PA Board of Probation and Parole

The Green Sheet

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pennsylvania BOARD OF PROBATION AND PAROLE

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A hero's welcome

*The following article is reprinted with permission from the **Queens Courier** in Bayside, New York. The **Queens Courier** is the hometown newspaper of Sgt. Stevenson, who is a parole agent in the Board's Philadelphia West Division Office.*

This article honors Sgt. Stevens and the other 12 Board employees who are currently serving as well as those who have served in the reserves or the National Guard.

BY STEVE MOSCO
Of the Queens Courier

Having been on the other side of the world in the desert among machine guns, land mines and the horrors of war, Sergeant David Stevenson does not surprise easily.

However, what he witnessed at a school in Queens nearly left him speechless.

"I'm shocked," said Stevenson. "And completely overwhelmed by everything I saw here today."

After two tours of duty in Iraq, Stevenson returned home to a hero's welcome from P.S. 96 in South Ozone Park on Monday, April 19.

The soldier, and Queens Village native, had been exchanging emails with the school's fifth grade class during his second tour beginning this past August. They also sent him care packages, hoping to raise the spirits of him and his fellow soldiers.

Not only did the support of the children raise their spirits, it also reminded the troops why they were there in the first place.

"We were 7,000 miles away and the emails and packages reminded us what it is like in the U.S. and why we were doing what we were doing," said Stevenson. "The support helped us to feel like we weren't forgotten."

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Photo by Steve Mosco

Sgt. Stevenson poses with a group of P.S. 96 students.

The Challenge for State Budgets - Prison Overcrowding

Across the country many states are wrestling with budget deficits, more demands for public services and corrections budgets that are bursting at the seams.

Last fall the Senate and House held hearings to discuss the issue of prison overcrowding and how the commonwealth could better manage offenders to improve the recidivism rate, thereby reducing victimization.

Chairman McVey provided remarks and stated that in the best interest of the safety of Pennsylvania's citizens and communities the Board does not and should not make parole decisions based on prison overcrowding. However, the current incarceration approach may not be the most effective use of taxpayer dollars while trying to reduce crime.

There are many reasons for the unprecedented increase in Pennsylvania's prison population, which has grown from 8,243 in 1980 to 51,022 in September 2009. Most experts agree nationally and in Pennsylvania that tough decisions need to be made now to address burgeoning correctional budgets because of policies and practices implemented in an era of "get tough on crime" that has relied on an expanded use of incarceration rather than developing alternatives to incarceration, early treatment and interventions and strengthening community corrections.

In 2007, the Council of State Government, as part of its Justice Reinvestment initiative, determined that Pennsylvania's policies and practices, not the state's crime rate or state population growth, were driving the prison population. Their report recommended making better use of diversion programs, establishing a risk reduction credit, and reducing parole violators by expanding intermediate sanction

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The kids never forgot Stevenson, as at times his email would be loaded with dozens of messages from students asking questions ranging from what he ate to where he slept.

Stevenson replied to every email he received, no matter what time of night it was or how tired he felt. He said that since they took the time to write the questions, they deserved a prompt and detailed response.

Photo by Steve Mosco

Sgt.Stevenson with wife Maya and mother Karyn as the children of P.S. 96 perform for their honored guest.

"I got an email from a young Muslim student that wanted to know if we were over there to kill Muslims," said Stevenson. "I assured her that we were not there to kill Muslims. We made friendships with the Iraqi people. Soldiers are not instruments of war; we are instruments of peace."

The sergeant's wife, Maya, and his mother, Karyn Stevenson, were also on hand to watch the children's presentations and to feel their support.

"Interacting with a soldier gives the children a deeper understanding and a better sense of geography and social studies," said Karyn Stevenson a retired principal from P.S. 183 in the Rockaways. "This has been a real eye opener for the students."

Stevenson comes from a family with a storied military history. His father served in Vietnam, his sister is currently enlisted in the Navy and stationed in San Diego, and his grandfather, Dudley Waddell Stevenson, was a member of the highly decorated Fighting 99th, better known as the Tuskegee Airmen.

"I chose the Marine Corps because it was the hardest thing to do," said Stevenson. "There is a lot of honor and courage in what I do, but you still never expect a response like the one they gave me here today."

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facilities. The prison reform package passed last year targeted some of these options for non-violent offenders.

McVey said there are several cost-effective sentencing and correctional strategies that can enhance public safety and reduce the costs of incarceration that are consistent with research findings and evidence based principles:

1. Non violent, lower risk, less serious offender

Some offenders should be managed in the local community through a variety of strategies designed to adequately supervise and intervene at the time of the offender's beginning criminal behavior. Research regarding this population indicates that early, community based interventions maximize the reduction of recidivism.

