



PENNSYLVANIA INTERSTATE STATE COUNCIL MEETING

****Virtual Meeting****

MINUTES – August 22, 2024

State Council Members in Attendance

Christian Stephens: Council Chairman & Interstate Commissioner
April Billet: Director, York County Probation and Parole Services
Francis Chardo: District Attorney, Dauphin County
Suzanne Estrella: Victim Advocate
Barbara McDermott: Judge, Philadelphia Court of Common Pleas
Chris Pielli: State Representative

Other Attendees

Matthew Reed: Deputy Compact Administrator
Ryan Shovlin: Staff Assistance for Senator Baker
John Manning: Deputy Chief Counsel
Kelly Evans: Executive Deputy Secretary
Charles Eckert: Parole Manager 1, Interstate Services

MINUTES

Chair Stephens called the meeting to order at 3:00 PM. No members of the public were present.

Chair Stephens welcomed all in attendance.

DCA Reed took roll and a quorum was established with 6 of 9 Council members in attendance (virtually via Microsoft Teams). DCA Reed asked others in attendance to announce themselves for the purpose of the record and minutes.

Chair Stephens requested a motion to approve the meeting agenda. DA Chardo made a motion and Judge McDermott second the motion. All in attendance voted to approve the agenda as presented.

Chair Stephens announced a request for the Council to allow Ryan Shovlin to stand in as a proxy for Senator Baker. Mr. Shovlin did make his request in writing before the Council meeting. Hearing no objection from those in attendance, Mr. Shovlin's proxy request was approved.

Chair Stephens asked for any discussion of the meeting minutes from the December 18, 2023 Council meeting. Hearing none, he called for a motion to approve the minutes. Director Billet made a motion and Representative Pielli second the motion. All in attendance voted in favor of approving the minutes.

Next, DCA Reed referred the Council to the compliance reports provided. The reports included the compliance rates for 2023 and 2024 (YTD). A brief overview was provided to the Council regarding the importance of compliance and how well the Commonwealth is doing overall as compared to the national average. DCA Reed acknowledged that in both 2023 and thus far in 2024, our compliance in each category is well above the 80% threshold.

DCA Reed outlined the current interstate application fee for transfer which is set at \$125.00. DCA Reed noted that the fee has not been raised since April 21, 2016. At that time the amount increased from \$100 to the current amount of \$125. DCA Reed reminded the Council that the PA statute reflects the application fee may not exceed \$150.00. DA Chardo asked how PA compares to other signatories in terms of the amount assessed for an interstate transfer. DCA Reed indicated that while the exact amounts were not immediately at hand, he did advise that some signatories, such as VA do not impose a transfer fee while other signatories impose less than or more than our current application fee.

DCA Reed next provided the FY23/24 interstate application fees as reported by the Common Pleas Case Management System:

County

- Assessed (amount applied to cases to be paid by the offender): **\$170,125.00**
- Disbursed (paid by offender and dispursed to county general fund): **\$19,890.80**

DCA Reed further outlined the application fee that was collected as revenue for PA state parole reentrants in FY23/24:

State Parole

- Total revenue: **\$75,076.00**

DCA Reed acknowledged the disparity between the amount assessed and disbursed at the county level. Chief Billet offered her insight as to how the county uses a matrix to disburse various court costs. She noted that the application fee is not high on the list to be paid in terms of priority. Chair Stephens asked for any discussion or reason to lower or increase the fee. Director Billet stressed that she does not support any increase in the fee. Chair Stephens requested a motion to keep the application fee at \$125.00. DA Chardo made a motion and Director Billet second the motion. All in attendance voted in favor of keeping the application fee set at \$125.00.

DCA Reed next discussed the matter of allowing the counties to continue to retain 100% of all application fees disbursed for county transferred offenders. DCA Reed noted that by statute, each PA county shall be entitled to retain a certain percentage of each application fee collected. Chair Stephens asked if there was any discussion from the Council on this matter. Guest attendee, Deputy Chief Counsel John Manning, indicated that by PA statute, the Council is required to determine the percentage of the application fee to be retained and must be done so 60 days prior to the beginning of each Commonwealth fiscal year commencing on July 1 and ending on June 30 [61 Pa.C.S. §7115 (c)]. Deputy Manning noted that our forthcoming meeting in the next calendar year must be held in accordance with the statute. Chair Stephens requested a motion to allow the counties to continue to retain 100% of the application fees disbursed for county transferred offenders. Director Billet made a motion and Judge McDermott second the motion. All in attendance voted in favor of allowing the counties to continue retaining 100% of the application fees disbursed for county transferred offenders.

