

Legislative Budget and Finance Committee

Funding of County Adult Probation Services

Report Presentation by Rick Jones, at February 24, 2015, Meeting

Good morning. My name is Rick Jones, and I am staff counsel for the Committee. With me today is Anne Witkonis, one of the staff analysts. Anne and I took the lead on the county probation study, and we are here today to present the findings and recommendations of that report.

House Resolution 619 called on our Committee to conduct a study of the costs and services of Pennsylvania's county probation system, which includes both probationers (community supervision rather than incarceration) and parolees (community supervision after incarceration). Pennsylvania has two probation systems, one for state offenders under the Pennsylvania Board of Probation and Parole and one for county offenders, which operates under each county's President Judge. The county system, which is the subject of this report, is by far the larger of the two, accounting for 86 percent of all probation cases. In absolute numbers, county probation offices supervise about 233,000 offenders compared to about 39,000 at the state level.

Much of this study focuses on the financial needs and concerns of county probation offices. When we last reviewed the county probation system in the late 1990s,

counties were funding 45 percent of the total costs of the system, with state funds contributing about 20 percent. Supervision fees paid by offenders were also about 20 percent of the funding, with various other grants and revenues comprising the remaining 15 percent. About 15 years later, in FY 2013-14, counties were funding about 58 percent of total costs and state funding has dropped from 20 percent to only about 8 percent of total funding.

Another way to look at it is that state funding for county probation offices in 2014-15 is \$16.2 million, or only slightly more than the \$16.0 million it was about 20 years ago. The high water mark for state funding was \$21 million in FY 2005-06.

In 1986, the General Assembly amended the statute providing for state funding for county probation offices, known as the Grant-in-Aid program, to establish a goal of funding 80 percent of eligible salary costs. Without getting too complicated, eligible salaries are the cost of the additional personnel needed since 1966 to improve county probation services. In the late 1980s, the legislature got close to meeting that goal by passing an appropriation that covered 78 percent of eligible salaries. Over the past 25 years, however, the percentage has dropped pretty much steadily, to the point that in FY 2013-14, the \$16.2 million appropriation covered only about 18 percent of eligible salaries.

The Grant-in-Aid funds are divided up on a pro-rated basis, which last year resulted in 20 counties receiving less than \$50,000. Given that these funds come with some pretty substantial strings attached by the Pennsylvania Board of Probation and Parole in terms of audit and performance requirements, it is perhaps not surprising that several counties told us that it has gotten to the point where they feel applying for state funding may not be worth the effort.

Another significant issue raised during the study is the way supervision fees are handled. The Crime Victims Act of 1998 requires that adult offenders under the supervision of a county probation agency pay a monthly fee of at least \$25. These fees now range from \$25 to \$75 a month, with the average being \$41 a month. The counties retain half of the supervision fees collected, and the other half is sent to the Commonwealth and deposited into the State Offender Supervision Fund. The state Board of Probation and Parole then sends these funds back to the counties on a dollar-for-dollar basis.

Virtually everyone we spoke with agrees this back-and-forth does not make much sense and requires a fair amount of paperwork and accounting effort at both the state and county level. The reason it has not yet been addressed appears to be due to the issue of who has control at the county level over the returned funds. But

the supervision fees can only be used for probation and parole services, so we recommend the Crime Victims Compensation Act be amended to allow county probation offices to retain 100 percent of the supervision fees they collect. Allowing county probation offices to retain 100 percent of what they collect should also incentivize the counties to impose and collect additional supervision fees, as we found that both the amount of the monthly supervision fee and the percentage of the fees collected varied widely from county to county.

The report contains several other findings about how county probation office workloads, practices, and responsibilities have changed over the past 15 years and some other more technical issues related to the funding streams, but in the interest of time I'll skip to the report recommendations.

First, we recommend that the General Assembly consider re-defining and repurposing the state-funded Grant-in-Aid program. As I mentioned, the current legislative goal of the Grant-in-Aid funding is to cover 80 percent of the cost of certain eligible salaries. While for a brief time in the late 1980s and early 1990s, the Grant-in-Aid program did cover something at least close to 80 percent, it now covers less than 18 percent of the eligible salaries, which essentially renders the current goal meaningless.

We therefore recommend the Grant-in-Aid program be re-focused to better reflect current needs and realities. Specifically, we recommend the statutorily created Governor's Advisory Committee on Probation recommend a new approach to distributing Grant-in-Aid funds based on a strategy of encouraging counties to implement nationally recognized evidenced-based practices, such as conducting risk-screening assessments and employing cognitive behavioral therapies, which have been proven to reduce recidivism. Many counties have already begun to implement such practices, but the level of implementation varies widely from county to county.

Allocating funds in this manner will certainly be more challenging than simply distributing the money using a formula based on current salaries. But the Pennsylvania Commission on Crime and Delinquency, at the request of the County Chief Probation Officers Association of Pennsylvania, has funded a study to recommend ways counties can better implement evidenced-based and workload analysis practices. The recommendations from this study should be helpful in designing a new funding approach, which would then need to be authorized in legislation.

Second, we recommend that clearer language be used in the Governor's Executive Budget in describing the Grant-in-Aid appropriation. This may be a minor recommendation, but it is difficult to tell from the budget document either how much

money is being targeted to the Grant-in-Aid program or that the funds are distributed to the counties.

Third, as I mentioned earlier, we recommend that counties be allowed to retain 100 percent of the supervision fees they collect, both as a way to cut down on needless paperwork and as a way to incentivize county probation offices to impose and collect these fees.

Finally, we recommend that the General Assembly may wish to revisit the Justice Reinvestment Initiative (JRI) legislation that was signed into law in 2012. Although the JRI had the potential to provide significant additional funding to county probation offices, the bill as it was finally adopted resulted in fewer savings and directed most of the money to victim services and other purposes not necessarily envisioned by the original bill. As a consequence, one of the key concepts of the initiative—providing pre- and post-release services to offenders to help reduce the number of repeat offenders—has received little of the additional money generated by the JRI.

In closing, we would like to thank the Chairman and staff of the Pennsylvania Board of Probation and Parole for the excellent assistance they provided during this study. We would also like to thank the County Chief Probation and Parole Officers

Association of Pennsylvania and the many County Chief Probation Officers that responded to our questionnaire and allowed us to interview them during this project. Thank you for your attention.