

Lebanon County Criminal Justice Advisory Board

Minutes of the Meeting of June 10, 2024

Time: 9:00 a.m.

Place: Second Floor Conference Room, MH/ID/EI, 220 East Lehman St., Lebanon, PA, 17046

Present

Pier Hess Graf, District Attorney and CJAB Chair; Holly Leahy, MH/ID/EI Administrator and CJAB Vice Chair; Robert J. Phillips, County Commissioner; Jonathan Hess, Police Chiefs Representative; Stephanie Axarlis, Court Administrator; Audrey Fortna, Director of Probation Services; Tina Litz, Warden; Karen Raugh, Executive Director, County Housing Authority; Matthew Rys, Drug and Alcohol Commission; LeAnne Burchik, Executive Director, Domestic Violence Intervention; Stephanie Hamersky, Domestic Relations; Megan Tidwell, Chief Public Defender; Lori Burrus, Lebanon Branch #26AA, N.A.A.C.P.; Norma Gonzalez, SARCC; Glenda Folsom, P.R.O.B.E., Kimberly Mackey, PCCD; and, John P. Shott, CJAB Planner.

Absent

Honorable John C. Tylwalk, President Judge; Jamie Wolgemuth, County Administrator; Jeffrie Marley, Sheriff; Erin Moyer, Director, Children and Youth Services; Carla Cyr, Veterans Justice Outreach

Guests

Michael Schroeder, N.A.A.C.P

Proxies entered for the record: Stephanie Hamersky, Assistant Director, for Michael Anderson, Director of Domestic Relations; Matthew Rys, Case Manager, for James Donmoyer, Director of Drug and Alcohol Commission.

CJAB Chair Pier Hess Graf called the meeting to order at 9:00 a.m. Presence of a quorum noted.

REPORTS OF STANDING COMMITTEES

D.U.I. Court—At present, 37 offenders are participating in the program, with five pending.

Prison Reduction—The current Average Daily Population (ADP) at the LCCF is 304; average length of stay is 22 days. In late-2023, PCCD awarded the County a \$35,990 grant to mitigate COVID at the LCCF. The grant expires on 7-31-24. It is likely that the \$7,100 appropriated in the grant to update video conferencing equipment at the LCCF will not be expended before the deadline. Issues involving the LCCF's overall infrastructure and the County switching from ZOOM to TEAMS for videoconferencing are obstacles to this project. PCCD has no plans to offer a no-cost extension to the grant.

Mental Health—Team M.I.S.A. is currently discussing the cases of five individuals who need home plans. The team continues to work together to address problems and put together appropriate and realistic plans for those in need. Since February, 133 individuals who have either an open or previously open case with MH/ID/EI have been incarcerated. Nine of these individuals have been incarcerated more than once during this same period. The most prominent diagnosis is major depressive disorder.

The most recent information from the Coroner's Office reports five suicides this year. Statistical breakdown: four male, one female; three by firearm, one by overdose, and one from asphyxiation; no veterans; four from the 17042/17046 zip codes, one from Annville; three with known mental health histories; all five white; average age, 54.8.

Two residents of the County-owned cottage behind MH/ID/EI are set to graduate from the cottage in July, having been there for one year. Both individuals have actively participated in services and are focused on getting permanent housing. Team M.I.S.A. intends to look at five potential referrals to determine who is most suitable to occupy the cottage, which will continue to house only females at this time.

Veterans' Court—At present, 16 offenders are participating in the program, with one pending.

Drug Court—32 offenders are currently participating in this specialty court, with four pending.

CJAB DEPARTMENTS: REPORTS AND ISSUES OF INTEREST

Heroin Task Force Report—At the end of April, the County had confirmed four overdose deaths. If this trend continues, the number of overdose deaths for 2024 will be much lower than the 33 deaths reported in 2023.

Offender Reentry—The County posted the position for a part-time (15 hours per week) Reentry Coordinator. Commission Phillips reported that a promising candidate has applied.

