



AFSCME-LOCAL 810-DISTRICT COUNCIL 47

**AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES AFL-CIO
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA-COURT OF COMMON PLEAS PROFESSIONAL EMPLOYEES
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New legislation (House Bills 4, 5, 6, 7) will create a much greater burden on county probation and parole services. As the President of Local 810 and the representative of the officers that will be affected, I must express my concern that without the proper funding, the impetus for the legislation will be thwarted and an even greater crisis will be created within the Adult Probation /Parole Department (APPD) in Philadelphia.

Long term inadequate funding of the APPD has created an agency that cannot properly provide for:

1. the safety needs of the public
2. the rehabilitation of offenders
3. the satisfaction of court orders
4. the reduction of recidivism
5. the restoration of crime victims

Our veteran officers are making \$5,500 less than City of Philadelphia Social Workers. They make approximately \$6,000 less than Berks County Officers and \$12,000 less than Bucks County Officers. They also make less than Pennsylvania State Police and State Parole Officers. This pay disparity has existed for at least 25 years.

Substandard wages for the veteran officers causes the turnover of officers on a consistent basis, resulting in:

1. Large unsupervised caseloads superficially monitored by overworked officers with large caseloads of their own.
2. "Triage" type supervision that focuses on caseload management at the expense of offender rehabilitation.
3. Excessive concern with caseload management that makes violating an offender and placing him/her in custody an efficient way of reducing caseload size.
4. Veteran officers spending large amounts of time mentoring/training rookie officers.
5. Increased stress for veteran officers already performing work that by its very nature is stressful.
6. Increased difficulty in completing court orders and enforcing judicial stipulations.
7. Offenders "slipping through the cracks" and being on absconder status in the community, raising concerns about public safety.

There is simply not enough time in a normal workweek (First Judicial District {FJD} policy prohibits its' employees from earning pay for overtime) to offer offenders any kind of substantive counseling to encourage changing the behaviors that result in recidivism and teaching the behaviors that promote rehabilitation.

Additionally, employee turnover is costly. Costs that are directly measurable are separation costs and replacement costs. Some separation costs include administrative functions related to termination and possible litigation costs, particularly for involuntary separation. Some replacement costs include HR processing costs for screening and assessing candidates, time spent by managers interviewing candidates and orientation and training costs. Total costs are

generally figured to be ½ to 1 ½ times the employees' yearly salary. Four hundred and sixty-six (466) Local 810 members were separated from service from 1998 through 2007 with average annual salaries of \$40,000. Using the lowest cost of ½ the annual salary to compute turnover costs for this period, the FJD spent \$9,320,000 between 1998 and 2007 just on employee turnover. That amounts to \$932,000 per year.

Much confusion surrounds the parties responsible for adequately funding probation/parole services at the county level. Who actually is accountable to the public for keeping their communities safe and rehabilitating the offenders who live in virtually every neighborhood of Philadelphia? City Council feels that it is the State's responsibility. The State feels it is the City's responsibility. The FJD thinks it is the City and the State's responsibility. And so it goes. The City of Philadelphia resents having to fund a State agency (FJD) without having any input into how the agency operates. The FJD provides a service for the City and feels therefore that the City should fund the agency. The State and the City cannot agree on their respective levels of financial commitment to the FJD and have been bickering and squabbling over ongoing funding responsibilities for years. The citizens of Philadelphia deserve better. Our government is supposed to come together for the common good and to carry out the duties owed to the public that the public cannot do for themselves. The impact of Probation/Parole services on public safety should prompt all parties to meet their obligations in a timely and effective manner.

Local 810 has encountered various rationales for why our members are not receiving competitive wages:

1. The FJD agrees that our officers are not receiving a competitive wage and have asked City Council at the budget hearings for funds to bring our salaries to the level of the City Social Workers. However, these funds are never put in their general budget.
2. City Council has said at the budget hearings that they would like to give us the funds, but it is not their responsibility; it is the State's.
3. The State Bureau of Probation Services has asked the Governor's Budget Office to fund the Grant-in-Aid at 80%, as mandated, but usually gets about half of that amount (2008 – 41.9%)

Philadelphia City Council members make over \$100,000 per year. Philadelphia Probation Officers are maxing out at \$49,833. San Diego City Council members voted themselves a 25% raise in April, 2008. Their rationale was that they felt they should be compensated as highly as Philadelphia City Council members. Using that same rationale, veteran Local 810 officers should be making \$70,000 because that is what San Diego veteran Probation Officers are making.

