



Lebanon County

Intermediate Punishment Plan Update

2016-2017

INTRODUCTION

The Lebanon County Intermediate Punishment Board was created on December 26, 1991. The current Intermediate Punishment Board membership consists of the following members:

- ◆ Judge (Chair)
- ◆ Director Probation Services (Vice-Chair)
- ◆ County Commissioner (s)
- ◆ District Attorney
- ◆ Court Administrator
- ◆ Chief Public Defender
- ◆ Director Commission on Drug and Alcohol Abuse

Lebanon County's Intermediate Punishment Plan recognizes the need to control overcrowding and expenditures at the Lebanon County Correctional Facility by offering viable, cost-effective alternatives to incarceration. Ever since Crabtree, Rohrbaugh and Associates identified "overcrowding" as an issue at the county prison in 1990, the County has continued, over the past 26 years, to focus on this issue and find practical ways to control prison expenditures while protecting the public. According to the office of Warden Robert Karnes of the Lebanon County Correctional Facility (LCCF), the Average Daily Population (ADP) at the end of 2013 was 478, 538 at the end of 2014, and 547 at the end of 2015. Through Feb. 2016, the ADP stood at 511. The Warden has voiced concerns about the rising female population, which has risen to over 100 at certain times during the past year, filling all beds available for female inmates. Many of these prisoners have drug and alcohol-related issues. The average length of stay per inmate is 44 days. The increased population can be attributed to more criminal cases moving through the system and a reduction in the number of releases. As many as 150 inmates at the LCCF could be considered "low-level" offenders (DUI, retail theft, drug paraphernalia, etc.), prompting the question whether they should be imprisoned or under a viable alternative as a way of keeping the number of inmates at a manageable level. Another concern is that the LCCF is receiving an increased number of inmates with mental health issues and that these inmates are on "maintenance" at the prison with serious questions of whether their needs are being met effectively. Warden Karnes also reports that, at times, 50 percent of inmates at the LCCF are there simply because they could not post bail. With respect to controlling costs, it should be noted that over 80 percent of the LCCF budget is appropriated for personnel and that savings in that budget can occur only when personnel costs are lowered by reducing overtime and/or operating with less staff. The daily per diem cost per inmate at the end of 2015 was \$44.

The goals and strategies of the county's IP Plan must and will be examined regularly. This Update reviews the IP programs now in place and discusses future options.

CRIMINAL JUSTICE ADVISORY BOARD

The Lebanon County Criminal Justice Advisory Board (LCCJAB) has standing and ad hoc committees to investigate a variety of topics in the criminal justice system. These committees are in place to address issues requiring attention and to enable the CJAB to be proactive when engaging in strategic planning. At present, the CJAB standing committees are Prison Overcrowding, D.U.I. Court, Veterans' Court, and Mental Health. The Prison Overcrowding Committee was created in 2009 to assist the LCCF in examining the trends in population growth and to craft potential solutions for overcrowding.

The Prison Overcrowding Committee met in late 2015 to discuss means of reducing the prison population in the county by lowering recidivism rates and establishing effective alternatives to incarceration beyond practices not currently in place under the county's IP Plan. Members discussed what additional steps can be taken to move offenders through the system. Probation Services has begun using Level of Service Inventory-Revised (LSI-R) as a tool to identify offenders' criminogenic needs and to determine whether one should be incarcerated. Another suggested approach is to supervise, rather than imprison, offenders in violation of domestic orders.

Intermediate Punishment Policies in Place

Lebanon County continues to utilize the following IP programs as viable alternatives to incarceration:

- 1) Community Service Program
- 2) Drug & Alcohol Treatment-based Restrictive Intermediate Punishment Program.
- 3) Electronic Monitoring
- 4) D.U.I. Court Program

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37 PA Code, Sections 451.32 and 451.33

TRAINING FOR BOARD AND STATE

As outlined in Lebanon County's original Intermediate Punishment Plan, dated December 26, 1991, ongoing training for the Intermediate Punishment Policy Board has been provided by professional organizations. This training has been provided by the Pennsylvania Board of Probation and Parole, Pennsylvania Commission on Crime and Delinquency and the Commission on Sentencing. Any Intermediate Punishment information and program updates are presented to the Policy Board through monthly Prison Board meetings. Discussions include program issues of the Intermediate Punishment Plan, i.e. current program progress in Electronic Monitoring, Community Service, D&A, R.I.P. treatment facility.

