

17 COUNCILMAN O'BRIEN: So we're
18 buying a pick and a poke here, right?

19 I guess thank you for your
20 testimony. I don't know what else to
21 say. Thank you, Barbara.

22 MS. CHRISTIE: Thank you,
23 Mr. Councilman.

24 COUNCILMAN O'BRIEN: If you
25 can, we'd still like to explore the

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2 workgroup. So if that invitation is
3 still open by Chairman Pottinger.

4 MR. WHITE: I believe it is.

5 THE CLERK: We'd like to call
6 our next witness, Dr. William Burrell.

7 (Witness approached witness
8 table.)

9 COUNCILMAN O'BRIEN: I'm sorry
10 for the delay, Mr. Burrell. You can
11 begin your testimony when you're ready.

12 DR. BURRELL: Thank you.
13 Mr. Chairman and members of the
14 Committee, I appreciate the opportunity
15 to provide testimony. My name is William
16 Burrell. I'm currently an independent
17 corrections management consultant. I
18 work with probation and parole agencies
19 around the country. I'm currently
20 working with two county probation
21 departments here in Pennsylvania and have
22 done work with the Parole Board.

23 I'm not going to go into my
24 background too much. You have the
25 written testimony. I just wanted to

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2 compliment Agent Pascoe on his testimony
3 this morning. I thought he gave a very
4 effective description of the work of a
5 parole agent and I think added a lot to
6 the understanding of the questions.

7 I believe the issue that you've
8 asked me to address is this question of
9 caseload standards and caseload size.
10 I'm going to focus on the Issue Paper on
11 Caseload Standards from the American
12 Probation and Parole Association, which
13 was approved by the Board of Directors in
14 2006 and published in 2007, and I was the
15 principal author of that report.

16 Determining the right ratio of
17 cases to officers has been a challenge
18 for the field ever since we organized
19 professionally back in the early part of
20 the 20th century, and it's difficult for
21 a couple of major reasons. First is that
22 in this country, probation and parole is
23 a highly decentralized and fragmented
24 service. We have federal, state, county,
25 local probation departments. We have

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2 private probation agencies. We have
3 tribal probation agencies. There are
4 thousands of agencies across this
5 country. Some do probation and parole
6 together, some do adult and juvenile,
7 some separate them, any number of
8 possible combinations you can imagine.
9 But there is no one central supervising
10 authority in this country for probation
11 and parole that would be in a position to
12 set standards. For example, a lot of the
13 European countries, they have a national
14 probation service and they can set
15 standards.

16 The second complicating factor
17 is the diversity of offenders we're
18 responsible for on probation and parole,
19 everything from first-time drug offenders
20 to violent offenders being released from
21 prison after an extended period of time.
22 And that diversity represents lots of
23 different levels of risk, lots of
24 different types of problems. So we
25 really do not -- we can't do a

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2 one-size-fits-all. So the question of
3 how many offenders an officer could
4 handle or an agent can handle depends on
5 the composition of that caseload.

6 Another complicating factor is
7 that we are receiving cases from judges
8 and from parole boards that have a
9 variety of different conditions and
10 requirements. Some are very time
11 intensive, some less so. So a case is
12 not a case is not a case because the
13 requirements that are placed on it by the
14 sentencing authority or the paroling
15 authority.

16 And the last thing is the
17 resource base of probation and parole in
18 this country. Some jurisdictions are
19 better off than others in terms of
20 funding levels and they can afford lower
21 caseloads. Polk County, Iowa, the Fifth
22 Judicial District, their average
23 caseloads are in the 50's, and you'll
24 hear about lots of examples of caseloads
25 in the hundreds. So the resource base is

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2 variant, and that has an effect.

3 So despite these complicating
4 factors, APPA decided to take on the
5 question of standards, because the most
6 frequent question that the APPA staff
7 receive is this question of what's the
8 right caseload size. It could be media.
9 It could be folks like yourselves and
10 your staff. It comes from probation and
11 parole agencies themselves. So we
12 decided to take a stab at finding the
13 right ratios, recognizing how difficult
14 this was. So we looked at the research.
15 We looked at effective programs. We
16 talked to probation and parole officers
17 and to administrators. We talked to the
18 academics.