Also, Local 810 was told by the FJD approximately 2 months ago, that Directors in the FJD (not state employees) were given a \$10,000 yearly raise (\$96,000/year). Many of these Directors only have a high school education and these slots are generally recognized as political patronage positions. This raise was given even though the FJD cannot afford to hire Receptionists and instead has Probation Officers and Probation Officer Supervisors filling in and doing Receptionist duties.

These gross inequities demonstrate the long standing problem with the pay disparity that exists for Philadelphia County Probation Officers and the general lack of regard for the consequences of ignoring the problem.

These roadblocks exist despite all the studies that have been done acknowledging that:

1. Probation services are at least 10 times less expensive than incarceration.
2. Probation services have a greater likelihood of rehabilitating offenders than incarceration alone.
3. FJD paid David Griffin Associates almost a half a million dollars in 1994 for a study to find, amongst other things, a proper pay scale for Probation Officers. The formula that arose from that study supports Local 810's pay request, but has not been implemented in 14 years. The salary ranges in the recommendations have a 40% spread from minimum to maximum. **PAY GRADE SPREAD FORMULA: (MAXIMUM SALARY – MINIMUM SALARY) divided by MINIMUM SALARY} X 100 = 40%. Existing pay grade spread (\$49,833 - \$39,324) divided by \$39,324} X 100 = 26.7%. David Griffin Associates & Local 810 recommended pay grade spread (\$55,452 - \$39,324) divided by \$39,324} X 100 = 41%.**
4. The Legislative Budget and Finance Committee (LB & FC) Study released in 2000 examined the grant-in-aid program established by Act 501. The LB & FC supports increased PO salary to stem turnover, recognizes inadequate funding of county probation offices, speaks to lower costs involved with probation versus incarceration, and recommends a "needs-based" criteria to determine state funding of county probation offices.
5. In 1963, a study by the Joint State Government Commission of the State's Penal Institutions and Probation and Parole systems talks of low salaries, lack of adequate offender supervision, lack of proper educational standards for probation officers and relative savings v. incarceration in county probation and parole departments and

recommended changes to correct the problems. As a result educational standards were developed for probation officers and a new requirement of a college degree was established.

In addition to funding needed for probation officer salaries, funding is also needed to provide for probation offices to be located in the neighborhoods where the offenders live. A large majority of offenders placed on county probation have drug and/or mental health problems. APPD supervises these offenders from a 14 story high rise building in Center City Philadelphia that is open Monday-Friday from 8-5. Rehabilitation of these offenders cannot occur during 5-10 minute interviews in the office building 1 time per month. An officer with 160 cases working 40 hours per week has about 10 minutes per offender per month to spend speaking to him/her in a booth. The rest of the officers time is spent on data entry into the computer, letter writing, court summary preparation, completing forms for detainer removals and lodging of detainers, preparation of inter and intra state transfers, preparation of wanted cards, receptionist duties, phone calls to treatment programs, family members, and other criminal justice agencies, meetings with supervisors to discuss monthly caseload audits, court hearings for technical and direct violation hearings, covering the caseloads of departed officers, taking offenders into custody in-house for other agencies, etc. In effect, the job of probation officer is one that can never be complete. Triage style probation services are the only option.

If any offender that a judge feels can be successfully supervised in the community is ever to live up to the judge's assessment, the probation officer must be out in the community where the offender lives. This is where the treatment facilities are, the offenders homes are located, his/her family lives, his/her friends live, he/she works, and he/she spends their time.

With drug and alcohol addiction being one of the major causes of criminal behavior, the importance of knowing how the offender is working his recovery program, first hand, cannot be overemphasized. The 1999 “Broken Windows” study describes the type of probation services being offered in APPD as “fortress” or “bunker” style probation and shows that it actually promotes recidivism. Working in a “bunker”, the probation officer is often not alerted to the offenders relapse until receiving notice of a new arrest or getting a call from the treatment facility about the offender’s discharge. Most treatment facilities will not officially discharge a client until they have missed several consecutive sessions. By this time, the offender/addict is usually into a full blown relapse and has more than likely picked up a new arrest. If the officer was working in the neighborhood, he would know as soon as the offender missed one session and could go to his home and persuade him to go to treatment, thereby averting a relapse. Many times Probation Officers are the first authority figures to gain the trust of offenders. This provides a unique opportunity for the Probation Officer to really affect positive change with an individual while saving the taxpayers the costs of incarceration and protecting the community.

