



Report on the 2008 Correctional Package Educational Program Plan [Draft]

Pennsylvania Commission on Crime and Delinquency

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Status Report on the Proposed Prison Reform Package Educational Program Plan

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Introduction

On September 25, 2008, Governor Rendell signed into law House Bills 4, 5, 6 and 7. Commonly referred to as the Prison Reform Package of 2008, the resulting Acts (Acts 81, 82, 83, and 84) represent sweeping policy reforms with impact throughout the entire criminal justice system. . The primary goals of this change are to reduce recidivism and increase system efficiency through significant improvements to correctional and sentencing policy and practice. The package calls for substantial changes relating to place-of-confinement, aggregation of sentences, work release, early county parole, parole jurisdiction, compassionate release, availability and quality of alternative sentencing programs, prisoner information sharing, and prisoner transportation.

Significant objectives:

- **Reduce county jail overcrowding**
- **Shift the burden for managing serious offenders from county to state system;**
- **Improve parole practices to further ensure public and victim safety**
- **Improve effectiveness and efficiency of offender treatment**
- **Ensure truth-in-sentencing for the victim, the public and the offender**
- **Move more non-violent offenders into proven, risk reducing programs**
- **Improve inmate and staff safety through better information exchange**
- **Provide for compassionate release of terminally ill inmates**
- **Reduce taxpayer costs**

Although these provisions have varying effective dates (60 days, 120 days, and 3 years), there are some key provisions that became effective on November 24, 2008 and as such, required some criminal justice practitioners and stakeholders to immediately adjust current practices.

In an effort to expedite the education and training of the stakeholders, Title 42 section 5310(b) of the Pennsylvania Consolidated Statutes charged the Pennsylvania Commission on Crime and Delinquency (PCCD) to be the coordinating agency and facilitator for planning the educational component of this system reform effort.

Specifically, the statute reads:

(b) Educational plan.--The Pennsylvania Commission on Crime and Delinquency shall publish a report of a proposed educational program plan within one year of the effective date of this section. The proposed educational program plan shall be developed in consultation with the department, commission, board, the Pennsylvania District Attorneys Association, the Victim Advocate and representatives of the judiciary and the criminal defense bar and other criminal justice stakeholders. The plan shall seek to provide cost-effective training or information through electronic means, publications or continuing educational programs that address the following topics:

- (1) The treatment programs available through the board and the department.**

(2) The availability of programs and eligibility requirements that can reduce recidivism risk including State intermediate punishment, the motivational boot camp and recidivism risk reduction incentives programs.

(3) The calculation of sentencing credit and practices that could inadvertently prevent an inmate from receiving sentence credit.

(4) Recent statutory changes relating to sentencing, place of confinement, medical releases, transfer of inmates and parole.

Pursuant to this mandate, PCCD convened a working group of stakeholders to facilitate the creation of an education and training strategy to efficiently and effectively serve the interests of affected parties from across the criminal justice system. This group completed the 2008-09 Educational Plan in October of 2008 and worked together through the spring of 2009 to support its implementation.

Planning Process

As stipulated by Act 81, the working group consisted of representatives from the Pennsylvania Department of Corrections, the Pennsylvania Commission on Sentencing, the Pennsylvania Board of Probation and Parole, the Pennsylvania District Attorneys Association, the Victim Advocate, representatives of the judiciary and the criminal defense bar and other criminal justice stakeholders. It set an ambitious goal to devise an effective plan which could meet the imposing deadline for implementation.

Consistent with the legislative mandate, PCCD provided staff and logistical support to facilitate that planning effort. The planning group members collaborated in person and electronically to develop or provide consultation in the development of educational materials. They also represented constituent and systemic priorities in devising an education strategy, one that was cost-effective, timely, and efficient and met the mandate of the Act.