19 The consensus was clear, if a
20 little bit troubling. The consensus was
21 that smaller caseloads are better than
22 larger caseloads. But where we ran into
23 trouble was beginning to be able to
24 document that and quantify that, what is
25 the right level.

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2 The other issue that came up
3 is, it's not just caseload size. A
4 smaller caseload, this is necessary, but
5 not sufficient. The other aspect is what
6 you do with that time. And some of what
7 you heard from Agent Pascoe this morning
8 gave you an example of the kinds of
9 things that you have to take into
10 account. So it's size, plus effective
11 practices. And I'll come back to
12 effective practices in a couple of
13 minutes.

14 So we took a shot at this, and
15 we decided that it would be driving a
16 stake in the ground, so to speak, a
17 starting point for this discussion,
18 knowing that it was not perfect, that it
19 was not a hundred percent research
20 supported, but we felt that we owed it to
21 the field and to people like yourselves
22 who are struggling with this question to
23 come up with a ratio.

24 And in the report, which I
25 believe I provided to the staff, is all

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2 of the background and the details,
3 including the tables, but for this
4 testimony this morning, I think what we
5 were interested -- you expressed interest
6 in was the ratio for an adult caseload
7 composed of moderate and high-risk
8 offenders. And there we set a standard
9 of 50, realizing that some people would
10 be able to reach it and others wouldn't,
11 but based on what we know and what the
12 experience tells us, that is a manageable
13 ratio.

14 We hoped at that point that
15 researchers will begin to look at this
16 set of standards and begin to research it
17 and help us figure out were we right on
18 the money, were we too high, too low, and
19 validate that set of standards.

20 And in 2011, the National
21 Institute of Justice published a study
22 looking at evidence-based practices in
23 smaller caseloads, and the researchers
24 found that, in their opinion, the reduced
25 caseload was as important as the

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2 evidence-based practices, the strategies
3 and techniques that an officer uses.

4 So the question of caseload
5 size is intimately tied to the issue of
6 time. The smaller the caseload is, the
7 more time an officer can spend or an
8 agent can spend with individual cases.

9 And this is critical because
10 the work of probation and parole
11 supervision involves human interaction
12 and influence. There's no technology.
13 There's no probation pill. It really
14 comes down to the face-to-face
15 interactions between probation and parole
16 officers or agents and the offenders that
17 they have. That's how the work gets
18 done. There's technology that can help
19 us, but, by and large, it's that human
20 relationship.

21 And as I was preparing for
22 this, I saw an article describing the
23 situation in Alabama, and they found that
24 given their average caseload of 193, they
25 had less than ten minutes a month per

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2 case. Now, Pennsylvania is in much
3 better condition than that, but it just
4 begins to show how difficult it is when
5 caseloads are large. And think about it
6 just as yourself, try to understand how
7 hard it is for a caseload officer. Try
8 to think about 50 people that you know
9 and tell me where they are, what they're
10 doing, what's their status right now.
11 And that's, in essence, what a probation
12 or parole officer is responsible for for
13 their caseload. Where they are, are they
14 working, are they engaged in treatment,
15 are they paying on their fines and
16 restitutions and so on. So being able to
17 have that information at your fingertips
18 is an example of how that process works.

19 COUNCILMAN O'BRIEN: After a
20 day like this, I don't even know where I
21 am.

22 DR. BURRELL: Now, also in
23 terms of effective practices, in the
24 field we assess the offender's risk of
25 reoffending and their service or

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2 treatment needs, and that drives much of
3 the determination to the level of
4 supervision. The higher the level of
5 risk, the greater needs for service, the
6 more supervision will be allocated to
7 that case.

8 And I do want to take a second
9 and address the LSI-R, the Level of
10 Service Inventory that was mentioned by
11 one of the previous speakers. While it
12 was developed by Canadians, it has been
13 validated in jurisdictions around this
14 country and been shown to be valid and a
15 reliable predictor. It's, in fact, the
16 most popular risk and need assessment
17 instrument in this country. So just
18 because it came from Canada doesn't mean
19 it's not a valid instrument.

