

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

MINUTES OF COMMISSION MEETING
PCCD BUILDING
3101 NORTH FRONT STREET
HARRISBURG, PA
September 13, 2017

Before: Charles H. Ramsey, Chairman
Colonel Tyree C. Blocker, Commissioner (via conference call)
Philip Damiani, Commissioner
Thomas Darr, Commissioner (via conference call)
John P. Delaney, Jr., Esq., Commissioner
Honorable James J. Fitzgerald, III, Commissioner (via conference call)
Chief Jeffrey D. Gally, Commissioner (via conference call)
Matthew H. Haverstick, Esq., Commissioner (via conference call)
Honorable David W. Heckler, Commissioner
Chief Thomas King, Commissioner (via conference call)
Jeffrey M. Kolansky, Esq., Commissioner (via conference call)
Sheriff Bob Kolar, Commissioner
Carol L. Lavery, Commissioner
Honorable Edward M. Marsico, Jr., Commissioner
Honorable Matthew B. McConnell, Commissioner (via conference call)
Dr. Edward B. Michalik, Jr., Commissioner (via conference call)
Edward P. Mulvey, Ph.D., Commissioner (via conference call)
Mary Onama, Commissioner (via conference call)
Honorable Joseph A. Petrarca, Commissioner
James J. Rieland, Commissioner
Sean R. Ryan, Commissioner (via conference call)
Honorable Jennifer Smith, Commissioner
Richard D. Steele, Commissioner
Honorable Jennifer R. Storm, Commissioner
James E. Turner, Commissioner (via conference call)
Mike Vereb, Commissioner
Dr. David Volkman for Honorable Pedro Rivera, Commissioner
Honorable Randy Vulakovich, Commissioner, (via conference call)
David Wade for Honorable Josh Shapiro, Commissioner
Honorable William F. Ward, Commissioner
Christine Wechsler, Esq., Commissioner
Michele Minor Wolf, Commissioner

Guests

Marcus Brown

Lynn Mirigian

Vicki Wilken (via conference)

Victor Wills

Staff

Derin Myers, Acting Executive Director

Kirsten Kenyon, Director, Office of Research and Children's Advocacy

Valerie McMahon, Director, Office of Victims Services

Robert Merwine, Director, Office of Criminal Justice System Improvements

Mike Pennington, Director, Office of Juvenile Justice and Delinquency Prevention

Debra Sandifer, Chief Counsel

Jeffrey Blystone

Kathy Buckley

Danielle Chubb

Kathy Clarke

Christina Cosgrove-Rooks

Angi Crater

Chris Epoca

Rebecca Kiehl

Geoff Kolchin

Holly Koppenhaver

Luanne Melia

Tiana Smith

Jackie Weaknecht

Chairman Ramsey called the September 13, 2017 meeting of the Pennsylvania Commission on Crime and Delinquency (PCCD) to order at 10:02 a.m. A quorum of members was present. The first order of business was to review the Minutes from the June 14, 2017 Meeting. *Commissioner Damiani made a motion to approve the minutes from the June 2017 PCCD meeting as submitted. Commissioner Vereb seconded the motion and the minutes were approved by unanimous vote.*

The Chairman's Report was next on the agenda. Chairman Ramsey thanked Commissioner Anderson for agreeing to serve as Vice Chairman of PCCD. On June 12, Senate Bill 560 was enacted, which amends the Wire Tap and Electronic Surveillance statutes to support the use of body-worn cameras by law enforcement. There are some key components including a provision that requests for recordings may be denied if reasonable redaction does not protect evidence, confidential information, or victim information. The Bill also establishes the topic areas for which law enforcement must have publicly-available policy, and gives PCCD the authority to condition available funding on certain factors, such as a review of policies compared to Commission-approved recommendations. Chairman Ramsey said when the body-worn camera program was started in Philadelphia, it was initially resisted by police officers but became widely accepted after they realized it helps protect them. Some complaints came in that were determined to be unfounded because they were inconsistent with the body-worn camera footage. In his experience, Chairman Ramsey said body-worn cameras change behaviors of both officers and the people they interact with. Requests by the public will become an issue, as will the time and cost associated with redaction of the footage. Next Chairman Ramsey noted that the justice-related funding that was proposed for elimination in House Bill 218 was restored as part of the enacted budget, but the Commission is still in a holding pattern for several programs until the final revenue package is approved. On August 8, the PCCD Advisory Committee Chairs met with Chairman Ramsey and staff to discuss the allocation of resources available to the Commission through the Justice Assistance Grant (JAG) federal funding program. Agreement was reached on a framework for the distribution of funds over a two-year period.

