

# Forensic Interagency Task Force Meeting Narrative

Department of Corrections Training Complex Elizabethtown, PA

1/22/19

This is the twenty first meeting of this resumption of the Forensic Interagency Task Force (FITF) convened by FTAC with approximately 35+ attendees. The Attendees included: ????

Facilitator, James Fouts of Forensic Systems Solutions, welcomed the group and Requested that members give updates and describe any Risk Assessment Tools that they know their County or Agency is using. Announcements included Chester County has its' CIT training scheduled for May. There was a CCAP happening today regarding the new AOT legislation. Berks County's new Diversion Housing Program that was introduced last meeting is up and running and full. Southeast Regional Mental Health Services has hired a new data analyst and promoted Danny Beauchamp has been promoted to SE Regional Forensic Coordinator.

Jim then introduced Ben Laudermilch, Executive Housing Director at PA Department of Human Services. Ben brought us up to date regarding the 2 new initiatives he introduced at the last meeting. RFP's for the Opioid Housing initiative have been received. The grant winners will be announced soon, maybe this week. Funding announcements for the Supportive Housing which have an Medically Assisted Treatment component and an ability to use Medical Assistance Funding in addition to traditional rental assistance will be announced soon as well. Ben also urged MH and CJ systems to create MOU's and offer other support to Housing Offices in their counties to offer support and start new housing initiatives. There was also a call to use the Technical Assistance Center for housing. The website – WWW. DHS.PA.Gov/Housing is also helpful for getting updates in the housing initiatives.

Ryan Meyers, Manager, Outreach and Education PA Commission on Sentencing was introduced. He presented on 3 topics. (see attached PDF of presentation) Update on the Sentence Risk Assessment Mandate, Domestic Violence Pretrial Risk Mandate and a review of Senate Bill 961/Act 153 of 2018 which has to do with enhancements for sentencing in DUI cases.

Ryan gave a quick review of the mandate and of risk assessment instruments. Their mandate was to create a 2<sup>nd</sup> generation Sentencing Risk Assessment Instrument. (1<sup>st</sup> gen- Clinical

Assessments, 2<sup>nd</sup> gen – focus on static predictors, 3<sup>rd</sup> gen – includes dynamic risk factors and needs to prevent behaviors, 4<sup>th</sup> gen – includes identifying targets and methods of intervention) The Commission looked into 8 years of research to develop the sentencing guideline recommendations. It assesses the risk of re-offense, the threat to safety, the need for further investigation and assessment and whether the person could be a candidate for alternative sentencing programs. It basically was another source of information for the Court to use in disposition.

The final proposal was made in April of 2018 and included an Empirically based instruments using static factors such as age, gender, criminal history, etc.. The instrument identified high and low risk (atypical), a recommendation to gather more information for these “atypicals” using a 3<sup>rd</sup> or 4<sup>th</sup> generation instrument.

Hearings were held throughout the Commonwealth in June. Issues raised included: 1.

It was only a 2<sup>nd</sup> generation instrument

2. Courts did not have the resources to use them
3. The data set used for research was too old
4. The static factors raised questions regarding a system bias against

minorities, males and used arrests and not convictions.

5. It's definition of recidivism was flawed.
6. It leaned towards labeling individuals based on static and not dynamic factors.
7. The usual accuracy of actuarial instruments was only between 60 – 80%.

The Commissions response was to :

1. Attempts to objectify factors and issues.
2. Change arrests to convictions.
3. Redefine Recidivism.
4. Recommend that assessments not be made available to the general public.

There will be a new meeting in March with the new proposal. It can end in one of 5 outcomes. – They can adopt, modify the mandate, leave as status quo, amend mandate to include 3<sup>rd</sup> gen tool, repeal and do away with it.

The next part of the presentation was the Review of Act 14 of 2018 which crated a mandate to create a Risk Assessment tool that can assist in determining the risk of dangerousness to the victim, can be validated as a pretrial risk assessment, and can be used as a model for County Courts as they see fit. PA does not have specific statutes directly addressing Domestic Violence.

The Commission has started the process using resources such as the PCADV (Pennsylvania Coalition Against Domestic Violence), Penn State, local and national experts, the Ontario Domestic Assault Assessment Tool. There are not a lot of DV Assessment Tools out there. The emerging issues are related to consistency and volume of data resources, (There are hundreds of Police Departments in Pennsylvania with differing definitions, protocols and data collection methods to sift through.) the use of PFA's and how they deal with both Victims and defendants and the differing approaches by County Pre-Trial Services. There is also the issues related to Domestic Violence and families including fear of reporting, potential loss of jobs and income to the family, public shame, sympathy for offender, and police leniency or frustration. There is the availability of additional enhancements if there are minors present during the assault.

The Commission is working on continued research, outreaching for more information, and policy considerations regarding validating the tool.

The 3<sup>rd</sup> part of the presentation was on Act 153 of 2018 which provided additional enhancements for DUI convictions and sentencing. Additional enhancements including increasing levels of crime to felonies for Homicide by vehicle, prior convictions, not being properly licensed, other victims involved, minors as occupants of the car. It also changed some enhancements to include tiers (level of BAC) and changing to an F3 felony with or without higher tiers when there is a minor involved.

In 2016 there were 46,365 arrests in PA for DUI.

**The next meeting of the FITF will be March 26<sup>th</sup>, 2019 at 10 AM in the Grogan room of the DOC Training Academy in Elizabethtown.**

Respectfully submitted,

Jim Fouts, FSS/FTAC