20 COUNCILMAN O'BRIEN: Can I ask,
21 since you brought that up -- and I don't
22 want to interrupt your flow, but since
23 you mentioned that, I will recognize that
24 it is an evidence-based assessment tool.
25 But is it any good if there isn't any

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2 fact checking, and how does it affect
3 your ratio that you're talking about?

4 DR. BURRELL: I'm not sure --

5 COUNCILMAN O'BRIEN: If I use
6 the assessment and I interview the
7 probation and parolee and I don't fact
8 check what that probation and parolee is
9 telling me, is it a valid tool? And how
10 much time is used -- how much time is
11 necessary in your calculation of 1 in 50?
12 How much time is used to do fact
13 checking?

14 DR. BURRELL: That risk and
15 need assessment is, as I understand it --
16 here in Pennsylvania, I don't want to
17 claim detailed knowledge of how they
18 operate, but I believe that is done
19 before the officer receives the -- or the
20 agent receives the case. So that time
21 doesn't calculate -- is not calculated in
22 the initial classification. I believe
23 they do reassessment during the
24 supervision term, and it takes in the
25 neighborhood of 40 to 45 minutes, I

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 think, to do an LSI-R, as I know. So
3 that's incorporated in the hours that are
4 allocated to the case.

5 Now, one of the good things
6 about what we've learned over the years
7 in terms of risk level is that while we
8 do have moderate and high risk, people
9 who need a lot of time and attention, we
10 also have low-risk offenders who pose a
11 very low probability of reoffending, and
12 could be given a minimal, if any,
13 supervision at all. And Philadelphia was
14 the subject of a research project, the
15 Adult Probation and Parole Department
16 here in Philadelphia, looking at large
17 caseloads with low-risk offenders. They
18 assigned -- it was a randomized
19 controlled trial, the gold standard of
20 evaluation. They assigned low-risk
21 offenders randomly to regular supervision
22 and to caseloads of 400, and they found
23 no difference at all in terms of
24 outcomes. So in terms of risk to the
25 public with these low-risk offenders, you

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 can put them into large caseloads and
3 give them very little attention.

4 As I said, caseload size is a
5 necessary but not sufficient answer to
6 the question, and we are learning a lot
7 about improved supervision techniques to
8 go along with those low caseloads. If
9 you don't change what you do, if you
10 merely lower the caseload and you don't
11 change what you do, you're not going to
12 get any better outcomes. We found this
13 in a large national study looking at
14 intensive supervision programs back in
15 the 1980s and 1990s, and it reduced the
16 caseloads and didn't really change the
17 practices and they didn't reduce
18 recidivism and they increased technical
19 violations.

20 But the new improved
21 strategies, probably the best example of
22 those in practice was in Maryland with
23 their Proactive Community Supervision
24 model, and they had caseloads of moderate
25 and high-risk offenders in caseloads of

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 55, and their results showed a 38 percent
3 reduction in recidivism for cases using
4 the Proactive Community Supervision
5 model. So this combination of lower
6 caseloads and improved probation
7 practices is very effective at reducing
8 recidivism.

9 And we've heard a lot about
10 resources in this discussion, and I just
11 wanted to comment on kind of a national
12 picture in terms of probation and parole
13 and resources in the larger correctional
14 system. Of all of the adults under some
15 sort of correctional supervision, either
16 in prison, jail or on probation and
17 parole, 70 percent of the adults are on
18 probation and parole. So we own 70
19 percent of the correctional workload.
20 That unfortunately is not translated into
21 a concomitant amount of budget support.
22 We have 70 percent of the offenders. We
23 have 12 percent of the resources. So we
24 have a serious issue in terms of being
25 able to generate the resources we need to

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 provide the supervision levels that we
3 need.

4 You heard Agent Pascoe this
5 morning talk about the amount of time it
6 takes to come up to speed as a fully
7 functioning parole agent, and I think
8 that was -- he talked about three to five
9 years, and I think that's a major -- it's
10 an important point and a major issue,
11 because with high turnover, you're really
12 losing the capability of the agency as
13 people move on to other places. So I
14 think whatever we can do to reduce that
15 turnover would be an important factor.