The workgroup first met on October 8, 2008 and continued into June of 2009. In addition to PCCD staff, the workgroup included the following members:

Mark Bergstrom	Executive Director	Pennsylvania Commission on Sentencing
Bradley Bridge		Defender Association of Philadelphia
Byron Cotter		Defender Association of Philadelphia
John Coyne	Director- Office of Legislative Affairs	PA Department of Corrections
Cynthia Daub	Board Secretary	PA Board of Probation and Parole
Kathleen Gnall	Deputy Secretary for Reentry and Specialized Programs	PA Department of Corrections

Sarah Hart		City of Philadelphia District Attorney's Office
Suzanne Hueston	Chief Counsel	PA Department of Corrections
Thomas Innes		Defender Association of Philadelphia
Carol Lavery	Victim Advocate	PA Office of the Victim Advocate
Mary McDaniel	Chief Counsel	Office of the Speaker of the Pennsylvania House of Representatives
William McDevitt	Deputy Executive Director	PA Board of Probation and Parole
Brinda Penyak	Deputy Director	The County Commissioners Association of Pennsylvania
Andrea Priori-Meintel	Director - Bureau of Treatment Services	Department of Corrections
Greg Rowe	Senior Policy Manager	Office of Policy and Planning
Ann Schwartzman	Director of Policy and Public Education	PA Prison Society
Randall Sears	Deputy Chief Counsel	Department of Corrections
Edward Sweeney	Director of Corrections	Lehigh County Prison
Sherry Tate	Director - Office of Policy, Legislative Affairs and Communications	PA Board of Probation and Parole
John Tuttle	Deputy Executive Director	PA Board of Probation and Parole

Although there was agreement that the education planning working group provided adequate representation and should remain small and manageable, members of the working group did reach out to designated allied constituencies as necessary. The Victims Advocate acted as liaison to the victims services community, PCCD to AOPC and County Criminal Justice Advisory Boards¹, the County Commissioners Association of Pennsylvania to local corrections and the

¹ Criminal Justice Advisory Boards (CJABs) are groups of top-level county officials which address criminal justice issues from a systemic and policy level perspective. CJABs study best practices in the administration and delivery of criminal justice and recommend ways that public agencies can improve the effectiveness and efficiency of the criminal justice system within a particular county.

Board of Parole and Probation to county probation. PCCD hosted and managed a web-based collaborative site to facilitate the development of educational materials, house the materials electronically and assist in establishing web links for sharing of the information.

The Educational Plan

Goal

In keeping with the statutory mandate, an educational plan would be fashioned to advise on the requisite provisions, reach broadly and deeply into the affected constituencies, be available in a timely manner, and be cost effective to state and local agencies.

Considerations

Assessment of Assets

Each constituency was encouraged to assess what training and educational vehicles were available to meet the prescribed needs. In making this assessment, it was recommended that they consider:

- Where Reform Package modules could be incorporated into existing training and educational programming and reach desired penetration within the time frame.
- What training programming structures or schedules could be adjusted to meet these needs?
- What information sharing mechanisms exist which could act as conduits for information to agency or constituency members (i.e., newsletters, blogs, message boards, e-mail blasts, listserves, etc.)

Interpretation of the Act

Having worked closely in the crafting of and advocacy for the legislation, stakeholders held near complete consensus on the interpretation of the package intent and expected system impacts. Although there was some difference on a few issues, the group took no position regarding how differing interpretations would be reconciled. Instead, it was anticipated that the specific meaning, implications and required protocols for every provision would be resolved in various forums, by various constituencies over the next few years. The group determined that any materials, although they may be collaboratively developed, would be clearly disclaimed² and that

² Disclaimer

The information contained on the PA Corrections Package portion of this website is made available to the public by the Pennsylvania Commission on Crime and Delinquency (PCCD). These documents, however, are the property and responsibility of the parties referenced below. Any questions regarding these documents should be referred to the respective authors.

each stakeholder would be responsible for determining the composition and conduct of their own educational materials and its presentation.

Time Constraints

Given the compressed timetable to the effective date of many elements of the package, the group focused on which possible strategies were feasible to develop and deploy with the greatest impact in the shortest amount of time. Therefore, much of the groups' efforts focused primarily on the provisions of the package that took effect on 11/24/08:

- Calculation of Sentence Aggregation
- Change in Options for Placement in State or County System
- Creation of Guidelines for Resentencing after Revocation
- Administrative Parole
- Rebuttable Parole
- Early County Parole And "Approved" Re-Entry Programs
- Work Release Placement
- Recidivism Risk Reduction Incentive
- Compassionate Medical Release
- DOC-SIP Referral Modifications
- Inmate Information Sharing Requirements

Objectives

- 1. Increase awareness of the reform initiative and its elements in an expeditious manner.**
- 2. Provide technical assistance to stakeholders in developing and launching their own education and training strategies.**
- 3. Provide a limited number of education and training opportunities open to all stakeholders.**
- 4. Provide guidelines for sentence calculation.**
- 5. Assess effectiveness of educational plan at 1 year.**

OBJECTIVE 1: Increase awareness of the reform initiative and its elements in an expeditious manner

Strategy 1A. PCCD's existing relationship with criminal justice stakeholders allowed for a broad and deep penetration into all areas of the justice system that may be impacted by these changes. A notification letter was to be drafted to more than 10,000 stakeholder entities statewide with relationships to PCCD. This letter provided notice that there were significant system reforms underway.