1. *Commissioner Heckler made a motion for the approval and implementation of the 2017/18 Justice Assistance Grant (JAG) Funding Plan. The motion was seconded by Commissioner Storm.*

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey

Next was the Executive Director's Report. Derin Myers said a comprehensive packet of information regarding the JAG Funding Plan was included with the meeting materials. Every program that is ultimately funded will first be vetted through the Advisory Committees then they will come before the Commission for final approval. This year certain certifications will be required of the Governor and the chief legal officer of the state as part of the JAG application. These certifications are related to the federal government trying to inhibit sanctuary city policies at a municipal level. At this point, there is nothing in Pennsylvania that is in violation of those expectations. Mr. Myers said the Victims of Crime Act (VOCA) audit is ongoing. PCCD has given its comments on the audit recommendations, which are in the following areas: sub-recipient expenditures and documentation of expenditures; a PCCD accounting issue; and the continued bolstering and enhancement of monitoring systems. The report is expected to be

finalized within the next several weeks. Mr. Myers said PCCD was engaged recently by the Office of the Auditor General regarding their bi-annual audit of the Sheriff and Deputy Sheriff Training fund and the Constable Training fund, and a follow-up to the victim service monitoring from several months ago.

The next item on the agenda was the Juvenile Justice and Delinquency Prevention Committee (JJJPC) Report. Commissioner Steele said JJJPC met on August 3, 2017 and several action items were recommended.

1. Commissioner **Rieland** made a motion for the approval of one augmentation in the amount of \$500,000 in Delinquency Prevention Programs (DPP)/Department of Human Services (DHS) funds to the existing Evidence Based Prevention and Intervention Support (EPIS) Center for Standardized Program Evaluation Protocol (SPEP) project awarded to the Pennsylvania State University. The motion was seconded by Commissioner Lavery.

- Pennsylvania State University, “Evidence Based Prevention and Intervention Support (EPIS) Center for SPEP Project” – 26885
\$500,000

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Mulvey

2. Commissioner Steele made a motion for the approval of one initial application of \$149,361 in Justice Assistance Grant (JAG) funds to support a validation study of the Standardized Program Evaluation Protocol (SPEP) by the University of Pittsburgh. The funds will support an 18-month initial analysis of the operations and impact that the implementation of SPEP has had in Pennsylvania. The motion was seconded by Commissioner Kolar.

- University of Pittsburgh, “SPEP Validation Study” – 28121
\$149,361

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Mulvey

3. *Commissioner Steele made a motion for the approval of one contract extension and augmentation of up to \$82,000 in Juvenile Justice and Delinquency Prevention (JJDP) funds to Optimal Solutions Technologies, Inc. to continue the project to automate the data collection process for the 1,200 police departments reporting monthly activity on secure holding of juveniles. The ongoing work will also involve the federally required data reporting from secure juvenile detention centers, county jails/prisons, state-operated facilities, and court house holding facilities. The motion was seconded by Commissioner Rieland.*
- Optimal Solutions Technologies, Inc., “OJJDP Compliance Database Online Tool” – 27198 \$82,000

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey

Commissioner Steele made a brief presentation on the history and implementation of the Juvenile Justice System Enhancement Strategy (JJSES) in Pennsylvania. Commissioner Ryan noted that the Adult Probation and Parole Chiefs are going through a similar process, and asked if this report is public domain and could be shared at their conference in State College next week. Commissioner Steele said it could be shared, and he would be happy to help if there is anything else they need. Commissioner Lavery appreciated that the JJSES framework falls within the Balanced and Restorative Justice (BARJ) mission, and asked if there is any ability within the strategy to measure the impact on the community and victims. Commissioner Steele said in the beginning of the process there was pushback on behalf of victims, because the focus was mostly on competency development and skill setting, but at this point there has been significant work on evidence-based victim related pieces, including a focus on data collection in that area. Commissioner Lavery would be interested to see that data as the project continues to move forward. Commissioner Damiani asked how information on the JJSES will be communicated with the media and communities. Commissioner Steele said there have been preliminary discussions about how to best get the word out to a variety of audiences, including the General Assembly, the Governor’s Office, and the counties. Mike Pennington added that Juvenile Justice Week is coming up in the beginning of October and that would be a good opportunity to get the word out. Commissioner Delaney asked if anyone has looked at whether the system needs to be right-sized in view of the nine-year trend of reduced dispositions. Commissioner Steele said there has been a good deal of right-sizing in terms of provision of services with the closing of two state-operated secure residential facilities and roughly half of the detention facilities, as well as a significant reduction in probation officers statewide. However, the new role for Juvenile Probation Officers is significantly different than in the past, and is now more intense and difficult, as they are working with more high-risk kids.