16 In the NIJ research I talked
17 about very briefly before, one of the
18 other sites they looked at in addition to
19 Iowa was Oklahoma City, and they found
20 that agents who were in the lower
21 caseloads -- and lower, they were about
22 50 percent lower than the regular
23 caseloads -- that resulted in longer
24 tenure. Officers stayed longer in the
25 lower caseloads than they did in the

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 regular caseloads. So in terms of a
3 strategy to address this question of
4 tenure and turnover, lower caseloads I
5 think are something that should be on the
6 table in terms of a discussion.

7 Now, lastly, I just want to
8 talk a bit about technology and
9 supervision. As I mentioned, technology
10 can help us. It can't replace officers
11 and their efforts, but technology cuts
12 both ways, and we're seeing a lot of
13 emphasis on electronic monitoring,
14 particularly GPS supervision, and we in
15 this country have a love affair with
16 technology. We think technology can
17 basically solve any of our problems. But
18 what has happened, particularly with GPS,
19 these systems provide continuous
20 monitoring 24/7. Any departure from the
21 standard protocol, the system produces an
22 alert. An alert has to be checked by
23 somebody. The vendors who run the system
24 do some basic checking, but most all of
25 the alerts are sent to a probation and

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 parole officer to be checked out. And
3 these alerts come all hours of the day
4 and night, because the systems run all
5 the time. And what we're finding is that
6 the burden of responding to these alerts,
7 checking them out and determining whether
8 they're just a low battery or some
9 technical problem or did the person
10 really violate the geographic
11 prohibitions and go somewhere where they
12 weren't supposed to, that has to be done
13 by a probation and parole officer. So
14 officers will either get these as e-mails
15 all hours of the day and night or they
16 come in in the morning and their computer
17 mailbox is full of all these alerts and
18 they have to get dealt with. And,
19 unfortunately, we've seen some horrible
20 examples of the impact of that on agents
21 and officers around the country.

22 You may remember the case in
23 California of Jaycee Dugard who was in
24 captivity for ten years by an offender
25 who was on parole for a good amount of

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 that time and was under GPS supervision
3 for a couple of years during that. And
4 what they found was the agents were not
5 adequately trained to be able to use the
6 GPS and read the information that the GPS
7 system was sending to them.

8 A couple months ago out in
9 Colorado, the Director of Corrections
10 murdered by a parolee who had slipped off
11 his GPS bracelet, also murdered a pizza
12 delivery person. And the Denver Post has
13 been doing an investigation and they're
14 finding that the number of alerts,
15 they're simply overwhelming the parole
16 agents in Colorado, to the point where
17 they can't keep up with the demand for
18 checking these out and determining what's
19 the actual situation.

20 In California, a lot of sex
21 offenders are cutting off their GPS
22 bracelets and disappearing, because
23 there's nobody to watch them, nobody to
24 check them, follow up and see what's
25 going on. We don't know what's going to

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 happen in all those cases, but the
3 prospects obviously are not good with
4 these types of situations.

5 So technology can be a help,
6 but it has to be viewed carefully in
7 terms of what is its impact on the
8 workload of the staff, who in most
9 instances already have more than enough
10 to do and now you're adding these
11 additional burdens to them.

12 And I just want to close by
13 saying I think that done well, probation
14 and parole supervision can be a very
15 effective way of dealing with offenders,
16 can be a very vital partner in the
17 criminal justice system, but if it
18 continues to be underfunded and
19 underresourced, it's never going to be
20 able to achieve the potential that we
21 know it has.

22 I'd be glad to answer any
23 questions you might have.

24 COUNCILMAN O'BRIEN: Thank you
25 so much. I would just like to get to,

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 number one, concomitant?

3 DR. BURRELL: Yes.

4 COUNCILMAN O'BRIEN: Great
5 word. I'm going to have to steal that.

6 DR. BURRELL: I didn't make it
7 up. It's a real word.

8 COUNCILMAN O'BRIEN: In
9 Philadelphia, you've heard us talk about
10 how we can keep agents in Philadelphia.
11 Do you have any ideas other than
12 financial incentives? I asked that other
13 Board, but obviously they're still
14 thinking about it or they'll get back to
15 me.