Status: Completed

Strategy 1B. The County Commissioners' Association of Pennsylvania will collaborate with the Pennsylvania Board of Probation and Parole to draft and forward a letter to explain the new requirements for re-entry planning and applicable programming.

Status: Completed

Strategy 1C. Pennsylvania District Attorney's Association to post and e-mail "blast" to their constituency regarding available educational resources.

Status: Completed.

Strategy 1D. A notice/announcement to be posted to the Pennsylvania Association of Criminal Defense Lawyers and Public Defenders Association of Pennsylvania listserves.

Status: Completed

Strategy 1E. PCCD will place an announcement in the "What's New Section of its Internet home page.

Status: Completed

Strategy 1F. PCCD to draft an announcement to be available for broadcast electronically and/or within publications by members of any constituency regarding this educational effort.

Status: Completed

OBJECTIVE 2: Provide technical assistance to stakeholders in developing and launching their own education and training strategies.

The enabling legislation did not include any appropriation for either the planning or the implementation of an educational or training initiative. Therefore, it was agreed that the intent of the General Assembly was that the responsibility for funding and implementing specific training and intra-agency education would lie with the respective agencies and stakeholders. However, the group purposed to provide tools to facilitate this process.

Prior to and during the time the group met, individual agencies and organizations were in the process of developing documentation to inform or guide their specific constituencies in implementing system reforms and utilizing existing programs. As a group, the members determined to share documentation, as appropriate, to inform the development of all training and educational materials. Additionally, most entities agreed to allow their materials to be distributed and borrowed, with the appropriate citation.

Strategy 2A. Launch a secure collaborative website, which will:

- ✓ Provide a resource area with targeted training and education documents;
- ✓ Provide a forum for discussion and questions and the ability to host the electronic training materials;
- ✓ House the collective calendar of events, trainings, conferences, meetings, etc. which may afford opportunities to discuss the package.
- ✓ Manage web-based training, educational and awareness vehicles based on content provided by members of the working group and other identified stakeholders. The materials are to be broad-based, but will also allow for stakeholders to build more discipline-specific training on “nuts and bolts” items where content is available. These e-trainings can be downloaded onto various media for further distribution.

Status: Completed

Strategy 2B. Develop model educational materials that describe the package, the relevant statutory changes, the impact on present practices and processes and availability of programming designed to reduce recidivism.

Status: Completed

Titles available on the PCCD’s public access web site:

[Comprehensive Prison Package, Acts 81, 82, 83, and 84 of 2008](#)

[Early County Parole/New Sentencing Order Requirements](#)

[Temporary Transfer of Prisoners for Judicial Proceedings \(House Bill 5 OF 2008\)](#)

[Medical Release Requirements](#)

[New Work Release Procedures](#)

[New Sentencing Procedures: the Recidivism Risk Reduction Incentive \(RRRI\) Program](#)

[Prison Package \(Acts 81-84 of 2008\): Chart of Provisions Affecting Directly Impacting Judges](#)

[Prison Package \(Acts 81-84 of 2008\): New Requirements for Criminal Justice Stakeholders](#)

[Prison Reform Implementation Timeline](#)

[Proposed Pennsylvania Prison Reform Package: The Impact On County Criminal Justice Systems \(PPT\)](#)

[Sentencing & Corrections Reform Legislation \(PPT.\)](#)

[Victim Impacts of the Comprehensive Prison Package, PA Acts, 81, 83, and 84 of 2008
\(A tool for Victim Service Providers\)](#)

Additional Items Posted For Reference:

[Prison Package \(The legislation as passed\)](#)

[Notification Letter from PCCD's Executive Director, Michael Kane, regarding the Corrections Package](#)

Strategy 2C. PCCD will secure a specific URL for the PA Corrections Package information. This site will serve as an information sharing and document management site.