Intermediate Punishment (IP) Grant Funding for FY 2024-2025—The County submitted a grant application on May 1 for IP funding in the new fiscal year. The proposed budget is \$207,990. Thanks to the members for supporting the application, for approving the updated IP Treatment Plan for 2024-2025, and authorizing a letter of support from the CJAB officers. The PCCD Board meets on June 12 to review and approve applications. PCCD usually posts the minutes of Board meetings on their website within a day or two of the meeting. Mr. Shott will keep the members informed about any actions taken. The Public Defender's Office has also submitted a grant application to PCCD for funding to add a social worker to the staff.

Items from 2024 CJAB Conference—Ms. Fortna attended the annual CJAB conference held April 9-10 in State College. The conference featured many informative workshops and symposiums. Handouts from the Evidence-Based Practices Partnership Series are attached to these minutes.

ITEMS FROM PREVIOUS MEETINGS—Nothing on the agenda.

NEW BUSINESS

Minutes of the April 8, 2024 CJAB Meeting—Approved on a motion by Ms. Leahy, seconded by Ms. Axarlis.

ADJOURNMENT—With no further business to conduct, the Chair declared the meeting adjourned at 9:25 a.m. on a motion by Ms. Axarlis, seconded by Ms. Fortna.

NEXT CJAB MEETING—Monday, August 12, 2024, 9:00 a.m., MH/ID/EI.

Judges' Role in an Evidence-Based System

The justice system is uniquely positioned to improve the lives of individuals involved in the system, the lives of their families, and the well-being of local communities when it follows practices supported by research.

Judges, as objective yet influential leaders, can bring together stakeholders to support the effective administration of justice. Here are the top 10 things judges can do to bolster evidence-based practices.

1

Understand the purpose of actuarial assessments.

Actuarial assessments are used at various stages of the justice process (e.g., arrest, pretrial, detention, reentry, and community supervision) to determine the likelihood of certain behaviors (e.g., court appearances, risk of recidivism) and to understand the factors that contribute to harmful behavior. In this way, assessments can be used to aid in decision making.

Judges can work with stakeholders to ensure assessments are conducted as early as possible, and they can use the results of assessments to inform pretrial release decisions and to help determine supervision length and intensity.

2

Consider whether diversion is appropriate.

Diversion can be pursued when the interests of justice do not require traditional case processing or when an expedited process achieves a better outcome, such as getting a person into treatment sooner.

Judges can encourage stakeholders to refer to diversion programs those people who do not pose a danger to the community.

3

Direct programming and interventions to people at medium and high risk.

People who are low risk need little to no intervention as they are likely self-correcting. People who are moderate to high risk benefit from more intensive intervention.

Judges can work with other justice system stakeholders to match release conditions to risk levels, with few or no conditions and programming for people at low risk and higher levels of supervision and programming for people at higher risk.

4

Focus interventions on assessed criminogenic needs.

Risk of recidivism can be reduced when interventions are focused on the factors that contribute to illegal behavior, such as antisocial cognition, antisocial personality/temperament, and antisocial associates.

Judges can ensure that sentencing decisions align with a person's criminogenic needs, recommend interventions that research has shown to be effective in changing behavior, and, whenever possible, avoid conditions not associated with criminogenic needs.

5

Collaborate with stakeholders on rewards/incentives.

Incentives and rewards are most effective when they are administered in concert with appropriate responses to noncompliance, with rewards outnumbering responses to noncompliance by a ratio of at least 4:1. The more significant the behavior and the higher the person's risk level, the more significant the reward or response.

Judges should collaborate with probation departments and stakeholders to create and implement policies and practices (including a structured matrix) to guide rewards and responses to noncompliant behaviors. The focus should be on ensuring that responses are swift, certain, and proportional.

6

Develop policies that support early termination.

One of the most impactful incentives is the use of early termination when public safety/risk is no longer an issue. Jurisdictions should develop clear policies that incentivize prosocial behavior and the completion of conditions, resulting in people being able to shorten their supervision period.

