



## **PENNSYLVANIA INTERSTATE STATE COUNCIL MEETING**

**\*\*Virtual Meeting\*\***

**MINUTES – April 8, 2025**

### State Council Members in Attendance

Christian Stephens: Council Chairman & Interstate Commissioner

Suzanne Estrella: Victim Advocate

Anne Cornick: Attorney for the Commonwealth

Francis Chardo: District Attorney, Dauphin County

April Billet: Director, York County Probation and Parole Services

Edward Marsico: Judge, Dauphin County Court of Common Pleas

Barbara McDermott: Judge, Philadelphia County Court of Common Pleas

### Other Attendees

Matthew Reed: Deputy Compact Administrator

Ryan Shovlin: Staff Assistance for Senator Baker

John Manning: Deputy Chief Counsel

## **MINUTES**

Chair Stephens called the meeting to order at 2:05PM. No members of the public were present.

Chair Stephens welcomed all in attendance and reminded the Council of the use of Robert's Rules of Order.

Chair Stephens noted that a written notice was received in advance of today's meeting from Senator Baker to allow Ryan Shovlin to serve as her proxy during the meeting. Chair Stephens announced his intentions to permit proxy voting and asked the Council if anyone had any objections. Hearing none, Mr. Shovlin was approved to serve as a proxy for Senator Baker.

DCA Reed took roll and a quorum was established with 7 of 9 Council members in attendance (virtually via Microsoft Teams).

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

Chair Stephens asked for any discussion of the meeting minutes from the August 22, 2024 Council meeting. Hearing none, he called for a motion to approve the minutes. Director Billet made a motion and proxy Ryan Shovlin second the motion. All in attendance voted in favor of approving the minutes.

DCA Reed outlined the current interstate application fee (Act 100) 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 PA statute reflects the application fee may not exceed \$150.00. DCA Reed next provided the FY24/25 interstate application fees as reported by the Common Pleas Case Management System:

County

- Assessed (amount applied to cases to be paid by the offender): **\$110,875.00**
- Disbursed (paid by offender and disbursed to county general fund): **\$6,566.47**

DCA Reed acknowledged the disparity between the amount assessed and disbursed at the county level. DCA Reed further outlined the application fee that was collected as revenue for PA state parole reentrants in FY24/25:

State Parole

- Total revenue: **\$45,021.00**

Chair Stephens asked for any discussion on an increase or decrease in the application fee. Hearing none, 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. Hearing none, 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 Marsico 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.

Next, DCA Reed referred the Council to the compliance reports provided. The reports included the compliance rates for all 2024 and current year to date. A brief overview was provided to the Council regarding the importance of compliance and how well the Commonwealth is doing overall. DCA Reed acknowledged that in both 2024 and thus far in 2025, our compliance in each category is well above the 80% threshold except in the area of requested Progress Reports. DCA Reed noted the prior initiative enacted to improve our failing score. The initiative was a success and advanced our compliance to well over 90%. Upon ending the initiative the score plummeted and is back down to just above 80%. DCA Reed continues to monitor the compliance rate and will take any required action should the rate drop below 80%.

DCA Reed next provided an overview of the 2025 Remote Hearing Survey results. He outlined how the Rules Committee looked to analyze how to incorporate remote hearings into existing Interstate rules. He explained how feedback was gathered on states' current practices and preferences regarding remote hearings to help determine the best way to incorporate them into the rule framework. DCA Reed acknowledged that 48 responses were received from 13 Commissioners and 35 Deputy Compact Administrators from a total of 39 states. The survey goal was to seek data to assist in possible rule proposals. DCA Reed highlighted a few of the questions and responses from the survey:

- Should remote hearings be allowed to address violations and avoid retaking? 35% NO 65% YES

- Only Rule 5.101-2 specifically addresses the use of electronic hearings. Should other rules also explicitly allow virtual or remote hearings? 69% YES 31% NO
- Prior to an individual qualifying for the Compact, does your state use remote or virtual hearings to sentence individuals in the receiving state? 50% YES 50% NO

Chair Stephens open the discussion of the survey by noting the cost that it takes to retake. Judge Marsico noted that his county does at times use virtual hearings for sentencing however it does depend on the circumstances. DA Chardo noted that remote sentencing was not the norm nor was it the norm for violation hearings. Judge McDermott indicated that in Philadelphia County, virtual hearings are not done as the Defender's Association objects to virtual hearings.

DCA Reed next moved on to the 2025 National Risk Needs and Responsivity Report. He outlined that since 2013, approximately 40% of all retaking resulted in retransfers. In 2017, the Commission approved rule changes implementing a single standard of supervision for individuals moving through the compact, to prevent the "boomerang" effect where individuals are retaken and retransferred. Data shows that this issue continues despite these changes, indicating that the rule adjustments alone have not resolved the problem. DCA Reed noted that the RNR Workgroup, established by the Executive Committee in 2023, has focused on key issues related to retaking, specifically the factors leading to retaking and retransfer under the Compact. DCA Reed provided some of the highlights from the survey and stressed that the data is designed to help states evaluate their current practices. The hope is that the report serves as a useful tool in driving progress toward more effective and consistent practices across the Compact. Finally, DCA Reed advised that the RNR Assessment was designed to identify potential patterns or systemic issues to improve Compact procedures. DCA Reed started the review by providing PA statistics:

- 01/01/20 – 04/07/25 (5 yrs.)
  - 8015 accepted incoming offenders
    - 582 retaken
      - 166 of the 582 were retransferred = 28%
  - 13198 accepted outgoing offenders
    - 802 retaken
      - 361 of the 802 were retransferred = 45%
- Highlights from report:
  - Crime of conviction for transfer: 30% drug-related, 23% financial crimes, 12% sex offense
  - 62% of transfers were for Compact defined "residents"
  - 33% had family support
  - States most often used corrective actions and graduated responses to address violations
  - Drug treatment was most frequently used intervention
  - Violation Type:
    - 47% Technical Violations
    - 27% new convictions
    - 13% Both
    - 7% Absconders
  - Risk Tool – 58% of states did not use a risk tool to guide retaking
    - Highly recommend to use to avoid both conscious and unconscious bias, reduce ambiguity in decision making and promote EBP
  - Probable Cause – 52% of retakes occurred w/ a PCH

- Sending state action after retake prior to re-transfer:
  - 40% involved VOP hearing
  - 37% reinstated supervision without additional conditions
  - 26% reinstated supervision with additional conditions
  - 22% saw a short jail term

In closing this topic, DCA Reed indicated that the outcome of the assessment looks at retaking offenders who are residents of the receiving state and subsequently retransferred back to the receiving state. This is an inefficient use of resources and creates public safety risks. Chairman Stephens expressed that the current PA Justice Reform will certainly have an impact on retaking our offenders from a receiving state.

DCA Reed continued to the next agenda item and reviewed the status of the 22 rule proposals. He advised the Council that the comment period for the proposals is April 15-June 2. DCA Reed asked the Council members to review the proposals and provide any feedback or comments to him directly to be included in the overall comments provided by PA. DCA Reed advised that we will schedule another Council meeting prior to the Annual Business Meeting. This meeting will be held strictly to discuss the proposals and how PA will vote on each proposal at the ABM.

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 and advised the Council that he will be putting forth Senator Baker's name for the Peyton Tuthill Award at this year's ABM. He will work with Mr. Shovlin on this matter.

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

Meeting was adjourned at 2:45 PM.

***In accordance with The Sunshine Act, a notice announcing this meeting was placed in the Patriot News on February 27, 2025.***

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