Status: Complete. The URL is www.pacorrectionspackage.state.pa.us.

Strategy 2D. Establish and maintain a speaker's bureau to present, upon invitation, at appropriate events.

Status: Completed. Members of the planning group volunteered to serve in this capacity, to which other subject matter experts could be added. These speakers presented to various groups regarding the Correctional Reform Package and its impact on the criminal justice system.

Strategy 2E. Create segmented video presentations targeting specific constituencies and/or to focus on specific elements of the reform. These presentations will be short in duration (~10 min) and will provide overviews of the Reform Package as relating to each constituency. An overall summary of the package, its provisions and its goals will serve as a lead in to each presentation.

Status: Completed. To support these efforts, PCCD worked with individuals to record five topic-specific video modules that address the changes to the statutes and guidelines relating to the newly passed legislation. The video modules were used in the live interactive web training and are permanently housed on PCCD's website for public access.

[Pennsylvania Prison Reform Law Overview](#)

[New Laws Impacting Judges, Prosecutors, and Defense Attorneys](#)

[Sentencing and Corrections Reform Legislation](#)

[Major Provisions Impacting Victims and Victim Services](#)

[New Rules Affecting Prisoners and Their Families](#)

OBJECTIVE 3: Provide a limited number of education and training opportunities open to all stakeholders.

Although it was presumed that agencies would choose models that were most cost-effective within the constraints of their existing infrastructure and agency budgets, the group examined where it might be possible to foster savings through leveraging existing resources in providing some training at scale.

Strategy 3A. Develop a real-time interactive online training, targeting specific constituent groups with substantive experts to give further information and address questions or concerns.

Status: Completed

On February 24, 2009, the Pennsylvania Commission on Crime and Delinquency conducted a webinar on the 2008 Prison Reform Package. The presenters in the video modules participated in a live presentation, which allowed the opportunity for participants to interact and ask questions in real-time. Registration for this session was open and more than 370 viewers from 230 different organizations and agencies tuned in live to learn about the various impacts of the Prison Package. This event has been archived for future access via the PCCD website.

Registrants were from local, county, state and federal government agencies as well as local, national and international private legal, correctional, and research organizations, community-based organizations and advocacy centers³. Federal, state and local elected officials and/or their representatives also participated.

County corrections staff, prosecutors and defense attorneys from 58 counties 60 community organizations, 11 courts, 11 educational and research institutions, 17 state agencies, 7 private legal firms and 7 organizations from other states, national or international organizations also took part in the online presentation.

³ Demographics should be considered close estimates. In some cases information provided at registration was incomplete and organization names and titles shortened or abbreviated.

Specific Disciplines/Professions represented:

Court Administrator	IT Professionals
Warden	Health Care Official
Probation Officer	Investigator
Judicial Security	Private Bar
Mental Health Provider	Case Manager
Victim/Witness Coordinator	General Assembly Staff
Public Defender	Bench
County Commissioner	Budget and Policy Professional
Researcher	Chaplain
Veterans Program Administrator	

In addition to the four modules recorded as stand-alone presentations, the webinar provided an [introduction and background](#) and offered the opportunity for real time questions and answers. To supplement the webinar, those [questions and answers](#) were posted online in video and transcribed formats. The questions that were unable to be answered, due to time constraints, were answered subsequently by the panel or other members of the workgroup and posted. Finally, PCCD solicited [additional questions](#) and concerns from constituency groups and posted the answers to those as well.

Strategy 3B. Present an overview of the package at existing meetings, workshops and trainings at which a broad spectrum of stakeholders will be in attendance.

Status: Completed. Group members have maintained ongoing availability to present if and when requested.

The Department of Corrections commenced training for their staff in October 2008.

In December of 2008, PCCD sponsored four regional one-day Criminal Justice Advisory Board (CJAB) forums to address how this legislation would affect the county systems. Select members of the working group presented an overview of the package and answered questions as a panel on the various sections of the legislation regarding sentencing of offenders, place of confinement, RRRI, recidivism reduction programs and other issues.

Sarah Hart of the Philadelphia District Attorney's Office helped develop curricula and conducted training sessions for the Pennsylvania District Attorneys Association and the District Attorneys Institute.

Mark Bergstrom of the Pennsylvania Commission on Sentencing has conducted 35 presentations across the commonwealth that included information on both the reform legislation and the Commission's revised sentencing guidelines. The presentations were generally two hours in length and CLE-approved, although several were six-hour sentencing seminars.