Judges should encourage policies that allow departments to request early termination for people who have completed conditions and are low risk. These policies should include a process for automatic reviews of eligibility.

7

Encourage the collection and analysis of data.

Justice system agencies must collect and analyze data related to processes (i.e., how well they are performing their duties) and outcomes (i.e., how effectively they are reducing risk of recidivism) to ensure accountability to stakeholders and the public, measure fidelity to processes, and identify strengths and areas for improvement.

Judges should request and regularly examine justice system data from all stakeholders and engage in efforts to ensure that the system continually improves its practices.

8

Engage in procedural justice practices.

Procedural justice research shows that how people feel the system treats them influences their acceptance of the outcomes. People charged with or convicted of an offense who think they are treated fairly and transparently are more likely to comply with the court's requirements. Objective court operations that provide an opportunity for victims to be heard contribute to their ability to accept the case's outcome regardless of what it is.

Judges should ensure that all interested parties have the opportunity to be heard and to understand the process. Judges can utilize specific skills in the courtroom to further understanding, such as asking open-ended questions, using reflective listening, and clearly explaining why a particular sentence is being imposed, how conditions address the person's criminogenic needs, and what incentives and sanctions will support the desired behavior change.

9

Actively collaborate with key stakeholders to support evidence-based decision making.

Implementing and continually using evidence-based practices is a daunting task that requires collaboration among all key stakeholders. The courts have a tremendous amount of influence on their local justice system. When the courts are involved and provide leadership, key stakeholders come to the table, and implementation teams are more successful.

Judges can be driving forces and leaders in local justice system planning and collaboration efforts.

10

Support chiefs in the implementation of evidence-based practices.

Implementing evidence-based practices does not occur overnight. Departments will need the court's support throughout the process.

Judges should be trained in the most recent research and engage in regular discussions with chiefs about how to better align the court's and departments' policies and procedures with the current literature and what support the court can provide to break down barriers to implementation.

Prosecutors

Prosecutors' primary duty is to seek justice.¹ They do so by exercising discretion in prosecuting cases, ensuring the protection of victims' rights, and respecting each person's legal and constitutional rights. Applying an evidence-based framework can help prosecutors fulfill these duties more effectively and efficiently. The following are some evidence-based practices that prosecutors can use and encourage to increase community well-being and safety and to reduce risk.

▼
**EVIDENCE-BASED
PRACTICE (EBP):**

The use of scientific research to guide and inform efficient and effective justice services

Support
Appropriate
Diversion

People who are at low risk of being rearrested are likely to self-correct. The imposition of a sentence is often unnecessary and can increase their risk of recidivism.

Alternatives to prosecution have demonstrated good outcomes, hold people accountable, and provide the added benefit of reduced court time and resources. Prosecutors should ensure these programs are structured to target the right people (those at low risk) and produce the desired results.

Utilize Information
from Risk/Needs
Assessments to
Guide Decisions

Risk/needs tools can aid in sentencing. People at low risk may need minimal to no supervision and conditions; people at medium to high risk may need more time on supervision and targeted programming and conditions; and people at very high risk may not be appropriate for community supervision.

Prosecutors should collaborate with probation and other key stakeholders to obtain the results of a validated risk/needs assessment as early in the justice process as possible. The information can aid in plea negotiations by identifying appropriateness for community supervision as well as supervision needs and intensity. Using results from risk/needs assessments informs decision making and reduces the likelihood of bias.

Recommend
Conditions and
Programming
That Target
Criminogenic Needs

Community well-being and safety are enhanced when conditions and programming focus on criminogenic needs (factors associated with future law violations such as thoughts, values, and attitudes supportive of illegal behavior; poor coping and problem solving skills; and antisocial associates).

Criminogenic needs must be addressed to reduce the risk of recidivism; therefore, court conditions and programming should target and address these needs. Prosecutors should avoid overloading a person with unnecessary conditions and programs and, instead, seek those that are appropriate for the person's level of risk and needs.

