

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

MINUTES OF COMMISSION MEETING

PCCD BUILDING

3101 NORTH FRONT STREET

HARRISBURG, PA

September 10, 2014

Before: Mark R Zimmer, Chairman
Tomas Aguilar, for Honorable Michael Wolf,
Commissioner
James E. Anderson, Commissioner
Mark H. Bergstrom, Commissioner
Honorable Thomas R. Caltagirone, Commissioner
Philip Damiani, Commissioner
Thomas Darr, for Honorable Zygmunt Pines,
Commissioner
John P. Delaney, Jr., Esq., Commissioner
Honorable James J. Fitzgerald, III, Commissioner
Chief Jeffrey D. Gally, Commissioner
Matthew H. Haverstick, Esq., Commissioner
Honorable David W. Heckler, Commissioner
Honorable Matthew B. McConnell, Commissioner
Edward P. Mulvey, Ph.D., Commissioner (via
conference call)
Michael Potteiger, Commissioner (via conference call)
James J. Rieland, Commissioner
Sean Ryan, Commissioner (via conference call)
Keith Snyder, Commissioner
Jennifer R. Storm, Commissioner
Honorable Gary Tennis, Commissioner
James E. Turner, Commissioner
Honorable Randy Vulakovich, Commissioner
Michele Minor Wolf, Commissioner

Guests

Dale Hamby
Bruce Beemer
Amy Holjes
Nate Wilcox

Staff

Linda Rosenberg, Executive Director
John Frain, Director, Office of Juvenile Justice and Delinquency Prevention
Kirsten Kenyon, Director, Office of Research, Evaluation and Strategic Policy Development
Robert Merwine, Director, Office of Criminal Justice System Improvements
Derin Myers, Director, Office of Financial Management and Administration
Lynn Shiner, Director, Office of Victims' Services
John Pfau, Manager, Bureau of Training Services
Steve Turner, Chief Counsel
Bob Ardner
Jeffrey Blystone
Kathy Buckley
Christina Cosgrove Rooks
Holly Koppenhaver
Tom D'Annunzio
Geoff Kolchin
Luanne Melia
Kim Nelson
Natalie Novotny-Goles
Charla Plaines
Mary Taylor
Jackie Weaknecht

Chairman Zimmer called the September 10, 2014 meeting of the Pennsylvania Commission on Crime and Delinquency (PCCD) to order at 10:01 a.m. The first order of business was to review the Minutes from the June 11, 2014 Meeting. *A motion to approve the minutes as submitted was made by Commissioner Darr. Commissioner Damiani seconded the motion and the minutes were approved by unanimous vote.*

The next item on the agenda was the Chairman's Report. Chairman Zimmer introduced the newest members of the Commission: Retired Chief Jeffrey Gally; County Commissioner Matthew McConnell; Matthew Haverstick; Michelle Minor Wolf; Sean Ryan; Delilah Rumburg; Judge Elizabeth Doyle; and Judge William Ward. Chairman Zimmer also acknowledged and thanked the Commission members whose terms recently expired: County Commissioner Tony Amadio; Reverend Danny Cortes, Peg Dierkers; Gary Dobias, Michael Fiore, Jack Godlesky; Renee Cardwell-Hughes; Ericka Fearbry Jones; and Therese Rocco.

Derin Myers provided an overview of PCCD's competitive Justice Assistance Grant (JAG) process which has been in place since 2012. Annually, PCCD receives a federal JAG award to assist in the implementation of Pennsylvania's strategic objectives in a wide scope of topic areas. Of the total JAG funds awarded to Pennsylvania, 60 percent goes to the state while 40 percent goes directly to the local municipalities. This year's award to Pennsylvania was approximately \$7.4 million, which represented a reduction from previous years. The process begins with the PCCD Advisory Committees reviewing and prioritizing their strategic objectives and making recommendations on which of those objectives should be included in the competitive funding announcement. Once the grant applications are received, PCCD compares the number of applications received under each objective with the total number of applications to determine the percentage of funding that will be applied to each objective. This allows demand to drive the awarding of JAG funding. The Commission approved the most recent JAG funding plan at the December 2013 meeting and the funding announcement was released including six prioritized objectives and 17 strategies. PCCD received 107 applications requesting a total of \$10.8 million although only \$2.8 million was available. The applications were reviewed and scored by eight review teams and the recommended applications moved to the second tier of review which consisted of PCCD leadership and Advisory Committee members. The recommended applications from that group moved to the Advisory Committees for further vetting. Twenty-three applications made it through the entire process and would be presented to the Commission for consideration later in the meeting.