DCA Reed next outlined the rules package to be voted upon at this year's 2024 ICAOS Annual Business Meeting, held in Arizona. DCA Reed described how the ICAOS Executive Committee voted unanimously to replace the term **offender** with **supervised individual** in the Commissions' publications, rules and official website. The purpose is to shift the Commission's approach towards those within their system. The ICAOS Executive Committee believes that by referring to individuals as supervised rather than offenders, it will emphasize their status as individuals actively engaged in a process of supervision and support. The Commission's goal is to allow the change in language to acknowledge a person's inherent dignity and potential for positive change. This change will also demonstrate the Commission's commitment to evolving practices that align with values of dignity and respect. DCA Reed and Chair Stephens both reiterated that this change in language will have no direct impact on the Commonwealth. The language change is merely a matter of semantics as it pertains to all publications coming out of the ICAOS National Office. This proposal should have no bearing on PA statutes or legislation. Chair Stephens advised that he needs the Council's recommendation to either vote in support of or in opposition to the rule proposal. Hearing no opposition, and no further request for discussion from the Council, Chair Stephens asked for a motion to vote in favor of the rules package at this year's ABM. Director Billet made a motion and Representative Pielli second the motion. All in attendance voted in favor of supporting the rules package and casting a yes vote at the ABM.

DCA Reed continued to the next agenda item and reviewed the status of our rule proposal (Rule 5.108). DCA Reed acknowledged the extensive amount of time and research applied to this proposal by Interstate Services Division staff member Charles Eckert. Mr. Eckert was the driving force behind the proposal. DCA Reed and guest attendee, Parole Manager Eckert explained to the Council how this rule proposal stemmed from an observation that there has never been a timeframe for a requested probable cause hearing, and no enforcement action has been possible. Mr. Eckert gave an example where he handled a case with Texas in which the hearing was held 322 calendar days after it was requested. Mr. Eckert outlined briefly the specific case in order to allow the Council to better understand the background. Mr. Eckert analyzed a number of cases over a few years, and found that it has taken an average of 41 calendar days for receiving states to conduct a requested probable cause hearing. Based on Mr. Eckert's research along with many hours of review and discussion with DCA Reed, they drafted a proposal to amend *Rule 5.108 – Probable cause hearing in the receiving state* to accomplish three things:

1. Add a requirement for a receiving state to conduct a probable cause hearing within **30 days** unless the supervised individual requests and is granted an extension, and;
2. Clarify that a probable cause hearing report must document the alleged violations of conditions and the hearing officer's finding on each violation, and;
3. Formally establish that a supervised individual is not available for retaking by the sending state until the results of a probable cause hearing have been submitted to the sending state.

DCA Reed stressed to the Council that the proposal, if so amended would have no negative impact upon any entity within PA. We afford incoming other states' supervised individuals a hearing within 14 days. For outgoing individuals, we would expect hearings to be done within an enforceable 30 days. The proposal allows for greater efficiency in case management and is well-aligned with the concept of timely due process. Deputy Chief Counsel John Manning asked whether there would be occasion to refile the detainer for another probable cause hearing to be held if probable cause is not established in the receiving state. Mr. Eckert acknowledged that Rule 5.108 speaks to what shall occur if probable cause is not established. Mr. Eckert outlined his open source research. He advised the Council that of the states with established deadlines for a first-level hearing, only 3 exceed 30 days while 20 states have no clear timeframes, and would conceivably

need to establish new internal policy to align with the Compact requirements. As the rule proposal is written, PA is already in full compliance. Mr. Eckert and DCA Reed stressed that often, our reentrants are detained solely on our agency warrant in the receiving state as they await the requested probable cause hearing. DCA Reed completed this discussion by advising the Council that as of July 25, 2024 the East Region made a motion to move our proposal to the Rules Committee. If the Rules Committee supports the proposal it will be voted on at the ABM in 2025 and if passed will go into effect in March/April 2026. We have heard a great deal of support from other states and the National Office thus far on our proposal.