The following comparison will clearly illustrate the outcomes each style of probation is likely to produce.

<p>TRIAGE/ BUNKER PROBATION:</p> <p>Program for Failure</p> <ul style="list-style-type: none"> • 1st time offender leaves court with 1 year probation sentence; stipulated to drug treatment. 	<p>COMMUNITY STYLE PROBATION:</p> <p>Program for Success</p> <ul style="list-style-type: none"> • 1st time offender leaves court with 1 year probation sentence; stipulated to drug treatment.
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<ul style="list-style-type: none"> • Offender meets with PO in office located adjacent to the court house and is instructed by PO to call BHSI or CBH to arrange for drug treatment after PO is unsuccessful in getting through to them by telephone. PO tells offender to attend one A/A or N/A meeting per day in addition to drug treatment. New appointment is scheduled for next month. • One month later, offender reports to office and is 2 hours late because he had to wait in line outside for so long. He/she tells PO that they could not get through to BHSI or CBH so there has been no intake appointment and no treatment yet. Offender confesses to PO that he/she has begun using drugs again and says that he felt weird going to A/A or N/A so he didn't go. PO sends offender for drug test and after not being able to get through to BHSI or CBH, tells offender to keep trying to get an appointment through BHSI or 	<ul style="list-style-type: none"> • Offender meets with PO in satellite probation office in offender's neighborhood and PO arranges for him/her to have an intake appointment at a treatment facility near his home and the PO's office. New appointment is scheduled for next day after his intake appointment. • Offender reports the next day and tells officer that he will be going to Intensive Out-Patient (IOP) drug treatment 3X per week. PO tells offender where the closest A/A or N/A meetings are and instructs him/her to go to one meeting per day in addition to the IOP. PO arranges to meet offender the next morning outside an A/A meeting. • Offender shows up at A/A meeting and talks to PO outside. He/she says they are afraid of going in alone, so PO goes with him/her because it is an Open Meeting and anyone can attend. • Offender is surprised that he likes the
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<p>CBH and schedules another appointment for the next month.</p> <ul style="list-style-type: none">• Offender is arrested two weeks later for buying heroin and is released without having to post bail.• Offender misses his next appointment at probation and FTA for his court date on the new arrest. A bench warrant is issued by the court.• PO tries to contact offender, but phone is shut off. PO places offender's case on Wanted Cards because of B/W status on new arrest, failure of offender to report, and positive urine result.	<p>meeting and runs into an old friend from grade school who has been sober for 8 years and gets his phone number. They arrange to go to another meeting that evening. PO tells offender he will meet him at his IOP session in 1 week.</p> <ul style="list-style-type: none">• PO meets offender at IOP and they talk at a break. Offender is dealing with some old issues in group and feeling vulnerable. PO arranges to meet him/her at another Open A/A meeting that evening.• Offender never shows at A/A meeting and PO goes to his house. Offender is surprised that PO is there and agrees to go to another meeting. PO makes sure he/she goes in and tells him to come to the office the next morning.• Offender reports to the office and tells PO that he wanted to use drugs the previous evening, but was prevented and now is happy that he overcame that hurdle.
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	<ul style="list-style-type: none"> • Offender continues to go to IOP, A/A meetings, the PO's office and is thinking of going back to school to get his GED. All of his urines have tested negative. • Offender now has 9 months of sobriety and is going to GED classes. He/she is still going to A/A or N/A meetings daily and has completed the IOP program. • Offender goes to PO's office for his last visit. He/she has been working for almost 2 months and is getting ready to take his GED. PO congratulates him/her and closes out the case.
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At some point, the responsible individuals, be it the State or the City, must become accountable to the public for funding a probation agency that will do what it is obligated to do: protect the public and rehabilitate the offender.

Louise Carpino, Local 810, President

September 12, 2008

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