The Lebanon County D.U.I. Court Program was an initiative of Lebanon County Criminal Justice Advisory Board (LCCJAB) D.U.I. Court Committee. Thus, updates on the progress of the program are given during the bi-monthly LCCJAB meetings. The D.U.I. Court Treatment Team meets bi-weekly to conduct D.U.I. Treatment Team meetings and to discuss any programmatic questions that may have arisen as the full implementation of the program commences. Members of the team also attend conferences to get informed of new policies, procedures, and practices in the Commonwealth as well as the nation regarding D.U.I. and other drug-specialty courts. A key component to this intensive counseling/treatment program is the utilization of Electronic Monitoring as an alternative to incarceration.

PUBLIC INFORMATION AND EDUCATION PROGRAMS

The Intermediate Punishment Board of Lebanon County provides the general public with information through monthly Prison Board meetings which are attended by the media with resulting newspaper articles and radio interviews on current Intermediate Punishment Programs. Lebanon County is also addressing its educational and informational goals through the use of Community Service. Many agencies including local municipalities, libraries, the Humane Society, Department of Public Safety, Police Departments, and the Lebanon County Probation Services Department have recognized this valuable asset to our community and have utilized the resource. The Director of Probation Services promotes these programs through various speaking engagements. Information about the D.U.I. Court Program can be found on the LCCJAB website under "Departments" at: www.lebcounty.org. This webpage also contains the most recent version of the Participant Manual (September 2015), a comprehensive document detailing all the guidelines and expectations of the program.

MECHANISM TO ADVISE COURTS OF THE EXTENT AND AVAILABILITY OF SERVICES AND PROGRAMS PROVIDED UNDER THE PLAN

The primary methods used to alert the courts to individuals eligible for the programming are advocate referrals. A large number of these come from Probation/Parole Officers as a result of recommendations made to the court in the Offender's Pre-Sentence Investigation. Members of the District Attorney's staff, such as the D.U.I. Court Coordinator, and members of the Public Defender's Office are aware of IPP Programs and serve as a significant source for these referrals.

PROTECTING SOCIETY AND PROMOTING EFFICIENCY AND ECONOMY

Offender accountability is identified in program content. If offenders fail to comply with program requirements, program specific sanctions are identified and imposed. This is especially

applicable to the sanctions provided in the operation of the D.U.I. Court. Offenders in related IP Programs, such as Electronic Monitoring and Community Service, are returned to prison and all privileges withdrawn if they fail to meet program requirements.

RESPONSIBILITY FOR SUPERVISION OF THE FISCAL AFFAIRS OF THE PROGRAM

The Lebanon County Controller is responsible for supervision of Fiscal Affairs of Intermediate Punishment Programs.

ASSESSMENT OF CURRENT IPP RESOURCES AND FUTURE NEEDS

Below is a list of existing resources in the County which are used as Intermediate Punishment Programs.

- 1) **COMMUNITY SERVICE** –A full-time Adult Probation Officer coordinates Community Service efforts throughout the county in addition to managing a minimum supervision caseload. The landscaping and cleaning of the entire Adult and Juvenile Probation Building is primarily conducted by Community Service Workers. In addition to maintaining the Probation building, Community Service Workers participate in work efforts at local fire and police departments, parks, and various other non-profit organizations. It is important to note that juvenile offenders also perform community service as part of their restitution.
- 2) **VICTIM RESTITUTION** – Administered by the office of District Attorney, this program offers an alternative to traditional periods of probation and incarceration. Here, an offender is required to make restitution according to a predetermined schedule. Collection is monitored and enforced through the Adult Probation Office. Failure to make restitution results in the imposition of more severe penalties, including appearing in Fines and Costs Contempt Court.
- 3) **WORK RELEASE** – The Work Release Program has long been used by the Lebanon County Courts as a means of retaining prisoners while enabling them to provide for their families, to pay restitution, or to pay other court costs, fines and fees. The program includes releasing prisoners approved by the Lebanon County Correctional Facility to work at an approved job in the community. The prisoner returns to the Correctional Facility at the conclusion of his work shift.
- 4) **DRUG & ALCOHOL TREATMENT-BASED RESTRICTIVE INTERMEDIATE PUNISHMENT (RIP) PROGRAM**– More popularly known as Renaissance-Crossroads, this program, in effect since 2001, continues to be a successful tool for the