Next, Chairman Zimmer asked Commissioner Tennis to give an overview of the findings of the Governor's taskforce on heroin and opioid misuse. Commissioner Tennis said there have been several initiatives to deal with the growing problem of overdoses in Pennsylvania. In 2011, 2,400 Pennsylvanians died of overdose and the numbers continue to rise. Overdose is now the leading cause of accidental death in the Commonwealth and the United States, accounting for more deaths than car accidents. The Pennsylvania Department of Drug and Alcohol Programs (DDAP) has been working on a project to expand the use of Medicaid for people coming out of county jail. This project began as a pilot in Armstrong County and has since expanded to the entire state. Currently, funding in Pennsylvania is only sufficient to treat one of every eight individuals with addiction. Since Medicaid dollars are federally matched, their use results in more treatment. The Governor's workgroup was tasked with developing a comprehensive response to the heroin and other opioid use problem in the state. The workgroup looked at the issue from its origins the whole way through to immediate steps Pennsylvania can take. The

recommendations include fortifying and expanding existing efforts as well as developing some new initiatives. The workgroup hopes to meet with the Governor by the end of September to outline their detailed recommendations.

- *Origins of the problem.* This particular epidemic stems from the switch in prescribing practices by doctors beginning in the 1990s to eliminate all pain. At that time, the number of prescriptions written, as well as the number of overdoses, quadrupled. Four out of five current heroin abusers started out with prescription opioids, and the largest age group is 40-60. In December, Commissioner Tennis began a Prescribing Practices Workgroup which developed Pennsylvania prescribing guidelines for the treatment of non-cancer chronic pain as well as prescribing guidelines for emergency departments that have since been endorsed by all major groups. The last set of guidelines will be for dentists.
- *Access to treatment.* Many people will reach out to their primary care physician for help for themselves or a family member with addiction, but unfortunately these doctors are frequently unable to provide proper care. There is only one medical school in the United States with a mandatory course on addiction, so one of the workgroup's goals is to start working with medical schools to ensure doctors receive adequate training in this area. This will allow doctors to do early interventions so that individuals are referred to a provider who can conduct an assessment to identify the necessary level of care. In the meantime, the Bridges to Recovery project has begun. This project involves soliciting the recovering community and treatment providers to reach out to their primary care physicians with information on how to help individuals with addiction. Another resource that people access is the substance abuse services number shown on their insurance cards. Unfortunately, very few people have good experiences, because the folks on the other end of the call do not always understand that there is a limited window of opportunity to match someone up with the services they need. Work will be done with the insurers to make sure that when an individual calls in they can be sure the person answering the phone will stick with them and proactively work to get them to the right level of care. Preliminary conversations have been held with the Pennsylvania District Attorneys Association (PDAA) to discuss expansion of the very successful, existing Intermediate Punishment (IP) program in the Commonwealth.
- *Licensing professional interventions.* Some of the most successful treatment programs in the United States are those used by airline pilots and doctors, nurses and pharmacists. The outcomes are good because the right level of care is obtained and they have the external incentive of keeping their employment if treatment is properly completed. One of the workgroup's recommendations is to strengthen and expand those programs.
- *Education, prevention and intervention.* The workgroup will recommend the development of an Executive Prevention Council, which will include the best prevention experts in the state who will be tasked with determining what prevention efforts work and which do not based on research and evidence. This will enable limited resources to be directed to the most beneficial programs.
- *Naloxone and the Good Samaritan Law.* Naloxone reverses overdoses, allowing individuals to come back to life even after their heart has stopped. The drug essentially speeds the body through several days of detox in a very short period of time. It is incredibly uncomfortable, but causes no side effects. The current law does not allow doctors to prescribe Naloxone to larger groups, but new legislation has been proposed which would enable first responders and family members to have access to Naloxone. PDAA has endorsed this legislation. The Good Samaritan Law allows someone to make a call without fear of arrest for drug possession.