Ms. Ann Schwartzman of the Pennsylvania Prison Society:

- Drafted one page flyers for each of the key provisions, making changes in the prison rules impacting prisoners and their families for distribution. These documents were designed to alert offenders to the rule changes - not to provide detail.
- Disseminated the flyers through the PA Department of Corrections and to local wardens for prisoners and families
- Included charts and other information about the new laws in Prison Society publications across PA and the nation to families, prisoners, agencies, legislators, etc.
- Presented an overview to the Prison Society staff, key or lead volunteers (chapter conveners) at the 2009 Conveners Conference

The PA Prison Society produced a series of 15 informational brochures. Each brochure dealt with a specific portion of Act 81. These brochures were provided electronically to the four PCCD CJAB representatives and can be reproduced as needed. All 15 brochures have also been posted on PCCD's CJAB collaboration website⁴.

OBJECTIVE 4: Provide Guidelines for Sentence Calculation

The Sentencing Commission will deploy a guideline application on SGS Web⁵ that incorporates an RRRRI eligibility check, aggregation, waivers of ineligibility, and RRRRI minimum sentence calculations.

Status: Completed

OBJECTIVE 5: Assess Effectiveness of Educational Plan at 1 year.

It is the will of the working group that the effect of the 2008-09 Plan be evaluated and:

- Assessed as to the penetration of information into the system
- Revised to address any unmet needs or unaddressed constituencies.
- Revised to be responsive to evolving systemic needs
- Assessed as to the adequacy in addressing the training and informational needs of stakeholders on specific operational elements.

Status: Pending

Consistent with expectations, the first year of implementation has revealed or reinforced recognition of a number of ambiguities, inconsistencies, training oversights, contingencies and issues of interpretation which impact the application and performance of the reform. The group will reconvene in December '09 to consider the appropriate educational/informational response to these issues and revise the educational plan for 2010 accordingly.

⁴ The CJAB Collaborative Website is an online forum for communication, information and resource-sharing, between and among CJAB members.

⁵ SGS Web is a web-based reporting and technical assistance application hosted by the Pennsylvania Justice Network for the Pennsylvania Commission on Sentencing.

Appendices

Outreach and Educational Presentations

Regional CJAB Sessions (PCCD/PCS)

12/2 - Southeast
12/9 - West
12/11 - Northeast
12/16 – South-central

PCS Presentations

12/3 - Harrisburg (Regional)
12/10 - Dauphin County District Attorney's Office
12/12 - Allegheny County Public Defenders Office
12/19 - Centre County Courts
12/19 - Northumberland County Courts
1/21 - Philadelphia Criminal Court Judges
1/22 - Dauphin County Courts
1/23 - Schuylkill County Courts
1/26 - Beaver County Courts
1/27 - Northampton County Courts
1/27 - PBI/Philadelphia Bar Association (panel)
1/29 - Montgomery County Bar Association
1/30 - Cumberland County Bar Association
2/3 - Blair County Courts
2/6 - York County Courts
2/13 - Lehigh County Courts
2/20 - Philadelphia Courts (law clerks)
2/21 - Conference of State Trial Judges (panel)
2/26 - Lancaster County Courts
3/4 - Lehigh Valley (regional)
3/4 - Huntingdon County Courts
3/12 - Clinton County Courts
3/12 - Philadelphia District Attorney's Office
3/19 - Bucks County Bar Association
3/25 - Pittsburgh/Cranberry (regional)
3/30 - Venango County Courts
4/2 - Berks County Courts
4/4 - Defenders Association of Philadelphia (panel)
4/15 - DuBois (regional)
4/23 - Pennsylvania Bar Institute (Philadelphia & Webcast)
4/30 - Columbia/Montour County Courts
6/4 - Pennsylvania Bar Institute (Criminal Law Symposium)
6/5 - Pennsylvania Bar Institute (Criminal Law Symposium)
6/19 -Allegheny County Bench-Bar Conference

Note: Hard copies are available for all referenced documents upon request. Presently, they are incorporated in the electronic report as hyperlinks to the documents. For additional information, please contact Dennis J. Hoyle, Director of Policy and Legislative Affairs, Pennsylvania Commission on Crime and Delinquency, PO Box 1167, Harrisburg, PA 17108-1167, (717) 265-8454.