rehabilitation of Levels 3 and 4 offenders. Embracing a philosophy of providing adequate long-term care and treatment for addicted individuals, this intensive 34- month inpatient and outpatient program that has yielded positive results for most of the eligible offenders who have opted to participate in this alternative to prison, recognizing that ending drug and alcohol dependency increases one's chances of not offending again. The awarded grant (**Grant #25954**) for the period July 1, 2015 to June 30, 2016 is \$543,641, a major portion of which (\$475,541) is set aside for the per-diem consultant fee from PA Counseling, which administers Renaissance Crossroads. Since the program started in February 2001, 198 eligible offenders have been admitted, with 75 having successfully completed the entire 34-month treatment process. Since July 1, 2009, only 24 offenders have been terminated from the program due to various violations. However, it must be emphasized that these were all technical violations and were not due to new drug or DUI arrests. The returning alumni of the program are evidence of the program's success. The Renaissance Crossroads staff members continue to have high expectations for the program – and for their own roles in making it successful. Moreover, their interactions reveal a strong sense of commitment that permeates their meetings. The Lebanon County Criminal Justice Advisory Board continues its full support of this IP program, recognizing the need for funding to provide the kind of long-term treatment/counseling offenders need to free themselves of addiction and criminal activity. Many other counties receive grant monies for programs of this type, but few can boast such high continued success rates of their efforts.

- 5) **ELECTRONIC MONITORING (EM)** – The Electronic Monitoring Program continues to be utilized by officers in the Adult Unit of the Office of Probation Services for various offenders as an alternative to incarceration and to reduce the local prison population. The county currently receives funding under **Grant #25954** to offset part of the cost of salaries and benefits of the chief probation officer in charge of the EM program. Offenders participating in the aforementioned Crossroads program also serve a period of EM as part of their sentence.

- 8) **LEBANON COUNTY D.U.I. COURT PROGRAM** – Started in 2008, the D.U.I. Court Program has at its core a heightened level of judicial involvement and intensive probation supervision coupled with rigorous treatment to address addiction. Frequent contact with members of this team helps to motivate the participant by providing immediate reactions to successes and failures in the process of rehabilitation. The D.U.I. Treatment Court employs an aggressive approach designed to assist the participant in his/her rehabilitation through a supervised program focusing on treatment and accountability.

Key to the program's success is the use of substitute Electronic Monitoring and/or the use of a SCRAM unit (or other Alcohol Monitoring device) in lieu of incarceration. The program may also provide a combination of incarceration and Electronic Monitoring to fulfill the mandatory sentencing required by law.

The Lebanon County D.U.I Court primarily targets second and third-time D.U.I. Offenders who have serious problems with alcohol abuse or issues of dependency. The

offender must, after a Court Reporting Network (CRN) evaluation and Lebanon County Commission on Drug and Alcohol Abuse (LCCDAA) drug and alcohol assessment are completed, be willing to comply with the program. The Lebanon County D.U.I. Court does not accept participants with a mental health disorder that renders an individual unable to complete the program's requirements.

In the absence of federal funding, the County Commissioners have agreed to continue the program, funded 100 percent by local revenue, underscoring how much value local officials place on this program and its ongoing success in keeping intoxicated drivers off the road and embracing sobriety. (Other methods of funding include a D.U.I. Court fee, an electronic monitoring fee, and a SCRAM monitoring fee.)

In 2015, 46 participants were accepted into the program, saving an estimated \$335,352 that would normally have been spent for incarceration of these individuals. From 2008 to 2015, the program has saved the county approximately \$1,281,827 by using electronic monitoring/house arrest as an alternative to incarceration. During this period, 80 percent of program participants have been successfully retained in the program and less than one percent of graduates have received new D.U.I. charges.

In December 2014, the Administrative Office of PA Courts (AOPC) officially awarded the County's program full accreditation, completing a process that began in May 2013.