Interventions that should be used include:

- Maximize the use of and fully fund county Restrictive Intermediate Punishment (RIP), which provides critical treatment for non-violent drug offenders.

- Adequately fund community-based supports and develop offender specific cognitive behavioral programming that addresses criminal thinking errors.

- In Pennsylvania counties that are applying evidence-based practices in the management of their offender populations they could further expand these effective strategies with additional funding support, which is far more economical than incarceration. Such funding would also encourage other counties to apply these strategies.

2. Non-violent, more serious, mid to high risk offenders

Some offender's current conviction is non-violent, but they are more entrenched in criminal activity, have failed community based interventions, and pose a higher risk of re-offending. Therefore, incarceration is a legitimate management option.

However, this population should be managed in a manner to target the necessary treatment and behavioral interventions and move them quickly through the incarceration period.

Specific recommendations for this category of offenders include:

- Maximize the Pennsylvania Department of Corrections' programmatic capacity to ensure these offenders receive programming and complete it prior to their minimum parole eligibility date.

- State Intermediate Punishment (SIP) is an excellent sentencing option targeting non-violent drug offenders; however only 20% of SIP eligible offenders are so sentenced. Even with the recent reform legislation that allows the DOC to identify and recommend SIP conversion to the prosecuting attorney and judge, many eligible offenders are not being offered this option.

3. Managing the parole population through risk reduction strategies

Nationally there are new strategies that have clearly enhanced public safety to manage the newly released parole population, and other containment strategies for technical violators that have not compromised public safety.

The following recommendations are based on nationally recognized best practices that have proven effective and economical and have had the bi-product of helping to preserve prison bed space for serious and violent offenders:

- **Continue to invest in the parole system's reentry services and parole supervision strategies**
While the Board has developed and implemented evidence based reentry services and clearly is experiencing promising initial outcomes, it has done so by stretching its existing resources.

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Those states, such as Michigan, New Jersey, and Georgia, which have been notably successful in their reentry efforts have received comprehensive funding to fully and correctly implement effective reentry and supervision strategies. States that have received inadequate funding or non-sustained funding have had compromised results.

- **Community Management of Technical Parole Violators (TPVs)**

Technical parole violators need to continue to be managed in the community to the extent possible. Secure community correctional centers with targeted programming for offenders whose behavior is deteriorating can be established for those TPVs whose violations are so serious and numerous that they require confinement.

- **Maximize Community-based Supports**

The Board needs to continue to use intermediate sanctions for less serious violations to target the causes of the violation activity. Parolees experiencing drug and alcohol relapse and minor parole violations should continue to be managed in the community.

- **Shortening Period of Supervision for Certain Offenders**

The purpose of parole supervision is to stabilize offenders in the community until they are successfully self managing their life in a positive manner. The enforcement objective of parole is to continue to provide custody of offenders until the expiration of their sentence.

Other states have been successful within their sentencing structures to construct a system in which parolees serve the necessary period of parole that is consistent with their risk to the community, and then terminate supervision.

- **Convicted Parole Violators Time Credit**

While this population represents a relatively small portion, 25% of parole violators, these offenders, when convicted of a crime while on parole, are required by law to lose all of the time credited to their sentence while they were serving under parole supervision. This is regardless of whether the conviction is for a felony or misdemeanor and whether the new conviction is for a violent or non-violent offense.

Consideration should be given to identify the less serious new convictions, such as misdemeanor and non-violent convictions, and allow credit for the time served under parole supervision.

An amendment to Senate Bill 1161, sponsored by Sen. Stewart Greenleaf, would allow the Board this discretion when considering credit for non-violent or misdemeanor convictions.

The adoption of these public policy options would allow prisons to be used for those dangerous and violent offenders that should be in prison for long periods of time.

To review the Chairman's entire testimony, visit www.pbpp.state.pa.us.

Right to Know Law

On January 1, 2009, Pennsylvania's new Right to Know law went into effect with sweeping new changes regarding how government agencies are to respond to such requests.

Previously, it was the citizen's responsibility to demonstrate to the agency that the record requested is a public document. The new law assumes all records are public unless the agency can prove the record is not – the burden of proof to demonstrate that a record is not public is now on the public agency, not the person submitting the request.

However, there are exceptions to this rule. A record may not be public if it is protected by a privilege; or exempt from disclosure under any other federal or State law or regulation or judicial order or decree; or any of the 30 exceptions delineated in the law.

This change to the law facilitates the release of a more substantial amount of information from the Board than has been released in the past. The Board received 163 RTK requests in 2009, more than double the amount of requests received for 2008.