Next on the agenda was the Mental Health and Justice Advisory Committee (MHJAC) Report. Commissioner Ward said MHJAC held its quarterly meeting on August 8, 2017. The Advisory Committee viewed two video presentations including a training video for law enforcement officers interacting with veterans in crisis, and the Keynote Address from the 2017 Criminal Justice Advisory Board (CJAB) Conference made by Mr. Bill Carruthers. Upcoming events include the Statewide

Stepping Up Summit on December 4-5 in State College, and a Crisis Intervention Training (CIT) Verbal De-Escalation Train-the-Trainer session to be held in spring of 2018.

1. *Commissioner Ward made a motion for the approval of up to \$100,000 in Mental Health Enhancement funds to the Council of State Governments (CSG) for the Dauphin County Stepping Up pilot project. Dauphin County was designated as one of the pilot sites for the County Justice and Behavioral Health Improvements Project through the CSG. Dauphin County's next steps are to conduct data analysis; develop data-sharing agreements with appropriate agencies; review existing programs and develop policies and practices. The motion was seconded by Commissioner Storm.*

- Council of State Governments, "Stepping Up Initiative – Dauphin County Pilot"
\$100,000

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Marsico

2. *Commissioner Ward made a motion for the approval of one augmentation requesting a total of up to \$50,000 in Mental Health Enhancement funds to the County Commissioners Association of Pennsylvania (CCAP) to support the Statewide Stepping Up Summit to be held on December 4-5, 2017 in State College. The Summit is a partnership between PCCD, the Department of Human Services (DHS), CCAP, and the Council of State Governments (CSG). The goal of a Pennsylvania statewide summit is to convene a broad cross-section of county leaders, state officials, and representatives from state and national organizations to share challenges, best practices, and advance their plans for measuring and reducing the number of people with mental illnesses in Pennsylvania jails following the CSG Six Step Action Plan. The motion was seconded by Commissioner Lavery.*

- County Commissioners Association of Pennsylvania, "CJAB Technical Assistance – Statewide Stepping Up Summit" – 27784
\$50,000

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey

The next item on the agenda was the Children’s Advocacy Center Advisory Committee (CACAC) Report. Commissioner Heckler said CACAC met on August 1, 2017. The CACAC Prevention Subcommittee, chaired by Dr. Jennie Noll from Penn State, has crafted a pilot project to measure the effectiveness of various prevention programs in a rigorous way. Several counties have expressed an initial willingness to be involved in the three-year pilot, but it will be a fairly demanding undertaking so there will be ongoing discussion before final recommendations are made. Those recommendations will hopefully be brought before the Commission at the December meeting.

1. *Commissioner Heckler made a motion for the approval of two initial applications requesting a total of \$79,982 in state Child Advocacy Center (CAC) funds for Emerging Children’s Advocacy Centers (CACs) and Multidisciplinary Investigative Teams (MDITs). The motion was seconded by Commissioner Rieland.*

- Cumberland County Commissioners, “Emerging CACs and MDITs” – 28001 \$40,000
- Somerset County Commissioners, “Somerset County Child Advocacy Center” – 28039 \$39,982

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey

The Criminal Justice Advisory Committee (CJAC) Report was next on the agenda. Commissioner Vereb said CJAC met on August 9, 2017. The Advisory Committee received two presentations: the first from Lehigh County District Attorney Jim Martin highlighting the work of the Regional Intelligence and Investigative Center (RIIC); and the second from the Firearms Education and Training Commission covering the firearms training standards for county probation officers. Staff briefed the Committee on the workgroup formed to develop recommendations pursuant to Act 22 of 2017 regarding the use of body-worn camera technology. The workgroup’s recommendations will be presented to the Commission for review and approval. The 2018 CJAB conference will be held in State College on April 3-4. A call for presenters has been released and will remain open through the end of September. Additionally, Commissioner Vereb provided an update on a delegation of authority approved at the December 2016 Commission meeting for federal Byrne JAG Under \$10K funds. Four additional applications were reviewed and awarded since the June Commission meeting in the amount of \$48,594.