16 DR. BURRELL: Yeah.

17 COUNCILMAN O'BRIEN: A lot of
18 that going around.

19 DR. BURRELL: Nothing
20 particularly earth-shattering. I think
21 smaller caseloads with evidence-based
22 practices. And what we're finding is
23 that evidence-based practices are more
24 rewarding for the officers because they
25 find that they're more effective. So

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 they really have a sense that they're
3 doing something that works and they're
4 having a positive impact on offenders'
5 lives.

6 Unfortunately, part of the
7 problem is that these agents in
8 Philadelphia are part of a statewide
9 agency, and when you run a statewide
10 agency, you have to consistent policies
11 and practices across the state, and one
12 of those is the ability to move within
13 the agency to another assignment if you
14 get tired of being in one location or
15 another one is more attractive or it's a
16 different kind of position, you want to
17 compete for it. So in one sense, just
18 the nature of parole being a statewide
19 agency contributes to the dilemma that
20 you're identifying here in Philadelphia.

21 COUNCILMAN O'BRIEN: I don't
22 know if you got to the exact percentages
23 we invest in Department of Corrections.
24 I believe I read somewhere in some of
25 your writings that 88 percent of the

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 budget goes to the Department of
3 Corrections, only 12 percent goes to
4 probation and parole. Is that the ball
5 park?

6 DR. BURRELL: Yeah. That's
7 from a study done by the Pew Center on
8 the States a couple years ago looking at
9 corrections across the country. They
10 surveyed every state.

11 COUNCILMAN O'BRIEN: That's
12 where I read it.

13 DR. BURRELL: And they found 88
14 percent of the corrections budget goes to
15 prisons and jails and 12 percent to
16 probation and parole. I don't know what
17 Pennsylvania's numbers are, but that's
18 the national perspective, and it's been
19 that way for years. There was another
20 study done about 20 years ago by Joan
21 Petersilia. She found 10 percent going
22 to probation and parole. So gone up a
23 little bit, but insignificant.

24 COUNCILMAN O'BRIEN: You
25 referenced a study of Philadelphia Adult

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 Probation and Parole.

3 DR. BURRELL: Right.

4 COUNCILMAN O'BRIEN: We
5 recently had prison cap litigation where
6 we took our most violent offenders from
7 the county and we put them in the state
8 correctional facilities. When you talk
9 about the minimum offenders on the state
10 level, where would they approximate in
11 the caseload mix in the county? Would
12 that be also minimum or would they be
13 medium or maximum? And can you relate
14 those? Because the state offenders are
15 certainly more serious offenders than
16 they are in the county. Or do you just
17 look at that as a county study, county to
18 county, and is it transferable
19 information or data to the state level?

20 DR. BURRELL: If you have
21 information such as the LSI-R that you
22 can get risk and need levels for
23 offenders in different jurisdictions, you
24 can compare them roughly and say that in
25 terms of risk levels, they're either

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 about the same or they're very different,
3 if you use the same instrument to assess,
4 say, here in Philadelphia and compared it
5 with the state parole population.

6 COUNCILMAN O'BRIEN: But let me
7 ask you again. And it has no immediate
8 reference. Is LSI-R effective if it
9 doesn't have the fact-checking component
10 to it?

11 DR. BURRELL: Well, it would be
12 questionable, sure, if the officer does
13 not validate and confirm the information,
14 but what we're seeing is, particularly in
15 large systems like Pennsylvania, lots of
16 the data has been collected through the
17 Department of Corrections and is pushed
18 forward to the Parole Board. So it's
19 been verified by Corrections as -- and
20 then passed on.

21 So, yes, that is an issue, but
22 we're finding that those kinds of
23 applications reduce the number of things
24 that are questionable.

25 COUNCILMAN O'BRIEN: Let me ask

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.

2 you another question that's fundamental.