Commissioner Caltagirone asked if there is any data regarding continued drug use by individuals treated with Naloxone. Commissioner Tennis said no, but added that the moment when someone's life has been saved is an outstanding opportunity for intervention and treatment. Commissioner Bergstrom said the Center for Rural Pennsylvania has been having hearings on this issue and asked if there is an effort to coordinate the workgroup's efforts with that committee. Commissioner Tennis said he is in regular communication with the center for Rural Pennsylvania. Also, with Pennsylvania's expansion of insurance eligibility up to 131 percent of the poverty level, many of these folks will be enrolled in Healthy PA and receive the benefit of Act 152 and more expanded access to treatment. Commissioner Rieland asked if there has been any discussion on the expansion of treatment beds to meet the increased demand for treatment if this initiative is successful. Commissioner Tennis said there is no question about it, funding will be needed. Long-term residential treatment has been the most diminished level of treatment, and is what someone with a serious heroin addiction needs the most. Due to underfunding, the County Drug and Alcohol Administrators have been forced to undertreat everyone, which has had disastrous results. Under the Affordable Care Act and the Mental Health Parity and Addiction Equity Act insurance is required by law to provide the level of care individuals clinically require in the same way every other disease is treated.

Commissioner Bergstrom discussed the work of the Criminal Justice Population Projections Committee (CJPPC) which was formed to develop consensus projections for state prison and parole for use by the administration as well as the General Assembly. PCCD manages the committee and membership includes the Pennsylvania Department of Corrections (DOC), Pennsylvania Board of Probation and Parole (PBPP), Pennsylvania Commission on Sentencing (PCS) and the Governor's Budget Office. The group meets regularly to review trends in sentencing and corrections and project future populations. One of the efforts CJPPC has been concerned with in recent years is the Justice Reinvestment Initiative (JRI) which focused on ways to safely divert individuals from state prison or reduce their sentences to lower or better manage the state prison population. One of the key elements of JRI is dealing with technical parole violations which could continue to have a significant impact on the population for years to come. Over the last four to five years there has been a flattening out and reduction of what was an increase in the number of individuals arrested, convicted, sentenced and admitted to the DOC. The committee has found that over 20 years the DOC consistently gets about 12-14 percent of offenders and the minimum and maximum sentences generally hold steady, so the real driver of prison growth is just more people coming into the system. Due to this stabilization of the state prison population, CJPPC is projecting a steady but slow decline of prison population over the next five years if the Commonwealth stays on track. Commissioner Bergstrom gave a lot of credit to Commissioner Potteiger and Commissioner Wetzel for the work done in recent years between the DOC and PBPP to better manage the operations between the two agencies. The Committee also considers legislative actions which can also drive the population. Commissioner Fitzgerald asked for the number of state prisoners. Commissioner Bergstrom responded that as of June 2014 the total DOC population was 51,118, and if the current trends continue the population is projected to be 47,056 in June 2019. Commissioner Fitzgerald asked why Pennsylvania has been unable to significantly reduce its prison population like other states. Commissioner Bergstrom said the JRI process included an effort between DOC and PBPP to look at how existing facilities were being used. Both agencies are trying to identify the parole violators that can go to Community Corrections Centers (CCCs) with a shorter sentence instead of going back to prison. On the front end, PCS is looking

at who is going to state prison in the first place, taking into account some of the recent Supreme Court decisions regarding mandatory minimums and other issues. JRI also considered alternative programs available to the courts, such as State and County IP, and discovered there were a lot of roadblocks in the way of judges using those programs. As a result, JRI streamlined eligibility for those programs. Commissioner Bergstrom said many small pieces are starting to come together, and was hopeful that Pennsylvania can start to build on those to effect significant changes going forward. Commissioner Tennis felt that the JRI effort in Pennsylvania was very weak in the area of drugs and alcohol, and said it will never have the full desired impact until those issues are properly addressed. Commissioner Bergstrom mentioned that over the last 10-20 years the two populations that drove the growth in the state prison population were DUI and drugs, representing approximately 40-50 percent of cases. Treatment is an opportunity to deal with those cases effectively upfront as well as reduce the likelihood of recidivism, so any efforts to improve eligibility and funding are important. Commissioner Tennis agreed, noting the outstanding recidivism rates of DUI offenders who went through Restrictive Intermediate Punishment (RIP). Pennsylvania has one of the best DUI laws in the country so long as it is consistently implemented with fidelity.