DCA Reed moved on to the discussion regarding revision to Council's current Bylaws. The Bylaws were adopted on 8/22/2011. Upon review, DCA Reed discovered a few needed changes to keep the Bylaws current and accurate. DCA Reed pointed the Council to subsection **5.2 Amendments, Modification or Repeal** of the Bylaws which reads, *"(t)he Council...shall have the power to modify, amend and/or repeal these Bylaws by a two-thirds (2/3) vote of the members present and voting at any open meeting at which a quorum is present. Such vote may only occur after each Council member has been provided no less than fifteen (15) days advance, written notice of the proposed modification, amendment or repeal."* This section affords the Council the ability to consider the noted revisions provided to each Council member in advance of the meeting. DCA Reed explained that the majority of the revisions are merely grammatical. The only structural change occurs in section **3.2 Regular Meetings**. Upon review, the portion that reads, *"the Council shall hold at least one (1) regular meeting in each calendar year, the date and place of such meeting to be approved by the Council at the last meeting of the preceding year"* is being suggested for removal. Based on research, DCA Reed notes that it has not been the Council's practice to set a date for the next meeting during a council meeting. DCA Reed expressed that it is not realistic for the Council to set a date a year in advance with assurance of attendance and that we have quorum on that advanced date to conduct business. Chair Stephens opened this topic for discussion. Judge McDermott cautioned the Council that we ensure we are holding at least 1 meeting per calendar year. Chief Billet supported the removal of the language in section **3.2**. Chair Stephens asked for a motion to vote in favor of adopting all the revisions set for in the draft. DA Chardo made a motion and Chief Billet second the motion. All members present voted in favor of the amendments. DCA Reed will ensure the membership receives a copy of the amended Bylaws.

The following shall serve to outline the approved amendments to the Council's Bylaws:

- 1. Preamble:** These bylaws are established by the Commonwealth of Pennsylvania's Interstate State Council ("Council") in accordance with the provisions set forth by the ~~for~~ Interstate Commission for Adult Offender Supervision ("Council") for the internal organization, governance, and management of the Council and to facilitate the effective discharge of its powers and duties.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 1. Preamble:** In the first sentence, replace "State Council for Interstate Adult Offender Supervision" with the "Commonwealth of Pennsylvania's Interstate State Council" and, after ***("Council")***, add the phrase "in accordance with the provisions set forth by the Interstate Commission for Adult Offender Supervision". This change was made for purposes of clarification.

- 2.1 Membership:** The Council shall consist of nine (9) members. The members of the Council are at least two (2) judges of the courts of record in the Commonwealth of Pennsylvania, one chief county probation officer, a representative of the executive branch of government, a representative of the victims' groups and the compact administrator, two (2) members of the General Assembly, one of whom is appointed by the President pro tempore of the Senate and one of whom is appointed by the Speaker of the House of Representatives.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 2.1 Membership:** In the second sentence, add an apostrophe to "victims". This change was made for purposes of clarification.
- 2.6 Chair.** The Council shall have a Chair (also known as the Compact Administrator) who is designated to serve as such by the Governor pursuant to 61 Pa.C.S. § 7114(b). The Chair shall serve until he or she resigns, is removed from the chairmanship by the Governor, is removed from the Council or until his or her term on the Council expires, whichever occurs first. The Chair shall preside at all meetings of the Council and shall have such other powers and duties as are provided by these Bylaws or by resolution of the Council to the extent such are not inconsistent with 61 Pa.C.S. § 7114 and other applicable law. In the event of the Chair's inability to discharge the duties of Council membership, or removal or resignation from office, the Council shall elect an Acting Chair from among the members of the Council until the Governor appoints a successor Chair to serve the unexpired portion of the former Chair's term.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 2.6 Chair.** In the first sentence, capitalize the "a" in "Administrator". This change was made for purposes of clarification.
- 3.1 Place of Meeting.** Meetings of the Council shall be held at the ~~main~~ office of the Department of Corrections ~~the Board of Probation & Parole~~, 1101 S. Front Street, 5th Floor, Harrisburg, Pennsylvania, unless another place within the Commonwealth of Pennsylvania is designated in the notice of meeting.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 3.1 Place of Meeting.** In the first sentence, strike the words "main" and "the Board of Probation & Parole" and following the word **at the** add "the Department of Corrections". This change was made for clarification and consistency in accordance with the statutory merger of the Department of Corrections and Parole Field Services.
- 3.2 Regular Meetings.** The Council shall hold at least one (1) regular meeting in each calendar year, ~~the date and place of such meeting to be approved by the Council at the last meeting of the preceding year.~~ The Chairman shall establish the agenda for each regular meeting of the Council and shall give notice of the agenda to the Council members prior to the meeting.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 3.2 Regular Meetings.** In the first sentence strike the language "the date and place of such meeting to be approved by the Council at the last meeting of the preceding year." This change was made to align with current practices of the Council.