¹ https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition

Develop
Appropriate
Responses to
Noncompliant
Behaviors

Responses to noncompliant behaviors need to be swift, certain, and proportionate. When possible, they should also encourage the desired behavior.

Structured methods to address noncompliance are effective in holding people accountable and in increasing their likelihood of future compliance and/or new prosocial behaviors. Prosecutors and local stakeholders should work together to develop a process for responding appropriately and proportionately to noncompliance (e.g., a matrix).

Support Early
Termination

Positive reinforcement (incentives) is more powerful than punishment when it comes to changing behavior.

Prosecutors should support early discharge for people who have demonstrated compliance, reduced risk, and progress while under supervision. In these instances, early termination has not been found to negatively impact community well-being and safety. The process and time frames for early termination should be clearly defined.

Improve Victim
Satisfaction

Evidence-based practices can help address victims' needs, such as the need to feel safe, actively participate, and be heard.

All justice system stakeholders, victim service providers, and victims share a common goal of fewer victims and safer communities. Prosecutors can help victims understand how evidence-based practices inform sentencing and support the goals of long-term behavior change and community safety.

Measure
Outcomes

Collecting, analyzing, and sharing data promotes consistent, relevant, research-supported decision making and increases the likelihood of successful outcomes.

Data is necessary to enhance and improve existing practices and programs or to identify gaps and needs. Prosecutors should establish clear performance indicators and routinely collect and evaluate outcomes.

TWO THINGS PROSECUTORS CAN DO NOW

SEEK TRAINING ON EBP

To fully understand and implement evidence-based practices, ongoing training is necessary. Prosecutors should stay abreast of the most current EBP research and literature, including studies on diversion, assessments, sentencing alternatives, reentry practices, and probation conditions.

COLLABORATE WITH KEY STAKEHOLDERS

Experience has shown that the collective commitment of key stakeholders is necessary for EBP to have the optimum impact. Prosecutors should not merely be case processors but also problem-solvers improving the justice system. They should collaborate with key stakeholders such as the courts, probation, jail, defense attorneys, and community providers and actively participate in and advocate for the implementation of EBP.

Defense Attorneys

Evidence-based practice (EBP), in its simplest form, is the objective and balanced application of scientific research to guide decision making, with the goal of achieving successful outcomes for people involved in the justice system. Defense attorneys, whose primary responsibility is to advocate for their clients and defend their rights, can do so more effectively when they implement EBP. The following are some specific benefits of EBP and suggestions for ways defense attorneys can get involved.

Benefits of Evidence-Based Practices

Increased Collaboration

All justice system stakeholders share a common goal of reducing recidivism and increasing community well-being and safety, yet their approaches can sometimes be in opposition to one another. When all stakeholders are committed to EBP, there is increased opportunity for collaboration and for the system as a whole to work together to identify solutions that are in all parties' best interests.

Ability to Identify Mitigating Factors

EBP encourages the use of risk/needs assessments to identify mitigating factors that may support a reduced sentence or a more targeted justice system response.

Increased Use of Diversion

EBP supports the use of diversion programs to redirect people at low risk of recidivism. EBP recognizes that people who are low risk will often self-correct and that higher levels of intervention can actually increase their risk of recidivism.

Increased Use of Interventions to Target Needs and Stabilization Factors

To reduce the probability of future illegal behavior, conditions and programming need to focus on those factors associated with a person's negative behaviors (criminogenic needs) and stabilization factors such as mental health and housing. EBP also recognizes that too many conditions and programs can overwhelm a person and lead to unnecessary violations.

Reduced Reliance on Incarceration

EBP encourages the effective and efficient utilization of resources and recognizes the potential negative impact of incarceration when public safety is not at risk.