Next, Commissioner Bergstrom told the Commission that PCS has established a strategic planning workgroup. PCS has been in existence for 35 years and there have been guidelines in place for 30 years. The workgroup will take a fresh look at the guidelines and some of the broader criminal justice policies to determine if there are things that can be done differently or if there are recommendations that can be made to the General Assembly or administration to advance changes to more efficiently use the resources at PCS's disposal. The workgroup will consider who should be incarcerated and for how long as well as consider opportunities through treatment and other alternatives. The workgroup's recommendations will be vetted through PCS, and implemented in cooperation with the General Assembly, the administration and the courts.

Chairman Zimmer discussed the recent news regarding Penn State. Initially a financial penalty of \$60 million was imposed against Penn State payable to the National Collegiate Athletic Association (NCAA) to help fight sexual child abuse across the United States. Senator Corman crafted Senate Bill 187 which was passed in 2013 creating the Pennsylvania Endowment Act. This Act, which was cosponsored by Commissioner Vulakovich, requires that penalties such as the one imposed on Penn State will be paid into an endowment held by the Treasury then transferred to PCCD to be distributed for the benefit of residents within the Commonwealth for several specific purposes, including: programs and projects to prevent child sexual abuse and/or to assist the victims of such crimes; Multidisciplinary Investigative Teams (MDITs); Child Advocacy Centers (CACs); victims service organizations that provide services to children subjected to sexual abuse; or training of persons mandated by law to report child sexual abuse or to treat victims of child sexual abuse. In March, the Commission created the Child Advocacy Center Advisory Committee (CACAC) which was statutorily created by the legislature shortly thereafter. There are currently two lawsuits regarding this situation, one in Commonwealth Court and the second in federal court. A few days prior to the meeting, the NCAA withdrew its objections to the constitutionality of the Pennsylvania Endowment Act in Commonwealth Court, which will effectively end that litigation if the judge signs off on it. Once that happens, it is anticipated that the NCAA will then file a motion in federal court to end that litigation as well. At that point, the \$24 million plus interest which has been held in escrow will be transferred to the Treasury under the Endowment Act and made available for PCCD's CACAC to

administer and distribute for the previously mentioned purposes. Commissioner Haverstick noted that the first payment of \$36 million is expected in December 2014, with payments of \$24 million the following two Decembers. Chairman Zimmer asked Commissioner Haverstick to attend the CACAC meetings to help make sure the Endowment Act is followed.

Next on the agenda was the Executive Director's Report. Linda Rosenberg updated the Commission on the status of PCCD's state funding for fiscal year 2014-2015 which changed substantially from what the Governor originally introduced. General Government Operations increased modestly to \$322,000 while IP funds remained level at \$18.1 million. In the juvenile area, Violence Prevention Programs (VPP) was level funded at \$4.5 million although the Governor had recommended a \$2 million increase. Of that \$4.5 million there are two earmarks: \$250,000 for the Sarah Heinz House in Pittsburgh; and \$450,000 for Big Brothers Big Sisters in the southeast and central Pennsylvania. The Safe School Advocate in Philadelphia received a modest increase. The Victims of Juvenile Offenders (VOJO) funding stream was level funded at \$1.3 million; however some of the other sources that historically augmented VOJO were cut, resulting in an overall reduction of \$300,000. The appropriation for CACs is \$2 million and includes a \$250,000 earmark for a mobile CAC. The total JRI savings came to \$418,000 with PCCD's portion at nearly \$299,000. Half of PCCD's portion goes to VOJO with the other half going to the Pennsylvania Statewide Automated Victim Identification and Notification (SAVIN) system and the Data Collection Reporting and Outcomes Project (DCROP). There is concern for reductions in the Rights and Services Act (RASA) funds. Revenue was at around \$5.9 million in fiscal year 2013-2014, and has decreased every year since 2008. Victims Compensation Assistance Program (VCAP) revenue was down to \$9.8 million in fiscal year 2013-2014 from \$11.6 million the previous year. The Constables Fund remained stable at \$1.9 million, while the Deputy Sheriffs Fund decreased to \$4 million. Substance Abuse and Demand Reduction Fund (SAEDRF) remained stable at \$3.5 million. There are two additional earmarks in PCCD's budget: \$285,000 to support SAVIN and \$200,000 to support George Junior Republic, a juvenile residential treatment program. PCCD needs to compile and submit its budget for fiscal year 2015-2016 by October. The budget needs to be submitted with level funding although costs have risen by \$700,000.