The requests vary widely from information on specific inmates or parolees to information about the Board and its employees. Some of the records the Board is now disclosing that were not released under the old RTKL include non-confidential procedures, PBPP forms, authorized employee information, and certain Board memorandums.

Requests Received by the Board

The majority of requests received by the Board last year were from inmates. Primary requests were for information contained in the offender's parole file, such as, a negative parole recommendation, pre-sentence investigation reports, and supervision histories. The Board has denied these requests based on its regulations which state that the Board files are "private, confidential and privileged" except for the Board Action.

About 12 percent of the Board's decisions have been appealed, with 21 appeals filed last year. A request from an inmate for information other than his Board Action went all the way to Commonwealth Court.

In this case, the Board had denied the inmate's request based on its regulations. The inmate appealed the denial.

On appeal, the Office of Open Records (OOR) agreed that the regulations were not superseded by the enactment of the new law and denied the inmate's appeal. The inmate, as he is allowed by law, appealed this decision to Commonwealth Court. The Court decided in the Board's favor. From the court decision, "We affirm the OOR's determination that the recommendations are exempt from disclosure because they are classified as "private and confidential" under Board regulation 37 Pa. Code §61.2".

The OOR has made final determinations on 9 appeals and has upheld the Board's decision on each case. Currently, one OOR determination that has been appealed is pending a Commonwealth Court decision.

Thus, the only information contained in a parole file that is a public record is the Board Action, which states whether or not parole was granted or denied and the reasons for the decision. The Board will also provide a copy of the Order to Recommit (PBPP-39); and a Final Discharge Certification (PBPP-131).

Often inmates also request a copy of the Board's procedures. Procedures that are confidential or those with sections redacted are exempt under the provision that they may "jeopardize or threaten public safety."

The second most frequent requests are from individuals or attorneys seeking information about specific inmates or parolees. These requests may include the reasons for a home plan denial, if and when the offender will be released, and, again, specific information from the Board's files. These requests are denied under exemptions for the "noncriminal investigation" exception of the RTK law as well as the Criminal History Record

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Information Act (CHRIA) and the Board's regulations.

Other RTK requests received are from the general public, Board employees, and the media.

Information that has been disclosed from these requests includes the oath of office, Pennsylvania Crimes Code list, reports and statistics, and certain Board contracts. Information not disclosed includes employee grievance information, Office of Professional Responsibility investigation results, and certain employee emails.

It is important to understand that the new RTK law did not change what is defined as a public record concerning state employees.

Management Directive 505.18 states that public information pertaining to most Commonwealth employees consists of last name, first name, position title, date of birth, biweekly salary, appointment date, and voting county.

- For corrections officers at the Pennsylvania Department of Corrections and parole agents at the Pennsylvania Board of Probation and Parole, public information consists of last name, position title, biweekly salary, and appointment date. This applies only to employees in the *parole agent classification*, not supervisors or directors, which is based on a Commonwealth court case from 2005, not the new RTK law.

- Although the new law did not change what is considered public information concerning the above, there are certain instances when this information may be deemed not public due to:

1) a court order;

2) the existence of a privilege, such as attorney-client or doctor-patient privilege;

3) an applicable exemption, such as a security concern that "would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual"; or

4) a law that would preclude release of the information.

Other Changes to the Law

- The new law no longer allows government agencies 10 business days to respond to a RTKL request. The response time is now five business days or an interim response listing the reason why the Board needs an additional 30 days to respond.

- Under the old law if a section of a record was considered exempt, the request for that record could be denied. The new RTKL requires the exempted section be redacted and the remainder of the record be released to the public.

Other OOR Decisions

➔ Home addresses of public school employees should be disclosed. The case is pending in Commonwealth Court and until a decision is made, no state employees' home addresses will be released.

➔ A request has to have a "precise subject matter" and the request must identify a "specific type of record related to a specific matter or item." This case made it possible for the Board to deny a request that is unclear because it "lacks sufficient specificity."

➔ Agencies are not required to answer questions, but only to provide public records. Agencies can provide the answer to the question or direct the requester to the right place for an answer, if desired.

Information about how to submit a Right to Know request to the PBPP can be found on our website at www.pbpp.state.pa.us.

John Tuttle assumes new responsibilities
Two Board Members re-appointed

On Wednesday, December 16, 2009, Michael L. Green and Jeffrey R. Imboden were confirmed by the full Senate to serve six-year terms on the board. John R. Tuttle was also confirmed by the full Senate to complete the term of the late Dr. Gerard Massaro, and then subsequently confirmed for a full six-year term on March, 16, 2010.

In announcing their confirmations, Governor Edward G. Rendell stated, "These three individuals are highly qualified and experienced in the areas of public safety, victim's issues and offender management. I know they will serve the citizens of Pennsylvania well in the administration of their duties."