USE OF EXISTING COMMUNITY AGENCIES AND ORGANIZATIONS

Many IPP alternatives required utilization of existing community resources in either direct or supporting roles. Lebanon County utilizes existing community agencies and organizations wherever possible. Agencies currently being utilized include the following:

- a) New Perspectives at White Deer Run
- b) Renaissance Counseling Center
- c) Another Chance Counseling
- d) Veterans Administration Medical Center
- e) PA Careerlink
- f) Jubilee Ministries
- g) Philhaven Hospital – Focus Program
- h) Salvation Army/Rescue Mission
- i) Lebanon County Mental Health/Intellectual Disabilities/Early Intervention
- j) Lebanon County Area Agency on Aging
- k) Pennsylvania Department of Public Welfare
- l) TRIAD Treatment Specialists

The Intermediate Punishment Policy Board reviews the roles of Community Service Organizations in the Intermediate Punishment Programs and, where appropriate, recommends the incorporation of new or revised programs into the IPP.

LEBANON COUNTY INTERMEDIATE PUNISHMENT SENTENCING PLAN POLICY STATEMENT

The following policy statement has been developed and approved by Criminal Justice Officials as the philosophy behind the development of all IPP Programming in Lebanon County. Lebanon County believes Intermediate Punishment planning implementation of programs, and subsequent program efforts are not only related to punishment but:

- 1) Are based on a less costly and more effective means of dealing with Criminal Justice clients other than incarceration.
- 2) Shall include substance abuse treatment and prevention.
- 3) Shall provide education and training.
- 4) Shall be integrated and coordinated throughout the entire Criminal Justice System.
- 5) Shall be long term in regards to program continuation.
- 6) Shall be replicable in terms of growth.

Lebanon County believes that Intermediate Punishment Programming is not appropriate for all criminal justice clientele, but should be specifically oriented to individuals who – through an alternative sentencing program – will benefit from program contact without jeopardizing community safety. IP programs are sorely needed to reduce, or at least manage, the prison population in Lebanon County. Intermediate Punishment Programs are needed to reduce, or at least manage, the prison population in Lebanon County. The following goals have been developed to guide IPP Programming and to continue to aid in the reduction of prison crowding:

- 1) To continue to effectively utilize all existing IPP Programs.
- 2) To reduce the number of new crimes committed through safe, cost-effective programing.
- 3) To make offenders accountable to their communities by mandating community service and restitution.
- 4) To provide program services to deal with offenders who meet eligibility for diversion programs.

- 5) To offer drug and alcohol and mental health services to meet the Offenders' needs and enhance their opportunity to benefit from prison-diversion programs.
- 6) To provide sentencing alternatives for minor offenders.
- 7) To provide treatment settings as sentencing alternatives for drug-dependent Level 3 and 4 offenders.

OTHER INTERMEDIATE PUNISHMENT STRATEGIES IN PLANNING

The CJAB continues its interest in the potential benefits of establishing a **Day Reporting Center (DRC)** in Lebanon County as an alternative to incarceration for eligible offenders. GEO Incorporated, which operates several facilities throughout the Commonwealth, has submitted a proposal to the County specifying how a DRC could be established and operated by that company in Lebanon County. No specific target date has been set for establishment of a DRC in Lebanon. Locating a suitable building to house a DRC is a challenge. Also, the county would need to hire a DRC Coordinator as well as Probation Officer(s) to supervise offenders there. The CJAB Planner/Grant Coordinator will continue to explore grant funding for this project, which has the support of the County Commissioners.

It is important to note that a day-treatment alternative for eligible juvenile offenders is now in place in Lebanon County, thanks to a collaborative effort between the County and Youth Advocate Programs (YAP). YAP began a day treatment program in July 2014 at its newly renovated facility in North Lebanon Township. This presents a viable, cost-effective alternative to placing certain offenders in out-of-county facilities since Lebanon County does not have its own detention facility. At present, 12 juvenile offenders are participating in this program.

In February, the CJAB approved the *Strategic Plan for Offender Reentry*, a document prepared by the Lebanon County Offender Reentry Coalition, which was formed in June 2015 to develop effective ways to ensure success for those released from incarceration or supervision (returning citizens). The plan is on file with PCCD. Successful reentry means a reduction in recidivism and, as a result, a reduction in incarceration.

Updated March 30, 2016

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