Next, Ms. Rosenberg offered an update on the Prison Rape Elimination Act (PREA). The Commonwealth was unable to certify compliance and three funding streams administered by PCCD were therefore penalized by five percent, for a total of \$435,000. JAG funding was penalized by \$184,000, but Pennsylvania was able to re-apply to the federal government for those funds and use them for initiatives that bring the Commonwealth into compliance. Those funds will be used for training of DOC staff, administration of a PREA risk-assessment tool and training of medical mental health staff and others. The penalty to Juvenile Justice and Delinquency Prevention (JJDP) funds amounted to \$27,000, and Pennsylvania was able to reapply for those funds as well. Webinars and online training will be developed for state and privately-run juvenile justice facilities. The third funding stream, Services-Training-Officers-Prosecutors Violence Against Women Act (STOP VAWA) was penalized by \$223,000. Pennsylvania does not have to apply back to the federal government for these funds, an approach just needs to be laid out for how the funds will be spent to bring the Commonwealth into compliance. Lynn Shiner and PCCD's Office of Victims' Service (OVS) are working with the Pennsylvania Coalition Against Rape (PCAR) to provide funds to local rape crisis centers to provide support to offenders victimized while inside state institutions. The federal government has also announced significant changes to their compliance standards. If Pennsylvania is unable to come into compliance there will be a 40

percent, or \$480,000, penalty to the \$1.2 million JJDP award. Law enforcement will be impacted the most when that goes into effect. Commissioner Delaney asked why the Commonwealth is not in compliance with PREA. Ms. Rosenberg responded that there was only one trained auditor in the Commonwealth at the time certification needed to be completed. There are only two states in the country that are in compliance with PREA. DOC and juvenile staff are being trained to be auditors. Ms. Rosenberg said only one audit has been done so far, so she does not believe Pennsylvania will be in compliance this upcoming fiscal year. At the federal level, PCCD has been working to get a one-year waiver of the penalty, but that would only go into effect with the passing of a budget. Commissioner Delaney could not see the sense in diverting hundreds of thousands of dollars away from victims' service funds to help a state agency comply with a federal law. Commissioner Delaney requested that Commissioner Wetzel be invited to the next Commission meeting to explain the current state of PREA. Commissioner McConnell noted that PREA also applies to counties, and it will be difficult for all the counties in Pennsylvania to comply.

The Commission was asked to testify at a House Judiciary hearing on August 7 regarding the Commonwealth's fingerprint compliance issues. PCCD's ongoing work in this area was discussed, including the fingerprint compliance dashboard and the work being done with the Pennsylvania Chiefs of Police Association (PCPA). The presentation was well received. Since the launch of the fingerprint compliance dashboard at the beginning of the year, the compliance rate has increased to 87.9 percent.

Ms. Rosenberg followed up on Commissioner Tennis's comments by discussing some pilot projects for treatment. Effective January 1, Pennsylvania's Healthy PA program will expand health insurance to an estimated 600,000 Pennsylvanians. Of those 600,000, over 100,000 have been involved in the criminal justice system. PCCD is hopeful that it can work with the counties to develop a strategy to leverage these additional dollars for their pre-trial programs. The goal is to divert offenders away from incarceration into treatment. PCCD will partner with the County Commissioners Association of Pennsylvania (CCAP) by using \$200,000 in state JAG funds to support a pilot program in counties in the southeast that have the highest admissions to DOC.

On July 9, 2014 Governor Corbett signed Act 114, the Sheriff and Deputy Sheriff Training Act, into law. This Act requires certification and recertification of all the Commonwealth sheriffs and deputy sheriffs, and also changes the name of the board to the Sheriff and Deputy Sheriff Education and Training Board. PCCD staff is working with the board and the Sheriff's Association to evaluate changes and develop the policies and procedures necessary for compliance with the new responsibilities.

On July 2, 2014 Governor Corbett signed Act 105, which deals with human trafficking, into law. Under this Act, PCCD has additional responsibilities for training and outreach to criminal justice practitioners. A training course has been developed with PCPA, a STOP grant was awarded to PCAR to train victim service providers, the website has been expanded to provide additional information, and federal and state funding opportunities have been listed in the OVS newsletter. PCCD's other responsibility is to award grant funds, which will be done when and if those funds become available.

Finally, Ms. Rosenberg noted that PCCD has seen a tremendous interest in the Pennsylvania Youth

Survey (PAYS) and other evidence-based delinquency prevention programs as result of the presentations to the At-Risk Youth Caucus.