RACIAL BIAS

There is a real and legitimate concern about the impact of risk/needs assessments on racial and ethnic disparities in the justice system. Among the factors considered by these tools is a person's criminal history, and arrest records reflect a history of systemic racism. Yet, risk/needs assessments also include noncriminal history items, including attitudes, associates, and substance abuse, that predict recidivism similarly without regard to race. And, studies suggest that actuarial assessments are more accurate, more consistent, and less biased than professional judgment alone. Therefore, the use of risk/needs assessments is recommended to guide sentencing and supervision decisions.¹

¹ For more information on this topic, see *Risk Assessment and Racial Fairness: The Proper Use of Risk-Needs Assessments* (<http://www.ccppuap.com/public/ebpimplementation/#s-123ea509-c68f-432a-a75e-c72284deda11>), written by Ret. Judge Roger K. Warren.

How Should Defense Attorneys Get Involved?

Become Sophisticated Consumers

To best advocate for clients, defense attorneys should seek out EBP training and other resources, especially related to risk/needs assessments.

Get Involved in Policymaking

Defense attorneys should be actively involved in EBP policymaking and implementation, ensuring that policies (e.g., around what information is collected during pretrial assessments and how that information is used) protect clients' rights.

Encourage Positive Reinforcement and Rewards

Defense attorneys should encourage policies and sentences that positively reinforce a person's success and enhance their intrinsic motivation to change. When appropriate, they should advocate for early release or early termination of supervision.

Become Knowledgeable About Programs

Defense attorneys should know which programs and interventions exist in the community to address a person's needs. When programs are not effective or do not exist, they should advocate for services to fill the gap.

Measure Outcomes

Defense attorneys should ask for system accountability. They should request data that shows how well the system is doing in terms of improving client outcomes and community well-being and then use the data to identify needed system and service changes.

What Challenges Might Defense Attorneys Have to Overcome

Conflict Between What the Client Wants and What They Need

Clients may argue they would rather serve a sentence than attend a needed program. Representing what a client wants is core to defense work. An EBP-educated defense attorney can help a client understand the benefits of programming so the client can make a more informed decision about their future.

Concerns with Risk/Needs Assessments

Stakeholders may question the predictive accuracy of assessments, oppose imposing sentences based on the possibility of a future crime, and express concern that assessments exacerbate racial and other disparities. Defense attorneys should develop a thorough understanding of how, when assessments are properly administered and used, they can be integral to the decision-making process and help achieve fairness and equity. And, they should raise concerns if, after developing this understanding, they see any potential bias or inequity.

Tendency to "Widen the Net"