Green, first appointed to the board in 2003, received a bachelor's degree in sociology in 1968 from Morgan State University, Baltimore, MD, and a master's degree in social administration from Temple University in 1973. He has over 30 years of experience in community corrections as a line staff probation officer, Chief County Probation Officer and as a drug court coordinator prior to his appointment to the board. As a current board member, he serves on the Berks County Reentry Court program. He currently lives in Wyncote.

Board Member Green poses with Secretary of State Pedro Cortés (left) after his swearing in ceremony.

Imboden, also first appointed to the Board in 2003, earned a bachelor's degree from Grove City College in political science in 1972 and a master's degree in arts and teaching from Antioch School of Education, Keene, NH, in 1975. From 1997 to 2003 he worked for the Lebanon County Adult Probation Department as the Chief County Probation Officer. From 1985 to 1997 he was a state parole agent and was named State Parole Agent of the Year in 1994. He lives in Lebanon.

Tuttle earned a bachelor's degree in sociology from Thiel College in 1978 and a master's degree in criminal justice from Penn State University in 1991. He began his criminal justice career in 1978 with the York County Probation Department where he worked for 22 years. In 2000 he became the Central Regional Director for the board. Two years later he assumed the position of Deputy Executive Director with the responsibility for oversight of all field and institutional parole agents. He lives in York.

Under the Parole Act of 1941, board members are responsible for making decisions regarding the release, violation and revocation of inmates and parolees. In addition, they assist the chairman of the board with policies and operation of the agency.

For more information, visit www.pbpp.state.pa.us or call 717-787-5699.

Mr. Imboden (at left) is sworn in by Lebanon County Judge Judge Robert J. Eby Lebanon Co. Court of Common Pleas.

Mr. Tuttle (far right) poses with his wife Elaine and York County Judge Kennedy.

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Governor Rendell Opens Tax Amnesty Program

Governor Rendell opened Pennsylvania's new Tax Amnesty program on Monday, April 26. The Tax Amnesty program gives delinquent taxpayers an incentive to pay what they owe. For a limited time, the Department of Revenue will waive 100 percent of penalties and half the interest for anyone who applies for tax amnesty online at www.PATaxPayUp.com and pays all eligible delinquent taxes by June 18, 2010.

This is only the second time that Pennsylvania has offered such a program.

Taxpayers must apply online at www.PATaxPayUp.com by June 18; no paper applications are available. The website features commonly asked questions and answers, step-by-step application instructions and links to forms and publications taxpayers may need to satisfy tax amnesty filing requirements.

A dedicated toll-free hotline and call center offering extended customer service hours has been set up. Taxpayers may call 1-877-34-PAYUP (1-877-347-2987) from 7:30 a.m. to 7 p.m., Monday through Friday, and from 8 a.m. to 4 p.m. on some Saturdays.

The vast majority of Pennsylvania taxpayers already pay what they owe — and pay it on time. But for the small minority of taxpayers with a delinquency, this program offers a great deal. Anyone who fails to settle back taxes by June 18 will have a 5 percent penalty added to delinquencies and may face other enforcement actions.

An incentive for you to voluntarily come forward if you know that you owe back taxes but the state has not found you yet…you'll only be responsible for filing and paying five years worth of back taxes and half the usual amount of interest.

The 54-day PA Tax Amnesty program, created by the General Assembly last year, is intended to generate $190 million to balance the current year fiscal budget. This money helps to provide important services to every resident of Pennsylvania, and it's only fair that everyone pays their rightful share.

Spotlight on Scranton District

The Board received letters of recognition for parole agents and staff from the Scranton District Office and would like to publicly recognize their work:

- Last September, the Board received a letter from Ms. Antonia France, "a grateful mother of a parolee in PA." Ms. France shared her sentiments regarding Parole Agents Donald Harrel, William Brennan, and John Coccodrilli for their dedication and professionalism. According to Ms. France these agents "couldn't have been more professional and concerned and sincere"…"I want to let you know I am so grateful for them."

- Parole agents received recognition from Mr. Harold Cameron. In the words of Mr. Cameron he wanted the Board "to be aware of the outstanding job that Mr. Robert Jones and Mr. Michael Welsh do serving the citizens of our great Commonwealth, our county and city - here in the Scranton PA office. As a matter of fact, every one I have ever communicated with or met with personally from the Scranton office regarding an issue of someone's parole has been just OUTSTANDING! They are to be commended for the professionalism and courtesy that they extend to the people they serve and communicate with regarding issues concerning parole. I thought you would all appreciate a "positive" word about these wonderful people who serve us as citizens so very well."