3 It's my belief that the Department of

4 Corrections and Probation and Parole

5 should be separate entities. If they

6 share the same computers, they share the

7 same information, then aren't there

8 economies that can be driven or isn't

9 there a philosophical issue that can be

10 achieved if I just want to get X number

11 of offenders out of prison and send them

12 to CCCs or PVCs?

13 DR. BURRELL: Well, I think a

14 paroling authority, a parole board,

15 should be separate from a department of

16 corrections, because as you just said,

17 the Department of Corrections is

18 concerned about how many people they have

19 behind bars. If they get overcrowded,

20 they want to move people out. That

21 may -- the motivations for that may not

22 be consistent with the paroling practices

23 and statutes of the state. Typically

24 what you see with parole boards is their

25 primary goal is to determine if this

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 person is ready to be released to the
3 community without an undue amount of
4 risk.

5 COUNCILMAN O'BRIEN: And their
6 likelihood to reoffend.

7 DR. BURRELL: Right.

8 COUNCILMAN O'BRIEN: Let me
9 just ask you, because you were here when
10 I went through my mathematical equations,
11 and pardon me if I screwed up the math.
12 I'll blame it on my staff. But let's
13 just take their number, which is 81 to 1.
14 Is that a monitoring system or is that a
15 supervisory system? Is that an
16 appropriate number?

17 DR. BURRELL: It depends on
18 what the agent does with that 81.

19 COUNCILMAN O'BRIEN: We kind of
20 tried to drill through what was taken out
21 of that number to get to the 80. So I
22 think what you're talking about are the
23 medium, maximum guys and then all the
24 other attendant duties. Do you think
25 that's a manageable number?

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.

2 DR. BURRELL: It's trending up
3 to the high level. I would rather see it
4 around 50, 55, 60.

5 COUNCILMAN O'BRIEN: Not quite
6 Alabama.

7 DR. BURRELL: Yeah. Yeah.

8 COUNCILMAN O'BRIEN: But you're
9 trending there.

10 DR. BURRELL: If I had my
11 druthers, I would like to see caseloads
12 for moderate and high-risk parolees in
13 the 50 range, 50 to 60 range.

14 COUNCILMAN O'BRIEN: Now, if
15 you can, when we were looking at that
16 slide, we just took their number and we
17 got 43 to 1, just the max and the medium,
18 and then you took -- you saw all the
19 other issues that I was trying to get --

20 DR. BURRELL: I really couldn't
21 see the slide very well from where I was
22 sitting.

23 COUNCILMAN O'BRIEN: Okay. But
24 maybe you could hear as we were talking.
25 Do you think that is an appropriate ratio

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 for Philadelphia?

3 DR. BURRELL: 43 to 1 --

4 COUNCILMAN O'BRIEN: No, no.
5 That's just the medium and maximum, and
6 then you add the minimum and you add
7 pre-release, you add all of the other
8 offenders, the absconders.

9 DR. BURRELL: I think the
10 workload is too high in Philly.

11 COUNCILMAN O'BRIEN: Way too
12 high. Thank you.

13 Is it a public safety risk?

14 DR. BURRELL: Yeah. I think if
15 an agent, a probation officer, doesn't
16 have sufficient time in their 120 hours a
17 month, which is typically what's
18 available, to work intensively with
19 offenders, then they're not going to
20 really -- they won't be doing effective
21 monitoring, but they're certainly not
22 going to be affecting behavior change,
23 reducing the level of risk. We know we
24 can do that, but it requires time. So
25 the NIJ study, lower caseloads, which

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.

2 means more time spent with individual
3 offenders, will produce lower recidivism
4 rates. And the opposite is true, if the
5 caseloads are too high, you can't spend
6 enough time -- I like to use the example
7 of classroom sizes as a comparison.

8 Large ratios of students to teachers
9 means teachers can't spend enough time
10 with individual students. They also have
11 to use the right educational techniques,
12 but if they got a classroom of 40 or 50,
13 there's no time to apply the good
14 techniques because you're just trying to
15 maintain the water in a chaotic
16 environment.