- 3.5 Quorums and Voting.** One more than half of the members who are appointed, living, sworn and seated in office shall be necessary to constitute a quorum for the transaction of business at public meetings of the full Council. In order to transact the business of the Council, a quorum of the Council members present must exist, either in person or through the use of conference telephone, video or similar communications ~~equipment~~ by means of which all persons participating in the meeting can hear each other. All official actions of the Council shall require the vote of a majority of Council members present at the meeting, either in person or through the use of conference telephone, video or similar communications ~~equipment~~ by means of which all persons participating in the meeting can hear each other. Proxy voting as described in § 3.7 below may substitute presence for purposes of voting.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 3.5 Quorums and Voting.** In the second and third sentences, remove the word “equipment”. In the second sentence, after the words **Council members present**, add “must exist”. In both the second and third sentences, after the words **conference telephone** add “video”. These changes were made for purposes of clarification.

- 4.1 Standing & Special Councils.** The Council may establish standing or special Councils as may be necessary to carry out ~~to carry~~ its functions. Each such Council shall consist of such number of members as the Chair shall determine and the Chair shall also appoint the chair and designate the other members of the Council. Appointments to such standing or special Councils shall be subject to ratification by a majority of the Council members.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 4.1 Standing & Special Councils:** In the first sentence, following the words **to carry** strike duplicate “to carry” and add “out” after “to carry”. In the third sentence, prior to the word **Councils** add “standing or special”. These changes were made for purposes of clarification.

- 5.1. Adoption and Effective Date.** These Bylaws were originally adopted as the Bylaws of the Council on the 22nd day of August, 2011 ~~2010~~, by the Council, effective upon adoption.

AMENDMENTS

The following amendment was adopted on August 22, 2024:

- 5.1 Adoption and Effective Date.** In the first sentence, after the word **on** add “the 22nd” and after the word **of** add “August, 2011” and strike “2010”. This change was made to properly reflect the correct date.

Chair Stephens asked if the members had any old business to discuss. Nothing brought forth from the Council.

Chair Stephens moved to any new business. DCA Reed reiterated to the Council, their role in educating their peers on matters relevant to the ICAOS rules. DCA Reed noted that the Council is very diverse and each member represents one of many entities that interact with, are impacted by, and can influence the administration of the federally mandated Compact. One key component to our success is education. DCA Reed asked all members in their judicial capacity to consider any opportunities for the Interstate Services Division to assist in educating their peers. These could be via publication or in person/virtual trainings. DCA Reed stressed that continuing to educate all entities impacted by the rules is vital to the Commonwealth’s compliance, effective supervision, and retake of transferred offenders. DCA Reed’s staff are regularly training front line field staff at both the county and state level. However, the opportunity to connect with judges,

DA's, local sheriff's, defense counsel, is vital. In closing, DCA Reed offered a success story as it related to this topic. On February 22, 2024, DCA Reed was invited to be the guest speaker during a luncheon being hosted by the *Pennsylvania Conference of State Trial Judges*. There were 175 Court of Common Pleas judges in attendance. The discussion centered around Interstate, the force and effect of the Compact and related issues that pertain to the judiciary. This opportunity to speak would not have been possible had it not been for the invitation from Council member Judge McDermott who saw an opportunity to educate her fellow colleagues. DCA Reed extended his gratitude to Judge McDermott who further relayed the positive feedback she received from her peers.

Chair Stephens called for a motion to adjourn. Chief Billet made a motion and it was second by Judge McDermott.

Meeting was adjourned at 4:00 PM.

In accordance with The Sunshine Act, a notice announcing this meeting was placed in the Patriot News on August 1, 2024.

Minutes submitted by Matthew Reed, Director of Interstate Services Division/Deputy Compact Administrator