The next item on the agenda was the Children’s Advocacy Center Advisory Committee (CACAC) Report. Commissioner Heckler said CACAC decided to distribute approximately half of its available \$2 million to existing CACs with the other half made available to counties starting a new CAC. The funding announcements will close on September 19 and will be reviewed by CACAC at the November meeting. The committee will also discuss the policy recommendations developed by the PCCD Victims Service Advisory Committee (VSAC) at the November meeting. A subcommittee has been formed on medical services to child victims, and will be chaired by Dr. Phillip Scribano from Children’s Hospital in Philadelphia. This subcommittee has been tasked with looking at the scarcity of certified doctors, particularly in the more rural areas of the state.

The Commission was requested to take action on the approval of two initial applications requesting a combined total of \$227,340 in federal JAG funds. Staff and CACAC recommended approval of these applications. *Commissioner Heckler made a motion to approve the grant applications and Commissioner Storm seconded the motion.*

- Centre County Women’s Resource Center, “CAC Victim Advocate Services” – 2012-JG-06-25413 (\$84,650)
- Center for Community Resources “Operation Child Advocacy Center” – 2012-JG-06-25241 (\$142,690)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer

The Criminal Justice Advisory Committee (CJAC) Report was next on the agenda. The Commission was requested to take action on the approval of 13 initial applications requesting a combined total of \$1,583,434 in federal JAG funds. Staff and CJAC recommended approval of these applications. *Commissioner Damiani made a motion to approve the grant applications and Commissioner Bergstrom seconded the motion.*

- Employment Opportunity and Training Center of Northeastern Pennsylvania, “EOTC Re-entry Improvement Initiative” – 2013-JG-04-25060 (\$147,647)
- York County Commissioners, “CJAB 2014 Strategic Planning and Implementation” – 2013-JG-04-25138 (\$20,000)

- Mercyhurst College, “Community Action Plan” – 2013-JG-04-25161 (\$138,980)
- Clinton County Commissioners, “Clinton County Justice Reinvestment and Strategic Plan” – 2013-JG-04-25143 (\$10,000)
- Allegheny County Chief Executive Officer, “Adult Probation /Re-entry Community Resource Center” – 2013-JG-04-25089 (\$150,000)
- Chester County Commissioners, “Women’s Re-entry Assessment and Programming (WRAP-1)” – 2013-JG-04-25228 (\$111,417)
- Potter County Commissioners, “Residential Rehabilitation Center” – 2013-JG-04-25416 (\$150,000)
- Beaver County Commissioners, “BC-Probation” – 2013-JG-04-25174 (\$150,000)
- Lancaster County Commissioners, “Tech Advancements for Improved Forensic Investigation” – 2013-JG-01-25106 (\$149,950)
- Allegheny County Chief Executive Officer, “Digital Evidence Collection in Allegheny County” – 2013-JG-06-25087 (\$129,398)
- Snyder County Commissioners, “SPIRIT-Information Referral and Innovative Technology” – 2013-JG-06-25442 (\$147,772)
- Luzerne County Chief Executive Officer, “Innovative Ways for Law Enforcement to Share Information” – 2013-JG-06-25153 (\$131,270)
- Lehigh County Chief Executive Officer, “RIIC-Gang Intelligence System Enhancements” – 2013-JG-06-25053 (\$147,000)

Commissioner Storm noted that she and Commissioner Marsico brought up concerns regarding the Mercyhurst College application at the last CJAC meeting. Specifically, Commissioner Storm was concerned with the practice of a grantee authorizing mini-grants and the effectiveness and monitoring abilities of this practice. Bob Merwine responded that this is not without precedent and is currently being done with a grant to PCS which allows county Criminal Justice Advisory Boards (CJABs) to apply for mini-grants. Ms. Rosenberg said the grantee will be required to report about each of the communities that receive mini-grants. Commissioner Fitzgerald was concerned about the recent increase of grant requests for Motivational Interviewing (MI). Commissioner Snyder explained the MI process, noting that it is an evidence-based practice which must be married to a treatment program in order to reduce recidivism.

With no further discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Tennis, Turner, Vulakovich, Wolf

Voting Nay: Commissioner Storm

Abstaining: Chairman Zimmer

Commissioner Damiani announced that PCCD is sponsoring a workshop for CJAB facilitators and coordinators the week following the meeting. Jackie Weaknecht provided more details for the Commission on the workshop.