17 So we need to get those
18 caseloads down to a level where there's
19 enough time to put the practices in place
20 that we know are effective. If we can't
21 do that, then the offenders are going to
22 continue the behavior that they've
23 already shown us they are prone to do and
24 they'll continue to commit crimes.

25 COUNCILMAN O'BRIEN: I think I

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 tried to make that plain and simple as
3 you did, that a low caseload, the
4 evidence-based supervisory techniques,
5 and the time are the critical issues, and
6 it was met with financial -- the answer
7 was met with financial incentives and we
8 can't find qualified people. I don't
9 really know what to do with that answer.

10 I want to thank you for your
11 testimony. I want to thank you for
12 simplifying what the process is. It's
13 very simple to me, and I think you just
14 summarized it. Low caseload numbers,
15 evidence-based practices for training
16 techniques, and focus on the quality of
17 time.

18 DR. BURRELL: And Agent Pascoe
19 said it very well this morning when he
20 talked about relationships.

21 COUNCILMAN O'BRIEN: Yes.

22 DR. BURRELL: If you don't have
23 a good relationship with the person
24 you're supervising, they're not going to
25 listen to you and they won't follow your

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 guidance and your instructions.

3 There was a great study done in
4 Pennsylvania of parole violators.
5 Ninety-five percent of the successful
6 parolees reported they had a good
7 relationship with their parole agent.
8 Only 52 percent of the people who
9 recidivated said they had a good
10 relationship. So that takes time to
11 build a relationship, build and maintain
12 it, and as I said, he did a wonderful job
13 of explaining that this morning.

14 COUNCILMAN O'BRIEN: Thank you,
15 Mr. Burrell.

16 DR. BURRELL: Thank you.

17 COUNCILMAN O'BRIEN: At this
18 time, if Mrs. Lipscomb.

19 (Witness approached witness
20 table.)

21 MS. LIPSCOMB: Again,
22 Councilman, I want to thank you.

23 COUNCILMAN O'BRIEN: Could you
24 pull the microphone up.

25 MS. LIPSCOMB: I want to thank

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 you on behalf of my family for the
3 excellent working job that you're doing
4 here.

5 Sitting here today listening to
6 the testimony from the representative
7 from the Probation and Parole, it's like
8 a farce. It was an investigation done
9 last year, and they were not prepared at
10 that time and they just dodged questions
11 or just didn't have -- get back to you,
12 get back to you.

13 You know, it comes down to that
14 my son is not here. He's not coming
15 back. And we're not here because
16 somebody didn't show up for they job.
17 We're here because somebody was there on
18 they job and they didn't do it.

19 So I felt today that they were
20 very not empathetic. I felt that they
21 were very callous with their testimony.
22 And it's just clear that, you know, you
23 were wrong. You were wrong. Just admit
24 you were wrong. But they just don't want
25 to take the accountability to just even

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 say, you know, We were wrong, let's work
3 together to come up with solutions so it
4 don't happen again instead of just -- you
5 know, we met last year. You had a
6 hearing in April. We're here in June.
7 Like what does it take, you know? They
8 keep passing the buck. It's clear that
9 it was a break in the system.
10 Accountability does lie with them, and
11 they have an issue with saying that,
12 We're wrong, but it's clear you're wrong,
13 and let's go about like just getting into
14 the solution of it.

15 COUNCILMAN O'BRIEN:
16 Mrs. Lipscomb, I think you articulated
17 why we're here probably better than I
18 ever could. I think the basic premise of
19 anything is taking responsibility for
20 what you did, owning it, and I think you
21 expressed that very clearly. Whatever
22 happened, people have to own it and have
23 to move forward to make sure it doesn't
24 happen again. That's the purpose of this
25 hearing. We're sorry that the only thing

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 that you really want is to have your son
3 talk to you in the morning, check in, say
4 how his day was.

5 MS. LIPSCOMB: Yeah.

6 COUNCILMAN O'BRIEN: And that
7 can't happen. But I will promise you
8 that we will continue to pursue this, to
9 make whatever changes we possibly can to
10 get to the truth, justice for your son,
11 and a change in the system that will
12 protect other families in the City of
13 Philadelphia.