1. *Commissioner Vereb made a motion for the approval of one augmentation request for up to \$7,500 in federal Justice Assistance Grant (JAG) funds to support the Pennsylvania District Attorneys Institute (PDAI) Third Edition of the Witness Intimidation Benchbook. The motion was seconded by Commissioner Damiani.*

- Pennsylvania District Attorney’s Institute, “Third Edition of the Witness Intimidation Benchbook” – 26537 \$7,500

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Delaney, Marsico

2. *Commissioner Vereb made a motion for the approval of one augmentation request for up to \$13,305 in federal Justice Assistance Grant (JAG) funds to support Cumberland County's "Assisting Crime Victims with Improved Forensics" project. The motion was seconded by Commissioner Damiani.*
 - Cumberland County Commissioners, "Assisting Crime Victims with Improved Forensics" –
27034
\$13,305

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey

3. *Commissioner Vereb made a motion for the approval of a delegation of authority to the PCCD Executive Director to approve, with the approval of the Chairman of PCCD and the Chairman of CJAC, for up to \$1,000,000 in federal CURES Act funds and up to \$2,000,000 in state Drug Court funds to support the implementation of new drug courts, the expansion of existing drug courts, the expansion of support services to drug court participants, and/or for opioid related treatment services to problem-solving court participants. The motion was seconded by Commissioner Damiani.*
 - To Be Determined, "Drug Courts"
\$3,000,000

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

Voting Aye: Commissioner Blocker, Damiani, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, Marsico, McConnell, Michalik, Mulvey, Onama, Petrarca, Rieland, Ryan, Smith, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler, Wolf

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Darr

Dr. Lynn Mirigian from the University of Pittsburgh Program Evaluation and Research Unit (PERU) gave a presentation on the work of the Pennsylvania Opioid Overdose Reduction Technical Assistance Center (TAC). Commissioner Storm asked if county Children and Youth agencies are engaged as stakeholders in this project. Dr. Mirigian said they were not when the project began, but they quickly became involved. Commissioner Storm asked if infant mortality rates are being tracked by the TAC. Dr. Mirigian said they are being tracked but not posted to the website. Data is not posted unless there are at least three overdoses per age range. The TAC is also looking at Children and Youth Services (CYS) data for deaths due to neglect or other circumstances surrounding opioid overdose.

The Victims' Services Advisory Committee (VSAC) Report was next on the agenda. Commissioner Delaney noted that VSAC met on August 2, 2017. VSAC continues to plan for the allocation of the proposed increase in federal VOCA funds. Another strategic planning process was started at the last meeting, which will be continued in October and at an additional meeting scheduled for December. VSAC announced \$38 million in VOCA funds to support 30-month projects, and for the first time, peer reviewers are being employed to score the applications and make recommendations to the Advisory Committee. The results of this process will be brought before the Commission at the March 2018 meeting. Two new victims' services standards were approved at the last VSAC meeting: Emergency Financial Assistance; and Emergency Shelter. Four regional symposiums on providing services to the elderly brought together the victims' services community with those who serve seniors to learn from and about one another. Over 200 attendees were involved. Current competitive grants awarded in 2016 were extended by an additional year, until 2020. VSAC decided to use VOCA dollars to fully fund the Pennsylvania Statewide Automated Victim Information and Notification (SAVIN) system, which was previously supported by Justice Reinvestment Initiative (JRI) funds. Support will continue for the provision of procedural services utilizing the Rights and Services Act (RASA) and Victims of Juvenile Offenders (VOJO) funding streams through 2019/2020 to include an annual two percent Cost of Living Adjustment (COLA).

1. *Commissioner Delaney made a motion for the approval of one application to the Pennsylvania Coalition Against Rape (PCAR) for up to \$531,606 in Sexual Assault Services Program (SASP) funds. PCAR distributes SASP funding across Pennsylvania's network of 50 rape crisis centers to provide additional resources for the provision of direct services to sexual assault victims. Pennsylvania's 2017 SASP allocation is \$531,606. The motion was seconded by Commissioner Storm.*

- Pennsylvania Coalition Against Rape, "Sexual Assault Services Program"
\$531,606

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

Voting Aye: Commissioner Blocker, Damiani, Darr, Delaney, Fitzgerald, Gally, Haverstick, Heckler, King, Kolar, Lavery, McConnell, Michalik, Mulvey, Onama, Rieland, Ryan, Steele, Storm, Turner, Vereb, Volkman, Vulakovich, Wade, Ward, Wechsler

Voting Nay: None

Abstaining: Chairman Ramsey, Commissioner Wolf

Commissioner Wolf commented that the formulas for STOP funding tends to change every year within the three-year project period. This makes it very difficult to maintain consistency in a project, and creates a lot of work in the field. The formula allocates funding among prosecution, law enforcement, courts, and victims' services, but it seems that only the victims' services portion continues to decrease.

Commissioner Delaney said VSAC will take a look at this because it is critical that applicants have a certain level of predictability for fund administration.

Chairman Ramsey asked if there is any Other Business. There was none.

Next on the agenda, Chairman Ramsey 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 13, 2017 at the PCCD Offices.

Commissioner Vereb made a motion to adjourn which was seconded by Commissioner Ward. The motion carried unanimously and the meeting concluded at 11:29 a.m.