Next on the agenda was the Mental Health and Justice Advisory Committee (MHJAC) Report. In Commissioner Zottola's absence, Mr. Merwine provided an update of MHJAC's activities. At the last meeting, MHJAC spent a significant amount of time discussing its strategic plan. The top two priorities identified by the committee for the upcoming year are new forensic housing expansion and/or support of current MHJAC housing initiatives; and initiatives that support pretrial diversion efforts at Intercepts 1 (law enforcement) and 2 (initial detention/initial court hearings) of the Sequential Intercepts Model. In November, MHJAC will be partnering with the Housing Alliance to support their housing conference. This partnership allows the housing community to come together with the criminal justice community in way they would be unlikely to do otherwise.

The Commission was requested to take action on one initial application requesting \$149,866 in federal JAG funds. Staff and MHJAC recommended approval of this application. *Commissioner Damiani made a motion to approve the grant application and Commissioner Anderson seconded the motion.*

- Mifflin County Commissioners, "Mifflin County Breaking the Cycle Program" – 2013-JG-04-25094 (\$149,866)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer

The next item on the agenda was the Juvenile Justice and Delinquency Prevention Committee (JJDP) Report. Commissioner Anderson said since the last Commission meeting there has been communication with the federal JJDP office on the new interpretation to the federal law governing the holding of juveniles in police lockups. There are two important sections of the law. The JJDP Act provides that juveniles will not be detained or confined in any institutions in which they have contact with adult inmates. Another provision of the law says that no juvenile will be detained or confined in any jail or lockup with adults allowing for a few exceptions. For many years and as a federal requirement, PCCD and others have been monitoring juveniles held in police lockups or held *securely* in police lockups. The new interpretation from the federal Department of Justice is a more expansive approach to the application of this requirement. Essentially they have determined that "detain" means that the person was not free to leave. The impact of this is that rather than just being concerned with juveniles held in the police lockup or cuffed to the cuffing rail, any juvenile who enters a police station and does not feel free to leave is now included in the provision. The six-hour rule under Pennsylvania's law will kick in and it will also impact the requirements of status offenders who cannot be held securely. Very productive conversations have been held with Bob Listenbee, the administrator of the federal JJDP office, the National Criminal Justice

Association (NCJA) and juvenile justice specialists from around the country. Commissioner Anderson believed that the intention of the federal law always had to do with the way it was being previously interpreted, and this new interpretation contradicts more than 40 years of compliance. Next, Commissioner Anderson said that in 2013 a total of 342 school districts and 81 private, parochial and charter schools participated in the PAYS survey, up from 317 in 2011.

JJDPC's goal is to have more school districts involved. The Department of Public Welfare (DPW) Bureau of Juvenile Justice Services (BJJS) has a project that will develop new programming for contact and interaction of families with kids in placement in the Youth Development Center (YDC) system. If the pilot works out well it can be expanded through the YDC system.

In the first JJDPC action item, the Commission was requested to take action on four applications seeking a combined total of \$449,826 in federal JAG funds. Staff and JJDPC recommended approval of these applications. *Commissioner Anderson made a motion to approve the grant applications and Commissioner Rieland seconded the motion.*

- The Therapeutic Center at Fox Chase (aka The Bridge), "Seeking Safety for Youth in Drug Abuse Treatment" – 2012-JG-06-25351 (\$113,431)
- Mercer County Behavioral Health Commission, Inc., "Motivational Interviewing System Integration Project" – 2012-JG-06-25169 (\$62,300)
- Family Service of Montgomery County, "Montgomery County DMC Diversion Initiative" – 2012-JG-06-25215 (\$126,076)
- County Commissioners Association of Pennsylvania, "Juvenile Detention Web-based Case Management System Pilot Project" – 2012-JG-06-25234 (\$148,019)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer, Commissioner McConnell

Next, the Commission was requested to take action on two applications seeking a combined total of \$347,197 in federal JJDP funds. Staff and JJDPC recommended approval of these applications. *Commissioner Anderson made a motion to approve the grant applications and Commissioner Heckler seconded the motion.*

- Pennsylvania Council of Chief Juvenile Probation Officers, "2014 JJSES Specific Initiatives Project" – 2011-J-04-25568 (\$200,084)
- Crawford County Commissioners, "Creating a Trauma Informed System of Care" –

2013-JG-03-25391 (\$147,113)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer

In the final JJDPC action item, the Commission is requested to take action on one ongoing application totaling \$678,999 in state VPP funds. Staff and JJDPC recommended approval of this application. *Commissioner Anderson made a motion to approve the grant applications and Commissioner Fitzgerald seconded the motion.*

- Pennsylvania State University, “2015 Pennsylvania Youth Survey (PAYS)” – 2014/2015-VP-ST-25557 (\$678,999)

Commissioner Delaney asked what the return is on this investment and what, if any, use of this data is required or suggested to PCCD applicants. Commissioner Anderson responded that schools use this data to develop their programming. Virtually all applicants attempting to address risk factors in their communities, as well as applicants that come in for Communities that Care initiatives, are required to use PAYS data if it is available in their community. Commissioner Anderson said there is much greater likelihood that the school districts of Philadelphia and Pittsburgh will be involved in the 2015 survey. Ms. Rosenberg added that other agencies, such as DDAP, require the Single County Authorities (SCAs) to submit a plan for how they will implement delinquency prevention programs with the dollars they receive. They are being encouraged to use PAYS data in their decision-making as they develop plans. The goal for the collaborative effort between all the state agencies providing funding for delinquency prevention programs is to leverage this community planning model and the PAYS data. Commissioner Aguilar noted that the Department of Health does the Youth Risk Behavior Survey and the Youth Tobacco Survey. There are distinct similarities and differences between these surveys and PAYS. Commissioner Aguilar has tasked his staff with coordinating between the surveys and doing a better job of surveying the schools.

With no further discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer

The Victims' Services Advisory Committee (VSAC) Report was next on the agenda. The Commission was requested to take action on an application requesting \$415,639 in federal Sexual Abuse Services Program (SASP) funds. Staff and VSAC recommended approval of this application. *Commissioner Delaney made a motion to approve the grant applications and Commissioner Heckler seconded the motion.*

- Pennsylvania Coalition Against Rape, "Sexual Assault Services Program" – 2014-SV-01-255495 (\$415,639)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich

Voting Nay: None

Abstaining: Chairman Zimmer, Commissioner Wolf

In the second action item, the Commission was requested to take action on three applications requesting up to \$354,009 in federal JAG funds. Staff and VSAC recommended approval of these applications for the 2014/2015 funding cycle contingent upon the availability of funds in the 2014/2015 budget. *Commissioner Delaney made a motion to approve the grant applications and Commissioner Anderson seconded the motion.*

- Women's Resource Center, Inc., "Young Adult Domestic and Sexual Assault Intervention" – 2012-JG-06-25401 (\$54,043)
- Pennsylvania Coalition Against Domestic Violence, "Lethality Assessment Program Implementation" – 2012-JG-06-25237 (\$149,966)
- SeniorLAW Center, "Protecting Older Veterans Who Once Protected Us" – 2012-JG-06-25242 (\$150,000)

With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Rieland, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich, Wolf

Voting Nay: None

Abstaining: Chairman Zimmer

The final VSAC action item requested the Commission to take action on the approval of an increase in VOCA program funding for the 2013-2015 funding cycle not to exceed \$1,500,000. Staff and VSAC recommended this increase. *Commissioner Delaney made a motion to approve the increase and Commissioner Storm seconded the motion.* The breakdown of the increase by county and agency can be found on the appended chart. *With no discussion on the motion, Chairman Zimmer called for a vote. The motion carried with the Commissioners voting as noted:*

Voting Aye: Commissioner Aguilar, Anderson, Bergstrom, Caltagirone, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, McConnell, Mulvey, Potteiger, Ryan, Snyder, Storm, Tennis, Turner, Vulakovich

Voting Nay: None

Abstaining: Chairman Zimmer, Commissioner Rieland, Wolf

Finally, Commissioner Delaney noted that Commissioner Damiani agreed to the creation of a joint workgroup between CJAC and VSAC to examine the issue of the assessment, collection and disbursement of costs that benefit the Victims Compensation fund and victim service agencies across the Commonwealth.

Chairman Zimmer asked if there was any Other Business. None was offered.

Chairman Zimmer asked if there was anyone present at the meeting who wanted to make a public comment during the Public Voice portion of the meeting. No one stepped forward to exercise their rights under the Sunshine Law.

The next Commission meeting will be held at 10:00 a.m. on Wednesday, December 10, 2014 at the PCCD Offices.

Commissioner McConnell made a motion to adjourn which was seconded by Commissioner Delaney. The motion carried unanimously and the meeting concluded at 12:22 p.m.