14 Thank you so much.

15 MS. LIPSCOMB: Thank you.

16 COUNCILMAN O'BRIEN: Is there
17 anyone else here that -- there is a
18 gentleman that the Majority Leader or the
19 Chairman of the Committee has suggested
20 that is not on our witness list that
21 would like to speak. The Chairman of the
22 Committee said he would allow this
23 individual four minutes. His name is?

24 THE CLERK: Leneto Wright.

25 (Witness approached witness

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 table.)

3 MR. WRIGHT: Good afternoon,
4 panel. I'm glad to be here, and thank
5 you for the chance to speak. I am a grad
6 student online with University of
7 Southern California, completed my
8 Master's degree in social work, and we
9 have two assignments, to view and observe
10 public hearings for governmental and also
11 community-based organizations in the
12 community. This is my first one for
13 governmental policy. Fascinating things
14 that go on.

15 I actually work as a
16 psychiatric case manager in Philadelphia,
17 by I just got wind of something the other
18 night online. Actually, the doctor that
19 was speaking before me mentioned the
20 study that I'm going to present to the
21 panel today.

22 What I understand about
23 reinventing government basically is
24 trying to help the government to fund
25 inputs, is what they've been doing.

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.

2 Evidence-based practice lets us know that
3 we need to fund and look for outcomes
4 that are much more reliable, have
5 historical practices, what we call wisdom
6 practice, and also what's called
7 practicing research that's actually going
8 on. And the big buzz word is always
9 "evidence-based practice," but things are
10 being practiced that are actually being
11 researched is what I have for you today.

12 There was a study done in
13 Philadelphia back in 2008 with 1,500
14 inmates. Most of these inmates were
15 non-offenders that were put into a
16 control study, and the other group was
17 also a group of individuals who were at
18 the same type of low-level crimes. They
19 were also supervised two more times a
20 year than the other group. And basically
21 what it came out to be, make a long story
22 short on my time, that the study group
23 showed that the control group that had
24 two visits per year had a 15 percent
25 recidivism rate. The natural group that

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 had four visits per year still had a 15,
3 16 percentage rate. And the only thing
4 about the study that may have some
5 drawbacks was that it was -- you have a
6 copy of it there. They only used two
7 probation officers, and it was from the
8 Northeast area and also the West Philly
9 area. So the study was very limited for
10 the amount of the volume that they did,
11 but the amount of people that was in the
12 study was very significant.

13 So I think an actual
14 recommendation was listed on the
15 Coalition for Evidence-Based Policy,
16 their website. And it still got to be
17 real hard. I said I would be brave today
18 and speak up, because it seems like if
19 government is really trying to use
20 evidence-based practices to try to fund
21 inputs, I think we need to concentrate on
22 outputs, and it looks like we're -- it
23 could be saving some money or I would say
24 resource capacity. Instead of having
25 probation officers do that four visits

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.
2 with those non-violent offenders, that
3 maybe those other two visits that could
4 be, I say, put on the shelf, but that's
5 more time and resources that those
6 officers could be probably taking on more
7 caseloads or trying to do something with
8 that time.

9 And so, again, I think the
10 study preaches for itself, but I want to
11 recommend that this panel tries to
12 recommend a second followup, which is
13 what the Coalition of Evidence-Based
14 Policy recommends and is in the study
15 that you have in your hand. I would
16 recommend that this panel does try to
17 look into that, and I wouldn't mind being
18 privy to that, if I could, if you're
19 going to do that. But either way, I'd
20 like to see the City, again, try to use
21 less resources to do things they don't
22 have to do. I think the City should try
23 and save money with this study.

24 COUNCILMAN O'BRIEN: Thank you
25 so much for your testimony.

1 6/14/13 - PUBLIC SAFETY - RES. 130313, etc.

2 MR. WRIGHT: Thank you very
3 much.

4 COUNCILMAN O'BRIEN: Thank you
5 so much for your testimony.

6 That concludes the testimony
7 for today. This Committee hearing will
8 be recessed to the call of the Chair.

9 Thank you all.

10 (Committee on Public Safety
11 concluded at 2:05 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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A				
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