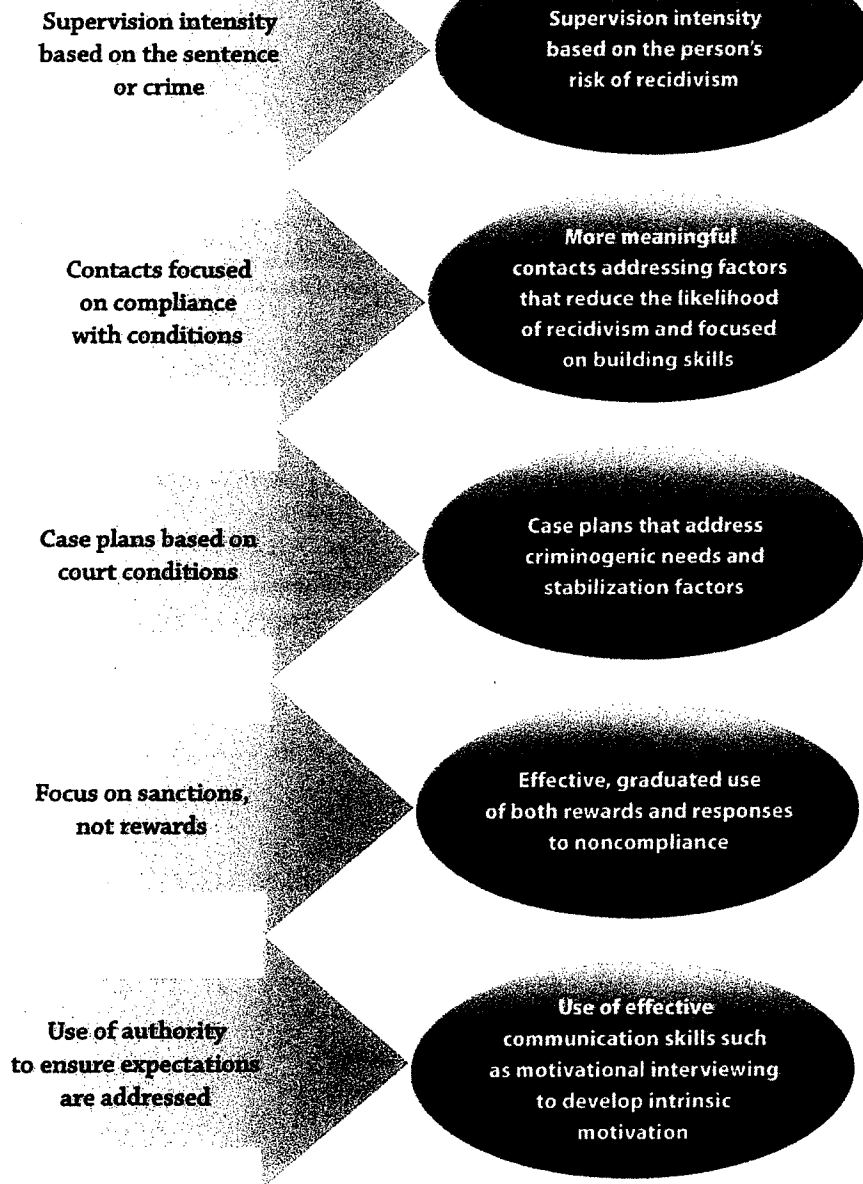
Justice system decision makers may divert a person into the system (or into a higher level of the system than is necessary) so that they can benefit from a particular program that, for example, is not available within the community. This is known as "net widening." While the program may be helpful, there are negative repercussions when a person is drawn deeper into the system. Defense attorneys must ensure their practices do not contribute to net widening. They should also work with their client to weigh the pros and cons of accepting an offer that may appear to be attractive but that keeps them under the continued jurisdiction of the court and that may, in the end, result in harsher penalties than had they not chosen to participate in the program.

Changing Probation and Parole Practices

The focus of one-on-one probation and parole appointments has changed over time, from solely ensuring adherence to conditions to also working with people to reduce their risk of recidivism. The following are some practices to use moving forward.

PAST PRACTICE

NEW PRACTICE



Benefits to New Practices



Community Well-Being and Safety

New practices lead to increased community well-being and safety.



Recidivism

Jurisdictions that implement EBP see a decrease in recidivism.



Caseloads

The use of a risk/needs instrument allows agencies to structure caseloads by risk level, with staff who are supervising those at highest risk having the smallest caseloads.



Client Buy-in

There is increased buy-in from people under supervision because they see a purpose to their appointments and they experience positive outcomes.



Resources

With risk-based supervision, resources are focused on those at medium and high risk—the populations most likely to benefit from interventions.



Facility Populations

Jurisdictions that implement EBP see decreases in their jail and prison populations as a result of reduced revocations and increased success.



Change

Focusing on criminogenic needs leads to long-term positive behavioral change.



Morale

Improved outcomes result in improved staff morale, with staff reporting that their job is more meaningful and rewarding.

Challenges to New Practices



Time

It can take years to implement change and see results.



Resistance

Change is often difficult, and agencies need to identify ways to bring on board staff who are resistant.



Training

Staff and stakeholders need ongoing training and booster sessions.



Turnover

Many agencies struggle with staff turnover and keeping practices consistent.



Programming

Jurisdictions need to identify programs and other resources that can address needs.



Stakeholder Buy-In

Change does not occur in a vacuum, and there is a need to obtain buy-in from key stakeholders.